White and Williams LLP

Commercial Litigation

The Commercial Litigation group provides a full range of counseling and litigation services and has established an excellent reputation for efficiently providing creative and strategic solutions to clients. Our lawyers have gained national recognition for their experience representing clients in a variety of sophisticated and high-stakes commercial litigation matters. Our lawyers have practiced extensively in state, federal and private forums across the United States, and have managed complex litigation on a national level. Our team includes accomplished litigators, trial lawyers, and appellate advocates.

We have considerable experience collaborating with corporate representatives, in-house counsel and members of the firm's other practice groups, leading to more efficient, cost-effective representation. Our diverse clients range from local, regional and national firms to individuals, and include international *Fortune* 100 companies, publicly held and privately held businesses, banks, manufacturers, law firms, accounting firms, insurance companies, construction companies, health care providers, health care management firms, securities brokerages, and governmental entities.

Alternative Dispute Resolution

Our lawyers work with clients in all aspects of alternative dispute resolution. Our experience includes:

- Binding and non-binding, sponsored and non-sponsored arbitration
- Mini-trials
- Summary jury trials
- Employment dispute resolution
- High-low agreements
- "Baseball" agreements
- Structured mediation
- Early neutral evaluation
- Facilitated negotiation
- Confidential listener services

We assist clients as advocates in ADR forums, as counselors in selecting ADR professionals and processes geared favorably toward particular client needs, and as arbitrators and mediators in specialized fields. Our lawyers have designed and implemented client-training programs on a variety of ADR topics at introductory and advanced levels. We also offer services in all aspects of drafting both pre- and

PRACTICE CONTACT

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RELATED PRACTICES

Appellate

Class Actions

Corporate and Securities

Finance

Intellectual Property

Labor and Employment

Professional Liability

RELATED INDUSTRIES

Financial & Investment Services

Food and Beverage

Gaming

Healthcare

Insurance

Technology

PRACTICE HIGHLIGHTS

- We provide high-quality and timely services to clients at a competitive cost.
- We have gained national recognition for our experience representing clients in a variety of sophisticated and high-stakes commercial litigation matters.

post-dispute ADR clauses and procedures and in the design and implementation of ADR programs.

Restrictive Covenant, Trade Secret & Unfair Competition Services

The Restrictive Covenant, Trade Secret & Unfair Competition Team at White and Williams understands what it means to protect your business. We have litigated hundreds of restrictive covenant, trade secret and unfair competition matters throughout the United States. In addition to our litigation experience, we serve as trusted advisors to our business clients by providing advice regarding the enforceability of restrictive covenant, trade secret and confidentiality agreements. Our advice helps our clients ensure that they have the proper protective measures and strategies in place to prevent damage and loss to their business. Our clients come from a wide variety of industries, including insurance, aerospace, executive recruiting, petrochemical, real estate, technology, transportation, media, and other professional services. Sometimes, even with protective measures and strategies in place, litigation is inevitable and the Restrictive Covenant, Trade Secret & Unfair Competition Team at White and Williams routinely is called upon to seek immediate equitable relief to enforce contractual obligations and protect our clients' business interests.

Our team has counseled numerous businesses and individuals with respect to their rights and obligations under, and strategy with respect to, restrictive covenants. Our experience includes advising and representing clients with respect to:

- Pre-Litigation avoidance and mitigation, by drafting cease and desist letters and negotiating resolutions to non-compete, non-solicitation, and other restrictive covenant disputes
- Enforcement of covenants not to compete against departing employees, franchisees, and business partners
- Handling temporary restraining order (TRO) and preliminary injunction (PI) hearings, subsequent litigation, and trials in state and federal courts

Antitrust

Antitrust claims and investigations require smart, aggressive advocacy by experienced counsel. Failure to understand the full spectrum of issues can result in adverse outcomes including treble damages and injunctive relief, that can seriously affect the commercial viability of a business.

Members of our Antitrust Group have participated in trials, both civil and criminal, of antitrust cases and have counseled and presented witnesses in grand jury proceedings. The cases handled have varied as to industry - from high tech to

- We have a diverse range of clients from individuals to local, regional and national firms, and include international *Fortune* 100 companies.

insurance - and size of client - from individuals to Fortune 500 companies. The cases have also involved a wide range of products and services ranging from manufactured products to healthcare.

In addition to representation of clients in civil and criminal litigation, members of the practice group engaged, over many years, in counseling business clients with regard to compliance with the antitrust laws, including the perils of distribution law, communications with competitors, compliance with the Hart-Scott-Rodino Act and the various problems that arise between competitors at all levels of the chain of distribution.

