



# California Commercial Litigation

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The Burke Commercial Litigation Group provides a wide range of commercial and business litigation for both plaintiffs and defendants – its attorneys handle every type of commercial and business dispute save white collar crime. By simply reviewing the attorneys' profiles on the website, you will see the overwhelming trial, arbitration and alternative dispute resolution experience, and more importantly, the tremendous results achieved by the commercial litigation teams.

## What Is Commercial Litigation?

Commercial litigation includes all types of business disputes. Some typical examples include shareholder breakups, collection matters, breach of contract, breach of fiduciary duty, and involuntary dissolutions. Whenever an entity of any type requires representation in any kind of business dispute, BWS can prosecute or defend the lawsuit or arbitration whether in State or Federal Court.

## Common Types of Commercial Litigation

Three of the most common types of commercial litigation include:

1. Shareholder breakups or involuntary dissolutions – owners of an entity wanting to depart and go their separate ways but unable to resolve buyouts or other material terms to the departure or cessation of business.
2. Collection – businesses either collecting or defending account receivables actions.
3. Breach of Contract – owners or adverse parties breaching contracts including claims for breach of fiduciary duty.

## What Makes Commercial Litigation Unique

What makes commercial litigation unique is the general understanding of how businesses are formed and operate, and the general duties that shareholders and owners owe to each other. Your counsel must know how to read balance sheets, profit and loss statements, and general accounting documents. Your counsel must know how and why entities are formed and what rules and regulations govern their

conduct and responsibilities.

Like all litigation, your counsel must be experienced and adept at cross-examination and impeachment but with the knowledge of how businesses are formed and transact.

## **When It's Time to Approach a Commercial Litigation Attorney**

It is never too early to retain a commercial litigation attorney once a potential dispute or issue develops. In fact, it is often best to know your rights and obligations before making any move – this is often referred to as litigation avoidance.

The most typical time to retain commercial litigation counsel is once a dispute develops – either anticipating being the plaintiff that files the lawsuit or demands arbitration if the commercial contract requires it, or after being served with a lawsuit or demand for arbitration. You must be wary of a common commercial contract trap concerning the obligation to mediate any dispute first or risk your right to collect your attorneys' fees if you fail to do so.

It is also very common for clients to replace their counsel for a variety of reasons, including without limitation, unresponsiveness, lack of results or progress, or personal conflicts with your existing counsel – Burke attorneys are extremely adept at implementing an efficient and seamless transition as your new counsel.

To learn more about how a California commercial litigation attorney can help you, [reach out](#) today.