

Jeffrey J. Liotta

Partner

Brookfield, Wisconsin

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Service Areas:

- Appellate
- Business
- Labor & Employment Relations
- Litigation
- Real Estate, Land Use & Construction

Education:

- J.D., Marquette University Law School
- B.A., Carroll University, *summa cum laude*

Admissions:

- Wisconsin
- U.S. Bankruptcy Court for the Central District of Illinois
- U.S. Bankruptcy Court for the Eastern and Western Districts of Wisconsin
- U.S. Court of Appeals for the 7th Circuit
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Eastern and Western Districts of Wisconsin

For more than 30 years Jeff has distinguished himself as a tenacious litigator and advocate representing plaintiffs and defendants. He has tremendous skill with legal matters involving the financial services and capital markets. Jeff's area of practice spans complex and aggravated commercial litigation, FINRA regulatory and customer securities litigation, real estate litigation, trade regulation, employment law and professional liability defense.

Complex and Aggravated Commercial Litigation

Jeff has routinely prosecuted and defended breach of contract, fraud, conversion, civil theft and intentional business tort cases. As lead counsel, he has handled some of the largest aggravated civil fraud and business tort cases in federal and Wisconsin state courts. His practice includes navigating matters which have parallel regulatory or "white collar" criminal investigations and proceedings.

His familiarity with parallel proceedings provides Jeff with a unique perspective that helps direct how the civil litigation is handled when balanced with criminal investigations or proceedings. Frequently, in such circumstances, there is much more at stake in parallel cases such as loss of licenses, professional discipline-including suspensions and fines, and in some situations, potentially the loss of liberty. Likewise, Jeff represents the victims of fraud or other intentional wrongdoing and seeks the maximum recovery allowed by law.

Jeff's skill as a fidelity bond lawyer assists him with investigating the financial facts ("follow the money"). He can develop a litigation strategy with the goal of putting his clients in the best possible position to win—whether on the plaintiff's or defense side.

FINRA Regulatory and Customer Securities Litigation

Jeff represents both claimants and respondents in FINRA matters. Financial advisors and others who are the subject of a regulatory inquiry by the State of Wisconsin Division of Securities, Financial Industry Regulatory Authority, S.E.C. or Commissioner of Insurance have turned to Jeff for legal guidance.

He has successfully arbitrated Financial Industry Regulatory Authority ("FINRA") matters involving customers and/or financial advisors. FINRA cases arbitrated include claims involving suitability, misrepresentation, negligence, breach of fiduciary duty, U-5 defamation, non-competition covenants and other claims against registered representatives, investment advisors and broker-dealers.

Real Estate Litigation

In the area of real estate litigation, Jeff has handled numerous matters involving the breach of real estate purchase agreements, leases, development agreements, restrictive covenants, tenant in common agreements, real estate limited partnerships and construction disputes. He has also commenced and tried partition actions, litigated over riparian rights, and sought specific performance over real estate transactions. Jeff is an experienced contract surety bond lawyer.

Trade regulation

Jeff has represented manufacturers, distributors, wholesalers and retailers in Wisconsin Fair Dealership Law ("WFDL") or Unfair Sales Act ("Minimum Mark-Up Law") claims. He understands WFDL and the Minimum Mark-Up Law and their draconian remedies can be an unwelcome surprise for the unwary.

Professional Liability Defense

When faced with a professional liability complaint, lawyers, law firms, financial advisors, registered investment advisors, broker-dealers, real estate brokers, real estate sales agents, insurance brokers and agents and other licensed professionals turn to Jeff. He is well-versed in matters alleging breach of professional duty.

Affiliations

- State Bar of Wisconsin
- American Bar Association
- Marquette Law School Alumni Association Board
- Healthy Families of Waukesha County Inc., President, 2008-2010; Board of Directors, 2004-2010
- Brookfield Parks, Recreation & Forestry Department, Commissioner, 2000-2003
- Elmbrook Humane Society Inc., Board Member, 1988-1994; Vice President, 1989-1994
- Elmbrook Board of Education, Board Member, 1983-1986; Board and School District Vice President, 1985-1986; Policy Committee Chairman, 1983-1986; Legislative Liaison, 1983-1986; Labor & Employment-Negotiations Committee, 1984-1986; Sites & Facilities Committee, 1983-1984

Arbitration & Mediation

Jeff has extensive arbitration and other alternative dispute resolution experience. He serves on the commercial and consumer rosters of arbitrators for the American Arbitration Association and has a track record of success with litigating complex arbitrations before the AAA. Jeff also serves as a non-public arbitrator for the Financial Industry Regulatory Authority (FINRA) in customer and industry disputes. Finally, Jeff serves as a mediator in state and federal lawsuits. His Alternative Dispute Resolution training includes:

