

## Litigation

### Scope of Work

Schnader has a long standing reputation as a preeminent litigation firm of trial and appellate lawyers. Our Litigation Services Department, the Firm's largest, has achieved notable successes at both the trial and appellate levels in sophisticated litigation throughout the United States.

Our litigation partners have substantial courtroom experience and are able to advocate our clients' positions on a wide variety of substantive legal issues in virtually any forum in the country. Most simply put, we try cases. We are at home in courts, agencies and informal settings. We are involved in every type of civil proceeding, including bet-the-company litigation, and in internal investigations and criminal cases as well. We are known for our skill, aggressiveness, creativity, hard work and ingenuity.

In addition to handling individual cases, our lawyers have served as national trial and coordinating counsel in multidistrict matters and disputes involving up to 1,000 related lawsuits. In this capacity, we have experience in developing consistent defenses, effective fact witnesses and experts who can communicate with juries in a variety of courtroom settings, which enhances the likelihood that our clients will obtain not only favorable litigation results but also cost effective settlements.

### Our Clients

Clients whom we have represented in major litigation include advertising companies, accountants, automobile dealers and manufacturers, aircraft manufacturers, airlines, asbestos manufacturers, brokerage houses and brokers, corporations, computer manufacturers, construction engineers, department stores, drug companies, electronics companies, financial institutions, food service companies, health care providers, insurance and reinsurance companies, investment bankers, lawyers, motion picture producers and distributors, oil companies, professional service firms, publishers, real estate developers,

telecommunication companies, television networks and other broadcasters, tire manufacturers, tobacco companies, trade associations, transportation companies, steel producers, utility companies and a host of others.

Our clients tell us that we staff matters efficiently and are responsive to their need to budget and manage litigation costs. Our general approach to litigation is aggressive and proactive, and based on the early identification and pursuit of key issues. We seek to avoid costly and inconclusive "wars of attrition" by focusing the litigation on these issues instead of taking a purely reactive approach to the other side's agenda. We use state of the art litigation support software, and have an experienced in-house litigation support team that works with our trial teams from day one of a litigation to ensure the efficient handling of e-discovery, document management, and other related trial preparation and presentation needs.

## Our Attorneys

In recognition of their excellence at the trial and appellate bars, several of the Firm's lawyers are Fellows of the American College of Trial Lawyers, the International Academy of Trial Lawyers, and the American Academy of Appellate Lawyers. In addition, one of our attorneys is a former judge of the U.S. Court of Appeals for the Third Circuit, and two of our former partners now serve on the bench of the Superior Court of Pennsylvania.

Our litigators are active members of professional associations including the American Law Institute, the American Bar Association, the Defense Research Institute, and the American Inns of Court. They have also served in numerous leadership positions including director of the American Judicature Society, chairman of the Public Interest Law Center of Philadelphia, president of the International Academy of Trial Lawyers, chair of the Aerospace Committee of the Defense Research Institute, president of the Third Federal Circuit Bar Association, chair of Division 1 of the ABA Forum on the Construction Industry, and chair of the Federal Courts Committee of the Philadelphia Bar Association.

In addition to breaking ground in the courtroom and at the negotiating table, our lawyers are known for their contributions to law reviews and trade journals as well as entire books. Recent examples include texts on the admissibility of expert scientific evidence, damages experts, deposition tactics, the spoliation of evidence, trial and appellate practice, environmental law, aviation law, Internet-related issues, antitrust and distribution law, securities fraud and product liability law.

Our attorneys are admitted to practice in federal and state courts throughout the United States, including the Supreme Court, District Courts, Courts of Appeals, Tax Court, Court of Claims, Court of International Trade and Patent and Trademark Office. We regularly participate in alternative dispute resolution proceedings sponsored by the American Arbitration Association (AAA) and the Financial Industry

Regulatory Authority (FINRA). One of our attorneys is a member of the board of directors of the American Arbitration Association (Executive Committee member), the CPR Institute for Dispute Resolution, and the International Institute for Conflict Prevention and Resolution.

## Areas of Practice

While Schnader has always engaged in a general litigation practice, below is a sampling of our practice areas:

**Accountant Liability** - We regularly represent audit clients, lenders, trustees in bankruptcy and others who have been harmed by their reliance upon inadequate audits by major accounting firms. Our lawyers' depth of knowledge of our clients' businesses, the relevant law, the applicable professional standards, and the attorneys and experts who regularly appear in professional liability litigation enables us to work creatively, efficiently and effectively toward the vindication of our clients' rights.

**Alternative Dispute Resolution** - We have been extensively involved in the resolution of disputes throughout the United States and abroad. The Firm has long been an active member of the CPR Institute for Dispute Resolution, and our attorneys have served as neutrals and advocates in arbitrations, mediations, minitrials and settlement proceedings in a wide variety of matters. Attorneys have also served as arbitrators, mediators, judges pro tem and settlement masters in federal and state courts, the Court of International Arbitration and private forums. Several attorneys are members of the American Arbitration Association and serve as arbitrators, mediators or advocates in a broad range of commercial and construction disputes.

