



Government and Regulatory Litigation

Litigation with the government is far different than litigation between private parties, and Troutman Sanders lawyers know how to do it effectively – from the administrative tribunal all the way to the U.S. Supreme Court.

Government and regulatory litigation often presents hurdles, both procedural and substantive, which are not present in other litigation. Troutman Sanders specializes in guiding clients through the intricacies of high profile, complex constitutional and public law litigation that involves significant business and policy issues. We are well-versed in the rules of 42 U.S.C. § 1983 (“Section 1983”), immunities and sovereignty, abstention, preemption, standing, mootness, and ripeness, as well as the fee-shifting provisions for lawyers’ fees and expenses which often apply in government litigation, and we know how to develop the factual record to enable you to prevail.

Because of continued, wide-ranging interaction between governments and corporations – both during the litigation and after it has concluded – the stakes in government litigation are often much greater than just the single case at hand. Many of our lawyers previously served in government positions, and we know from our years of experience how to resolve potentially protracted, large-scale litigation with either quick settlements, successful motions for dismissal or summary judgment, or by avoiding the litigation altogether. If, though, trial is needed, our lawyers have substantial trial experience, having obtained major verdicts for our clients in cases involving both monetary and equitable claims. We are also very proud to have obtained numerous significant victories for our clients on appeal. We provide seasoned, practical advice that considers not only the legal issues but also media scrutiny, public opinion, and political consequences to help you achieve your overarching goals.

We are especially proud that our credibility and experience have led numerous state and local governments themselves to hire us in such cases as federal civil rights class actions, government finance litigation, procurement and contracting matters, constitutional challenges to tax laws, election law challenges, annexations, and enforcement actions brought against them by federal agencies, including the U.S. Department of Justice.

We have achieved major successes for our clients by working as a multidisciplinary team nationwide, with subject-matter experts throughout the firm, including our

- [State Attorneys General Investigations & Litigation](#) practice with extensive experience representing clients in single-state and multi-state Attorney General investigations and designed to anticipate issues before they result in regulatory disputes or actual litigation.
- [White Collar and Government Investigations](#) practice which represents corporations and individuals in complex federal and state criminal investigations, government investigations, internal investigations, and civil and regulatory proceedings nationwide.
- Education practice representing public and private colleges and universities, K-12 schools, trustees and boards, endowments, foundations, support organizations, and families with the legal issues and challenges they face, including having argued in the U.S. Supreme Court.
- [Election Law and Government Ethics Compliance](#) practice defending corporate clients, political committees, and candidates in ethics investigations and litigation and possessing deep experience in redistricting, voting rights, and other civil rights litigation, including having litigated before the U.S. Supreme Court on multiple occasions.
- [Energy](#) practice successfully representing public utilities in all manner of government litigation issues from trial court litigation to state supreme court appeals.
- [Environmental & Natural Resources](#) practice litigating air, water, and waste issues, as well as condemnations and environmental justice claims.
- [First Amendment](#) practice advising clients on the federal Freedom of Information Act and state open records and



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meetings laws, litigating access to public records, and addressing trade secrets and proprietary/confidential information in documents produced to government agencies.

- [Government Contracts](#) practice defending governments and successful bidders from challenges by unsuccessful vendors and protesting the award of unsuccessful bids when necessary, with particular experience in the defense, healthcare, telecommunications, and transportation industries.
- [Government Finance](#) practice to handle litigation related to bond validations, public-private partnerships, revenue sharing, consolidation, community development agreements, economic development incentive programs, and intergovernmental agreements from trial courts to state supreme courts and the U.S. Supreme Court.
- [Healthcare](#) and [Insurance](#) practices litigating provider contracts, certificates of need, government employee insurance procurements, “any willing provider” provisions, pharmacy benefits issues, and most-favored nation clauses before regulators and in court.
- [Maritime](#) practice representing clients across the full spectrum of marine matters before state and federal trial and appellate courts, a variety of federal regulatory agencies, and domestic and foreign arbitrators.
- [Cybersecurity, Information Governance and Privacy](#) practice to address government investigations and proceedings related to privacy and data breaches.
- [Telecommunications](#) practice widely respected for its expertise with state and local regulations and the federal Telecommunications Act of 1996 in proceedings before the Federal Communications Commission (FCC), state public utilities commissions, trial courts, and the U.S. Courts of Appeals.
- [Tax](#) practice assisting corporate clients claiming refunds and exemptions, appealing tax assessments, and challenging the constitutionality of statutes and regulations.
- [Zoning & Land Use](#) practice litigating rezonings, variances, permits, enforcement actions, and annexations before zoning boards, city councils, county commissions, and state and federal trial and appellate courts.

We also routinely coordinate efforts with our [Troutman Sanders Strategies](#) team to address clients' needs on multiple fronts.

By uniting our understanding of the complex legal issues that occur in government litigation with the broad subject-matter expertise of our lawyers firmwide, Troutman Sanders is well-equipped to handle your administrative, regulatory, and litigation needs.