ENTREPRENEURS INTRODUCTION TO LITIGATION

VENTURE BEST™

THE VENTURE CAPITAL & HIGH GROWTH COMPANY LEGAL SOURCE

MICHAEL BEST

& FRIEDRICH LLP

Venture Best Litigation Blog Booklet

Introduction

The words “lawsuit” and “trial” usually conjure up images based upon either media coverage of recent, significant cases or trials depicted on television and in movies. A real lawsuit and trial are significantly different than what we see on television or in the movies. Media coverage of a trial does not delve into the frequent reality of a lawsuit – the months and possibly years of pre-trial “discovery” and motion practice that occur before a case can even go to trial.

This guide is aimed at removing some of the mystery of a lawsuit and a trial, and also at informing entrepreneurs what really happens prior to and during all those trials you see on television. The sections in this guide cover the basics on a lawsuit, from filing of a “Complaint” through trial and, ultimately, the appeal process. This guide provides a complete picture of the litigation process to alert the entrepreneur what to expect as a potential party to a lawsuit.

There are other, important considerations to litigation not addressed in this guide, such as insurance coverage, if any, and confidentiality agreements (known as protective orders) between the parties to a lawsuit. Additionally, a corporation usually cannot appear by one of its owners, but must be represented by counsel. Certainly, anyone that is sued or is thinking about suing another, should consult with a lawyer as soon as possible. We hope this guide helps entrepreneurs develop a better understanding of the litigation process.

About the Authors

John C. Scheller, Partner
608.283.2276
jcscheller@michaelbest.com

Joseph D. Brydges, Associate
608.283.2262
jdbrydges@michaelbest.com

Kenneth M. Albridge III, Associate
608.257.3067
kmalbridge@michaelbest.com

Brandon T. Flugaur, Associate
608.257.3063
btflugaur@michaelbest.com

Matthew D. Brown, Associate
608.257.3062
mdbrown@michaelbest.com

Nathan L. Moenck, Associate
608. 283.4438
nlmoenck@michaelbest.com

Paul A. Jones, Of Counsel
608.283.0125
pajones@michaelbest.com

Melissa M. Turczyn, Associate
608.257.7484
mmturczyn@michaelbest.com

Complaints and Answers

By: John C. Scheller

A. The Complaint

Litigation begins with a Complaint. “Complaint” is capitalized because it is a specific legal document, rather than a garden-variety Complaint about something. The Complaint lays out the plaintiff’s specific legal claims against the defendant. It needs to contain enough facts that, if everything stated is true and there are no extenuating circumstances, a judge and jury could find in favor of the plaintiff.

As an example, Paul Plaintiff is suing Diana Defendant for violating a contract. Paul files a Complaint with a court claiming several facts: 1) Diana signed a contract to buy widgets; 2) Paul delivered the widgets; and 3) Diana did not pay the agreed-upon amount. If the court finds that these facts are true, then, unless there were extenuating circumstances, Diana probably breached a contract with Paul and should pay damages.

Paul’s Complaint also needs to allege facts showing that he has a right to be in that court. For example, if Paul wants to sue Diana in Texas, he has to show that the case and the parties have some connection to Texas. If he wants to sue her in a federal court, he has to meet a number of other criteria. Federal court is generally only available if the parties are based in different states and the damages are relatively substantial or if the legal question is one of federal law.

B. Response to a Complaint

Once the defendant officially learns of the Complaint, she has a certain limited time to file some sort of response with the court. The time to respond, however, does not run from when the plaintiff filed the lawsuit, but generally when he officially delivered notice of the Complaint to the defendant. There is a timeline that starts ticking when the defendant becomes aware of a state court lawsuit she wants to “remove” to federal court. The amount of time for the defendant to respond varies by what court the case is in, but is generally a short period of time.

