

GENERATING REVENUE THROUGH LOSS RECOVERY: BALLARD SPAHR'S LOSS RECOVERY GROUP

Many corporations and governmental entities look to their counsel to assist not only with loss avoidance, but also with revenue enhancement.

Ballard Spahr has a team dedicated to helping legal departments seek to generate revenue in a cost-effective way, while remaining sensitive to business relationships. We recover money for our clients when others engage in illegal conduct.

LOSS RECOVERY PROGRAM

Our approach is based on the success our litigators have had in obtaining recoveries for our clients. We help clients find situations that may qualify for recovery efforts, assess those opportunities, and create and execute strategies designed to achieve a favorable return on investment. We focus on learning the client's business, trying to establish a pipeline of opportunities through collaboration and working with in-house resources whenever possible.

Opportunities for recovery efforts can arise in a variety of legal areas, including antitrust, commercial contracts, intellectual property, environmental remediation, bankruptcy, and insurance, as well as under general contract and tort law. Such efforts can, but need not, involve litigation.

ANTITRUST PLAINTIFFS' LITIGATION

We are experienced in representing plaintiffs in antitrust cases—including the \$500 million settlement obtained by members of the Group for plaintiffs ZF Meritor and Meritor Transmission, and our successful representation of 19 municipalities and water districts in the aluminum sulfate antitrust litigation.

BANKRUPTCY

Our attorneys represent creditors—secured and unsecured—in or out of formal bankruptcy proceedings. Ballard Spahr's broad geographical reach (15 offices, including Wilmington, Delaware, and New York City) allows us to represent clients in the primary bankruptcy venues, as well as in many other jurisdictions. Our team provides a resource that works with representatives on the business and/or credit side to develop approaches to troubled accounts and business arrangements.

COMMERCIAL CONTRACT ENFORCEMENT

We work with in-house counsel to review client contracts for value. We assist with identifying which contracts to enforce, and which to work out. We also have experience monetizing judgments by pursuing assets nationwide and offshore.

ENVIRONMENTAL REMEDIATION

Our environmental litigators have recovered millions of dollars from parties responsible for contamination, using tools available under the federal Superfund law and similar state laws, as well as forensic investigation techniques. We also have extensive experience in contractual recoveries, including obtaining damages for breaches of environmental representations and warranties.

INSURANCE

Our insurance coverage attorneys have decades of experience pursuing recoveries under all types of policies, including cyber, D&O, E&O, and CGL. When coverage is being placed and renewed—or during the pendency of a policy, if the circumstances warrant—we advise clients on the strength of the policy/ies at issue. We also have significant experience with claims against insurers in receivership.

INTELLECTUAL PROPERTY

Intellectual property presents an opportunity to protect and monetize assets. Patents may constitute both proactive and defensive assets. Our counselors and litigators can work with technology and commercial personnel on the best ways to monetize patents. We also help clients protect competitive advantage by defining and enforcing their trademarks and trade secrets.

For more information, please contact any of the attorneys below.

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