The goal of the Business Torts & Unfair Competition Committee of the American Bar Association’s Section of Litigation is to keep business litigants fully up to date in burgeoning business torts such as fiduciary duties, fraud, unfair trade practices, tortious interference, trademarks and trade secrets, remedies, and evidence, as well as technological issues and developments impacting our practice. The committee recognized that a significant number of publications already address the substantive law in these areas, but much less guidance is available on the nuances of taking those cases from investigation through trial.

The practical reality is that business torts lawsuits often implicate clients’ competitive commercial interests. That means they also raise unique problems and require unique strategies and solutions. Our book addresses those problems, strategies, and solutions directly. Recognizing that business torts litigators are rarely only on the plaintiff side or only on the defense side, the book attempts to avoid any particular plaintiff or defense approach. Rather, views from seasoned litigators, consultants, and the bench offer valuable insight regardless of which side of the “v.” you find yourself on.

We are fortunate that more than a dozen experienced attorneys from across the country have contributed to this task. Each chapter breaks down a particular component of the process. We start with considerations, resources, and strategies for pre-suit investigation to best prepare your case for the battle ahead. And we conclude with tips and techniques for crafting trial themes, selection and presentation of witnesses, and the always elusive voir dire. In between, chapters offer everything from rules and case authority for litigating injunctions to strategies for engaging in discovery, preparing and responding to dispositive motions, and contemplating alternative dispute resolution.

We applaud the individual authors for their thoughtfulness and time commitment toward making this book a success and for their contributions

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