After receiving the complaint, the defendant has three options: 1) Ignore the Complaint and have the court grant judgment in favor of the plaintiff; 2) Tell the court that the Complaint is defective and ask for dismissal; or 3) Answer the Complaint. Option one is usually not a good plan; courts do not look favorably on defendants who ignore the legal process, and this option prevents a defendant from fighting the plaintiff’s claims.

Option two does not deal with the merits of the plaintiff’s issue. It is simply telling the court that the Complaint is defective for a variety of reasons including, for instance, how it was served, who the parties are (or are not), which court the case is in, or simply that, even if everything is true, the plaintiff cannot win. For example, if Paul sues Diana, but never tells Diana about the suit, Diana can then ask the court to dismiss the case. Also, if Diana works for DefendCo and Paul’s contract was actually with DefendCo and not with Diana, personally, she may be able to have the case dismissed because Paul sued the wrong party. If Paul sued Diana in a federal court in Texas when both parties are residents of

California and neither has ever been to or done business in Texas, then Diana may be able to get the case dismissed, at least from the Texas court.

Finally, there is the "So, what?" defense. If the Complaint doesn't actually allege a cause of action, the defendant can ask the court to dismiss it. This usually happens because the plaintiff simply assumes a fact, but does not include it in the Complaint. If, for example, Paul alleges only that Diana failed to pay him a certain amount of money, but does not allege that a contract existed between them, then Diana can essentially say "So, what?" and ask the court to dismiss the case. She would ask the court to dismiss the case because, even if true (she really did not pay him any money), he did not plead any facts showing that she was supposed to pay him money. The defendant is not admitting the truth of the allegation; she is just saying that even if true, the plaintiff cannot win.

Finally, a defendant can file an Answer. Again, "Answer" is capitalized because it is a specific legal document. In an Answer, the defendant responds, paragraph by paragraph, to each of the plaintiff's allegations. The defendant must admit, deny, or say that she does not know the answer to each specific allegation. Saying "I don't know" functions as a denial.

For example, Paul's Complaint probably alleges that Diana lives at a certain address. Assuming Diana actually lives there, she has to admit that fact. Paul may allege that he delivered the correct number of working widgets to Diana. If the widgets were not what she actually ordered or did not work, Diana would deny that allegation. Finally, Paul may claim that those widgets cost him a certain amount of money. Diana likely has no way to know how much Paul paid for the widgets, so she would say she does not know – thus leaving Paul to prove that allegation.

Also in the Answer, the defendant can claim affirmative defenses. Those tell the court that there were extenuating circumstances so that, even if everything the plaintiff says is true, the court should not find in favor of the plaintiff.

For example, if Paul told Diana not to worry about paying him for the widgets for six months but then turned around and immediately sued her, she would claim that as an affirmative defense.

Finally, the Answer may contain counterclaims. These claims are the defendant counter-suing the plaintiff for something. The counterclaims may be related to the original suit or not. Usually they are related, but they do not have to be. This section follows the same rules as if the defendant were filing a complaint.

For example, Diana may counterclaim against Paul because he sent her the wrong widgets and, perhaps, add a claim that when Paul delivered the widgets to her warehouse, he backed his truck into her building and caused damage. She would then counterclaim for breach of contract and property damage. The court would then sort out the whole mess to decide who owed whom how much.

Discovery

By: Joseph J. Brydges

Discovery is a pre-trial phase of litigation during which a party to a lawsuit seeks to "discover" information from the opposing party. It is meant to facilitate the truth-finding function of the courts and, as such, parties to a lawsuit have an automatic right to discovery. From a strategic standpoint, discovery is used to gather and preserve evidence in support or defense of the claims made in the complaint. Further, it often helps parties narrow the focus of the litigation in preparation for trial and, in some cases, may lead to a pre-trial settlement. It is an extremely important phase of litigation because the evidence gathered during discovery will serve as the foundation of a motion for summary judgment and/or strategy at trial.