- AAA ACE 19 Case Finances: What Arbitrators Need to Know, 2019

- AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2018
- AAA arbitration Awards - Safeguarding, Deciding and writing Awards, (ADSO 1), 2018
- AAA Virtual Hearings: Best Practices for Arbitrators, 2020
- AAA Cyber Security: A Shared Responsibility, 2020
- AAA Impartiality: Do You Know Where Your Biases Are? - 2021
- AAA ACE 22 - Process Essentials for AAA Arbitrators - 2022
- FINRA Online Basic Panel Training, 2021
- FINRA Understanding the Prehearing Stage, 2021
- FINRA Discovery Training, 2021
- FINRA Duty to Disclose, 2021
- FINRA Civility Training, 2021
- FINRA New Chairperson Training, 2021
- FINRA Expungement, 2021

Notable Experience as Arbitration Counsel

He acted as counsel in the following types of cases arbitrated through an award:

- Represented the respondents and defended a financial advisor and his broker-dealer in multiple arbitrations alleging securities fraud, intentional torts, negligence and breach of fiduciary duty. (Collectively, more than $5 million in dispute)
- Represented the claimant and counter-respondent. Sought reformation of a recorded deed to change the manner in which title was held, adjust the ownership percentages of various family members to a 143-acre farm and partition the property. (Approx. $500,000 in dispute)
- Represented claimant and counter-respondent against a former financial advisor seeking damages for the breach of a covenant not to compete and for an order requiring future compliance with the contract. Issues involving theft of trade secrets, breach of fiduciary duty and breach of contract were arbitrated. Defended against a counterclaim regarding the alleged failure to pay compensation owed. (Over $1.0 million in dispute)
- Represented the claimant and brought a claim for breach of contract and violation of the Wisconsin Fair Dealership Law against a manufacturer. (Over $1.0 million in dispute)
- Represented the respondent and counterclaimant in an M&A matter involving a breach of contract, accounting and post-closing adjustments related to the purchase price of the sale of a business. (Over $4.5 million in dispute)
- Represented the claimant and counter-respondent relating to the alleged breach of the covenant of good faith and fair dealing involving a letter of intent to sell all of the equity of a corporate subsidiary to one of the subsidiary's vendors. Defended a counterclaim for breach of contract related to the non-payment of services. (Over $1.5 million in dispute)

Notable Experience as an Arbitrator

Jeff has served, or is serving, as an arbitrator in a wide variety of matters, including disputes involving:

- Bank accounts
- Breach of contract
- Cellular service contracts
- Commercial and consumer finance transactions
- Consumer protection laws
- Distributorships
- Franchising
- Insurance
- Shareholder / partner disputes
- Software licensing
- Uniform Commercial Code
- Valuation matters

Articles & Presentations

- Presenter "Is There Fraud in Your Midst?" – University of Wisconsin Family Business Center, October 2014
- Presenter "Threatening Criminal Prosecution in a Civil Matter - Demand Letters"– Serjeants Inn, Milwaukee Chapter, September 2013
- Presenter "Federal Receiverships as an Alternative to Chapter 11: A New Look at Fed. R. Civ. P. 66 in the Wake of Madoff, Stanford and Wealth Management" – 10th Annual Meeting and Presentation of the Eastern District of Wisconsin Bar Association, April 2012
- Presenter "Arbitration: Rose Garden or Minefield" – State Bar of Wisconsin, Business Counsel Institute - Crisis Management, November 2011

Awards & Recognitions

- Wisconsin Super Lawyers, 2006-2026
- The Best Lawyers ® in America, Litigation-Real Estate, Commercial Litigation, since 2012
- The Best Lawyers Lawyer of the Year, Litigation – Real Estate, 2017, 2019, 2023, and 2025
- Litigation Counsel of America, Senior Fellow, Trial Lawyer Honorary Society, inducted 2007

Notable Representations

- Represented company in civil lawsuit against senior manager who embezzled funds and accepted illegal gratuities from supplier. Succeeded in recovering substantial damages through restitution, insurance or post-judgment civil collection remedies, even though employee was sentenced to prison
- Successfully represented company whose employees allegedly engaged in commercial bribery, resolving all claims against client before trial. Jury verdict against other alleged co-conspirators after lengthy trial was in excess of $200 million
- Obtained summary judgment on behalf of bank that sued its borrower for collection on defaulted note. Borrower had counterclaimed for breach of fiduciary duty and lender liability based on alleged misrepresentations and other acts and omissions of loan officer. Counterclaim was dismissed
- Represented financial advisors, lawyers, bankers, insurance agents, real estate brokers and other licensed professionals in claims involving professional negligence, breach of fiduciary duty or contract claims. Recent case experience involved claim with liquidated damages in excess of $150 million
- Successfully represented broker-dealer before the Financial Industry Regulatory Authority (FINRA) arbitration panel in obtaining compensatory and punitive damages, including attorney’s fees in a case involving two former employees who took, without permission, individual customer lists
- Secured final judgment in favor of client regarding scope of easement that burdened client's lakefront property. Court of Appeals held that based on admissible trial evidence of record, client was entitled to judgment as matter of law

Service Area Subspecialties

- Litigation
  - Government Compliance, Investigations & Litigation
  - Arbitration & Alternative Dispute Resolution
  - Complex Commercial Litigation
  - State & Regulatory Investigations & Proceedings