

## Sigmund D. Schutz

Partner

With courtroom successes for Fortune 500 companies, regional businesses, insurers, and entrepreneurs, Sig is a trial lawyer with more than twenty years of hearings to his credit, including jury trials in state and federal court, multi-week complex arbitrations, and high-stakes administrative hearings. In 2017, Sig won a \$13.6 million jury verdict in a complex business case. He has been counsel of record in many state and federal reported judicial decisions, including more than twenty-five appeals.

Sig's environmental law practice includes toxic torts litigation, state and federal environmental enforcement defense, environmental damage and remediation claims, defense of natural resource damage claims, and zoning and land use litigation and appeals.

Active in securities disputes, Sig handles claims involving broker-dealers, securities fraud, and investment malpractice. He has participated as counsel in numerous Financial Industry Regulatory Authority (FINRA) arbitrations and in securities litigation in state and in federal court.

In his media law practice, Sig represents the news media in First Amendment matters, defamation and privacy, state and federal freedom of information, newsgathering and cyber law. He has also served as counsel in copyright, trademark, and advertising matters.

Sig handles a range of complex state and federal litigation and appeals, including product liability claims, construction litigation, commercial litigation and arbitration, civil rights and constitutional litigation, professional liability, and unfair trade practices and administrative matters.

### Practice Areas

- Construction Law
- Data Security & Privacy
- Environmental
- Environmental Litigation
- Financial Industry Litigation & Arbitration
- Freedom of Information
- Government Procurement
- Litigation
- Media Law
- Municipal Law and Finance
- Natural Resource Damages
- Professional Liability
- Product Liability Litigation
- Real Estate



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- Securities

## Education

- Cornell University Law School (J.D., 1997)
- Colby College (B.A., 1994)

## Admissions

- Maine
- Massachusetts
- New Hampshire
- New York
- U.S. District Court, District of Maine
- U.S. District Court, District of New Hampshire
- U.S. District Court, District of Massachusetts
- U.S. District Court, Western District of Michigan
- U.S. Court of Appeals, First Circuit
- U.S. Supreme Court

## Professional Affiliations

- American Bar Association
- Maine State Bar Association
- New Hampshire Bar Association
- Public Investors Arbitration Bar Association
- Media Law Resource Center, Defense Counsel Section

## Honors & Awards

- AV Preeminent™ rating by Martindale-Hubbell® Peer Review Ratings
- *Chambers USA: America's Leading Lawyers for Business*, Commercial Litigation
- *Best Lawyers in America®*, Litigation - First Amendment Law, Litigation - Environmental, Litigation - Securities, Appellate Practice
- *New England Super Lawyers*
- *Benchmark Litigation*, Future Star
- Maine Bar Foundation, Fellow
- Litigation Counsel of America, Fellow

## Civic Involvement

- Board of Directors, Portland Ovarions (2008 - Present)
- Board of Directors, New England First Amendment Coalition (2008-Present)
- Clerk and Board of Directors, [Maine Freedom of Information Coalition](#) (2003-Present)
- Clerk and Member, Environmental Technology Council of Maine (2006 - Present)
- Former Board Chair, American Red Cross of Southern Maine (2004-2006)
- Pro Bono General Counsel, Maine Adaptive Sports (2014-present)

## Publications

April 19, 2017

**Cyber Update: Free Speech, FOAA, and Website Privacy Policies**

*Maine Townsman*

December 17, 2015

**Sig Schutz Interviews Judith Shaw for the Maine Bar Journal**

*Maine Bar Journal*

August 5, 2014

**Government Contracting and Procurement Update: Public Access to Trade Secrets in Proposals and Bid Documents in Maine**

January 3, 2013

**Public Access to Judicial Proceedings and Records in Maine: Worth Protecting**

February 6, 2012

**What to do After a Data Breach: A Primer on Maine's Security Breach Law**

March 30, 2011

**Open Government Compendium: Maine**

*Reporters Committee for Freedom of the Press*

January 1, 2008

**Reporters Privilege Compendium: Maine**

*Reporters Committee for the Freedom of the Press*

## Representative Matters

### Environmental

- Defended medical device company in four-week hazardous waste trial in federal court involving clean-up of mercury in river sediment.
- Defended \$250 million clean-up order at nine-day hearing before Maine Board of Environmental Protection.
- Defended largest Maine petroleum enforcement action in over 20 years.
- Defended largest U.S. EPA pesticide enforcement action in Region I.
- Resolved property damage claims for residential and commercial landowners located on former municipal landfill.
- Resolved state and federal natural resource damage claims at three former marine oil terminals.
- Resolved property damage lawsuit by lakefront property owners arising from No. 6 fuel oil spill.
- Defended environmental consultants in \$1 million federal court jury trial against manufacturing company claim of faulty environmental site assessment.