**Antitrust and Trade Regulation** - We provide counseling, deal with government enforcement agencies on both the state and federal level and litigate on behalf of both defendants and plaintiffs before state and federal courts and administrative boards throughout the country. We have handled numerous claims under the Robinson-Patman and Sherman Acts as well as other trade regulation statutes. We have had an active antitrust practice almost since our inception and have been involved in a number of landmark cases.

**Appeals and Issues** - The work of Schnader's Appellate Practice Group ranges from civil, commercial, and criminal appeals to bet-the-company litigation affecting the fundamental workings, and sometimes even the viability, of our clients. We serve both as appellate advocates and as appellate advisors, and frequently are engaged to assist other counsel by providing strategic advice, reviewing briefs, and holding moot courts. At the trial court level, we regularly apply our analytic and advocacy skills on summary judgment and other significant motions in post-trial proceedings, and in advising about how best to preserve issues for appeal and to position them for optimal appellate review. Our Practice Group has been recognized as #1 in Philadelphia, PA and in Pennsylvania in Appellate Law by *Best Lawyers*, with more of our lawyers named "Best Lawyers in America" in appellate law than any other law firm in Pennsylvania.

**Aviation** - Schnader's Aviation Practice Group has decades of experience representing and advising a diverse group of domestic and international businesses, airports, and individuals in all aspects of complex aviation litigation. Our Aviation Group members hold national leadership positions in the aviation bar. We have handled matters involving major aviation disasters, international treaties, hull claims, regulatory compliance, code share agreements, airport operations, aircraft noise claims, personal injury, wrongful death, product liability, lost or damaged baggage and cargo, insurance coverage, FAA certificate action, customs disputes, intellectual property rights, environmental claims, labor and employment, commercial disputes, RICO claims, bankruptcy litigation, airport related work (litigation and regulatory) and aircraft sales and brokerage.

**Bankruptcy** - Our attorneys engage in complex bankruptcy counseling and litigation involving corporate control, fiduciary liability, preferential transfers, cash collateral, fraudulent conveyances and dischargeability. They have represented secured and unsecured creditors, lenders, landlords, financial institutions, debtors, equity holders and trustees before bankruptcy, federal and state courts at the trial and appellate levels.

**Construction Industry** - Our experience spans all aspects of construction and procurement law, including design, pricing, contract negotiation and drafting, bids and bid protests, project organization and management, scheduling, change order management, governmental compliance and construction administration. When disputes arise, the attorneys in our Construction Industry Practice Group are experienced in preparing claims and resolving disputes through litigation, arbitration, mediation, and negotiation. Our attorneys coordinate and lead the array of technical experts and claims consultants often needed during the resolution of a substantial construction dispute.

**Criminal Defense** - Our work in this area includes representing clients from investigations through trial, plea, and sentencing; briefing and arguing post-conviction motions and criminal appeals.

**Environmental** - Our attorneys represent clients in administrative and judicial enforcement actions, both civil and criminal, brought by the government against corporations and individuals. We have handled matters involving the Comprehensive Environmental Response, Compensation and Liability Act (Superfund) and corresponding state laws, issues pertaining to air emissions, EPA enforcement actions under the Resource Conservation and Recovery Act (RCRA) with respect to solid waste and toxic substances, advice as to OSHA's asbestos and Worker Right-to-Know requirements, the EPA's Community Right-to-Know regulations, water discharge issues pertaining to the EPA's Clean Water Act and the Clean Streams Law and municipal waste management.

**Financial** - We have represented financial institutions clients before a host of state and federal regulators, including the Pennsylvania and New Jersey Securities Commissions, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Securities and Exchange Commission, the Office of the Comptroller of the Currency and the Office of Thrift Supervision. We have obtained various regulatory approvals permitting our clients to establish de novo banks, offer Internet banking and Internet access services, convert thrifts from mutual to stock form, establish subsidiaries, offer common stock, merge with or acquire other financial institutions and acquire an independent insurance agency. We represent trust companies and departments regarding issues of fiduciary and tax law and resolve a multitude of diverse compliance issues. We are also proficient in negotiating enforcement documents, defending parties in proxy fights, representing boards of directors and conducting special investigations.

**First Amendment** - We represent clients in defamation and invasion of privacy litigation before federal and state appellate courts. Our capabilities also include privacy and publicity rights, press access, motion picture distribution rights, equal-time problems, the unique issues faced by the telephone and cable industries, and copyright and other intellectual property matters. We represented a diverse group of Internet content providers and others as *amici* in *Reno v. ACLU*, in which the Supreme Court for the first time defined the scope of the First Amendment's protections for the Internet.