Discovery proceedings are typically governed by state statutes in state court and by the federal rules of civil procedure in federal court. Generally, the scope of discovery permitted under these rules is very broad. Discoverable information may include any material which is reasonably calculated to produce evidence that may later be admitted at trial. However, certain information, including information protected by the attorney-client privilege and the work product of an opposing party, is generally protected from discovery. During the discovery period, parties may serve discovery requests upon one another. These discovery requests are made through one of several available discovery mechanisms including interrogatories, requests for admission, document requests and depositions.

Interrogatories are written discovery requests often utilized to obtain basic information such as names and dates. Any party served with written interrogatories must answer the questions contained therein in writing and under oath. Similarly, requests for admission consist of written statements directed towards an opposing party for the purpose of having the opposing party "admit" or "deny" the statements. Often, these statements seek to establish undisputed facts, authenticate documents and pin an opposing party to a particular position. Document requests are an important component of discovery in which a party may be required to make any relevant and nonprivileged documents available for inspection by the opposing party. Document production will be covered in greater detail in the following section entitled "Document Production."

The lynchpin of discovery proceedings is the deposition. Depositions are used to obtain the out-of-court testimony of a witness with knowledge relevant to the litigation. They allow a party to discover any relevant information known to a witness and are often the only method of discovery available with regard to obtaining information from witnesses that are not a party to the litigation. During a deposition, the witness is questioned under oath and must answer the questions asked truthfully to the extent that the answer would not lead to the disclosure of privileged information. The rules governing depositions also allow for the deposition of an organization or corporation where a party is unable to identify the particular witness within the organization that may have knowledge of the information sought. In that instance, a party may identify the information sought and the organization will be required to designate a representative to testify on its behalf.

A party served with a discovery request must respond to the request within the specified time period or object to the requested discovery and state reasons for its objection. If, for some reason, a party refuses to respond to a discovery request, the party serving the request may move the court to compel a response. It is within the court's power to compel a response to a discovery request and impose penalties on a party refusing to comply.

Document Production

By: Matthew D. Brown

Document Production Generally

The details are in the documents. Most of the information and facts pertinent to the litigation will be contained in documents possessed by the parties to the litigation. "Documents" has a broad legal meaning. In addition to "typical" documents, such as emails, notes, spreadsheets, power points, and contracts, it also includes things like drawings, photos, videos, diagrams and phonorecords.

Once discovery is started, a party has a right to give a list of Document Requests to another party, requesting documents relevant to the litigation in the possession of the other party. When responding to a list of Document Requests, a party has certain obligations and duties to search for and produce responsive documents in its possession, custody or control. Generally, a party has a duty to produce documents that meet the four following requirements:

1. Responsive to one or more of the Document Requests
   If it is not asked for, it does not need to be produced.
2. Relevant to the litigation at hand
   If the dispute is only about Transaction X, documents relating to Transaction Y do not need to be produced. However, the standard for what is "relevant" is extremely broad and is actually considered to be anything that is "likely to lead to admissible evidence."
3. In the party's possession, custody or control
   Even if a party is aware of a responsive and relevant document, if the party does not have the document, the party does not have to produce it.
4. Non-privileged
   If a document contains communications between the party and its attorney requesting or giving legal advice, the document is protected by the attorney-client privilege. Therefore, even if the document is both relevant and responsive, the document should not be produced.

In some cases, a party may be required to produce documents that contain confidential, trade secret or other proprietary information. In these instances, the parties usually agree to a "protective order," which prevents an adverse party from looking at another party's documents that contain confidential business information.

E-Discovery

Most businesses store their documents electronically on servers, computers and in other forms of data storage. These documents must be produced along with a party's physical, tangible or "hard copy" documents. As noted in the overview, once a business becomes aware of pending or imminent litigation, or when litigation is reasonably anticipated, a business has a duty to prevent all documents, including electronic data, from being deleted. For example, if the business' Outlook server automatically deletes emails more

than six months old in its employees' inboxes, this auto delete feature must be disabled until the litigation is over.

