

People



Dustin B. Hillsley

Partner, Litigation

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A trial lawyer with well over a decade of experience, Dustin Hillsley acts as lead counsel in a wide variety of complex commercial litigation matters, with emphasis on private equity, commercial real estate, M&A, bet-the-company, shareholder and partnership matters (including business divorce), and other forms of business litigation. He serves as outside counsel to owners and business leaders for companies across the country and regularly provides advice regarding their statutory and contractual rights and obligations.

Dustin leverages his deep knowledge of the law to craft strategic, practical, and business-driven solutions for his clients. He began his practice in Delaware's Court of Chancery and is co-author of the Bloomberg BNA Corporate Practice Series Portfolio, Derivative Lawsuits. Prior to joining Akerman, Dustin practiced at a law firm in Wilmington, Delaware, specializing in bet-the-company and other high-stakes corporate litigation matters and an Am Law 100 international law firm in Washington, D.C.

Notable Work

Negligence Litigation: Lead counsel to company and private equity owners in eight-figure dispute arising out of an accident at a company factory, which was successfully resolved at no cost to the company.

Real Estate Litigation: Lead counsel for managers of commercial real estate investment company in lawsuit alleging breach of contract and breach of fiduciary duty claims in connection with operation of portfolio companies.

Business Divorce Litigation: Lead trial counsel to operating partner in dispute with minority partners, defeating allegations of mismanagement and interest dilution.

Private Equity Fund Litigation: Counsel to private equity-affiliated investment vehicles that prevailed in trial on a matter relating to

Areas of Experience

Litigation
Private Equity Litigation
Commercial Disputes
Securities Litigation
Real Estate Litigation
Preference and Fraudulent Transfer Litigation
Class Action Defense
Employment Litigation
Appellate

Education

J.D., Wake Forest University School of Law, 2013, cum laude
B.A., Wake Forest University, 2004, magna cum laude

Admissions

Bars

Florida
District of Columbia
Delaware

Courts

U.S. District Court, District of Delaware
U.S. District Court, Southern District of Florida

Related Content

Delaware Court of Chancery Extends Oversight Obligations to Non-Director Corporate Officers
February 21, 2023

Akerman Elevates 24 Lawyers to Firm Partnership
November 22, 2021

Delaware Supreme Court Validates Cost Saving Federal Forum Selection Provisions in Corporate Charters
March 25, 2020

post-closing tax adjustments in corporate acquisition.

RWI Claims: Lead counsel to insureds in connection with claims under buyer-side RWI policies, insuring representations and warranties set forth in purchase agreements.

M&A Litigation: Trial counsel for bidders in M&A process, alleging breach of contract in connection with the sale.

Shareholder Litigation: Lead trial counsel to owners and directors in minority shareholder dispute alleging breaches of fiduciary duties and challenging purported insider transactions.

Employment Litigation: Trial counsel for managing directors of international consulting firm in lawsuit alleging non-compete and trade secret violations in connection with new employment at Big 3 strategy consulting firm.

Real Estate Litigation: Lead counsel to commercial real estate investment company in specific performance action involving contested purchase and sale agreement of real property.

Private Equity Fund Litigation: Counsel for private equity-affiliated investment vehicles in lawsuit bringing breach of contract claims against a multinational banking and financial services corporation, stemming from the bank's payment obligations related to cash and synthetic assets in U.S. residential housing portfolios.

Employment Litigation: Counsel to home healthcare company in lawsuit alleging non-compete and non-solicitation violations.

Complex Commercial Dispute: Counsel to lender in lawsuit with borrower over expense reimbursement obligations.

Complex Commercial Litigation: Counsel to pharmaceutical company in lawsuit seeking to halt the marketing and sale of pharmaceuticals based on alleged breaches of a license agreement.

Directors and Officers (D&O) Litigation: Lead trial counsel for directors and officers in adversary proceedings alleging breach of fiduciary duty, aiding and abetting, and other corporate governance violations.

Real Estate Litigation: Lead counsel to private equity buyer in lawsuit bringing breach of contract claims against seller, stemming from the seller's failure to return earnest money after contract was terminated.

Private Equity Fund Litigation: Lead trial counsel to holders of warrants in dispute with company regarding their exercise, successfully obtaining dismissal of the company's claim.

Fair and Accurate Credit Transactions Act (FACTA) Litigation: Counsel for companies facing putative class action claims alleging willful violations of the Fair and Accurate Credit Transactions ACT (FACTA).

Independent Committee Investigations: Counsel to independent committees conducting investigations involving complex breach of fiduciary duty claims in multiple jurisdictions.

M&A Litigation: Counsel to public companies in busted merger litigation, alleging breaches of fiduciary duties.

Related Professional Experience

- Judicial Extern to the Honorable William Osteen, Jr., U.S. District Court for the Middle District of North Carolina, 2011
- U.S. Army, Lieutenant, Infantry Branch, Paratrooper, 2005-2006

Published Work and Lectures

- Akerman Practice Update, Co-Author, “Delaware Court of Chancery Extends Oversight Obligations to Non-Director Corporate Officers,” February 21, 2023
- Akerman Practice Update, Author, “Delaware Supreme Court Validates Cost Saving Federal Forum Selection Provisions in Corporate Charters,” March 26, 2020
- Bloomberg BNA Corporate Practice Portfolio Series 101, 2d Edition, Co-Author, “Derivative Lawsuits,” 2015

Affiliations

- Delaware State Bar Association, Inactive
- The Broward County Bar Association, Member
- The Florida Bar, Business Law Section, Member
- The Federal Bar Association, Member