ARTICLE

Sometimes It's What You Don't Say That Gets You in Trouble

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The article focuses on the rise in omission-based litigation for many public companies. The usual list of prominent securities fraud lawsuits would be dominated by companies such as Enron, WorldCom, Cendant and Health South—all of which were charged with misleading investors by actively misstating financial results—while the reality is that most securities suits are premised on alleged omissions of material fact, and not the sorts of misrepresentations that capture headlines. This article provides an overview of the current trends in this type of securities litigation, exploring topics such as:

- Section 11: A Trap for the Tight-Lipped
- Section 10(b): A Never-Quiet Area of the Law
- Section 14: From a Whisper to a Roar
- Speak Up: Questions Directors Can Ask to Reduce the Risk of Liability

Read "Sometimes It's What You Don't Say That Gets You in Trouble" in its entirety here.

CONTACTS

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