

# Offering practiced perspective and skilled guidance in dispute resolution

**Successful dispute resolution** requires perspective, from all vantage points. At Foley Hoag, we offer you clear insight into when to go to the mat and when to settle. If litigation becomes necessary, we focus on helping you make prudent upfront decisions that best represent your interests and aim to reach a prompt, cost-effective and viable solution.

## Our Services

### **Business Crimes and Government Investigations**

We provide comprehensive legal advice to businesses and executives who are being investigated or need an assessment of a matter under investigation. We have found that the key to success in business crimes is speed and thoroughness in responses. Therefore, we work closely, in a privileged environment, with all of our clients in planning and executing their strategy and conducting any necessary internal reviews. Our clients who are under investigation often face related civil proceedings, as well. With our full-service resources, we can handle all of these matters effectively.

### **Securities and Corporate Disputes**

We are dedicated to defending our clients in securities fraud class actions, Securities and Exchange Commission (SEC) enforcement investigations and suits, Department of Justice (DOJ) matters and a variety of corporate governance litigation. We also work in the defense of allegations of financial disclosure, as well as accounting fraud against corporations and professionals. Our experience in this area is extensive, so we can handle your case in the most expeditious manner.

### **Antitrust**

On behalf of our clients, we have litigated some of the most prominent antitrust and consumer protection cases before judicial and administrative tribunals at both the federal and state levels. We can also help you create compliance programs, and assist in training your in-house law departments, senior executives, and sales and marketing departments on antitrust issues. If you suspect illegal activity, we will conduct an internal investigation.

### **Intellectual Property Litigation**

Our Intellectual Property Litigation Group is nationally recognized for the successful resolution of large, complex disputes involving intellectual property rights. We handle the full range of patent, trademark, copyright, and trade secret litigation at the national and international levels. Our lawyers work with large and small businesses, universities and individuals. We also advise venture capital firms and institutional investors on the business implications of pending or threatened intellectual property litigation. Our goal is to resolve your most complex disputes efficiently and to your best advantage.

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### **Product Liability and Complex Tort**

We have defended product liability cases in trial and appellate courts throughout the country. The core of our practice is the defense of serious product liability cases. Here, a thorough understanding of our client's product is perhaps the single most important factor in successfully convincing a jury that our client acted responsibly in designing, manufacturing and warning about its product. To ensure this level of understanding, we work closely with our client's personnel and outside experts to gain detailed knowledge of the product.

### **Environmental Litigation**

Through service to our clients, we have attained a national reputation in environmental matters. Our lawyers have resolved environmental disputes at the negotiating table and in the courtroom, and a number of our cases have produced precedents of national importance. On our clients' behalf, we pursue all avenues of relief or defense; and we have considerable experience in the resolution of environmental litigation through facilitated third-party mediation.

### **International Litigation and Arbitration**

Our international litigators provide comprehensive advice and assistance to our clients with legal and business challenges outside the United States. Our goal is to vigorously defend our clients' interests in court or arbitration. This is why governments choose us to represent them before the World Court and the World Trade Organization; and corporations ask us to arbitrate their claims before the International Chamber of Commerce, the London Court of International Arbitration and other European arbitral bodies.

### **Bankruptcy**

Our clients regularly ask us to represent them in adversarial bankruptcy proceedings; and debtors and creditor committees have also retained us as special litigation counsel. Our experience in adversary proceedings includes preferences, fraudulent transfer and other avoidance actions; claims against officers, directors and insiders for breaches of fiduciary duty; equitable subordination and re-characterization actions; litigation against secured creditors; and claims against professional service firms that rendered services to the debtor.

### **Accountants Professional Liability**

We advocate for our accounting-profession clients in class actions, state common law actions, and SEC and state accounting board investigations. Our goal is to protect our clients' interests in all areas. Before enactment of the Private Securities Litigation Reform Act, we led the way in obtaining comparative fault bar orders to protect non-settling auditor defendants in shareholder class actions, limited potential Section 10(b) liability and shortened plaintiff class periods. Currently, we are developing other aspects of our practice under the Reform Act, including broad application of its discovery stay provisions and entry of final judgment once our clients have been dismissed from multi-party actions.

### **Alternative Dispute Resolution**

We have the experience to assist you with mediation, arbitration or internal dispute resolution programs. At the core of our program is careful analysis. We begin each case by investigating and analyzing what really is at stake for our clients and for their opponents, what resources are available to address the underlying issues, and what business resolutions can be used to address those interests. We also work to identify the tangible and intangible costs of litigation and non-litigation resolutions, the likely outcomes of each approach and the possible results.