



# Litigation

Litigation is about framing issues and creating a persuasive, compelling story for the trier of fact, be that a judge, jury, or arbitrator. Those abilities also are required in convincing an appellate court that must evaluate which legal principles should be applied to the underlying facts.

McGlinchey's litigation lawyers excel in working with our clients to investigate the facts and frame the case and legal issues to create powerful themes, potent briefs, and forceful arguments at both the trial and appellate levels.

A deep understanding of the client's business is critical to success in litigation. McGlinchey lawyers not only have in-depth knowledge of a variety of businesses—such as corporate, construction, financial institutions, real estate, commercial lending, insurance, heavy industry, manufacturing, aviation, admiralty, chemical and energy, health care, automotive, and chemical and mechanical engineering—but we also have a detailed understanding of the legal issues these businesses face, such as class actions, labor and employment, cyber security, creditors rights, bankruptcy, government investigations, patents, and intellectual property.

McGlinchey's litigation practice is positioned to assist our clients whenever the need arises, with offices across the country in the nation's ports, energy corridors, manufacturing, and banking centers, and with lawyers able and willing to travel at a moment's notice to be on-site.

*Our clients have told Chambers USA that what makes McGlinchey litigators different is our “versatility, willingness to litigate what needs to be litigated, willingness to go where we have needs, and know-how to convey sophisticated concepts effectively to judges and juries.”*

Conveying sophisticated concepts and weaving those into a compelling story is what we do.

## Alternative Dispute Resolution (ADR)

McGlinchey attorneys represent clients in complex, major arbitration and mediation proceedings. As ADR counsel, we have experience in nearly every type of mediation and arbitration issue, including healthcare, commercial litigation, real estate, construction, products liability, and financial litigation. ADR often reduces client risks and can avoid the publicity and the public records that litigation brings. We work with clients to prepare and train them for the process and to draft contract provisions, including those involving international dispute resolution.

## Appeals

General counsel, national companies, and other trial lawyers look to McGlinchey for representation in high-stakes cases involving complex and cutting-edge appellate issues. Our [appellate](#) attorneys have briefed, argued, and won cases before the United States Supreme Court, U.S. Circuit Courts of Appeal, and numerous state appellate and supreme courts. A number of these cases have involved issues of first impression that impact broad swaths of the country and numerous businesses, including issues arising from commercial transactions, constitutional challenges, statutory interpretation, and the scope of financial regulation.

## Asbestos and Toxic Torts

With a wide range of technical backgrounds and significant trial experience, we have represented defendants in high-stakes, high-value [asbestos and toxic torts](#) litigation in some of the most challenging jurisdictions nationwide. We have defended claims of exposure involving silica, asbestos, welding fumes, aromatic hydrocarbons, benzene, toluene, and xylene, among others. We work closely with an extensive network of well-regarded scientists, engineers, and other experts to serve our clients' interests and achieve their goals.

## Aviation and Aerospace

Our [aviation and aerospace](#) team represents manufacturers of aircraft (fixed-wing, rotary, hot air balloons), spacecraft, and satellites, airports (commercial and private), fixed base operators, commercial air carriers, and insurers. We advise on a variety of matters, including contractual and operational issues, service contracts, casualty matters, government contracts and government relations, asset purchases and sales, mergers and acquisitions, creditors rights, bankruptcy, restructuring, recovery of aviation collateral, intellectual property, data privacy, airline disputes with passengers, and insurance coverage.

## Energy, Chemical, and Industrial Services

The McGlinchey trial lawyers have a thorough knowledge of the upstream, midstream, and downstream aspects of the [energy industry](#). Our litigators represent oil, gas, and energy clients, including [chemical and petrochemical companies](#), in domestic litigation and alternative dispute resolution. We not only have worked with most major international oil and gas companies, but we also represent oilfield service companies, offshore drilling companies, pipeline companies, power companies, and utilities.

## Class Action Defense

As nationally recognized leaders in high-profile, high-stakes class action cases, McGlinchey litigators defend financial institutions, insurers, consumer goods manufacturers, and employers facing [class action](#) and multidistrict lawsuits. With experience defending hundreds of class actions across more than 25 states, we regularly serve as national and regional counsel for business clients and as thought leaders in this highly specialized field.

## Commercial Litigation

McGlinchey's litigators regularly defends Fortune 500 corporations and financial institutions, national and regional businesses, insurers, and entrepreneurs in a full range of [commercial litigation](#) issues. While both our practice and client base are broad, we maintain a special emphasis on complex corporate and contract disputes, creditors' rights, and litigation on behalf of financial institutions and lenders, as well as lender representation in bankruptcies and workouts.

## Construction Litigation

McGlinchey's [construction](#) attorneys have extensive experience with all aspects of construction, premises liability, state and local code compliance, liens, and insurance. We represent owners, contractors, sub-contractors, designers, and architects both directly and through their insurers.

## Consumer Financial Services Litigation

McGlinchey's [Consumer Financial Services Litigation Group](#) is a recognized leader among the nation's most respected financial services institutions. Our litigation practice brings together a skilled team of attorneys who represent banks, finance companies, thrifts, mortgage banks, credit unions, credit card issuers, and FinTech in hundreds of class actions in state, federal, and bankruptcy courts, and in arbitration proceedings. McGlinchey is at the forefront regarding all the complex issues facing the financial services sector.

## Creditors' Rights, Financial Restructuring, and Bankruptcy

McGlinchey attorneys regularly represent lenders, landlords, floor plan lenders, heavy equipment manufacturers, financial services providers, bondholders, bond issuers, financial institutions, and industries in creditors' rights litigation, including complex restructuring and [bankruptcies](#).

