

Litigation

Sussman Shank is the litigation firm of choice for one simple, three-word reason: *we try cases*. Surprisingly, many litigation teams can't say that. But in the end, litigation comes down to being ready, willing, and able to go to trial if it's in our client's interest. The courtroom is where we do our work, where we excel, and where we get results.

Although our courtroom pedigree is the foundation of our reputation as litigators, we bring much more to the table. Along with being aggressive advocates for our clients, we are also known for our professionalism. Although litigation is always about disputes, we believe that as skilled as we are in the courtroom, ending up there is often a last resort. Outside the courtroom, we excel at problem-solving and devising innovative, effective solutions to seemingly intractable disputes.

We also practice with a bespoke perspective: no two cases are the same, and each is treated as unique, with its own issues, strategy, and approach. We evaluate cases quickly and implement a strategy based on each dispute's particular facts, risks, and opportunities. We are not cookie cutter lawyers. We see disputes as problems to be solved – whether that's in the courtroom or outside of it.

And, as a midsize firm, Sussman Shank has a litigation team that's focused, and provides exceptional personal service. Clients do not get handed off to unknown lawyers, as in large firms. They work with the lawyer they know, and who knows them, their case, and their priorities – from beginning to end.

OUR ADVANTAGE

Litigation is Communication

At Sussman Shank, we believe communication with clients is a fundamental skill for litigators. At intake, we learn the facts of the case, understand the situation, and communicate our initial estimate of the cost. We chart a course for the case, both at the beginning, but also at

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strategic inflection points – pivotal motions, rulings, significant discovery – we reevaluate, and communicate again. It's essential that our clients always know exactly what's going on, in as much detail as they need.

Strategic, Ongoing Risk Analysis

Risk analysis is another critically important element of excellence in litigation. We typically plot out several scenarios for a case and estimate risk and cost for each. We then discuss our thinking with the client, select an approach, and get started. Estimating and monitoring risk is central to our approach to litigation.

AREAS OF EXPERTISE

- Business disputes
- Shareholder disputes
- Civil litigation
- Railroad law
- Appellate practice
- Construction law
- Employment Law
- Intellectual Property
- Privacy and Data Security
- Trust and Estates

AREAS OF FOCUS

Appellate Law

We're experienced and effective at this highly specialized form of litigation. From preserving arguments at trial to briefing and arguing before appellate panels, our litigators bring both strategic thinking and courtroom expertise to bear on our clients' behalf in appeals.

Civil Litigation

While we don't try cases unless we have to – and when we do, we're aggressive, smart and respected trial lawyers when disputes go to juries. We keep our clients informed, weigh risks and opportunities intelligently, and because of our reputation in the courtroom, are very effective negotiators in settlement discussions.

Commercial Litigation

We view commercial litigation as an extension of our clients' business strategy and handle commercial disputes with that in mind. Our goal,



always, is to leverage every advantage when negotiating, and conclude disputes on the most favorable terms available.

Construction and Real Estate

Complex, high-stakes and critical, these two interrelated practices draw on the in-depth experience of our lawyers in what are often contract- and detail-driven transactions. From negotiating insurance coverage to advocating permitting and zoning issues, Sussman Shank lawyers know this territory intimately, and help our clients get projects done.

Estates and Trusts

Our lawyers work closely with families and finance professionals to craft estate plans and documents that minimize taxes and preserve wealth and assets in a way that creates a framework for future generations. We are particularly experienced in addressing the unique challenges of high-net-worth clients and their families.

Insurance

Our insurance litigation practice offers clients exceptional representation and aggressive, knowledgeable advocacy in complex, high-stakes insurance disputes. Whether the issue is a claim, liability, coverage, or something else, a team of experienced insurance lawyers delivers optimal outcomes for clients and protects their rights and interests.

Labor and Employment

Our labor and employment lawyers are skilled in managing and concluding workplace-related disputes while minimizing disruption to the business. We are skilled at defending claims of discrimination, unlawful termination, and other workplace allegations, as well as representing clients in severance and compensation matters.

REPRESENTATIVE WORK

- We defended a client in ASP arbitration concerning a dispute between co-members of an LLC regarding the unsuccessful construction and startup of a cannabis facility. One co-member sued another, our client, for \$750,000 asserting breach of contract, breach of fiduciary duty, and fraud - and sought to expel the client from the LLC. The arbitrator found in our client's favor denying all claims against client and awarding client \$450,000, lawyer's fees and costs, and expelling the plaintiff from the LLC.
- We successfully obtained a TRO and preliminary injunction on behalf of a corporate construction client against a former shareholder and owner for violation of a shareholder noncompete and confidentiality agreement. This prevented a marketplace competitor from launching a

directly competitive business with marketplace expertise using confidential information.

- We obtained a defense verdict for an insurance brokerage firm and an individual broker after a 7-day jury trial in federal court. The plaintiff was a competing brokerage firm that claimed the defendant broker breached his employment agreement by allegedly soliciting former clients and taking confidential information as part of his move to the defendant brokerage firm. The plaintiff also contended that the defendant brokerage firm intentionally interfered with the defendant broker's employment agreement with the plaintiff. The jury found entirely for our clients, returning a verdict that the defendant broker did not breach his employment agreement, and that the defendant insurance brokerage firm did not interfere with the agreement.

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