

Business Litigation

Experienced, forward-thinking advocates who go beyond the expected for clients in dispute prevention and resolution.

Our business litigation department offers a team with extensive trial experience and a commitment to excellent advocacy. Our litigation attorneys are repeatedly recognized as leaders in the field by Chambers USA, Best Lawyers®, Super Lawyers® and Benchmark Litigation among others.

We are at home in the courtroom, tireless in our preparation, and singularly focused on achieving our client's business goals. We strive to shift the balance of litigation risk in our clients' favor, and we are dedicated to communication through the entire process.

Our litigators have experience in state and federal courts throughout the region. We are also experienced in all manner of alternative dispute resolution and agency and administrative proceedings, and we are dedicated to providing efficient representation by leveraging the latest and most advanced technologies.

When it comes to litigating on behalf of our clients, our team is focused on building partnerships that create possibilities through the dispute resolution process to help our clients thrive over the long-term.

LEADERSHIP



BUSINESS
LITIGATION

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APPEALS

When it comes to dispute resolution, our capabilities go beyond the initial decision. Our attorneys have argued and won appellate matters in federal and state courts, including Arizona, California, Colorado and Nevada Supreme Courts and intermediate appellate courts, the Ninth Circuit and various other circuit courts, and the United States Supreme Court. With a track record of appellate success, our appeals practice is often retained to oversee appeals of matters originally handled by other firms.

CONSTRUCTION LITIGATION

For dispute resolution in construction matters, we are the team prepared to do the heavy lifting. We have broad experience in federal and state courts as well as arbitration and agency proceedings. Our **team** has built a practice prepared to handle all manner of building and construction disputes, including matters involving defective specifications, change orders, differing site conditions, excusable and compensable delays, acceleration, terminations and default, liquidated damages, and performance and payment bond claims. In addition, we handle federal and state procurement disputes, bid protests and government/public contract law.

CONTINGENCY LITIGATION

No two litigation matters are alike. We treat each engagement individually from intake to invoice. Creating possibilities is a priority for our team, and that applies to alternative fee structures. We welcome the opportunity to discuss all types of alternative fees, including handling litigation matters on a contingency fee basis. When specified criteria are met, qualified clients may opt for contingency fee representation, or a hybrid option in which a contingency fee is combined with a lower hourly rate. For clients aggressively pursuing a meritorious claim – that might otherwise not be a practical option on an hourly fee basis – this is a forward-thinking way to structure litigation fees.

EMPLOYMENT & LABOR LITIGATION

For businesses, employment and labor litigation requires forward-thinking advocacy that creates paths to success for clients. Our **labor and employment team** brings the experience and creativity to resolve disputes so our clients can thrive. We are experienced in employment-related civil actions involving claims for breach of employment contract, wrongful discharge, employment discrimination, harassment and related torts, as well as litigation involving non-compete, non-solicitation and confidentiality agreements. We frequently appear before federal and state administrative agencies in matters involving employment and civil rights related issues. We also represent employers in labor arbitrations and defending unfair labor practice charges before the National Labor Review Board and in contested cases in the U.S. District Court.

ENVIRONMENTAL & NATURAL RESOURCES LITIGATION

Our experience in **natural resources, energy and environmental litigation** has deep roots. For clients whose businesses intersect with the complex ecosystem of local, state and federal regulations, we're the partner who can navigate all the elements of dispute resolution. Our team of environmental and natural resources litigators handles complex and multi-party litigation and toxic tort matters between private parties arising out of alleged environmental contamination, emissions and exposure and related contractual commitments, in claims alleging personal injury, medical surveillance damages, and property damage. We represent businesses in all areas of federal and state environmental, energy and natural resources litigation, including cases brought under the federal Administrative Procedure Act and citizen suit provisions and cases arising under state and federal environmental laws including CERCLA, RCRA, WQARF, the ESA, NEPA, the Clean Water Act, the Safe Drinking Water Act, and the Underground Storage Tank Act. We also handle appeals of administrative and judicial actions and challenges to agency rules and regulations, orders and permitting decisions.

INTELLECTUAL PROPERTY LITIGATION

We champion fresh ideas. Our litigators partner with clients on IP litigation matters to protect possibilities and create paths to success for businesses and forward-thinkers everywhere. We bring real-world insight and technological acumen to advocate for companies and entrepreneurs in asserting and protecting their rights to the intellectual property that they create and own, both in court and before state and federal administrative agencies. We are experienced in patent, trademark, trade dress, copyright, licensing, trade secrets, domain name disputes, and other intellectual property, software and technology-related disputes.

MEDIATION & ARBITRATION

Our attorneys serve as mediators and/or arbitrators, providing litigation and subject matter experience with a pragmatic, problem solving approach to assist the parties in resolving their disputes. Our expertise in Alternative Dispute Resolution (ADR) allows us to best utilize this less-adversarial approach to resolve cases before parties incur expenses associated with extensive discovery and retention of experts. Members of our practice include several former judges and other experts dedicated to the efficient resolution of legal matters.

PROFESSIONAL LIABILITY LITIGATION

We are sought after advocates for professionals. Our litigation attorneys advise and represent legal, medical, accounting, engineering, and design and architectural professionals in malpractice and professional liability claims. Legal peers often choose us to represent them in legal malpractice claims and in disciplinary proceedings. We also represent hospital systems, physicians, and healthcare professionals in malpractice actions and before their respective licensing boards.

REAL ESTATE LITIGATION

Our **real estate** litigators go beyond expectations by partnering with a team of advocates representing the many legal areas these dispute resolutions often imply. Our ability to deliver value to clients in this area comes from the depth of our experience, and the breadth of our capabilities across the firm.

We are experienced in handling virtually all types of real estate related litigation, including lease disputes, boundary disputes, prescriptive rights claims, property diminution claims, land use issues, and financing disputes. Our team represents property owners, developers, tenants, lenders, investors and service providers. We provide clients with paths to success through our full service and collaborative representation to limit exposure and risk to help them thrive.

TORT & INSURANCE LITIGATION

Our team is adept at creating possibilities out of complexities in tort and insurance litigation. We represent clients in a wide variety of personal injury and business tort actions ranging from individual negligence actions to complex multiparty and class action litigation. Asbestos, product liability, toxic torts, and medical malpractice encompass a significant part of our tort litigation practice. In addition, we have extensive experience in handling indemnity claims, insurance recovery claims, bad faith, tender and coverage disputes, and subrogation and lien claims.

WATER RIGHTS LITIGATION

We understand that nothing is more important to the ongoing success of our clients' businesses than protecting their vital water rights. Our water litigators have vast experience in Western water rights and all aspects of water rights litigation. Our water litigators have been at the forefront of litigating federal reserved right claims by adverse federal claimants and litigating to protect our clients' continued access to surface water and groundwater. We remain up-to-the-minute on all important water law developments throughout the West to provide our clients with the best tools to protect their valuable resource. Our fluency extends to the Drought Contingency Plan (DCP) and other Colorado River issues, Arizona's Groundwater Management Act (GMA) and developments in the law of subflow, changes in the administration of groundwater rights in Nevada, and implementation of California's Sustainable Groundwater Management Act (SGMA).