

Business and Personal Injury Torts Practice

Fennemore Craig's representation of business in tort matters covers more than a century of experience, resulting in a highly experienced team of business litigators who work with industry sectors that include pharmaceuticals, manufacturing, health care, transportation, mining, commercial and residential real estate development, and financial services. The firm began defending entrepreneurs and businesses in the West starting in 1885. Today, our litigation services include not only representing clients in disputes, but counseling them on strategies to prevent or eliminate disputes before they reach the courtroom. When disputes cannot be avoided, we are strong advocates, representing clients in business tort and personal injury matters ranging from individual negligence actions to complex multi-party litigation concerning:

- Construction defects
- Fraud
- Insurance and reinsurance
- Medical negligence
- Non-competes
- Personal injury
- Professional liability
- Product liability
- Subrogation
- Unfair competition and deceptive practices
- Toxic torts

On behalf of clients, we seek cost effective and practical resolutions, attempting to minimize lengthy litigation where possible. At the same time, we serve as strong advocates and legal advisers, fully appreciating the increasingly complicated commercial environments clients face. Our attorneys are experienced in arbitrations, mediations, and other methods of alternative dispute resolution.



For years, Fennemore Craig has been at the forefront of implementing technology for the benefit of our clients, saving them money and helping us deliver more effective and efficient legal services. In the litigation setting, technology helps us save days of trial time for our clients. Our use of the "TrialDirector®," "CaseMap®," and "MindMap®" programs help us quickly manage substantial numbers of exhibits and photos, to conduct examinations and closing arguments.

In addition, the firm has the capability to set up technology-rich arbitrations both in-house and at external sites that visually help drive home key points in arguments.

Insurance and Reinsurance Disputes

Fennemore Craig attorneys provide counsel to clients on insurance, reinsurance and risk management. We defend business, professionals and manufacturers on insurance coverage matters involving a range of business torts, including product and professional liability, class actions, construction defects and mold. We also represent clients in insurance disputes involving general liability, employment practices, directors and officers, environmental issues, employee benefits and ERISA, construction, white collar crime, and intellectual property. In addition, we bring bad faith claims on behalf of business as part of complex commercial transactions and also defend such claims. Firm attorneys can provide audits in support of a client's desire to avoid future disputes. We help clients avoid insurance and bad faith litigation through early risk assessment and analysis linked to business formation, acquisitions, mergers, sale of entities or property, international trade, and real estate development.

Medical Negligence Defense

Fennemore Craig's representation of hospitals and other healthcare providers encompasses decades of experience defending claims of medical negligence and matters involving the peer review and staff privileges processes. Several of the attorneys and paralegals in the medical negligence group are former medical professionals. The firm's clients range from large health care systems to small community hospitals and non-profit entities providing health care services. Case experience is extensive, involving such areas as obstetrics, neonatology, emergency room, psychiatry, surgery, neurology, cardiology, wrongful death and many other areas. Our attorneys also defend the confidentiality of physician applications for

privileges and related materials, peer-review committee minutes and hospital risk management processes, and the scope of the physician-patient privilege.

Personal Injury

Our attorneys have decades of experience litigating and trying cases. This experience covers a broad range of cases defending clients against alleged negligence, property damage, slip and fall, premises liability, defamation, and wrongful death claims. Our industry experience includes serving the transportation, heavy equipment, natural resources, sports and entertainment, manufacturing and retail sectors.

Plaintiffs Personal Injury

Fennemore Craig also represents certain individuals who have experienced an injury due to negligence, an accident, or willful misconduct. This includes personal injury encompassing financial losses, public defamation, and wrongful death.

Product Liability

We are active in national organizations devoted to product liability research and policy, including the Product Liability Committee of the ABA Section of Litigation, and the Defense Research Institute Product Liability Committee. We counsel and represent producers and sellers of a wide range of consumer and commercial products, such as automobiles, bicycles, chemicals, cranes, earth moving equipment, firearms, forklift trucks, heat pumps, medical instruments, motor homes, pharmaceuticals, tires, trucks, wheels, and others. Our broad experience in the product liability area enables us to provide not only traditional representation in the trial and appellate courts, but also preventative consultation, representation at administrative hearings, preparation of legislative proposals, and lobbying services.

Toxic Torts

The firm represents clients in toxic tort matters that include claims for property devaluation, personal injuries and medical surveillance resulting from exposure to various substances, including TCE and other volatile organic compounds. Recent litigation has involved claims of groundwater contamination involving polychlorinated biphenyls, petrochemicals, trichloroethylene and other industrial solvents; alleged pulmonary damage from air pollutants, methane gas migration; chemical damage to crops; personal injury from exposure to pesticides and asbestos; toxic shock syndrome and cancerphobia. Firm attorneys also advise clients concerning issues and claims related to toxic mold. Fennemore Craig has defended business clients in the context of workers' compensation claims of injury or disease from toxic substances, including arsenic, aluminum, asbestos, solvents, silica dust, acids and other chemicals. Additionally, the firm has defended drug manufacturers in cases involving adverse reactions allegedly attributable to prescription drugs. As a result of the firm's toxic tort practice, our attorneys have worked extensively in the areas of medical, scientific and legal causation, and the identification, retention and presentation of qualified medical, toxicological and other appropriate expert witnesses.

Professional Liability

Fennemore Craig's Professional Liability attorneys counsel client in all aspects of professional liability, including conflict avoidance through counseling, dispute resolution through mediation and arbitration, representation in actual or threatened litigation, and representation in professional licensing and disciplinary proceedings. Professional liability representation includes: Legal Malpractice, Accounting Malpractice, and defense of Engineers, Architects and a range of professional consultants. In addition, most professionals are covered by errors and omissions or similar insurance policies. Depending on the nature of claims alleged, the professional may need guidance on coverage issues, the insurer's duties to defend and indemnify, and how to deal with coverage problems that arise. Our attorneys analyze insurance coverage issues and counsel both clients and insurers in professional liability case.

Trade Secrets and Non-competes

As employees, professionals and executives move to new opportunities, this fluid ebb and flow of key personnel raises the threat of organizations facing trade secrets and intellectual property walking out door. Our attorneys provide trade secret, restrictive covenant and non-compete counsel and litigation services to technology, life science, industrial, transportation, development, entertainment, and a host of other businesses both large and small.

Workers' Compensation

Fennemore Craig provides representation and counsel to companies that are self-insured or self-rater insured for workers' compensation. Our attorneys also represent insurance companies that provide workers' compensation coverage for smaller employers and uninsured employers. The firm represents employers in all facets of workers' compensation litigation before various state Industrial Commissions appellate courts.

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