

Litigation

- Information for Legal Departments

LIEB.Rechtsanwälte, Erlangen/Nuremberg

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A good attorney: Brings a tear to the
eye of the law.

(Dr. Sigbert Latzel)

In the field of commercial law in particular, there has been a steep rise in the number of cases that are highly challenging – both factually and legally – and in which written statements of 50 pages or more are not uncommon. This requires planning lead times for reviewing documents, for conferring with client contacts and managing multiple versions of drafts along with a large number of annexes until the written statement “hits its mark”.

No attorney can handle these types of litigation proceedings alone. We form teams, divide the necessary tasks and work according to the dual control principle. The lead counsel is always an experienced attorney.

We see ourselves as your **external general counsels**, regardless of our fields of activity or specialist legal titles. For **litigation matters in the field of commercial law**, e.g. from legal departments, your contact at our offices is:

- **Dr. Christopher Lieb, LL.M.Eur.** advises you in corporate, M&A, competition and IP cases. He has years of experience and represents his clients in court in competition law and corporate litigation cases. He is a Member of the Examination Board for “Certified IP Attorneys” of the Nuremberg and Bamberg Bar Association, which also appointed him as lecturer for legal clerk trainees on the subject of “preliminary injunctions”. He is also a lecturer at the Georg Simon Ohm Nuremberg Institute of Technology.
- **Jörg Steinheimer’s** main field of activity includes ongoing advisory services in commercial law. He understands the legal issues facing medium-sized enterprises today, and can help draft contracts and prepare procedural disputes. He has many years of experience with major civil cases and heads the LIEB teams assembled to handle complex litigation cases. He is a lecturer at the Georg Simon Ohm Nuremberg Institute of Technology as well.
- **Sarah Op den Camp** is working on her doctorate in the field of new media and copyright law and specializes in commercial and corporate law. She is a regular member of the litigation team, understands how to clearly structure the facts of a case - no matter how complex it may seem - and is adept at formulating legal arguments that play a decisive role in winning the case.

What we can do for you

“We’ll see you in court” is usually more than just a vague threat – in many cases, this statement is followed by an actual lawsuit. Laypeople – whether plaintiffs or defendants – are often overwhelmed by legal customs and practices. Experience shows that many clients fail to understand legal fundamentals – fundamentals that are how trial lawyers earn their daily bread. The language of the courts may be German, but legal jargon tends to dominate, making proceedings seem “Greek” to the untrained ear. To ensure clients do not stand before the judge, reminded of Goethe’s immemorial line in Faust “I, poor fool”, it is absolutely imperative to hire an attorney to act as an “interpreter”. Defendants must have legal representation when going before Germany’s “Landgericht” or district court – and for good reason.

However, even – and perhaps in particular – syndics who help bring a case to court need an external sparring partner who is well versed in trial law. Handling deadlines, evaluating the burden of going forward and the burden of proof, a meaningfully structured and substantiated statement of the case and careful dispute are the be-all and end-all when it comes to party-driven civil cases. As a typical commercial law boutique, we are fast, directly available and exceptionally flexible.

The LIEB.Rechtsanwälte team boasts years of trial experience. We are committed to our mission to achieve the best possible results for our clients.

1. Strategic risk analysis

Our effort for you begins long before the actual hearing. We will work with you to prepare a comprehensive conflict strategy in advance. A thorough analysis of the facts of the case and the legal ramifications enables us to develop the best possible offensive and defensive strategy. Following a careful analysis of your chances of success and the cost risk involved, you will receive a realistic and practicable assessment of the proceedings. Nothing in life is certain, but you can be sure that we will not encourage you to pursue a case that has no chance of success. If a settlement is the best option, we will help secure the best terms for you. Our clients’ interests are our number one priority. Specific services we offer include:

- Determining and evaluating the most decisive facts of a case,
- Analyzing the legal situation using authoritative literature sources and the latest legal precedents,
- Developing offensive and defensive tools,
- Reviewing the chances of success,
- Clarification of cost risks, including specifics,
- Preparing the suit or statement of defense and all follow-up statements,
- Managing correspondence and documentation.

2. Litigation

We offer you expert, professional representation in all civil and labor court cases. Our work is not limited to merely exchanging written statements and “reciting” motions before the courts. Our team has extraordinary rhetorical, psychological and analytical skills. The right strategy and communication are not only a decisive factor in court, but are also essential for your public image. In the age of social media, a digital maelstrom can have more of a negative impact on your business than if the trial does not go in your favor. We also advise you on managing your company’s image throughout the legal proceedings (also known as litigation PR). If necessary, we can also issue an injunction to help protect your legal rights.

3. Arbitration proceedings

In addition, we advise and represent you during arbitration proceedings. This work is less about laborious, academic discussions in the early stages and more about having a skilled negotiator at your side when you meet with the arbitrator. Here as well, our team of seasoned veterans assists you with special training courses and a wealth of expertise to ensure that you achieve optimum results.

Once the proceedings are finished, we naturally also help ensure that arbitration verdicts and actions for rescission are recognized and enforced. In addition, we are happy to examine your contracts, advise you on accepting arbitration clauses and streamline existing provisions ahead of time

4. Enforcement

After securing a victory in court, you may have a judgment in hand, but your opponent may not want or be able to pay the damages. You fought for your rights and now you’re counting on your formal success to translate into financial success for you. The executory process applicable in these instances is very strict and formalized. To ensure that your case doesn’t lose steam right before you reach your target, you can rely on our expertise and perseverance as the final step in enforcing your rights. We initiate the executory process for you, appoint a marshal and complete the account attachment process for you.

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