



PARTNERSHIP AND SHAREHOLDER DISPUTES

Internal disputes or diverging priorities between and among business owners and other principals can threaten the ongoing viability of an enterprise or put individual financial interests at risk. When that happens, the partnership and shareholder dispute attorneys of Burke, Warren, MacKay & Serritella, P.C. stand ready to help resolve such conflicts with pragmatic counsel and experienced advocacy.

Protecting clients, preventing conflicts, preserving relationships

Business owners face external challenges every day – from competitors, market conditions, and unforeseen disruptions. Sometimes, however, the threats to a company’s operations, growth, and continued viability arise from the inside. Years of close collaboration and shared personal and financial investment between partners, shareholders, and members suddenly devolve into entrenched disagreements, mistrust, or hostility. Claims of malfeasance, negligence, or betrayal can poison long-standing relationships and paralyze a business.

Led by co-chairs Fred Mendelsohn and Craig McCrohon, the attorneys in Burke Warren’s Business Partners and Shareholders Dispute Practice Group intimately understand how disruptive and costly these “business divorces” can be. We also recognize that protracted litigation rarely provides the optimal solution, even though it is sometimes the only viable option to protect and advance our clients’ interests. That is why we combine our considerable courtroom acumen with a pragmatic, realistic approach to business disputes.

While our seasoned and successful litigators are always ready to bring their powerful advocacy skills to bear on behalf of our clients, we seek solutions whenever possible that conclude with an amicable parting of ways and continuation of the business, rather than destructive conflict that leaves owners picking up the pieces of a once-lucrative endeavor.

PROFESSIONALS

Craig McCrohon

Frederic A. Mendelsohn

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Early engagement and proactive approaches that can contain the fallout

Disputes between owners, partners, shareholders, and other business constituencies can arise for a plethora of reasons and manifest themselves in countless ways, including:

- Actual or perceived misconduct, breaches of fiduciary duty, financial malfeasance, conflicts of interest, or self-dealing
- Divergent interests, governing approaches, or business strategies
- Disputes as to the purchase, sale, or valuation of ownership interests
- Disagreements as to compensation structures
- Inability to reach agreement as to dissolution of the company
- Shareholder derivative litigation

No matter the genesis of an ownership dispute, the challenges can be compounded by the lack of governing documents that define the rights and obligations of the parties or inadequate agreements that create more confusion than clarity.

When engaged during business formation, we can craft governing documents and other agreements that minimize the likelihood of disputes and establish efficient and effective mechanisms for addressing and resolving disagreements when they arise. Prior to the escalation of a brewing conflict, our attorneys can intercede to develop exit strategies and anticipatory dispute resolution approaches that provide an avenue for efficiently dealing with future difficulties. We can implement appropriate governance structures, buy-out procedures, and appraisal rights, as well as prepare agreements addressing these and related issues such as executive compensation, taxation issues, and intellectual property protection.

Strategic advocacy when disputes move from the boardroom to the courtroom

When litigation is inevitable or becomes the only viable means of resolving a dispute, the firm's business litigators leverage their broad experience and exceptional advocacy skills to protect our clients' interests while minimizing the emotional and financial damage that often accompanies these conflicts.

Burke Warren's litigators have an encyclopedic knowledge of the state, uniform, common law, and other principles that govern these disputes. We leverage that knowledge to develop and implement litigation strategies that can extricate owners from failing ventures and/or dysfunctional business relationships. Not only has the practice group earned a reputation for its mastery of the courtroom, its lawyers are also well versed in all aspects of alternative dispute resolution, including mediation, arbitration, valuation procedures, and mini-trials, and litigation in state and federal courts around the country.

At Burke Warren, our attorneys have the legal skill and vision to efficiently resolve matters in a way that insulates your business operations from these disputes and sets you and your company on a course to a steady, prosperous future.