

**RICHMOND, VIRGINIA**

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PRACTICE AREAS:

[Energy](#)

[Litigation](#)

[Commercial Litigation](#)

[Transportation](#)

[Utilities](#)

[Artificial Intelligence, Robotics,
and Autonomous Transportation
Systems](#)

STATE ADMISSIONS:

Virginia

District of Columbia

COURT ADMISSIONS:

U.S. District Court for the Eastern
District of Virginia

U.S. District Court for the Western
District of Virginia

U.S. District Court for the District
of Columbia

U.S. Court of Appeals for the
Fourth Circuit

U.S. Bankruptcy Court for the
Eastern District of Virginia

Supreme Court of the United
States

EDUCATION:

J.D., George Mason University,
1997

B.A., College of William & Mary,
1992

Matthew B. Kirsner

MEMBER-IN-CHARGE
CHAIR, COMMERCIAL LITIGATION
BOARD OF DIRECTORS
CHAIR, COMPENSATION COMMITTEE

Matt Kirsner represents clients in business disputes and government investigations. His clients include leading names in energy, communications, and highway infrastructure. Matt has extensive experience dealing with state attorneys general regarding civil investigative demands and multi-state inquiries. He also has substantial expertise in trade secret and intellectual property litigation; class action defense; business torts and false claims act litigation; commercial leasing disputes; fiduciary litigation; FINRA claims and investigations; and regulatory proceedings before state and federal agencies.

REPRESENTATIVE MATTERS

GOVERNMENT INVESTIGATIONS

- Represented a state-supported military college in responding to Diversity, Equity and Inclusion audit and investigation, including overall strategy, fact-finding, stakeholder briefings, external communications, and protection of federal and state privacy interests.
- Represented manufacturing clients in responding to grand jury subpoenas, state civil investigative demands, and informal requests from regulators, including in-person briefings, witness preparation and presentation, and productions of information and documents.
- Represent brokers dealers and registered representatives in responding to FINRA Rule 8210 requests for information and testimony ("on the record" interviews).

NATIONAL COORDINATING COUNSEL

- Assembled, trained, and managed nationwide counsel team to engage proactively with state attorneys general on product safety and regulatory approval issues.
- Managed local counsel resources for false claims act and product liability litigation across the U.S., ensuring consistent implementation of defense strategies.
- Served as national discovery counsel regarding review, production, and ongoing document database management with

third-party vendors.

FALSE CLAIMS ACT LITIGATION

- Defense of manufacturer in federal and state qui tam litigation.
- Obtained summary judgment for defendants in \$1B damages claim.

HIGHER EDUCATION COUNSELING AND CLAIMS

- Representing university officials against putative class action claims involving COVID vaccine exemption requests/denials of health care system employees.
- Represented university professor against claims of defamation based on interview published in school newsletter.
- Representing university in a First Amendment / free speech dispute.
- Assisted university with a nonparty subpoena dispute in the Flint, Michigan lead pipe litigation.
- Represented university officials against employment, statutory and constitutional law claims.
- Representing current and former university employees as nonparty witnesses in multi-state litigation.
- Represented university against COVID-related tuition refund class action claims.

ENERGY AND TELECOMMUNICATIONS LITIGATION

- Defense of fiber optic right of way class action suit involving investor-owned utility and its telecommunications subsidiary.
- Represent utilities in pole attachment disputes with cable television and telecommunications carriers in state and federal courts and at the Federal Communications Commission.
- Represent communication tower operators and wireless communications service providers in real estate, contract, and trespass disputes.
- Represented communications carrier in appeal of business equipment tax assessment before state regulatory commission.
- Litigation of electric power purchase agreements in federal court and at the Federal Energy Regulatory Commission.
- Counsel to investor-owned utility in consequential damages claim by substantial business customer arising out of transmission line outage.
- Counsel utility clients regarding agreements with independent power producers and fuel suppliers.
- Represent various clients in utility easement disputes with private landowners, businesses, and localities.
- Counsel to utility regarding construction, maintenance and operation of electric supply, gas, and communications lines and equipment, including NESC, OSHA, DOT, and state clearance mandates.
- Advise utility regarding tariff interpretation and electric service contract disputes in Virginia.
- Counsel to utility regarding competition and service issues

arising under North Carolina Electric Act of 1965.

FINANCIAL LITIGATION

- Defend and prosecute investment industry disputes, including broker/dealer and investment advisor claims under FINRA, NYSE and Va. SCC jurisdiction, post-termination commission claims, U5 defamation allegations, and investor allegations regarding arbitrability, suitability, breach of fiduciary duty, churning, and unregistered securities.
- Successfully defended branch office of national broker-dealer against alleged violations of FINRA Rules.
- Defend semiconductor manufacturer against federal and state securities fraud claims arising out of the initial public offering.
- Counsel to individuals and entities regarding SEC investigation of private placement offerings, preferred stock, and promissory notes.
- Counsel to beneficiaries and replacement trustee of Delaware Statutory Trusts (DST) in fiduciary and business tort litigation.
- Counsel to sponsors and investors regarding Tenants in Common (TIC) ownership and financing issues.

ANTITRUST, TRADE SECRET, INTELLECTUAL PROPERTY, BUSINESS TORT, AND NON-COMPETE ISSUES

- Litigate employment disputes, including the enforcement or invalidation of non-compete, confidentiality, and nondisclosure agreements through injunction proceedings.
- Obtained injunctions to protect trade secrets from public dissemination and/or use by competing entities;
- Counsel to manufacturers in antitrust litigation as well as investigations by state attorneys general and federal regulators.
- Counsel to manufacturers regarding unfair trade practices claim.
- Counsel to manufacturer regarding patent and trademark infringement claims.
- Counsel to manufacturer in product disparagement and business defamation claims.
- Defended e-mail defamation claim involving private security contractors in Iraq.

REAL ESTATE LITIGATION

- Represent building owners and national developers in commercial landlord-tenant disputes, including constructive eviction, lease termination and renewal disputes, and sick building claims.
- Counsel to national shopping mall developer in real estate purchase option dispute.
- Litigate partition and condemnation matters on behalf of private owners and trustees.
- Assist subdivision lot owners with infrastructure surety bond dispute.
- Represent major financial institutions in bankruptcy and foreclosure actions.

FIDUCIARY LITIGATION

- Fiduciary litigation relating to trust management, termination of trusts, advice and guidance suits, and fiduciary duties.

PRO BONO MATTERS

- Guardian ad litem to incarcerated felons in divorce proceedings.
- Appear in local courts regarding protective order, child custody, and visitation issues.
- Assist law student clinic with debt collection matters.
- Assist adult literacy organization with fundraising and special event management tasks.

PROFESSIONAL AFFILIATIONS

- Richmond Bar Association, Energy Law Section
- Virginia Bar Association, Litigation and Energy Law sections
- Virginia State Bar Association, Litigation and Administrative Law sections
- District of Columbia Bar Association
- National Trial Advocacy College at the University of Virginia School of Law, Participant

COMMUNITY INVOLVEMENT

- Member, Board of Directors, NOVA of Virginia Aquatics, Inc. (2019 – 2022)

AWARDS AND RECOGNITION

- Selected for inclusion in The Best Lawyers in America – Commercial Litigation

NEWS AND INSIGHTS

PUBLICATIONS

- [“COVID-19 Legal Update: Virginia Executive Order Nos. 53 and 55.”](#) Eckert Seamans’ COVID-19 Legal Update, March 31, 2020.