

DAVID J. BRADFORD, Partner

David J. Bradford is the Acting Chair of Jenner & Block's Litigation Department and a Fellow of the prestigious American College of Trial Lawyers. Individuals and businesses seek him out as lead trial counsel in a wide variety of lawsuits and arbitration proceedings involving complex commercial and financial transactions, merger and acquisition disputes, and important constitutional and legal issues.

In 2009, the *National Law Journal* named Mr. Bradford one of 12 "winning" litigation lawyers nationwide who exemplify "the qualities that make a great trial attorney." Since 2011, *Chambers USA* has named him as a leading lawyer in litigation.

Mr. Bradford has successfully tried to verdict cases in which his client has received nine figure recoveries and has successfully defended cases in which his client was faced with nine figure damage exposure. He has also acted as special counsel to a number of internal investigations and special committees and is a skilled and experienced appellate advocate.

Mr. Bradford is also a member of the Complex Commercial Litigation Practice and the Real Estate Finance Litigation and Workout Task Force. Since 2003, Mr. Bradford has served on the firm's Policy Committee, which is its governing committee. Mr. Bradford is the founding attorney and general counsel of the Roderick and Solange MacArthur Justice Center, which has clinics at both the Northwestern University Law School and University of Mississippi Law School.

Representative Cases Include:

- Lead trial counsel in a three-week jury trial in a US District Court in Kentucky that resulted in a \$101 million verdict for our client, an S&P 500 healthcare real estate investment trust, against a competing S&P 500 publicly traded healthcare REIT. This nationally followed lawsuit arose out of our client's acquisition of a \$2 billion Canadian senior living REIT, and the verdict represents one of the largest awards for a tortious interference with business expectation case.
- Lead trial counsel in countersuit in Delaware against Lehman Brothers affiliates, which resulted in an award of approximately \$200 million in disputed properties, millions of dollars in disputed distributions and approximately \$1.2 million in legal fees to the client. The case, which required extensive discovery and numerous expert witnesses, was tried by agreement within 90 days of filing of complaint.
- Lead trial counsel in eight-week federal court jury trial in Michigan on behalf of a NYSE company, defending approximately \$200 million claim based on termination of a merger agreement. Case settled during cross-examination of plaintiff's key witness.
- Lead trial counsel at trial in successfully defending to verdict a NYSE company against a Berkshire-Hathaway company that had alleged unfair business practices. Awarded legal fees by the court.



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PRACTICE GROUPS

Bankruptcy Litigation
Complex Commercial Litigation
Financial Services Litigation
Litigation
Professional Responsibility
Real Estate Litigation and Counseling