## Cybersecurity and Data Privacy Litigation

Because of our long history in the financial services industry, our trial attorneys have been handling [cybersecurity and data privacy litigation](#) for decades. We litigate direct and derivative actions — as both plaintiff and defendant — related to data breaches and data incidents.

## Environmental Litigation

McGlinchey's litigators represent and advise clients dealing with the full spectrum of federal and state [environmental](#) laws and regulations, including toxic torts, land contamination and "legacy" oilfield litigation, hazardous waste matters, and enforcement proceedings (whether civil, criminal, or administrative, citizen's suits, or private and government cost recovery actions). We have provided representation before federal and state agencies in administrative rulemaking, Congressional and legislative bodies, and in public hearings and adjudicatory administrative hearings.

## Insurance Defense and Coverage

When McGlinchey was formed over 40 years ago, [defense of insurance companies](#) was one of our founding practices. Our decades of experience have allowed us to continue to set the standard for managing high-risk, complex insurance and reinsurance coverage cases. A significant practice focus is on [environmental](#) and [toxic torts](#) issues, including long-term exposure casualty claims on aromatic hydrocarbons, NORM-related injuries, and other substances.

## Intellectual Property Litigation

Experienced and effective at both defending and enforcing protections, our [intellectual property](#) litigators act aggressively against threats to our clients' assets. We represent clients in trademark, trade secret, and unfair competition litigation matters, and have achieved favorable litigation outcomes in all resolution forums, including arbitration and mediation.

## Labor and Employment Litigation

Leading employers throughout the United States rely on the representation of McGlinchey's [labor and employment](#) lawyers, who keep pace with the ever-changing laws and regulations affecting private and public companies. When matters require litigation, we provide extensive skill and experience in every type of labor and employment dispute as well as employment-related government agency investigations.

## Life Science and Health Care Defense

McGlinchey's lawyers handle a wealth of life sciences and health care defense matters serving hospitals, nursing homes and senior living facilities, medical device companies, and pharmaceutical companies, offering our clients unmatched guidance in navigating complex medical malpractice and products liability cases. We understand the severity of allegations against businesses and employees and the potential damages to a client's corporate

reputation and work assiduously with our clients to resolve these matters as expeditiously and as favorably as possible.

## Maritime Litigation

Vessel owners, rig and marine facility owners, property owners, banks, private equity groups, logistics companies, maritime suppliers, oil and gas companies, underwriters, drilling contractors, government contractors, and brokers rely on McGlinchey lawyers when [maritime](#) litigation arises.

## Products Liability Defense

McGlinchey's lawyers' proficiency in technical subjects combined with extensive trial and appellate experience has achieved successful outcomes in a myriad of [products liability](#) cases over the decades, including personal injury, death, economic loss, alleged dangerous or defective products, and alleged faulty design. The firm serves as regional and local counsel to Fortune 100 and Fortune 500 companies and represents Global 500 manufacturers, distributors, and insurers in jurisdictions throughout the United States.

## Professional Liability Litigation

McGlinchey's professional liability team represents a broad array of professionals—including architects, attorneys, directors and officers, doctors, financial service professionals, boards of medical examiners, medical institutions, engineers, insurance agents, and judges—in the defense of malpractice claims and regulatory proceedings. In addition, our attorneys represent clients in fiduciary liability matters and errors and omissions litigation. Our teams use their extensive experience in class actions, regulated professions, and risk management to guide our clients through the regulatory and litigation maze.

## Real Estate Litigation

Our [real estate](#) lawyers' understanding of the intricacies of real estate issues, from the local, state, and federal levels to the complexities of construction and contract disputes, is integral in McGlinchey's representation of our clients, including lenders, developers, entrepreneurs, insurers, contractors, subcontractors, and suppliers.

## Tax Litigation and SALT Practice

[Tax litigation](#) is a specialized area, and McGlinchey's lawyers have the knowledge, background and experience that our clients need. This counsel spans federal and state matters, business and individual tax issues, disputed valuations, sales and use taxes, and State and Local Tax (SALT) issues.

## Transportation Litigation

[Transportation, automotive, and trucking](#) litigation requires both detailed knowledge and decades of understanding of complex contracts, transactions, and logistical undertakings in the corporate world. McGlinchey lawyers work with clients across the U.S. and internationally on matters ranging from breach of

contract and anti-competitiveness claims to personal injury and environmental harms. Our leading practitioners in transportation and logistics law represent clients operating in the aviation, automotive, trucking, maritime, offshore energy, and logistics arenas, and we represent carriers, product manufacturers, ports and terminals, airports, operators, lenders, lessors/lessees, insurers, investors, and suppliers.

## What Our Clients Say

*"I am very impressed with its speed and the quality of work on short notice."*

*"The team's responsiveness is very impressive. It is effective at quickly moving forward to protect the client's interest."*

[Chambers 2022 Client Commentary](#)

## Initial Contacts

- Daniel T. Plunkett
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## Related Industries

- Auto Finance
- Cannabis
- Chemical and Industrial Services
- Construction
- Insurance
- Education
- Energy
- Financial Services
- Manufacturing
- Real Estate
- Retail, Restaurants, and Recreation
- Technology
- Transportation and Logistics

## Related Services

- Appellate
- Asbestos and Toxic Torts
- Aviation and Aerospace
- Commercial Litigation
- Consumer Financial Services Litigation

- Creditors' Rights, Financial Restructuring, and Bankruptcy
- Cybersecurity and Data Privacy
- Environmental
- Government and Internal Investigations
- Insurance Defense and Coverage
- Intellectual Property
- Labor and Employment
- Maritime
- Products Liability
- Real Estate