While most members of the antitrust group are experienced in litigation and trial work, others are primarily business and transactional lawyers who confront antitrust issues in the handling of mergers and acquisitions, and when counseling distributors and manufacturers..

Commercial Arbitration

When commercial disputes are subject to arbitration, it is critical to have experienced counsel at your side. With deep understanding of the arbitration process, familiarity with the arbitrators and experience arbitrating dozens of matters through to final award, our lawyers can guide you through what may be unfamiliar territory. We understand the differences between arbitration and litigation and know how to approach this dispute resolution process to achieve the best results for clients.

Our lawyers have arbitrated international and domestic commercial disputes as well as insurance and reinsurance matters, including those subject to the Bermuda form. Once the arbitration is complete, we follow through to the extent motions to confirm or vacate are necessary under the Federal Arbitration Act or state equivalents.

In addition to arbitrating commercial disputes, we assist clients with drafting arbitration clauses for their contracts. Our extensive arbitration experience provides insight into issues that may arise in the process —issues that can be minimized or avoided by including certain provisions in the arbitration clause itself.

White Collar Defense, Investigations and Corporate Compliance

The White Collar Defense, Investigations and Corporate Compliance group includes lawyers who have practiced as prosecutors, government enforcement lawyers and defense counsel. Representations have included criminal defense in state and federal court and appearing before numerous government regulatory agencies, including the IRS and the SEC.

Members of our group have not only tried cases as defense counsel, but have extensive experience in assisting clients to navigate through government investigations in order to avoid official action.

FOREIGN CORRUPT PRACTICES ACT (FCPA) AND BRIBERY

For years, United States corporations that conduct business abroad have been warned by lawyers and accounting firms about the focus of the federal government on its enforcement of the provisions of the Foreign Corrupt Practices Act (the FCPA). The FCPA targets payments to foreign government officials by certain defined individuals and entities for the purposes of obtaining or keeping business. Enforcement of the FCPA is not solely in the purview of the Department of Justice. For example, there have been settlements of charges jointly by the DOJ and the Securities and Exchange Commission.

Efforts to educate corporations on responsible corporate conduct have been directed at uncovering practices that could arguably be interpreted as bribery of foreign public officials. The FCPA also requires the proper maintenance of books and records of publicly traded corporations. Of course, education and awareness are only part of the mission that advisors can perform for their corporate clients. Equal attention must be paid to other important areas that are clearly influenced by the FCPA, including:

- Identifying risk areas where corporations that operate internationally should be attentive;
- Establishing FCPA compliance practices and procedures;
- Conducting internal investigations of corporations at the behest of management and its board of directors; and
- Performing due diligence examinations relating to business transactions that could implicate FCPA concerns.

Our experienced attorneys can advise organizations on how to comply with the principles articulated by the UK and that are clearly relevant to the FCPA. Our counseling includes offering assistance in developing programs that demonstrate a commitment to best corporate practices. Additionally, when the need arises, we can undertake to perform internal investigations that are conducted efficiently, but in a confidential, thorough and comprehensive manner.

GUIDANCE FOR GLOBAL BUSINESSES

Corporations that operate internationally must comply with government regulations and understand the limitations placed upon them by both the United States government and other jurisdictions. As enforcement actions concerning bribery and public corruption increase, there is a clear need for the professional guidance that our lawyers can offer.

Our group works with corporate clients to protect them against violations of these laws and to develop effective detection and investigation programs that demonstrate to governments the compliance with all applicable laws.

INTERNAL INVESTIGATIONS AND COMPLIANCE

Our lawyers also have assisted public and privately held corporations to conduct internal investigations, evaluating allegations of internal fraud, misconduct and embezzlement. As a result, we have worked closely with our corporate clients to maintain high standards of corporate integrity.

We provide legal advice to corporate clients on how to establish and improve internal compliance practices. In this regard, we counsel clients on best practices to protect corporate secrets, preserve documents and other records and grow a culture of corporate responsibility.

