

Geoffrey T. Hervey

Partner

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PRACTICE AREAS

- Litigation
- Business Law
- Alternative Dispute Resolution
- State & Local Entities

EDUCATION

- Catholic University of America,
Columbus School of Law, J.D.
1985
- University of Maryland, Honors,
B.A. 1982

BAR ADMISSIONS

- Maryland, 1986
- District of Columbia, 1988
- Virginia, 1998
- U.S. District Court for the
District of Maryland, 1986
- U.S. District Court for the
District of Columbia, 1988
- U.S. Court of Appeals for the
District of Columbia Circuit,
1988
- U.S. Supreme Court, 1995
- U.S. District Court for the
Eastern District of Virginia,
1998
- U.S. District Court for the
Western District of Virginia,
1998
- U.S. Court of Appeals for the
Fourth Circuit, 1998
- U.S. District Court for the
Northern District of Florida,

Overview

Geoffrey Hervey has served as a trusted advisor to his clients for over 30 years. His practice focuses on complex civil litigation and the representation of businesses and entrepreneurs, with special emphasis on technology and intellectual property matters. He is the chair of the firm's business practice group.

Mr. Hervey has represented clients in complex civil litigation up and down the East Coast. He regularly appears in the state and federal courts of Maryland, Virginia, and the District of Columbia. A skilled and experienced litigator, Mr. Hervey serves as plaintiff's counsel and defense counsel in a diverse range of litigation, including commercial real estate, technology, business torts, contract disputes, copyright and trademark infringement, aeronautics, sovereign immunity, eminent domain and condemnation, and disputes arising from terrorism cases. He carefully guides clients through the intricacies of litigation and helps them make day-to-day decisions taking legal and practical considerations into account. He also represents clients in arbitration matters, including proceedings before the American Arbitration Association and JAMS.

In his business practice, Mr. Hervey handles the full scope of business matters, ranging from business transactions and general corporate matters to the negotiation of shareholder agreements, mergers and acquisitions, and insurance coverage. He routinely works with established businesses and entrepreneurs in connection with contracting, entity formation, corporate governance, and management issues. He also assists clients in establishing new businesses and preparing governing documents, contracts, and templates.

Mr. Hervey has particular experience working with technology clients, including computer software developers and licensees, Internet businesses, and technology consultants. He provides clients with general business advice and drafts and negotiates a wide variety of technology contracts,

2010

- U.S. Court of Federal Claims, 2013
 - U.S. Court of Appeals for the Eleventh Circuit, 2013
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including software development and licensing agreements; NDAs; ASP, VAR, OEM, ISV, and consulting agreements; and Internet content, linking, and co-branding agreements. He also routinely assists clients with business development, the formation and implementation of business plans, and the pursuit of investment capital.

Mr. Hervey listens to his clients and respects their judgment and wisdom. He communicates frankly and plainly with clients, and offers legal services in a realistic, cost-effective manner.

Representative Experience

- Successfully defended a client against a claim for \$190 million in a 10-day evidentiary arbitration matter before JAMS in New York City. The complex action involved a claim for attorney's fees arising out of previous litigation related to a terrorist attack.
- Successfully defended a military contractor that provides instructor pilots to the United States Air Force against a negligence claim for \$3.5 million involving the crash of a military training flight near Pensacola, Florida. Obtained a complete defense verdict in federal court in Florida after a four-day trial involving fact and expert testimony related to aeronautics, piloting, aircraft wake turbulence, and radar data interpretation.
- Successfully prosecuted a claim for unjust enrichment for an entrepreneur arising out of the misappropriation of a business opportunity. Obtained a plaintiff's verdict for over \$1 million after a multi-day trial in the Circuit Court for Montgomery County, Maryland.
- Defended a complex suit in the U.S. District Court for the District of Columbia alleging that a quasi-governmental agency breached an agreement to award a construction contract to a bidder.
- Defended several different cases in the U.S. District Court for the District of Columbia among attorneys suing over unpaid referral fees and other fees arising from the pursuit of terrorism cases.
- Prosecuted a complex suit in U.S. District Court in Virginia on behalf of a national commercial real estate developer alleging that an architect committed malpractice with respect to the design and construction oversight of a large, mixed-use commercial real estate development.
- Handled multiple cases involving the prosecution or defense of claims between the owners of businesses involved in a split-up (a "business divorce").
- Defended a suit by a landlord against a former tenant claiming that water discharge in a warehouse caused an exterior concrete wall to fail.
- Prosecuted federal copyright infringement lawsuits on behalf of the author of medical brochures.
- Prosecuted trademark infringement and counterfeiting cases in the U.S. District Court for the District of Maryland on behalf of the manufacturer of high-end clothing and accessories.
- Prosecuted and defended cases in state courts in Maryland and Virginia involving consultants.
- Prosecuted and defended claims between commercial tenants and landlords.

- Worked with governmental agencies on major transportation projects, including eminent domain and condemnation work.
 - Assisted in the formation of new business enterprises, including:
 - A cyber-security training academy;
 - An environmental consulting company;
 - A company providing automated charitable donation services to businesses and individuals;
 - A company providing hardware and software that renders Internet-based equipment (the “Internet of Things” or “IoT”) invisible and inaccessible to anyone but authorized users;
 - A company offering online auction bidding for automobiles and a related engine for dealers to use in locating and selling parts for automobiles; and
 - A distillery company producing single-malt whiskey in Virginia.
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Books, Articles and Seminars

- *Legal Perspectives – New SQM Methods, Tools Raise the Bar for Software Developers*, Software Quality Management Magazine (www.sqmmagazine.com) (April 2003).
 - *Legal Perspectives – UCITA and Software Licensing*, Software Risk Management Magazine (www.srmmagazine.com) (July 2002).
 - *Legal Perspectives – Assessing Liability for Software Failure*, Software Risk Management Magazine (www.srmmagazine.com) (January 2002).
 - *Legal Issues in Software Certification*, Cigital Inc. – Int’l Software Assurance Certification Conf. (September 2000).
 - *ADR: What You Need to Know to Help Yourself and Your Clients*, Bar Association of Montgomery County, Maryland (October 1999).
 - *Ethical Considerations Presented by Broadcast Spectrum Auctions*, Federal Communications Bar Association (June 1998).
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