

Commercial Litigation Practice

Fennemore Craig's litigation section offers a wide range of experience in all aspects of dispute resolution and prevention. Our attorneys are proficient in alternative dispute resolution techniques, negotiated settlements, appeals, and traditional trial representation, as well as advice on the prevention of claims and avoidance of litigation. A number of our attorneys also serve as mediators, arbitrators and private judges.



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.

Antitrust Law and Trade Regulation

Fennemore Craig represents individuals, business entities, and professionals in litigation alleging unlawful restraints of trade, price fixing conspiracies, and a variety of other federal and state antitrust law violations. The firm recently participated in major antitrust actions involving the cable television, consumer electronics and petrochemical industries. We assist many clients in connection with mergers and acquisitions covered by the Hart-Scott-Rodino Act of 1976, and advise clients on antitrust and trade regulation issues affecting business conduct and transactions.

Appeals

Fennemore Craig handles appellate matters in federal and state courts as well as before federal and state administrative agencies. The scope of our appellate practice covers almost all areas of civil, administrative and regulatory law.

Financial Restructuring, Bankruptcy and Creditors' Rights

Fennemore Craig has a prominent and active bankruptcy practice. Our attorneys represent a diverse group of clients, including secured and unsecured creditors, financial institutions, debtors, and trustees and purchasers of financially distressed businesses, in Chapter 11 cases, debt restructuring, liquidation cases, out-of-court workouts, and other insolvency proceedings. The practice focuses extensively on creditor representation, and together with attorneys from other disciplines in the firm, the group is active in planning and negotiating complex workouts and restructures.

Commercial Litigation

Fennemore Craig represents large and small business entities and individuals in commercial disputes in federal and state court, including cases involving fraud, RICO, derivative claims, lender liability, securities, railroad, products liability, corporate control, contracts, state and federal consumer statutes, the First Amendment, the Uniform Commercial Code and eminent domain.

Construction Disputes and Defects

Fennemore Craig attorneys have been involved in construction defect litigation for many years, representing developers, contractors and design professionals in all forms of construction defect litigation. Firm clients have included not only these entities, but their insurance carriers, on litigation that has included defective design, defective construction, mold remediation and economic loss theories.

Our attorneys have considerable experience in federal and state actions, as well as administrative proceedings before the Arizona Registrar of Contractors and the Arizona Department of Real Estate. In addition, Fennemore Craig has been at the forefront in efforts to legislatively limit the extent of the exposure for construction defect litigation in Arizona.

Environmental and Natural Resources

Fennemore Craig provides a significant amount of environmental counseling and representation to the manufacturing, mining, forestry, high technology, petroleum, banking and other industries. The firm has represented clients before the air

pollution control hearing boards, the Water Quality Control Counsel, administrative law judges at the Department of Environmental Quality, and in federal and state courts. Recent activity includes environmental and toxic torts, environmental policy suits, regulatory challenges, cost recovery actions, property devaluation and natural resource torts, complex water cases, general adjudication of water rights, mining title disputes, flood cases and environmental compliance actions. The firm recently obtained a court order requiring the Department of Environmental Quality to de-list a client from the Section 304(1) listing under the Clean Water Act. The firm has been involved with all of Arizona's groundwater protection initiatives, which culminated in 1986 with the passage of the Arizona Environmental Quality Act. Members of the firm have served as special counsel to the state in *Arizona v. California* and other water law cases of statewide interest. Our attorneys serve on legislative drafting committees, advisory committees to agencies and on various ad hoc committees which affect and direct the legislative and regulatory process in Arizona.

Franchise Law

Fennemore Craig counsels clients on franchising, representing franchisors in preparing or reviewing their Uniform Franchising Offering Circulars and related documentation, assuring compliance with federal and local laws, and addressing corporate, real estate, litigation, tax and any other legal issues they may have. The firm also represents franchisees in handling their corporate and tax requirements, real estate leasing, employment contracts and other commercial contracts.

Government Procurement and Contracts

Fennemore Craig attorneys have broad experience in federal and state procurement law and government contract disputes. Our attorneys have litigated bid protests before the Comptroller General of the General Accounting Office and various state agencies. The firm also has represented government contractors against city, county, state and federal governments and has prosecuted claims against numerous federal agencies before the various Boards of Contract Appeals and the Claims Court.