**Government Contracts** - Our government contracts practice is both domestic and international in scope and involves the representation of clients in the procurement process, including contract formation, contract administration and dispute resolution. Our lawyers represent clients who supply goods and services to federal, state and local government entities. We advise companies seeking to do business with foreign governments, and we counsel foreign governments in their dealings with U.S. contractors and on matters of international trade in defense equipment. In the construction field, we represent general contractors, subcontractors, suppliers, sureties, architect-engineers and owners.

**Insurance Coverage** - Our attorneys have handled insurance coverage disputes involving all types of liability

and first-party property insurance policies, including policies that provide comprehensive general liability, all risks, fire, environmental, directors and officers, employment, liability, vendors and advertising coverage. We have also been involved in litigation involving financial institution bonds, which insure against fraudulent or dishonest acts of employees. Clients come to us for assistance in reviewing their insurance policies to determine if they have coverage and in negotiating with their insurance companies, and we have recovered substantial sums through the negotiation process, settlements, and, if necessary, trials.

**Intellectual Property** - Our intellectual property practice is national and international in scope. We represent plaintiffs and defendants in utility and design patent infringements and in trade secret and other technical unfair competition matters. Our attorneys also file and defend cases involving trademarks, trade names, trade dress and copyrights. We have brought and defended claims for violation of licenses and have acted to protect, through interpleader, the rights of a licensee confronted with competing claims to royalty payments. We have experience in prosecuting and defending motions for temporary restraining orders and preliminary injunctions and are accustomed to responding, on short notice, to the immediate needs of the Firm's clients, in addition to fulfilling their sustained litigation requirements.

**Internet and Technology** - We are also conversant in Internet related and technology counseling and litigation, and our lawyers are frequent lecturers and writers and have taught college and law school courses on the issues presented in this area. We have advised a broad range of businesses and nonprofit institutions about the development and enforcement of policies governing the use of computers, electronic mail and the Internet, and especially about privacy, intellectual property and foreign policy concerns. We have also been involved in a variety of litigations involving these subjects, including discovery of electronic files and regulation of Internet content. We have assisted clients with respect to domain name questions and litigation, disputes concerning the use of trademarks on the Internet, linking issues, and Internet advertising and sponsorship practices. We have a number of lawyers with computer or other technological training or work experience who bring that special perspective to this area of our practice.

**Labor and Employment** - We provide a full range of counseling and litigation services in all aspects of labor and employment law, including equal employment opportunity, wrongful discharge, OSHA and other safety and hazardous materials statutes, trade secrets, restrictive covenants, family medical leave, wage and overtime issues, and ERISA. Our attorneys frequently negotiate collective bargaining agreements for our clients and assist employers on how to respond to union organizational efforts. We maintain a full spectrum NLRB practice, including representation proceedings, unfair labor practice proceedings and jurisdictional disputes. We have represented numerous employers during labor strikes and resulting litigation and have obtained injunctions and counseled employers on the hiring of replacement workers. Our attorneys practice before administrative agencies such as the NLRB and EEOC, in state and federal courts, and in

arbitration proceedings.

**Product Liability and Mass Torts** - We are known for developing sophisticated factual defenses to product liability claims. Our attorneys have hands-on successful experience obtaining excellent results for product liability clients both at trial and through alternative dispute resolutions. Within the past decade, the Firm has represented clients in various multidistrict proceedings and has defended product liability claims involving machinery (including overhead cranes, forklifts, propane heaters, punch presses, tractors, incinerators and lawn mowers), bicycles, bottles, aircraft, handguns, asbestos, pesticides, insecticides, tires, tobacco, weight loss programs, food products, chemicals, pharmaceuticals and medical devices.

**Real Estate** - We have seasoned real estate litigators who concentrate their trial practice on and have working familiarity with technical and intricate real estate matters including zoning law, land use permitting, title disputes, contract issues under purchase and sale agreements, construction arbitrations, and cases under the Wetlands Protection Act.

**Securities and Shareholder Litigation** - We handle a broad range of matters in the securities litigation field for both defendants and plaintiffs. We have represented clients in shareholder class actions and derivative suits; litigation resulting from initial issues and private placements; fraud cases; matters involving bankruptcies and banking failures; suits concerning liability of lawyers, accountants and financial professionals; civil and criminal RICO litigation; and SEC actions and enforcement proceedings. Our capabilities in this area are built upon decades of experience in antitrust, financial, regulatory and other complex commercial litigation, including class actions and multidistrict litigation.

**Tax** - Our lawyers regularly handle federal tax controversies, including protesting proposed tax adjustments at the appellate level of the IRS and litigating cases in the U.S. Tax Court and federal district and appellate courts. We have been involved in real property assessment and exemption appeals, sales and use tax appeals, corporate income and franchise tax appeals, personal income tax appeals and local business tax appeals. Our attorneys are conversant in criminal tax litigation. We have represented numerous clients in state and local tax controversies and transactions in virtually every state.

## Contacts

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