

BUSINESS LITIGATION IS ON THE RISE

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In the age of technology, businesses are able to expand more rapidly than ever. Unfortunately, with this growth comes exposure to more possibilities for dispute. With litigation between businesses on the rise, businesses have recognized the necessity of trial lawyers to protect their interest.

At our firm alone, we have an entire section dedicated to handling business litigation on behalf of injured businesses. Our clients range from small companies to multi-million dollar companies. Regardless of their size, businesses need someone to help them get their day in court. Although the disputes that arise from business relationships vary in complexity from simple real estate transactions to complex legal and factual issues with multi-million dollar corporations, the most common problems facing businesses include fraud, breach of contract, and theft of trade secrets. In all of these situations, a good trial lawyer can help businesses.

Some Alabama laws prevent wrongful actions by other businesses and ensure fair competition. The Alabama Trade Secrets Act (ATSA) was passed in 1987 with the purpose of protecting individual property rights in trade secrets and fostering the development of new products and technology in Alabama. *IMED Corp. v. Systems Engineering Associates Corp.*, 602 So.2d 344, 346 (Ala. 1992). ATSA is intended to codify and to modify the common law of trade secrets in Alabama. We have seen many cases involving a defendant stealing trade secrets from a business. If the way the trade secrets were taken meets the codified criteria, then ATSA is a useful tool to compensate the business and end similar conduct.

We have seen many occasions where *Gross v. Lowder Realty Better Homes and Gardens*, 494 So.2d 590 (Ala. 1986) has helped businesses when contracts are breached or relationships broken by a third party. After the Supreme Court released its opinion in *Gross*, courts in Alabama openly recognized the individual tort of interference with business or contractual relationships. Prior to *Gross*, courts in Alabama not only had trouble distinguishing between the separate causes of action of “intentional interference with business relations” and “Intentional interference with contractual relations”, but they also would not recognize a complaint filed against third parties unless the alleged wrongdoer had interfered with an employer-employee relationship or had fraudulently induced a party to a lease to breach an existing contract. *See, e.g., James S. Kemper & Co. Southeast, Inc. v. Cox & Associates, Inc.*, 434 So.2d 1380 (Ala. 1983). *Gross* brought needed relief to Alabama businesses by setting out guidelines to determine if that cause of action could be used to protect the business.

Fraud and breach of contract go hand in hand in business-related claims. Under Alabama law, the elements of fraud are hard to prove, but viable causes of action still exist. When it comes to protecting a business, this cause of action is very important.

Business litigation is becoming more prevalent every day. Businesses are finding that when they become the victim of wrongdoing, a competent trial lawyer is the place to turn.