



Susan E. Lovern

Attorney

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Susan Lovern is the President and CEO of von Briesen & Roper, s.c. and chairs the firm's Commercial and Business Litigation Section. She represents clients in complex business litigation and appeals in state and federal courts, as well as in pre-litigation contexts, including arbitrations and mediations. Susan's business litigation clients include hospitals, health systems, banks, and manufacturers. She regularly handles contract, lease and warranty disputes for her clients, as well as business torts, class action defense, shareholder and non-compete agreements, unfair competition and trade secrets. Susan also represents clients in environmental and real estate litigation matters. Her appellate experience includes numerous published opinions and arguing cases before the Wisconsin Supreme Court and the Seventh Circuit Court of Appeals. In every matter, Susan's focus is on understanding her client's business objectives and providing strategic, cost-effective service consistent with those objectives.

Honors and Accomplishments

- Selected for Wisconsin Super Lawyers® lists: Wisconsin's Top 50 Lawyers (2019), Wisconsin's Top 25 Women Lawyers (2012, 2014-2019), and Wisconsin Super Lawyer in Business Litigation (2010-2019)
- Recognized in Best Lawyers in America® Commercial Litigation (2016-2020) and Litigation - Environmental (2013-2020)
- Selected as Best Lawyers' 2014 Milwaukee Litigation - Environmental "Lawyer of the Year"
- Elected as a Fellow, American Bar Foundation
- Selected as a Fellow, Litigation Counsel of America
- Honored as one of 2010's "Woman in the Law" by the *Wisconsin Law Journal*
- AV Preeminent® Peer Review Rated by Martindale-Hubbell®

Professional and Civic Associations

- Milwaukee Public Library Foundation, board member (2020 - present)
- Greater Milwaukee Committee, member (2020 - present)
- Trustees of Funds and Endowments, board member (2018 – present)
- Eastern District of Wisconsin Bar Association, board member (2013-2019); co-chair Civil Committee (2016-2019)
- Milwaukee Bar Association, elected board member (2010-2016)
- Association for Women Lawyers Foundation, board member (2014-2017)
- Association for Women Lawyers, president (2003-04), board member (1999-2005)
- Christ Church Episcopal, Whitefish Bay, chair of Endowment Board (2019), chair of Finance Committee (2013), Senior Warden (2012), vestry member (2009-2012)
- State Bar of Wisconsin, Strategic Planning Committee (2008-09)
- Milwaukee P.E.O. Chapter, president (2005-2007)
- Vital Voices for Mental Health, vice chairperson (2000-2002), board member (1999-2002)
- American Bar Association (Litigation and Appellate Sections)
- Thomas E. Fairchild American Inns of Court (Program Committee)
- Serjeants' Inn
- American Health Lawyers Association

Representative Matters

- Defending multiple hospitals and health care providers in medical records class action lawsuits.
- Successfully mediated a multi-million dollar award in a breach of contract action for a hospital client following discovery and prior to the first deposition.
- Obtained a seven-figure recovery for client in mediation of contract claim against environmental remediation company prior to litigation.
- Negotiated the release of corporate executives from non-compete agreements with Fortune 500 retail company without litigation.
- Obtained a CERCLA cost award against plaintiffs on behalf of defendant manufacturing company in multi-party federal trial.
- Successfully defended paper manufacturer against summary judgment liability claim brought by the United States in a \$1 billion-dollar CERCLA cleanup action.
- Represented a compressor and pump company in a federal jury trial, winning a declaration that the contract at issue constituted a dealership under the Wisconsin Fair Dealership Law.
- Won summary judgment for a bank client dismissing TILA and contract challenges to a multi-million dollar mortgage, including defeating two appeals of the judgment.
- Successfully defended an environmental services company and its officers in a two-week jury trial against claims of unfair competition, conspiracy, and breaches of the duty of loyalty.
- Won a judgment for a hospital client in a breach of contract dispute that was upheld by the Court of Appeals and then the Wisconsin Supreme Court in a unanimous (7-0) decision (2009 WI 33, 317 Wis.2d 54, 765 N.W.2d 251).
- Successfully defended a municipality's grant of a permit for a 49-turbine wind farm against circuit and appellate court challenges (2006 WI App 169, 295 Wis.2d 522, 721 NW.2d 499).
- Won a declaratory judgment at trial on behalf of a national association confirming authority of the board of directors and ownership of property against a group of six challengers.

Representative Presentations

- “Ethics in Negotiation: What Lawyers Can and Can’t Say”, Ethics 2018 CLE Seminar, von Briesen & Roper, Nov. 2018
- “Attorney Client Privilege: Practical Tips for All Attorneys”, Ethics 2017 CLE Seminar, von Briesen & Roper, Dec. 2017
- “Can We Talk?! Understanding the Attorney-Client Privilege”, Ethics 2016 CLE Seminar, von Briesen & Roper, Dec. 2016
- “Can We Talk?! Understanding the Attorney-Client Privilege”, Association of Corporate Counsel, Wisconsin Annual Chapter Conference, May 2016
- “Dispute Resolution in Complex Civil Cases, Binding Mediation, Does It Work/Can It Work?”, Milwaukee Bar Association, Apr. 2013
- “Dispute Resolution in Complex Civil Cases”, Speakers from Practice Series sponsored by the Dispute Resolution Society and Marquette Trial Lawyers, Oct. 2012

Practice Areas:

- Appellate
- Class Actions
- Commercial and Business Litigation
- Environmental Law and Litigation
- Fiduciary Litigation and Inheritance Disputes
- Health Law
- Litigation and Risk Management
- Real Estate Litigation

Education:

- University of Iowa, J.D., *with distinction*, 1995
- University of Northern Iowa, B.A. - finance, *with highest honors*, 1992

Bar Admissions:

- Wisconsin
- U.S. District Court, Eastern and Western Districts of Wisconsin, Northern District of Illinois
- U.S. Court of Appeals, 7th Circuit