- Defended environmental engineers in three-week New Hampshire arbitration in \$15 million alleged negligent water treatment system design at superfund site.
- Defended paper company in multi-plaintiff toxic tort lawsuit involving alleged brain cancer cluster.
- Successful U.S. EPA sole source aquifer petition under the Clean Water Act, Conanicut Island, Rhode Island.
- Successful license transfer for 99MW wind power project in New Hampshire.
- Successful contested air emission license amendment for paper mill.

## Financial and General Litigation

- Won \$13.6 million civil jury trial for breach of contract to negotiate in good faith on behalf of electric utility.
- Won \$40 million securities arbitration in Washington, D.C. on behalf of publicly traded company in connection with stock purchase of Maryland manufacturer.
- Won \$419,000 securities arbitration in Boston.
- Won appeal of award of \$50 million contract for wireless emergency communication service.
- Won appeal of award of \$35 million contract for state-wide lottery services.
- Represent beneficiaries, executors, personal representatives in securities and probate litigation and arbitration related to mishandling of assets, securities fraud, fiduciary mismanagement, and related matters.
- Represent owners and contractors in construction claims.

## Media

- Won news media First Amendment challenge to secret jury selection in high profile criminal case.
- Won federal summary judgment in favor of eight news media organizations against claims of libel, invasion of privacy, and civil rights violations arising from reporting on alleged unlawful firearms confiscation.
- Won trials and appeals permitting access to state and federal public records for news media.
- Pre-publication review of news articles, features, and broadcasts for news media.
- Won dismissal of defamation claims against *New York Times* reporter.
- Won lawsuit attempting to compel disclosure of identity of author of anonymous news letter.
- Won dismissal of federal copyright claims against prominent magazine.

## Authored Works

### Publications

- Sigmund D. Schutz, Stephen E.F. Langsdorf, and Kevin J. Haskins, *Cyber Update: Free Speech, FOAA, and Website Privacy Policies*, Maine Townsman Magazine (April 2017)
- *Privileged Under Section 201(c) of the Copyright Act*, MediaLawLetter (Media Law Resource Center) (April, 2016)
- Sigmund D. Schutz and John Duval, Sr., *An Interview with the Administrator of the Maine Office of Securities*, 30 Me.B.J. 227 (Fall 2015). Reprinted in *The Blue Sky Bugle*, ABA Cmte. on State Regulation of Securities, (April 2016)
- Sigmund D. Schutz and Benjamin S. Piper, *The Train Rolls On, First Circuit Allows Defamation Action by Railway Against Rail Industry Trade Publication to Continue*, MediaLawLetter (Media Law Resource Center) (Oct., 2015)

