

Businesses continually strive to strike a balance between furthering their objectives and managing the accompanying risks. Yet, even with the soundest strategies, this delicate equilibrium can be jarred by a sudden catastrophe that threatens business momentum, customer confidence and even a company's financial foundation.

Combining proactive defense capabilities with years of proven litigation experience, Wilson Elser handles crisis management and emergency response for countless clients. Specifically with respect to **transportation accidents, product contamination and recalls, cyber-attacks** and other **catastrophic events**, we offer the highest-caliber representation in the industry and among insurance markets.

For several of our practice areas and in many key venues nationwide, we assemble "go teams," comprising combinations of attorneys, accident reconstructionists, independent adjusters, investigators, forensic experts, diagnostic engineers, criminal defense attorneys, public relations experts and other specialists. They typically are on site and fully engaged within hours – or even minutes – of an event. As best serves our clients' needs, we also draw on the vast resources of the broader firm, including 41 offices in the United States, another in London and dozens of key international locations afforded by our founding membership in Legalign Global™

We partner with a dedicated answering service to route clients 24/7/365 to on-call Wilson Elser attorneys located throughout the country. One call to a trained operator at **833.OnAlert** ensures immediate connection to a Wilson Elser go-team attorney qualified and positioned to render the services you need.



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**The nearly 70 attorneys in Wilson Elser’s Transportation practice nationwide constitute a formidable team of industry veterans and respected trial lawyers whose skills are directed at achieving a successful result from the outset. We understand the unique challenges confronting companies that transport cargo and people, first- and third-party liability, subrogation issues, and the interplay of legislation surrounding vehicle operation and ownership responsibility.**

Our practice attorneys offer extensive claims handling and litigation management experience together with major trial sophistication. As discussed herein, we also have the unique capability to handle catastrophic cases by virtue of our depth of experience, broad geographic scope and adherence to a collaborative “cross-practice” approach frequently involving colleagues well-versed in related regulatory and administrative matters.

### **INCIDENT SCENE MANAGEMENT**

A swift, coordinated and proactive response during the first 24-48 hours following a catastrophe is critical. It very often determines the extent of adverse business impacts, potential government enforcement actions or the outcome of subsequent litigation. Wilson Elser maintains a firmwide emergency response capability that clients can rely on when confronting the challenges created by catastrophic events.

Upon notification of an incident at any time, day or night, our “go teams” respond immediately to interview counsel and direct the preservation of evidence under work product privileges, which may prove vital to the defense of claims. We determine the facts and the need for specialized attorney representation. We work with the clients to minimize any business impact and ensure that all litigation-related issues are addressed on an expedited basis.

When necessary, during the course of our response, we work with the media (through our media crisis management specialists) to curtail uninformed speculation and safeguard our clients’ reputations and businesses.

### **INTERNAL & GOVERNMENT INVESTIGATIONS**

When catastrophic events occur, government inquiries frequently follow. ***Our attorneys are (often literally) at our client’s side through every stage of internal investigations as well as investigations by regulatory agencies.*** We actively respond to requests for information and negotiate the resolution of citations. We also handle document collection, “walkarounds,” testimony and preservation of attorney-client privileges and work product protections. While we can and do mount aggressive defenses at trial, our objective is always to achieve resolutions on terms favorable to our clients and to avoid enforcement actions that can grossly undermine our client’s position in subsequent civil litigation.

In instances of aviation or railroad-related investigations, we assist clients in adopting proven processes and procedures and serve as liaison to key regulatory agencies, most notably the National Transportation Safety Board. We meet frequently with witnesses prior to NTSB involvement so they can comfortably and confidently provide objective facts and not the emotionally charged statements that often skew post-accident reports.

### **NTSB Investigations**

When the National Transportation Safety Board arrives at the scene of an aviation, rail, marine or highway calamity or a pipeline explosion, transportation providers and involved manufacturers need help to rapidly understand why the NTSB is there, the scope of their authority and their overall motivations. They need to know how the NTSB’s arrival will change their normal investigation of the incident and gathering of evidence. Over the past ten years, Wilson Elser has assisted airlines, railroads, transit operators, marine shippers, trucking companies, pipeline operators and gas utilities successfully navigate more than 30 major NTSB investigations involving more than 100 fatalities and thousands of injuries. Team members frequently meet with witnesses prior to NTSB involvement so they can comfortably and confidently provide objective facts and not the emotionally charged statements that often impact post-accident reports.



