

STATE OF THE FIRM

Presented by:
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Heyl, Royster, Voelker & Allen, P.C.
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Timothy L. Bertschy

- Firm Managing Partner

Tim is the firm's Managing Partner and chair of the firm's Commercial and Business Litigation Practice. He has tried cases for both plaintiffs and defendants involving contractual breach, business torts, business break-ups, stockholder disputes, ERISA, unfair competition, intellectual property, debtor-lender claims, bankruptcy (claim, discharge, and preference litigation), covenants not to compete, fraud and misrepresentation, eminent domain (condemnation), public and private nuisances, real estate, and zoning disputes. Tim has successfully argued cases before the Illinois Supreme Court and the Seventh Circuit Court of Appeals. Three of his cases have been included in legal textbooks for the principles of law which they established. He has been designated in the "Leading Lawyer" and "Super Lawyer" lists for Illinois and is included in "The Best Lawyers in America" (2010-2017).

Tim is a past member of the American Bar Association Board of Governors, representing Illinois and Ohio. He served in the ABA House of Delegates for over 15 years. He is a past president of the Illinois State Bar Association. He chaired the ABA Standing Committee on Publishing Oversight for four years. He is presently chair of the United States District Court Advisory Committee on Local Rules (Central District, Illinois). He is a Commissioner of the Attorney Registration and Disciplinary Commission (ARDC) and is on the board of the Illinois Bar Foundation. He is a former co-chair of the ABA Section of Litigation Membership and Marketing, Business Torts, Minority Trial Lawyer, and Immigration Litigation Committees. He was co-chair of the Illinois Legal Needs Study II, and former President of the Illinois Equal Justice Foundation, Illinois Lawyers Assistance Program, Illinois Chapter of the American Judicature Society, Illinois Coalition for Equal Justice, Illinois Township Attorneys Association, and American Counsel Association. He was the first Chairman of the Diversity Committee of the Peoria County Bar Association. He has served as co-chair of the Prairie State Legal Services Campaign for Legal Services committee.

Tim has written articles and spoken on a wide variety of legal topics. In particular, he has written extensively over a period 30 years in the field of economic loss

and authored the IICLE chapter entitled "Economic Loss - The Line Between Contract and Tort," *Contract Law*, Illinois Institute for Continuing Legal Education.

Significant Cases

- *United States Securities and Exchange Commission v. Roth*, 2:11-cv-02079 (CD IL 2011) - Acting as federal court appointed Receiver in case arising from \$16.5 million dollar securities fraud case.
- *Hartney Fuel Oil Company v. Hamer*, 2013 IL 115130 - Suit was filed by a retail sales taxpayer against our client, The Regional Transportation Authority (RTA), the Illinois Department of Revenue, and a Cook County municipality contending that the assessment of back sales taxes of \$20+ million was incorrect. Ultimately, the RTA's position was upheld in the Illinois Supreme Court. While the taxpayer was not required to pay back taxes pursuant to the Taxpayer Bill of Rights, the Illinois Supreme Court invalidated existing regulations in adopting a "multi-factor test" as argued for by the RTA, a decision which had statewide application to sales tax sourcing favoring governmental entities such as our client.
- *A v. B* - We represented the plaintiff in a trial to a federal jury arising out of defendant's breach of a technology licensing agreement. The case settled before closing arguments, resulting in a recovery for our client of multiple millions of dollars (exact amount of settlement is confidential).
- *Witters v. Hicks*, Circuit Court, Lawrence County, Illinois (Case No. 00 L 2) - We represented the plaintiffs on a shareholder's fiduciary duty claim against other shareholder/officer requesting dissolution of business and damages; judgment for dissolution and \$22.5 million in damages for plaintiffs (our clients) and receiver. Settled on appeal. Several interlocutory appeals established law in state receivership area.
- *Keach v. U.S. Trust Co.*, 419 F.3d 626 (2005) (U.S. District Court - Central Division - Peoria, Case No. 99-cv-1201) - ERISA claim seeking \$200 million in damages; judgment after trial for

defendants (including our clients), affirmed on appeal.

- *U.S. v. Zabka* - Acting as federal court appointed equity receiver in federal tax case.

Publications

- "Economic Loss—The Thin Line Between Contract and Tort," chapter in *Contract Law*, Illinois Institute for Continuing Legal Education (2016)
- "Developing a 'Best Practices' Record Retention Policy," *Heyl Royster Business & Commercial Litigation Newsletter* (2013)
- "Economic Loss - The Line Between Contract and Tort," chapter in *Contract Law*, Illinois Institute for Continuing Legal Education (2008, 2013)
- "A Brief Introduction To The Illinois Prevailing Wage Act For Private Contractors," *Heyl Royster Business & Commercial Litigation Newsletter* (2013)

Public Speaking

- "*Medical Cannabis: A Primer For Employers and Governmental Entities*"
Heyl Royster Lunch & Learn Seminar/Webinar 2014
- "*Public Contracts & Procurement Regulations*"
Lorman Education Services, Springfield 2013
- "*Post-Trial Motions*"
Peoria County Bar Association Federal Practice Seminar 2013
- "*Using Receiverships*"
Peoria County Bar Association Civil Practice Seminar 2013
- "*Offensive Tactics in the Defense of Claims*"
Annual Lawyers and Accountants Defense Network 2013
- "*Prevailing Wage Act: What Do You Need to Know?*"
TOI Annual Educational Conference 2009, 2011-2013

Professional Recognition

- Martindale-Hubbell AV Preeminent
- The Best Lawyers in America (2010-2017): Commercial Litigation
- Selected as a *Leading Lawyer* in Illinois. Only five percent of lawyers in the state are named as *Leading Lawyers*.
- Named to the Illinois *Super Lawyers* list (2008-2017). The *Super Lawyers* selection process is based on peer recognition and professional

achievement. Only five percent of the lawyers in each state earn this designation.

- Lawyers Assistance Program of Illinois - Carl Rolewick Award
- Township Officials of Illinois - President's Award
- Illinois Township Attorneys Association - Bruce Skidmore Award
- Peoria County Bar Association - Community Service Award

Professional Associations

- American Bar Association (Past Member, Board of Governors; Past Member, House of Delegates; Past Chair, ABA Standing Committee on Publishing Oversight)
- Illinois State Bar Association (Past President)
- Peoria County Bar Association
- Society of Trial Lawyers
- Abraham Lincoln Court
- Illinois Township Attorneys Association (Past President)
- American Bar Foundation
- Illinois Bar Foundation (Board Member)
- Peoria County Bar Foundation
- Illinois Equal Justice Coalition (Past President)
- Illinois Equal Justice Foundation (Past President)
- American Counsel Association (Past President)
- United States District Court Advisory Committee on Local Rules - Central District, Illinois (Chair)
- Illinois Lawyers Assistance Program (Past President)
- Chicago Bar Association
- Federal Bar Association

Court Admissions

- State Courts of Illinois
- United States District Court, Central District of Illinois
- United States District Court, Eastern District of Wisconsin
- United States Court of Appeals, Seventh Circuit
- United States Supreme Court

Education

- Juris Doctor, The George Washington University, The National Law Center, 1977
- Bachelor of Arts-Economics (*magna cum laude*), University of Illinois, 1974