

KATE MORAN CARTER DIRECTOR AND SHAREHOLDER



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Kate Moran Carter is a shareholder and director at Dain, Torpy, Le Ray, Wiest & Garner, P.C. Her practice focuses on real estate land use, and title litigation, and helping her clients manage risk and resolve disputes to avoid litigation. Prior to joining the firm, Ms. Carter spent six years as an associate at Robinson + Cole, LLP in the firm's Title Insurance-Real Estate Litigation practice group.

Ms. Carter provides litigation services to owners, developers, and operators of real estate concerning a wide range of matters including zoning and land use litigation, title disputes, including easement interpretation, boundary line disputes, adverse possession and beach rights, owner/contractor construction disputes, conservation issues, landlord/tenant leasing disputes, buyer/seller real estate transaction disputes, and broker/client commission disputes.

Additionally, a portion of Ms. Carter's practice is devoted to serving as outside general counsel to condominium associations in connection with a full range of issues including interpretation of condominium documents, the initial transition from developer control, governance questions, construction litigation, and disputes with unit owners.

Ms. Carter has tried cases in Massachusetts District and Superior Courts and the United States District Court for the District of Massachusetts. She has argued before the Massachusetts Appeals Court and the Rhode Island Supreme Court.

Ms. Carter has co-authored a number of amicus briefs related to land uses protected under the Dover Amendment including cases involving large scale solar projects and religious uses. See *Hume Lake Christian Camps, Inc. v. Planning Bd. of Monterey*, 492 Mass. 188 (2023) and *Tracer Lane II Realty, LLC v. City of Waltham*, 489 Mass. 775 (2022).

Ms. Carter is also committed to providing pro bono representation to immigrants applying for political asylum through her participation in the Political Asylum Immigration Representation Project (PAIR). She has won asylum or otherwise secured protection for clients from Togo, Uganda, and Syria.

Education

J.D., Georgetown University Law Center, 2005

B.A., Georgetown University, 2002
(Phi Beta Kappa) (*magna cum laude*)

Bar & Court Admissions

Ms. Carter is admitted to practice before the state and federal courts in Massachusetts and Rhode Island.



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Professional Activities and Honors

- Rated Top 50 Women in 2025 Massachusetts Super Lawyers.
- Rated 2025 Massachusetts Super Lawyer.
- Rated 2025 Top Lawyer by Boston Magazine.
- Selected as a Massachusetts Lawyers Weekly's 2024 Top Women of Law honorees.
- Abstract Club.
- CREW Boston Board member, 2021-present; President-Elect, 2024-2025; President, 2025-2026.
- Co-Chair of CREW Boston's Programs, Seminars and Project Spotlights Committee, 2018-2021.
- Co-Chair Real Estate Bar Association's Land Use and Zoning Section, 2019-2025.
- Co-Chair of Real Estate Bar Association's Condominium Section, 2018-2019.
- Founding Co-Chair of Real Estate Bar Association's Diversity, Equity, Inclusion, and Belonging Committee, September 2024-December 2025.
- Real Estate Bar Association, Executive Board Member, January 2023-December 2025.
- Ms. Carter was selected to participate in NAIOP's 2018 Leadership Institute.
- Ms. Carter was selected by the WBA to participate in the 2015-2016 Women's Leadership Initiative, a program only 15 lawyers were chosen for and are described as "rising stars of the profession".
- Ms. Carter was selected to be honored at Massachusetts Lawyers Weekly's 2015 "Excellence in the Law" event for her pro bono work.
- Ms. Carter was honored by PAIR Project as the 2014 Outstanding Pro Bono Asylum Attorney.
- Washington Gateway Main Street Association, Inc., Vice President, 2013-2014.
- Needham Community Revitalization Trust Fund, Board Member, 2018-2021.
- Needham Open Space and Recreation Plan Advisory Group, past Member.

