

# Chris A. Bottcher



**member**

**birmingham**

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**Legal Secretary**

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## education

Cumberland School of Law (J.D., 1996, *magna cum laude*)

- *Curia Honoris, Cordell Hull Teaching Fellow, Phi Delta Phi*

University of Alabama (B.S., Commerce and Business Administration, 1991)

## admissions

Alabama

## honors

- *Martindale-Hubbell™ AV Preeminent® Peer Review Rated*
- *The Best Lawyers in America®* (Litigation – Banking and Finance), 2019–2023
- Birmingham Business Journal, “Top 40 Under 40 Business Professionals,” 2009
- *Mid-South Super Lawyers* (Business Litigation)
- National Multiple Sclerosis Society Tiffany Leadership Award, 2006

## affiliations

### Professional

- Birmingham Bar Association

**I work hard to position my clients as the good guys in litigation so a win for them represents an act of justice. That frequently requires a bit of legal Aikido, like making small concessions to gain larger tactical advantages down the road. I aim to be the voice of reason in the courtroom to develop credibility and a comfortable rapport with juries and judges.**

Chris’s practice spans all 50 states. Chris represents financial institutions, mortgage servicers, health care providers, hospital equipment manufacturers and refurbishers, and other businesses in a broad range of financial services and commercial litigation. He regularly advises clients in matters involving trade secrets, non-competition agreements, and the enforcement of restrictive covenants. Chris’s work with lenders includes real estate litigation and the defense of toxic tort claims. He also represents clients in products liability actions, business disputes and fraud claims, and he counsels partners and shareholders in litigation and dissolution proceedings. Having cultivated trust-centered relationships with his clients, Chris advises them on day-to-day business operations in a variety of industries. Chris has experience counseling clients in complex and simple insurance coverage matters and disputes.

Chris takes a pragmatic approach to litigation, carefully assessing the dynamics and proceeding strategically. Rather

- Alabama State Bar
- American Bar Association
- Alabama Defense Lawyers Association
- Defense Research Institute (Trial Tactics Committee, Chair, October 2014–October 2016; Trial Tactics Committee, Vice Chair, 2012–2014; Trial Tactics Committee, Damages Seminar, Program Chair, 2009; Trial Tactics Committee, Membership Chair, 2007–2008)

### Community

- Triumph Services, Inc., Board of Directors
- National Multiple Sclerosis Society
- Greater Shelby County Chamber of Commerce, Board of Directors, 2006–2010
- Strategic Business Development Committee, Co-Chair, 2004–2009
- Historic Five Points South Neighborhood Association, Vice President, 2003–2006
- Birmingham Chamber of Commerce, Project Corporate Leadership, 2003
- Mountain Brook YMCA Board of Directors, 2019-present

than fighting every small dispute that arises, he prefers to pick his battles and encourages his clients to pick theirs. Chris does, however, advocate aggressively when he thinks it serves the client's interests, and says: "You must develop a strategy that is most likely to achieve your client's goals, not necessarily the one that you prefer."

Chris finds it particularly gratifying to help smaller companies, because successful outcomes often make a great difference to the personal lives of the owners. Chris understands that his clients want predictability and a sense of security, and he strives to avoid surprises, whether in results or legal bills.

Over the years Chris has been a committed member of the Defense Research Institute, a leading organization of civil defense attorneys and in-house counsel with 26,000 participants worldwide. A former chair of the DRI's Trial Tactics Committee, Chris has learned a great deal from his DRI peers from across the country.

### Representative Experience

- Represented an industrial plant in a suit filed by regulatory authorities to enjoin all operations at a multi-million dollar facility. After a week-long trial, the court entered a verdict denying the regulatory authority's request for an injunction and only awarded it \$5,000 in damages.
- Following a four-day trial, received a favorable settlement on behalf of majority shareholders in a case involving claims of shareholder oppression.
- Served as lead counsel representing a lender in a series of toxic tort cases. Achieved a settlement significantly under the client's targeted settlement value and negotiated coverage with the client's insurer to limit the client's expense to 10% of the settlement and defense costs.
- Following a three-day hearing on the merits, obtained a TRO and preliminary injunction prohibiting a former employee from taking information and customers from a national health care client to a competitor.

- Represented numerous mortgage servicers in lawsuits challenging standing to foreclose, failures to offer modifications, lien priority, judicial redemptions, violations of the FCRA and FDCPA, and compliance with TILA and RESPA.
- Represented supplier of materials with a requirements contract with its customer in litigation against the customer and a competitor who disrupted the supplier's contractual relationship with its customer.
- Represented bank in litigation involving allegations of fraud and slander of title arising from the purchase and refinancing of several parcels of land.
- Represented bank interests in litigation between trust beneficiaries seeking a sale for division.
- Represented Co-Trustee in litigation and arbitration over Trust assets.
- Represented mortgage servicer in reformation action to correct a legal description so it would include a residence located on a large tract of land.

#### **presentations**

"Effective Mortgage Litigation Strategies," 2019 Consumer Finance Legal Conference, New Orleans, LA, October 16, 2019

"Principles of Persuasion," DRI Trial Skills & Damages Seminar, Las Vegas, NV, March 20, 2019

"Mortgage Servicing Update: Practical Issues with Implementing the 2016 Rules, and Recent Guidance, Compliance Tips, and Noteworthy Litigation Issues," 16th Annual Consumer Finance Legal Conference, New Orleans, LA, October 12, 2017

"Trends in Consumer Litigation: Business Records Issues & Statute of Limitations Defenses," 15th Annual Consumer Finance Legal Conference, New Orleans, LA, September 30, 2016

"Strengthening Your Trial Skills," DRI Trial Tactics Seminar, 2014

"Today's Jurors," Alabama Association of Paralegals, July 2013; Alabama Defense Lawyer's Association, July 2013; South University, December 2012; DRI Trial Tactics Seminar, Las Vegas, Nevada, March 2012

"Keeping Your Expert in the Case: Avoiding the Landmines of Expert Exclusion," Defense Research Institute Webcast, February 2011

"Collusion Between The Plaintiff and Co-Defendants – The Turncoat Witness," DRI Damages Seminar, 2008

#### **published articles**

"Barbarians at the Gate: Are Your Competitors Poaching Your Best Talent?," Alabama Bankers Association Board Briefs, September 14, 2019

"Alabama Law Summary," September 2, 2015

"Deposition Manual," September 2015

"What's Birmingham Reading?" December 14, 2012

"Using Statistics To Even The Odds With Experts," July 2006

"The Basics of Applying 'Daubert' and 'Frye' in State Court," *Alabama Defense Lawyers Association Journal*, Vol 19, No.1., April 2003