CASES & DEALS

White and Williams Obtains Summary Judgment for BAE Systems in Employment Dispute in Massachusetts Federal Court
12.23.21

White and Williams Obtains Injunction for Massachusetts Coalition of Police in Contract Dispute with I.U.P.A
12.5.19

White and Williams Team Prevails in Enforcement of Foreign Arbitration Award
6.4.19

White and Williams Secures Trial Victory in Breach of Contract Action
4.18.19

Massachusetts Court Affirms Judgment in Long-Running Shareholder Dispute
3.27.19

White and Williams Secures Domestic Confirmation of Six-Figure Foreign Arbitration Award
8.24.18

White and Williams Involved in Dismissal of Massachusetts False Claims Act Case
8.7.18

Massachusetts Appeals Court Affirms Dismissal of Zoning Complaint
8.3.18

White and Williams Secures Dismissal in Shareholder Derivative Case
7.3.18

Appeal Secures Seven-Figure Settlement for Philadelphia-Based Food Manufacturer
5.31.18

White and Williams Secures Dismissal of Zoning Appeal
11.8.17

White and Williams Prevails in Trial of Counterclaims in Long-Running Shareholder Dispute
6.15.17

White and Williams Secures Affirmance of Judgment in Shareholder Dispute
8.20.15

False Claims Act/Wrongful Termination Case Successfully Concluded
8.18.15

NEWS

White and Williams LLP Opens New Morristown, NJ Office
12.23.25

White and Williams LLP is Honored to be Recognized Among the 2026 Best Law Firms Ranked by Best Lawyers®
Best Lawyers®, 11.6.25

White and Williams LLP Named "Litigation Standout 2026" in Complex Commercial Litigation
10.3.25

Best Lawyers® Recognizes 40 White and Williams Lawyers
8.21.25

White and Williams LLP is Proud to be Selected in the 2025 Best Law Firms Ranked by Best Lawyers®
Best Lawyers®, 12.4.24

Best Lawyers® Recognizes 49 White and Williams Attorneys
8.15.24

White and Williams Announces Partner and Counsel Promotions
Press Release, 1.17.24

White and Williams Welcomes New Lateral Partners and Counsel
9.26.23

Best Lawyers® Recognizes 45 White and Williams Lawyers
Firm News, 8.18.23

Congratulations to all of our 2023 Attorneys Named as Super Lawyers and Rising Stars
5.25.23

Best Lawyers® Recognizes 40 White And Williams Lawyers
Firm News, 8.18.22

Congratulations 2022 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
7.13.22

White and Williams Obtains Preliminary Injunction in Constitutional Challenge to Massachusetts Police Recertification Procedures
6.30.22

Chambers USA 2022 Ranks White and Williams as a Leading Law Firm
6.1.22

Agatha Mingos Joins White and Williams as Partner in New York City
1.12.22

White and Williams Announces 15 Lawyer Promotions
1.3.22

White and Williams Ranked in Top Tiers of "Best Law Firms"
11.5.21

White and Williams Welcomes Ten New Associates
11.4.21

White and Williams Lawyers Recognized as Super Lawyers and Rising Stars
11.1.21

Best Lawyers® Recognizes 38 White and Williams Lawyers
8.19.21

Chambers USA 2021 Ranks White and Williams as a Leading Law Firm
5.20.21

PUBLICATIONS

Key Takeaways – Coverage College 2024
12.12.24

Maine Legislature Passes Retail and Online Sports Betting Bill
House Rules, 4.21.22

Second Circuit Holds that COVID-19 Excused Defendant from Performance Pursuant to Force Majeure Clause
Commercial Litigation Alert, 3.30.22

Where Can Your Company Be Sued? A 2022 Update on All Things Personal Jurisdiction
General, Specific, Digital and Consent by Registration
Litigation Alert, 1.4.22

SCOTUS Decision on Autodialers Under TCPA Provides Handy Primer on Statutory Construction and Interpretation
Commercial Litigation Alert, 4.16.21

SCOTUS Scuttles Forum Shopping Litigation Tourists
Litigation Alert, 3.30.21

Fair Cross-Section Concerns Potentially Impacting Pandemic Jury Trials
The Legal Intelligencer, 1.8.21

EVENTS

Coverage College 2025
Convene CityView, Philadelphia PA, 10.23.25

Coverage College 2024
Philadelphia, PA, 10.30.24

The Life and Legacy of Ruth Bader Ginsburg
PBA Diversity and Inclusion Best Practices Series Webcast, 3.29.21

Top Employment Cases as Viewed From the Bench
PBA Labor and Employment Law Section Retreat Webcast, 3.5.21

Status and Next Steps for the District Court
Bar Association of Lehigh County Webinar, 3.3.21

LGBTQ Rights: Precedent Can Be Personal
PBA Diversity Team Webcast, 2.11.21

The Impact of the 2019-20 Term of the Supreme Court of the United States on Federal Practice
PBA Midyear Meeting, 1.28.21