Electronic documentation may contain information not available on its corresponding "hard copy." For instance, a party may be required to provide a document in "native" form, which might contain metadata, hidden comments, prior versions and tracked changes. Because electronic document production can be so voluminous, many times parties agree to use search protocols to alleviate a party's burden to search through its electronic records. For instance, if Transaction X is relevant to the litigation, a search might be done in a party's Outlook servers for all emails referencing Transaction X.

A party can be penalized for its failure to comply with Document Requests or for failing to produce electronic information in the requested format. Thus, a party must make its best efforts to work with counsel and fulfill its duty to respond to Document Requests.

Motions for Summary Judgement

By: Kenneth M. Albridge III

Summary judgment is a procedural device that allows for the resolution of a controversy without the need for trial. After a lawsuit has been filed, the parties to that lawsuit can file motions for summary judgment, although in some jurisdictions there may be restrictions that regulate the timing for bringing such motions. Summary judgment motions ask the court to enter judgment without a trial because there is no genuine issue of material fact to be decided by a jury (*i.e.* because the evidence is legally insufficient to support a verdict in the other party's favor).

The party moving for summary judgment has to show that there are no factual issues that need to be resolved in order for the court to render judgment in its favor. If the moving party meets this initial burden, the burden then shifts to the opposing party to show specific facts demonstrating otherwise. The parties are free to, and often must, file declarations or affidavits and other papers, including discovery documents such as admissions, responses to interrogatories, and deposition transcripts, in support of their positions.

In deciding a summary judgment motion, the court will review the pleadings and any declarations, affidavits and other papers submitted by the parties. The court will only grant summary judgment if, based upon that review, it determines that there is no evidence that would justify a verdict for the party opposing the summary judgment motion. In making this determination, all inferences drawn from the evidence and ambiguities in the facts are resolved in favor of the party who opposes the motion. Although it may appear to be difficult establishing entitlement to summary judgment, it is not impossible.

Motions for summary judgment are routinely filed in litigation proceedings. The primary purpose is to eliminate trial where it is unnecessary and would only cause delay and expense. Trials, and particularly preparation for trial, can often be a major driving force in the cost of litigation. Summary judgment offers a way for parties to avoid those costs and eliminate the risk of trial.

Trial

By: Brandon T. Flugaur

A trial gives both parties the opportunity to present their evidence and arguments before a judge, and sometimes a jury, for a determination of the issues of the case. In a trial with a jury, the judge makes determinations of legal rulings, which guide the presentation of evidence, while the jury makes the findings of the facts in the case. In a trial to the court, without a jury present, the judge occupies both of these roles.

Before a trial begins a jury is selected from a larger panel of jurors called for jury duty. During the selection process the judge will address several questions to the panel and a number of jurors will be struck for cause, often due to their relationship to the parties or witnesses, or for past experiences that may disqualify them. In some jurisdictions the judge will allow counsel for each party to question witnesses in what is known as the "voir dire" procedure. Counsel for each party then has the opportunity to strike, without providing a reason, a limited number of jurors from the jury panel, subject to certain restrictions under the law.

After the jury is selected the trial begins with both parties offering opening statements. Typically, the opening statements set out the roadmap of the party's case, providing a preview to the jury of who the party will call to testify and what evidence will be presented.

After the opening statement the parties begin the presentation of their case-in-chief. Generally the plaintiff is the first to present its case. Witnesses are called to the witness stand and provide testimony in response to the party's questioning through direct-examination. After the direct examination the opposing counsel has the opportunity to cross-examine the witness. Following this, the judge may allow re-direct and re-cross, but limited to the issues raised in the previous line of questioning. During the questioning the judge will rule on counsel's objections concerning the propriety of questions or the admissibility of testimony under the rules of evidence. Often, before trial, the judge will have ruled on the admissibility of important pieces of testimony or evidence after considering written and oral arguments from the parties.