Intellectual Property

The firm is involved in significant intellectual property litigation, including patent and copyright infringement, trade secrecy, software licenses, trade dress and trademark infringement, nondisclosure agreements, computer performance, and covenants not to compete. Client intellectual property rights are enforced through alternative dispute resolution techniques, demand letters, preliminary injunctions, and traditional trial and appellate representation.

Labor and Employment

Fennemore Craig has substantial experience in counseling clients on contract interpretation and grievance procedures and in representing employers in labor arbitrations. Our attorneys represent employers in negotiating collective bargaining agreements, in representation elections, and in defending unfair labor practice charges before the National Labor Review Board and in contested cases in the United States District Court. The firm has broad experience in employment-related civil actions alleging breach of employment contract, wrongful termination, employment discrimination and related torts. In addition, our attorneys frequently represent clients before federal and state administrative agencies, including the Arizona Civil Rights Division, Equal Employment Opportunity Commission and the Department of Economic Security. Our attorneys counsel employers on personnel manuals and procedures, drug and alcohol testing and sexual harassment policies, and compliance with specific state and federal statutes and regulations.

Legislative and Regulatory Assistance

The firm's attorneys have substantial experience in representing clients before the Arizona legislature. The firm assists in the drafting, lobbying and monitoring of legislative and regulatory proposals on behalf of clients.

Product Liability

Fennemore Craig counsels and represents producers and sellers of a wide range of consumer and commercial products, including automobiles, chemicals, cranes, earth-moving equipment, firearms, forklift trucks, heat pumps, medical instruments, motor homes, pharmaceuticals, tires, trucks, wheels, and others. Our attorneys are active in national organizations devoted to product liability research and policy, including the Product Liability Committee of the American Bar Association Section of Litigation, and the Defense Research Institute Product Liability Committee. We have broad experience in traditional representation in the trial and appellate courts, preventative consultation for design and packaging, technical and operating manuals, representation at administrative hearings, preparation of legislative proposals, and lobbying services.

Professional Liability

Fennemore Craig advises and represents accounting, law, medical, engineering, design and architectural firms on a variety of professional liability issues. The firm is particularly active in the defense of lawyers in malpractice claims and the representation of lawyers in the disciplinary process. The firm also provides counsel and representation for the Arizona

Securities Litigation

The firm represents individuals, broker-dealers and financial institutions in a wide variety of litigation arising under federal and state securities laws. Examples include defense of customer complaints, class-action suits, and employment and discrimination claims, intra-industry disputes and regulatory, investigatory, and criminal proceedings instituted by the federal and state governments, as well as self-regulatory organizations such as the National Association of Securities Dealers, New York Stock Exchange, American Stock Exchange, and Chicago Board of Options Exchange.

Tort and Insurance Litigation

Fennemore Craig represents clients in a wide variety of personal injury and business tort actions ranging from individual negligence actions to complex multi-party litigation. Asbestos, railroad liability, product liability, insurance bad faith and subrogation, toxic torts, and medical malpractice encompass a significant part of our tort litigation practice.

Unemployment Compensation

Fennemore Craig's unemployment compensation practice includes a full range of services relating to unemployment insurance, taxes and benefits. Our clients range from large mining and utility companies to small service and professional firms. The firm represents employers defending against claims for benefits by ex-employees in all jurisdictions, including the Appeal Tribunal, Appeals Board and Court of Appeals. We also represent employers when the adverse party is the Department of Economic Security. The firm has participated extensively in legislative revisions to the unemployment insurance statutes and in DES rule-making proceedings to adopt or revise the voluminous set of rules that govern unemployment cases.

Workers' Compensation/Employee Health and Safety

The firm has extensive experience working with small and mid-size businesses and major corporations in the areas of workers compensation and OSHA regulations. Our attorneys represent employers before the Federal Occupational Safety and Health Review Commission, the Industrial Commission appellate courts. We advise clients on compliance issues and the various legal, medical and administrative issues which arise in connection with workers' compensation and OSHA claims outside the litigation arena. In addition, the firm's legislative and lobbying practice includes preparing legislative proposals, lobbying and testifying before legislative committees on workers compensation matters.

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