



PETER G. HERMES

SHAREHOLDER

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KEY SERVICES

Business

- Conflict Resolution
- Corporate Counsel
- Employment Law Counseling
- Risk Management

Fidelity & Surety

- Surety / Bonds

Litigation

- Appellate
- Breach of Warranty
- Commercial
- Contracts
- Construction

Insurance

- Bad Faith
- Directors & Officers
- Insurance Coverage
- Insurance Law

BAR ADMISSIONS

State Bar Admissions
MA

United States District
Court

United States Court of
Appeals
First Circuit

OVERVIEW

Peter Hermes is a founding shareholder of Hermes, Netburn, O'Connor & Spearing, P.C. and was the President from 1994 to 2020. Peter continues his practice with the firm.

Peter has over forty-seven years of experience as a trial and appellate attorney in state and federal courts, with more than fifty reported decisions to his name. His broad trial practice includes litigation of complex construction matters, corporate disputes, intellectual property rights, patent licensing agreements, defamation claims and environmental tort cases. He also is recognized for his practice at the cutting edge of developments in insurance coverage and surety law, having spoken and written on those topics. Peter represents clients in insurance matters across all aspects of negotiating and interpreting insurance coverage and handling bad faith claims.

Clients also benefit from Peter's considerable attention and focus on risk management matters. He is skilled at identifying alternative strategies and courses of action in order to resolve controversies and disputes without litigation.

Peter also represents businesses, senior executives and high net-worth individuals in various industries in connection with non-litigation matters. Intimately familiar with the many ways in which an oversight in a complex transaction can lead to years of litigation, Peter uses his knowledge and experience from his trial practice to assist Hermes Netburn's clients in contract negotiations, financial transactions and other business matters.

EXPERIENCE

- **Styller v. National Fire and Marine Ins. Co. (2019)** – Successful appeal reversing trial court decision of

United States District
Court
District of Massachusetts

EDUCATION

Harvard Law School, J.D.,
1972

Manhattan College, B.A.,
1969

first impression interpreting policy Supplementary Payment provisions

- **Centerplan Construction v. Connecticut Doubleplay (2017)** – Successful defense of Owner of Double A baseball team from claims of Stadium developer and contractor
- **Sandman v. McGrath (2011)** – Successful application of doctrine of judicial estoppel to claim of breach of duty during trial by tort defendant against her counsel and insurer.
- **Massachusetts Homeland Ins. Co. v. Walsh (2011)** – Successful defense of insurer on claim for coverage alleging multiple accidents.
- **Norfolk & Dedham Mut. Fire Ins. Co. v. Morrison (2011)** – Injury to tenant's patient in common area held to arise out of premises rented to tenant.
- **Norfolk & Dedham Mut. Fire Ins. Co. v. Morrison (2010)** – Successful representation of property owner in obtaining additional insured coverage in a commercial case potentially affecting thousands of Massachusetts lease.
- **OneBeacon America Ins. Co. v. Travelers Indem. Co. of Ill. (1st Cir. 2006)** – Successful reformation of insurance policy based on mutual mistake.
- **Flynn v. AK Peters, Ltd. (1st Cir. 2004)** – Successful defense of publisher against trademark and contract claims.
- **McKernan v. Burek (2000)** – Successful defense of trademark/trade dress claim; first federal case interpreting U.S. Supreme Court decision in Wal-Mart Stores, Inc. v. Samara Bros., Inc.
- **Polaroid Corp. v. Travelers Indem. Co., (1993)** – Application of pollution exclusion under CGL policy; successful defense of bad faith claim.
- **High Voltage Eng'g Corp. v. Fed. Ins. Co., (1st Cir. 1992)** – First case applying pollution exclusion under D&O policy.
- **Puretest Ice Cream, Inc. v. Kraft, Inc. (1st Cir. 1986)** – Successful representation of Kraft, Inc. in franchising dispute.
- **Mikolinski v. Burt Reynolds Production Co. (1980)** – Represented Burt Reynolds and Burt Reynolds Production Co. in defense of defamation action related to film The End.

AWARDS & HONORS

- AV® Preeminent™ Rated by Martindale-Hubbell
- Massachusetts Super Lawyers, 2004-2009, 2013-2020



INVOLVEMENT

American Bar Association

- Member, Tort Trial & Insurance Practice Section

Boston Bar Foundation