

Jim Hammerschmidt Provides Commentary for Law360 Article on Summary Judgment Bids

Jim Hammerschmidt provides commentary for Law360 article, “7th Circ. Warns Attys To Keep Dismissal Bids Spin-Free,” by Scott Flaherty (August 12, 2014). The article addresses the issue of attorneys “cherry-picking” evidence to support a summary judgment bid.

“As James Hammerschmidt, co-chair of Paley Rothman’s employment practice, explained, facts that are in dispute — the ones that some attorneys might be tempted to play *‘fast and loose with’* in an attempt to bolster their argument — have no place in a summary judgment motion. *‘The key is to keep the motion clean and simple,’* he said. *‘Don’t hedge on facts that are not clearly established, stay away from any evidence that the plaintiff can say is in dispute, and stick to material facts and stay out of the weeds, which is where many disputed issues occur.’*”

The full article, “7th Circ. Warns Attys To Keep Dismissal Bids Spin-Free,” can be found at Law360.com (subscription required/free trial available).