After both sides have presented their case-in-chief, counsel for each party presents closing arguments to the jury. Often, due to scheduling constraints of witnesses, the testimony during the trial will not be presented in perfect logical or chronological order. During closing arguments counsel will pull together all of the separate pieces of evidence and testimony from the witnesses and provide a coherent presentation of the party's side of the dispute.

After closing arguments the judge will provide lengthy instructions to the jury to guide them during their deliberations. These include standard instructions regarding the elements of the causes of action, the admissible evidence and other legal standards that have been developed through statutes or other law. Often the case will involve non-standard legal issues as well. For these issues, counsel for the parties will submit proposed jury instructions and the judge will determine the final instructions presented to the jury. After the instructions, the jury is sent to deliberate on the merits of the case and return a verdict.

While the trial is not the final stage in the litigation process, appeal will be covered in the following section in this series, it is the stage providing the parties with the fullest opportunity to present their evidence and argument on the merits of the case.

Appeal Process

By: Brandon T. Flugaur

An appeal allows a party to have its case reviewed by a higher court, but it is not a chance for the party to fully re-try its case. In fact, a common litigation maxim is, “if you want to win on appeal, win at trial.”

While in certain situations a party may appeal a ruling by the trial court while a case is pending, generally a party files an appeal after a final judgment has been entered in the case. As outlined in other sections of this booklet, a final judgment is entered after a party wins at the motion to dismiss stage, summary judgment or after trial. After a final judgment is entered, the party seeking to appeal faces strict time limits within which the party must file a notice of appeal. The rules governing the appeal procedure vary depending on whether the case is a state or federal court action. In state court, an appeal is filed with an intermediate appellate court with jurisdiction over the state trial court. In federal court the appeal is filed in the Circuit Court of Appeals with jurisdiction over the federal district (trial) court.

Once the appeal process has begun, the non-prevailing party under the final judgment files the initial appeal brief and is known as the appellant. The other party, referred to as the appellee, then files a response brief. Depending on the procedure of the particular appellate court, the appellant may then have the opportunity to file a reply brief. In its appeal brief, an appellant sets out the legal issues or errors that it believes were made by the trial court.

The role of appellate courts is to review legal issues, meaning the application of legal rules to a set of facts. Except in rare situations, appeals courts will not address issues of fact. A common example that illustrates the distinction: an appeals court will review whether the judge, under the rules of evidence, properly allowed certain testimony during the trial, but it will not review whether the witness’s testimony was credible. The finder-of-fact at trial, meaning either the trial judge or jury, actually sees the live testimony and presentation of other evidence and is therefore best suited to assess the credibility of witnesses. Appellate courts give considerable deference to the factual determinations made by the judge or jury below and instead focus on the questions of law presented in the case. When a case is appealed from a decision granting summary judgment, the trial court below has determined that there are no genuine factual issues in dispute. In these instances, the appellate court frequently does not give deference to the trial court’s decision.

An appeal may be decided solely on the written briefs submitted by the parties. Some appellate courts, especially supreme courts, also permit oral arguments by counsel. During oral arguments each party presents legal arguments and responds to questions from the panel of appellate judges deciding the case. Although the legal issues are often extensively argued in the written briefs, appellate judges place great emphasis on oral argument because it gives the judges the opportunity to challenge those arguments and get clarification on key points. After the briefing and oral argument stage, the appellate court will issue a written decision which outlines the court’s legal reasoning and, if necessary, directs any further action to be taken in the case.

Generally speaking, parties in state or federal court have the right to an appeal before an intermediate appellate court. An appeal to a state supreme court or the U.S. Supreme Court, however, is only granted if that high court chooses to hear the case. Of all the potential appeals submitted to state supreme courts or the U.S. Supreme Court, only a very select few are granted. The appeals chosen by those high courts typically involve significant legal issues that implicate broader public concerns. Thus, while an appeal affords a party another opportunity for relief, the scope and likelihood of that relief is limited by the purpose and function of appellate courts.

