

PREVENTING

AS OUTSIDE GENERAL COUNSEL

PRE-FORMATION AND FORMATION

- Proper selection of business entity
- Proper formation of entity
- Proper drafting of governing documents
- Proper assessment of state and federal taxes
- Proper capitalization of entity
- Proper preparation for first board meeting

OPERATION

- Proper selection of Trusted Advisors
- Proper maintenance of corporate/business records
- Proper self-governance of entity
- Proper compliance with all corporate formalities
- Proper risk assessment and protection
- Proper compliance with relevant licensing regulations
- Proper compliance with state and federal regulations—taxes
- Proper compliance with state and federal regulations—general business operations
- Proper compliance with state and federal regulations—business specific regulations
- Proper compliance with building and environmental laws
- Proper response to government threats—criminal prosecution
- Proper response to government threats—administrative action and/or civil litigation
- Proper compliance with employment and labor laws
- Proper negotiation and drafting of contracts
- Proper structure of and due diligence for mergers and acquisitions
- Proper collection of accounts receivable
- Proper settlement approach and litigation avoidance
- Proper response to litigation threats

EXIT

- Proper succession planning
- Proper exit strategy
- Proper business windup

PREVAILING

AS STRATEGIC LITIGATORS

PRE-LITIGATION

- Proper response to threats of litigation
- Proper strategy to avoid litigation through negotiation
- Proper strategy to avoid litigation through mediation
- Proper strategy to avoid litigation through arbitration
- Proper strategy to avoid litigation through bankruptcy: discharge of debts or re-organization of business entity
- Proper approach to deciding whether or not to litigate

LITIGATION

- Proper response to being served with lawsuit
- Proper assessment of insurance coverage
- Proper tendering of insurance claim to insurance carrier(s) and agent(s)
- Proper preparation of settlement strategy
- Proper preparation of strategic approach to litigation
- Proper preparation of discovery and litigation plans
- Proper preparation of trial plan from outset of litigation
- Proper analysis of demanding or waiving trial by jury
- Proper preparation of plan for alternate dispute resolution
- Proper analysis of witnesses' strength and weakness
- Proper analysis and preparation of pre-trial motions
- Proper analysis of in limine motions and motions during trial
- Proper approach and execution of jury selection
- Proper execution of trial plan

POST-TRIAL AND APPEAL

- Proper preparation of motion for costs and attorney's fees
- Proper preparation of opposition to motion for costs/fees
- Proper analysis and preparation of post-trial motions
- Proper approach and strategy to negotiate avoidance of appeal process
- Proper response to appeal files by opposing party
- Proper decision as to whether or not to appeal
- Proper strategy re: briefing and arguing case on appeal