- Sigmund D. Schutz and Benjamin S. Piper, *The End of the Line for Defamation Claims by Railroad and Its CEO Against Trade Newsletter*, MediaLawLetter (Media Law Resource Center) (Oct., 2014)
- Sigmund D. Schutz, *California and Maine Courts Foil Candidate's Attempt to Sue Anonymous Parody Newspaper: Subpoena on ISP Quashed; Attempt to Serve Newspaper's Counsel Denied*, MediaLawLetter (Media Law Resource Center) (Aug., 2014)
- Sigmund D. Schutz, *Government Contracting and Procurement Update: Public Access to Trade Secrets in Proposals and Bid Documents in Maine*, PretiFlaherty Client Alert (Aug. 5, 2014)
- Sigmund D. Schutz and Benjamin S. Piper, *Maine Supreme Judicial Court Intervenes on 24 Hours' Notice to Stop Secret Jury Selection in "Zumba" Prostitution Case: Decisive Action to Enforce and Apply Press-Enterprise I*, MediaLawLetter (Media Law Resource Center) (Jan.. 2013)
- Sigmund D. Schutz, *Public Access to Judicial Proceedings and Records in Maine: Worth Protecting*, 27 Me.B.J. 198 (Fall 2012)
- Sigmund D. Schutz and Benjamin S. Piper, *Maine's High Court Re-Adjusts Burdens in Favor of Plaintiffs in Anti-SLAPP Motions: Decision May Impact States with Similar Anti-SLAPP Statutes*, MediaLawLetter (Media Law Resource Center) (May 25, 2012)
- Sigmund D. Schutz, Jonathan S. Piper, Benjamin S. Piper, *First Circuit Lays Down the Gauntlet in Pleading Actual Malice: Affirms Dismissal of Candidate's Libel Claim for Failure to Adequately Plead Fault*, MediaLawLetter (Media Law Resource Center) (March 22, 2012)
- Sigmund D. Schutz, *What To Do After a Data Breach: A Primer on Maine's Security Breach Law*, PretiFlaherty Client Alert (Feb. 6, 2012)
- Sigmund D. Schutz, *Court Invalidates \$1 Million Fee for Access to Electronic Public Records*, MediaLawLetter (Media Law Resource Center) (February, 2011)
- Charles F. Dingman & Sigmund D. Schutz, *Maine's Public Records Law Now Applies to Private Contractors Doing Business with the State of Maine*, PretiFlaherty Client Alert (May 28, 2010)
- Sigmund D. Schutz, *Disclosures on Campaign Communications: A Primer for Newspapers*, Maine Press Assn. E-News Update(May 24, 2010)
- Daniel Walker, Sigmund D. Schutz, and Jonathan S. Piper, *Maine Enacts Shield Law to Protect Journalists' Confidential Sources*, MediaLawLetter (Media Law Resource Center) (May 30, 2008)
- Sigmund D. Schutz, *Court Flips \$2.1 Million Punitive Damages Award, Upholds Award for Wages*, MediaLawLetter (Media Law Resource Center) (Oct. 31, 2007)
- Sigmund D. Schutz, From the Hotline, *The News Media & the Law* (Reporters Committee for the Freedom of the Press) (Fall, 2006)
- Jonathan S. Piper & Sigmund D. Schutz, *Priest Sex Abuse Records to Be Made Open to the Public*, MediaLawLetter (Media Law Resource Center) (May 25, 2005)
- Daniel Rapaport, Kurt Olafsen, Sigmund D. Schutz, & Jonathan Mermin, *Tort Killer: Applying the Economic Loss Doctrine to Service Contracts*, 20 Me.B.J. 100 (2005)
- Sigmund D. Schutz, *Records on Sexual Abuse of Minors by Deceased Priests Ordered Released by Maine Superior Court*, MediaLaw Letter (Media Law Resource Center) (Nov. 25, 2003)
- Sigmund D. Schutz, *Time to Reconsider Nullum Tempus Occurrit Regi – The Applicability of Statutes of Limitations Against the State of Maine in Civil Actions*, 55 ME.L.REV. 373 (2003)
- Sigmund D. Schutz, *Freedom of Access Law: It's Not Easy Keeping Secrets*, 14 Me.B.J. 138 (1999)

## Book Chapters

- Sigmund D. Schutz, Admissibility of Expert Testimony, in *A Practical Guide to Maine Evidence* (MCLE, 1st ed. 2015)

- Jonathan S. Piper & Sigmund D. Schutz, *Maine Libel Law*, in *Media Libel Law* (Media Law Resource Center) (annually, 1998 – Present)
- Sigmund D. Schutz and Benjamin S. Piper, *Maine Privacy Law* in *Media Privacy and Related Law* (Media Law Resource Center) (annually, 2012 – Present)
- Sigmund D. Schutz, *Maine Chapter* in *THE OPEN COURTS COMPENDIUM* (Reporters Committee for the Freedom of the Press) (1st ed. 2011)
- Jonathan S. Piper & Sigmund D. Schutz, *Maine's Freedom of Access Act*, in *OPEN GOVERNMENT GUIDE* (Reporters Committee for the Freedom of the Press) (5th ed. 2006) (6th ed. 2011) available at <http://www.rcfp.org/ogg/index.php>
- Jonathan S. Piper & Sigmund D. Schutz, *Maine Chapter* in *REPORTER'S PRIVILEGE COMPENDIUM* (Reporters Committee for the Freedom of the Press) (2007 and 2008 update) (available at <http://www.rcfp.org>)