Post-Trial and Execution on Judgment

By: Nathan L. Moenck

After a verdict is returned in a trial, the party that loses may file various motions challenging the verdict. The losing party may, for example, move the court to reconsider its judgment, which generally is to allow the court to correct a manifest error or fact or the losing party to present newly discovered evidence. A losing party may also ask the court for a "judgment notwithstanding the verdict," which essentially asks that court to admit the findings in the verdict, but find that judgment should be granted on different grounds than those decided by the jury. A party may also move the court for a new trial. A new trial can be requested for multiple reasons, such as an error that was made during the trial, the discovery of new evidence, or to correct an award of damages that is excessive or inadequate.

After exhausting all possible post-trial motions, the successful party ("judgment creditor") will need to consider how to most efficiently and effectively collect a money judgment from the losing party ("judgment debtor"). Wisconsin law provides a judgment creditor numerous different ways to attempt to collect the amount owed by the judgment debtor. In the event that a judgment creditor is unaware of the assets that a judgment creditor may own, the judgment creditor can conduct a supplemental examination of the judgment debtor. This proceeding provides the judgment creditor an opportunity to determine what assets that judgment debtor owns and may be available to satisfy the judgment.

Once the judgment creditor determines what assets the judgment debtor owns, the judgment creditor can begin to attempt to collect from the judgment debtor. For example, if the judgment debtor is employed or otherwise receives regular payments, the judgment creditor can garnish the payments being made to the judgment debtor. Further, if the judgment debtor owns any property, the judgment creditor can seek a writ of execution, which directs the sheriff to obtain possession of the property. Alternatively, the judgment creditor can file a new lawsuit against the judgment debtor asking the court to sell the property free and clear of all liens that may have attached to the property. In both of these situations, the property is sold and the proceeds will be used to pay off the amount owed to the judgment creditor and any parties with an interest in the property.

Prior to beginning to collect the amount owed from the judgment debtor, the judgment creditor should carefully consider the cost of each method and the likelihood of recovering the amount owed. All too often, a judgment creditor is faced with spending more money while attempting to collect a debt from an insolvent judgment debtor, which simply costs the judgment creditor more money while recovering nothing from the judgment debtor.

About the Authors

John C. Scheller
One South Pinckney Street
Suite 700
Madison, Wisconsin 53701
Phone: 608.283.2276
E-mail: jcscheller@michaelbest.com
Web Site: michaelbest.com/jcsheller

John Scheller is a partner in the firm's Litigation and Intellectual Property Litigation Practice Groups and leader of the firm's Technology Industry Group. He specializes in intellectual property litigation, with a concentration on patent cases. In addition, Mr. Scheller has experience in litigation, licensing and counseling involving trademark, trade dress, trade secret, copyright and unfair competition.

Mr. Scheller also has been retained as local counsel in numerous cases and assists multi-national corporations and lead counsel with the unique procedures of the United States District Courts for the Western and Eastern Districts of Wisconsin.

Mr. Scheller's experience includes litigation of cases involving the life sciences as well as chemical, pharmaceutical and mechanical arts. Prior to focusing on intellectual property litigation and counseling, he litigated a wide range of cases including construction, covenants not to compete, environmental, insurance and breach of contract.

Kenneth M. Albridge III
One South Pinckney Street
Suite 700
Madison, Wisconsin 53701
Phone: 608.257.3067
E-mail: kmalbridge@michaelbest.com
Web Site: michaelbest.com/kmalbridge

Ken Albridge is a member of the Intellectual Property Litigation Group in the Madison office, where the primary focus of his practice is in the area of patent litigation. In addition to intellectual property litigation, Mr. Albridge also has experience in various other litigation related matters, including complex contractual disputes and governmental administrative proceedings. Mr. Albridge is involved in all phases of litigation and trial preparation and has experience preparing briefs and legal memoranda, conducting legal research, working with expert witnesses, handling discovery matters, and arguing pre-trial motions before the court.

