

Ina B. Scher

Partner

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Areas of Focus

Litigation + Dispute Resolution | Advertising Disputes and Challenges | Commercial Litigation | Employment Litigation, Arbitration and Mediation | Intellectual Property + Media | Intellectual Property Litigation

“Whether I speak to a jury or to a client, I make complex legal issues easy to understand. I focus on clarity, practicality and reasonable solutions to help clients lessen the inherent risks of litigation.”

Overview

Advertising’s online expansion, unconventional marketing campaigns and influencer promotions have created uncharted legal territory. Ina Scher protects advertising industry leaders and brand owners this new world. Representing advertisers and advertising agencies in novel litigation and government investigations, Ina tempers the costly, disruptive and reputational risks of claims by government regulators, consumer protection advocates and class action lawyers.

Whether resolving class allegations of false or misleading advertising or government inquiries into anti-competitive practices, Ina builds creative strategies that align with clients’ business goals. Her early career experience as a Manhattan Assistant District Attorney provides clients with in-depth perspectives on civil and criminal allegations — and a courtroom advocate uniquely qualified to stand up to prosecutors and opposing counsel.

Clients rely on Ina’s detailed case preparation and collegial-yet-formidable litigation approach in high-stakes regulatory, business and intellectual property disputes. She provides insightful case assessments that inform critical legal strategies and resources. While she is always trial-ready, she will not hesitate to negotiate an early settlement to save a client from negative publicity and costly injunctive relief. Ina is also deft at arguing strategic, dispositive summary judgment motions that avoid the uncertainty of trial.

Even after Ina has achieved a favorable outcome, she helps clients maximize the opportunity litigation presents to shore up best practices. They count on her preventive regulatory counsel to avoid further claims from the FTC, U.S. DOJ, state attorneys general, local authorities, competitors or wherever the next threat lurks.

Representative Experience

- Defended a leading paint manufacturer in a class action alleging marketing and packaging misrepresentations concerning the paint's name and benefits. Negotiated a favorable class settlement using a claims-made structure and limiting payment to a small fraction of the asserted damages and potential exposure. The resolution also allowed the company to continue using a product name that had developed considerable brand equity.
- Resolved a multi-year investigation by the Department of Justice Antitrust Division of the advertising industry's commercial production bidding practices with no civil claims or criminal charges being brought or fines levied against multiple advertising agencies.
- Protected trademarks of a worldwide provider of transportation and logistics services and won over \$6 million in statutory damages and attorneys' fees in litigation concerning defendants' willful infringement. Overcame resistance from the magistrate judge and prevailed on summary judgment, giving our client relief sooner. Also obtained injunctive relief to end defendants' infringement and for our client to use in deterring other infringers.
- Obtained dismissal of claims for injunctive relief and fraud at the outset of litigation for a major fast-casual restaurant chain in a consumer class action alleging it underfills its wraps. Resolved plaintiffs' claims, which will help it avoid similar litigations from other potential claimants.
- Secured resolution of indemnity claims for a securitization sponsor brought by an underwriter and other parties seeking to shift liability for settlement payouts to investors and regulatory agencies. Negotiated settlement terms that eliminated future exposure for similar claims.
- Defended a global investment bank against \$250M legal exposure in RMBS litigation brought by investors who sought to hold it liable for fraud based on alleged misrepresentations in offering documents. Obtained dismissals and favorable resolutions in all actions.

Insights + Events

Alert

Natural Selection: NY Federal Court Dismisses "Natural" Personal Care Claims, Decertifies Class
February 21, 2024

Alert, Balancing Compliance and Creativity in Regulated Industries, The Fine Print: Stay in Compliance without Losing Your Edge

You Can Believe It's Not Butter: NY Judges Dismiss "Butter" Class Actions
December 6, 2021

Alert, Uptick in Consumer Class Actions as Online Purchases Grow

Court Enforces Arbitration Clause in In-Home Services App Agreement
October 11, 2021

Publication

The Agency 100 | May the Force Be with You: How the COVID-19 Crisis Impacts Agency Contract Obligations
August 12, 2020

Alert

How New York's COVID-19 Executive Orders Affect Limitations Periods in New York
April 30, 2020

Alert

How the COVID-19 Crisis Impacts Contract Obligations
April 2, 2020

FAQ

Coronavirus (COVID-19) New York Courts
March 30, 2020

Press Mention

Law360 | Transport Co. Punished with \$6M Damages Award in TM Suit
March 14, 2019

Press Mention

Law360 | Pret A Manger Nears Settlement of Underfilled Wraps Suit
January 30, 2019

Credentials

Education

Boston University School of Law (J.D., 1992)
Brown University (B.A., 1989)

Clerkship

The Honorable R. Benjamin Cohen, Superior Court of New Jersey for the Essex County Law Division

Bar Admissions

New York
New Jersey

Court Admissions

U.S. District Court Southern District of New York
U.S. District Court Eastern District of New York
U.S. Court of Appeals Second Circuit

Associations

Member, New York City Bar Association
— Member, Judiciary Committee