### **AVIATION & AEROSPACE**

For more than two decades, Wilson Elser has been at the forefront of aviation law, representing most every kind of commercial and general aviation entity. Drawing on extensive resources and related experience, we are able to handle a broad spectrum of aviation matters, including emergency preparedness and response.

***Our dedicated Airline Accident Emergency Response Team combines knowledge of applicable law with an understanding of the complicated technical issues associated with airline and helicopter disasters.*** It is essential that aviation companies have effective and comprehensive emergency response plans in place and accomplished attorneys at the ready who can take proper action on site and appropriately prepare for months and often years of ensuing claims and litigation.

### **LITIGATION**

When counsel is engaged “on the ground” from the outset of a crisis, clients have the advantage when it comes time for claim mitigation and resolution. ***Our trial-tested attorneys handle disaster-related litigation of any type for clients of any size, from privately held and family businesses to Fortune 500 companies.*** We understand that a “one size fits all” approach to litigation ensures only a poor fit with client objectives. This is why we undertake each matter with a critical eye, assessing cases individually and weighing the available litigation options.

When early resolutions are not possible, we do not hesitate to try cases in court. Our capable team of trial attorneys, among some the most accomplished in the country, enjoy an enviable track record of advancing our clients’ objectives in front of federal and state judges.

### **RISK MITIGATION & TRAINING**

Having litigated arguably more insurance claims than any other law firm in the country, we appreciate the fundamentals of strong risk management protocols and the menacing repercussions of their absence. ***We work closely with clients to develop and implement the processes and procedures designed to allow them to stay ahead of – rather than simply react to – the risks that otherwise would generate claims or even undo their businesses.*** We frequently conduct training sessions on such critical post-catastrophe undertakings as preserving evidence, responding to agency investigations, and preserving attorney-client privilege and work product protections.

## Case Studies

- **Arizona:** Counseled helicopter operating company, serving more than 600,000 tourists annually, following crash of one of its six-passenger choppers in the Grand Canyon. Our Aviation practice and its Helicopter Defense Team prepared for the inevitable litigation that followed and navigated the on-scene NTSB investigation.
- **Florida:** Defended manufacturer of “people mover” in high-profile fatal accident at Orlando International Airport, including handling all emergency response activities, preserving forensic evidence, retaining and coordinating experts, vetting client responses to media, assisting with federal and state Department of Transportation and police investigations, and coordinating sensitive communications with the aviation authority following intense media scrutiny.
- **Illinois:** Responded to downtown Chicago fatal motor coach accident in a pedestrian crosswalk within minutes of incident, securing accident scene, procuring witnesses’ statements, evaluating video surveillance, coordinating outside criminal defense and managing inquiries from media assembled for evening news segments.
- **Indiana:** Represented intercity motor coach carrier following accident involving 75 bus passengers, handling all aspects of emergency response activities, including preserving forensic evidence from accident scene, retaining and coordinating third-party claims adjusters, coordinating company responses to media, and assisting client with federal and state Department of Transportation investigations that followed.

- **Michigan:** Conducted on-scene forensic investigation of double-fatality intersection accident resulting in recovery of favorable video footage leading to quick closure of claim after establishing favorable defenses.
- **New Jersey:** Coordinated the emergency response and subsequent NTSB investigation following the crash of a commuter train at Hoboken Terminal. The train impacted the stopping block, surrounding platform and superstructure, injuring 115 bystanders, including one fatally.

- **New York:** Assisted major airline during an NTSB investigation following a failed landing of one of its airplanes at LaGuardia Airport. The plane skidded off a snow-covered runway and came to rest with its nose adjacent to an embankment next to Flushing Bay. While there were no major injuries, the airline suffered substantial aircraft and reputational damage.