Matthew D. Brown
One South Pinckney Street
Suite 700
Madison, Wisconsin 53703
Phone: 608.257.3062
E-mail: mdbrown@michaelbest.com
Web Site: michaelbest.com/mdbrown

Matthew Brown is a member of the Intellectual Property Group in the Madison office, where he practices intellectual property law with an emphasis on patent litigation. During law school, Mr. Brown completed extensive coursework and training in intellectual property management and litigation. Mr. Brown also has experience with litigation related to unfair competition and trade secrets. Mr. Brown is involved in all phases of litigation and trial preparation, including preparing briefs and legal memoranda, conducting legal research, and handling discovery matters. In addition to intellectual property litigation, Mr. Brown is involved with preparing non-infringement and clearance opinions, and conducting patent searches and patentability analyses in various technologies. Mr. Brown also has experience in administrative appeals and arbitration proceedings.

Joseph D. Brydges
One South Pinckney Street
Suite 700
Madison Wisconsin 53703
Phone: 608.283.2262
E-mail: jdbrydges@michaelbest.com
Web Site: michaelbest.com/

Joe Brydges is an attorney in the firm's Litigation Practice Group in the Madison office.

Brandon T. Flugaur
One South Pinckney Street
Suite 700
Madison, Wisconsin 53701
Phone: 608.257.3063
E-mail: btflugaur@michaelbest.com
Web Site: michaelbest.com/btflugaur

Brandon Flugaur is a member of the Litigation Group in the Madison office.

Nathan L. Moenck
One South Pinckney Street
Suite 700
Madison, Wisconsin 53701
Phone: 608. 283.4438
E-mail: nlmoenck@michaelbest.com
Web Site: michaelbest.com/nlmoenck

Nathan is an attorney in the Madison office and a member of the firm's Litigation Practice Group. Nathan is also a member of the firm's Distressed Real Estate Team and Reorganization, Financial Restructuring and Workouts Team.

Nathan represents clients in a variety of commercial litigation matters and is regularly involved in contract disputes; insolvency and collection matters including foreclosures, replevin, temporary restraining orders, bankruptcies, receiverships, and workouts; negligence and intentional tort actions including fraud, products liability, and theft by contractor; real estate litigation; and Article 9 secured transactions.

For more information, please contact one of the authors or one of the Venture Best co-chairs.

Co-chairs of the Venture Best Practice Group

Paul A. Jones
One South Pinckney Street
Suite 700
Madison, Wisconsin 53701
Phone: 608.283.0125
E-mail: pajones@michaelbest.com
Web Site: michaelbest.com/pajones

Paul Jones is Of Counsel to the Business Practice Group and Chair of Venture Best team. His practice concentrates on representing emerging technology and life sciences companies in financing and other strategic transactions as well as general corporate matters. He also represents venture capital firms and other investors in emerging technology and other high impact businesses.

Melissa M. Turczyn
Michael Best & Friedrich LLP
One South Pinckney Street
P.O. Box 1806
Madison, Wisconsin 53701-1806
Phone: 608.257.7484
Fax: 608.283.2275
E-mail: mmturczyn@michaelbest.com
Web Site: michaelbest.com

Melissa Turczyn is a member of the Transactional Group and is Co-chair of the Venture Best Team. Ms. Turczyn is also a member of the firm's Energy and Sustainability and Stimulus Legislation Teams.

Her practice focuses on all aspects of corporate law, with an emphasis on corporate taxation and venture capital. She represents early-stage companies in financing and general corporate matters. She also represents venture capital/angel funds and other investors in venture capital financing. She has experience with franchise law, representing franchisees and franchisors, specifically aiding franchisors in connection with registration of the franchise, financing and general franchising matters. Additionally, she has worked with regulated industries, including health care, insurance and public utilities.