Publications/Presentations

- REBA: Pre-existing Nonconforming Overview, Annual Conference, November 2025.
- REBA: Survey of Land Use Cases, Annual Conference, November 2023.
- REBA: Land Use and Zoning Cases, Year in Review, January 2020-2025.
- REBA: Land Use & Zoning Cases, Year in Review, January 2021.
- REBA: Land Use & Zoning Cases, Year in Review, January 2020.



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Publications/Presentations, cont.

- Creative Placemaking Changes the Ways We Activate Communities, *Banker and Tradesman*, January 2020.
- Zoning issues related to Adult-Use Recreational Marijuana (MCLE) (reprinted in October 2019 for REBA), March 2019.
- Bellalta: A Flowchart for the Owner of a Nonconforming Home, *Boston Bar Journal*, August 2019.
- REBA: Condominiums Year in Rev., December 2018.
- REBA: Overview of Chapter 40A, Spring 2018.
- REBA: Marijuana and Real Estate Presentation, Spring 2018.
- REBA: Merger Presentation, Spring 2018.
- REBA: Condominium Liens and Foreclosures, Fall 2018.
- Commercial Brokers Association Professional Development Series, December 2015.
- *14th Annual Conference: Real Estate Law 2012*, MCLE Seminar, faculty, March.
- *"Litigation Real Estate Disputes: case law update, trends, and forum considerations,"* MCLE Seminar, faculty, February 2012.
- *Recent Decisions Addressing Faulty Work as an "Occurrence" in Construction Defect Coverage Disputes—Still No Consensus* (Winter 2008), published in Insurance Coverage Litigation Committee Newsletter, an American Bar Association's Tort Trial & Insurance Practice Section publication.
- MCLE's *Practicing with Professionalism* seminar, May 2019; September 2019; March 2020.

Recent Representative Matters

- **Neighborhood House Charter School Foundation, Boston, MA**

Successfully moved to dismiss for lack of standing abutter's appeal of zoning entitlements granted for school expansion project. Upheld on appeal.

- **NextSun Energy LLC, Norton, MA**

Successfully defended grant of site plan and flood plain special permit for large-scale, dual-use solar project after two trials and two appeals to the Massachusetts Appeals Court.

- **Private Client, Falmouth, MA**

Successfully moved for summary judgment upholding buildability analysis of vacant land within a family compound. Upheld an appeal.



Recent Representative Matters, cont.

- **Private Client, Quincy, MA**

Successfully moved for summary judgment confirming clients' beneficial interest in a nominee trust that owns waterfront property in Quincy.

- **Renewable Energy Development Partners, Plymouth, MA**

Successfully moved to dismiss abutters' appeal of zoning permits for large-scale solar development on grounds that Land Court lacked subject matter jurisdiction because of abutter's failure to exhaust his administrative remedies.

- **Private Client, Cohasset, MA**

Successfully moved for summary judgment to uphold the grant of a building permit to a pre-existing, legally non-conforming lot that was protected from the common law merger doctrine by the local by-law.

- **Beacon Capital**

Successfully represented Landlord in arbitration to collect unpaid holdover use and occupancy from Tenant and defeat Tenant's counterclaims for rent abatement.

- **Athena Arsenal, LLC**

Successfully defeated motion for preliminary injunction in a landlord/tenant dispute concerning the interpretation of tenant's parking rights under the lease.

- **Outfront Media, Inc.**

Successfully moved for summary judgment on the merits appealing the city of Boston's denial of an as-of-right building permit for the erection of a monopole billboard.

- **Private Client, Waltham, MA**

Successfully moved for summary judgement appealing the denial of a request to extend a variance, which variance was subsequently extended without condition on remand before the Zoning Board of Appeals.

- **C.J. Griffin Enterprises, Cambridge, MA**

Successfully moved for summary judgment on the merits against an appeal of a special permit, which decision was upheld by the Massachusetts Court of Appeals.

- **Private Client, Sutton, MA**

Successfully defeated action to reverse grant of residential variance.

