



## Litigation PRACTICES

### OVERVIEW

After more than 100 years of law practice, Smith Anderson is known for our trial-tested lawyers who combine their extensive courtroom experience with practical business judgment. Our law firm has successfully represented clients in cases at every level of the judicial system, in North Carolina and jurisdictions around the country, as well as complex national and international arbitrations. We are proud of our success in **high stakes litigation**: when your business is on the line, we embrace your challenges and devote ourselves to resolving disputes efficiently and successfully.

For the past four consecutive years (2020-2023), Smith Anderson's Litigation team has been named "North Carolina Firm of the Year" by Benchmark Litigation. The U.S. Awards recognize the country's most distinguished litigators and law firms for their business litigation work over the past twelve months. Our firm's Litigation practice is also included in *Chambers USA: America's Leading Lawyers for Business*, one of the leading ranking agencies for law firms and lawyers. Clients who were interviewed by *Chambers* commented: **"We received a very high caliber of service from the firm and enjoy an excellent working relationship"** and **"Smith Anderson distinguishes itself in each and every respect."** Other leading publications including *The Best Lawyers in America* and *North Carolina Super Lawyers* also recognize our Litigation practice and a number of our individual litigators as among the best in the state.

#### Experience Matters

From large multi-party, multi-jurisdiction litigation for large and public companies to mission-critical matters for small private and emerging businesses and pro-bono clients, we approach each case with the goal of resolving disputes efficiently and successfully. When your business is on the line, the trial experience and proven success of your legal team are essential.

We have extensive experience in counseling and representing clients in corporate and securities litigation and complex contract disputes; disputes between buyers and sellers of goods and services; real estate and construction disputes; environmental litigation; employment litigation, including non-competes and trade secrets; intellectual property protection; data breach disputes; and insurance recovery litigation. We have a strong track record at counseling manufacturers, as well as product retailers, distributors and insurance carriers on risk management and product liability claims. And when our clients need to appeal or defend trial court decisions, we have proven success in the appellate courts.

Our Medical Malpractice group is among the most storied in the state, having defended physicians, hospitals and other health care professionals in some of the most important and ground-breaking cases in North Carolina's history. The group also assists health care professionals through pre-litigation claims, discovery, depositions and medical records analysis.

Our litigators are also experienced in alternative dispute resolution, such as mediation and arbitration.

### **Practical Solutions**

We begin each case by understanding our client's needs and goals, and we seek solutions that are both effective and practical. We recognize that litigation is not always the best option for a client. Successful results without litigation are enhanced, however, by our adversaries' knowledge that Smith Anderson litigators will aggressively pursue a lawsuit if it is necessary.

### **We Know the Court System**

We understand the court system, not just through trial experience, but because many of our lawyers are actively engaged with the continuous development of the judicial system.

We support the advancement of the legal profession and North Carolina Courts through leadership roles in associations and professional organizations that seek to improve the court system, including the Chief Justice's Commission on the Future of the North Carolina Business Court, the North Carolina General Statutes Commission, the Civil Local Rules Subcommittee for the Eastern District of North Carolina, the North Carolina Equal Access to Justice Commission, The North Carolina Bar Association, and The North Carolina Association of Defense Attorneys.

Additionally, one of the co-leads of the Litigation practice is Chair of the Board of the North Carolina Chamber Legal Institute, which works to address policy and legislative issues affecting the state's business/legal climate.

### **We Build Lasting Relationships**

We take the time to get to know our clients and their businesses, and our clients often rely on us as outside general counsel for all of their litigation needs. From counseling on risk management and document retention to arguing their most complex cases, we help our clients build for the future. As a full-service law firm, we also work with our colleagues across other practice areas to provide our clients with legal services in areas other than litigation. We are proactive and responsive in communication, are prepared and, above all, are devoted to our clients.

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## EXPERIENCE

- Representation of public companies in bet-the-company litigation, as well as disputes involving small private and emerging companies
- Experience in shareholder litigation arising from a proposed merger or acquisition of a company
- Representation of technology companies in patent and copyright infringement claims
- Experience in breach of contract cases, covenants not to compete, wage and hour litigation, and physician recruitment agreements
- Representation on appeal of trial court rulings and administrative agency proceedings

- Representation of private companies before the Trademark Trial and Appeal Board
- Experience in large trade secrets and unfair and deceptive trade practices claims
- Representation of manufacturers, product retailers, distributors and insurance carriers on risk management and product liability claims
- Representation of physicians, hospitals and other health care professionals in medical malpractice cases
- Representation of buyers and sellers of real estate, commercial landlords and tenants in contract disputes and business tort actions
- Representation of banks and public companies in ERISA litigation
- Representation of health care professionals through pre-litigation claims, discovery, depositions and medical records analysis

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## PROFESSIONALS

Michael W. Mitchell

Christopher G. Smith

Zebulon D. Anderson

J. Mitchell Armbruster

Andrew P. Atkins

David W. Berry

Cheryl L. Bona, NCCP

Clifton L. Brinson

Toby R. Coleman

Taylor M. Dewberry

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John E. Harris

David L. Hayden

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John H. Jo

Rosemary Gill Kenyon

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Gerald (Gerry) T. Koinis

Kimberly J. Korando

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Justin B. Lockett

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Wayne K. Maiorano

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Matthew D. Rhoad

Addie K. S. Ries

Edward F. Roche

Shameka C. Rolla

Mark M. Rothrock



Amelia L. Serrat

Kerry A. Shad

Donald H. Tucker, Jr.

William "Casey" Vaughn

Kirk G. Warner

Sharita M. Whitaker

Patrick D. Wilson

James (Jim) C. Wrenn, Jr.

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## RELATED AREAS

Administrative Law

Appellate Advocacy

Asbestos and Toxic Torts

Commercial Litigation

Construction & Infrastructure

Corporate and Securities Litigation

Employment Litigation

Environmental

Insurance Recovery

Investigations

Mass Tort & Catastrophic Loss

Medical Malpractice Defense

Non-Compete & Trade Secrets

Patent Litigation

Pharmaceutical & Medical Device Litigation

Product Liability

Real Estate Litigation

Trademark & Copyright Litigation



Trusts and Estates

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