EDUCATION

University of Chicago Law School, JD, 1976;
cum laude, Order of the Coif

Michigan State University, BA, 1973; Highest
Honors, Phi Kappa Phi Award

ADMISSIONS

Illinois, 1976

COURT ADMISSIONS

US Supreme Court, 1985

US Court of Appeals, DC Circuit, 2005

US Court of Appeals, Federal Circuit, 2006

US Court of Appeals, Fifth Circuit, 1978

US Court of Appeals, Sixth Circuit, 2009

US Court of Appeals, Seventh Circuit,
1979

US Court of Appeals, Ninth Circuit, 2002

US District Court, Northern District of Illinois,
1979

US District Court, Northern District of Illinois
(Trial Bar), 1993

US District Court, Eastern District of
Michigan, 2006

- Lead trial counsel on behalf of NYSE REIT in successful federal constitutional challenge under the Federal Takings Clause to a municipal ordinance which imposed over a \$100 million burden on property in California. Awarded \$3.1 million in legal fees and costs.
- Lead trial counsel for a public company in pursuing \$30 million of director and officer insurance coverage; established liability through summary judgment.
- Trial counsel for Equity Committee in challenging various plans of reorganization, in federal bankruptcy court hearings on valuation of business over a nine month period, which culminated in approximately \$40 million distribution to equity holders.
- Lead trial counsel on behalf of a businessperson in a federal court jury trial in Minnesota for breach of oral agreement to purchase business. Case settled following cross-examination of opponent's key witnesses.
- Lead counsel for banking and diversified financial services company, defending against federal securities fraud class action brought on behalf of clients who had purchased auction rate securities. Motion to dismiss granted with prejudice, and action dismissed in its entirety.
- Lead trial counsel for outside directors and officers in federal securities fraud class action suits in Delaware and Chicago; secured their dismissal.
- Lead trial counsel for OTC company charged with RICO and securities fraud class action claims in federal court in Texas and Wyoming.
- Lead counsel for NYSE company in pursuing RICO and related claims against former insurance representatives engaged in alleged kickback schemes.
- Successfully represented directors and officers of public company in defending claims in Delaware related to reorganization of company.
- Lead counsel for NYSE company in suing former auditors for failure to detect alleged embezzlement of corporate funds and in pursuing insurance coverage for directors and officers.
- Lead trial counsel for NYSE company in New York state court action related to rent valuation dispute involving hundreds of millions of dollars of value.
- Lead counsel for famous "shock jock" in defending multiple defamation suits brought by a former Chicago Bear player and by wife of famous radio personality.
- Lead counsel for best-selling author in securing preliminary injunction in federal court in New York against New York Consumer Protection Board's sending letters to broadcasters discouraging them from accepting advertising for Mr. Trudeau's books.
- Lead trial counsel for first death row prisoner in Illinois to file federal habeas corpus petition; obtained a new sentencing hearing and successfully represented the defendant at a new jury trial.

US District Court, Northern District of Indiana, 2000

Illinois Supreme Court, 1976

JUDICIAL CLERKSHIPS

Hon. Alvin B. Rubin, US Court of Appeals, Fifth Circuit, 1978 - 1979

- Lead counsel for distinguished former federal judges in filing amicus brief before the United States Supreme Court, asserting the importance of the rule of law, in the landmark decision establishing federal court jurisdiction over detentions at Guantanamo Bay.
- Lead trial counsel for NYSE company in successful defense of RICO case in federal court in Indiana.
- Lead trial counsel in arbitration on behalf of food developer and won over \$6 million in an arbitration award related to defective production of product.

Selected Published Opinions

- *Ventas, Inc. v. HCP, Inc.*, Civil Action No. 3:07-238-H, 2009 WL 3855638 (W.D.Ky., Nov. 17, 2009)
- *PAMI-LEMB I, Inc. v. EMB-NHC, L.L.C.*, Civil Action No. 259-N, Court of Chancery of Delaware, New Castle, 857 A.2d 998; 2004 Del. Ch. LEXIS 81, May 6, 2004.
- *MHC Financing, Ltd. v. City of San Rafael*, No. C-00-03785 VRW, 2008 WL 440282 (N.D. Cal., Jan. 29, 2008).
- *Kevin Trudeau v. New York State Consumer Protection Board*, 237 F.R.D. 325 (N.D.N.Y. 2006).
- *Northern Trust Co. v. Morgan Stanley Secs. Servs.*, No. C 3370, No. 05 C 3373, United States District Court for the Northern District of Illinois, Eastern Division, 2006 U.S. Dist. LEXIS 11037, March 15, 2006.
- *Equity Residential v. Kendall Risk Mgmt.*, No. 04 C 3812, U.S. District Court for the Northern District of Illinois, Eastern Division, 2005 U.S. Dist. LEXIS 17021, August 11, 2005.
- *Alstrin v. St. Paul Mercury Ins. Co.*, 179 F. Supp. 2d 376 (2002).

Awards

- *Chambers USA*
Litigation: General Commercial (Illinois) - 2011-2020
- *Lawdragon Magazine*
500 Leading Lawyers in America - 2006, 2010, 2011
- *American Lawyer*
"Litigator of the Week" - 2011
- *National Law Journal*
"Winning" Trial Attorney Recognition - 2009
- *Illinois Super Lawyer*
Business Litigation, 2005-2020
- International Bar Association
Leading Commercial Litigators in Illinois, 2007 Edition
- Leaders League *Litigation & Competition* Directory
Nationwide Commercial Litigation - 2018
- Leading Lawyers Network
Commercial Litigation, 2004-2019
Real Estate: Finance - 2010, 2014

- National Coalition to Abolish the Death Penalty
Outstanding Legal Service Award - 2011
- *Legal 500*
Dispute Resolution - General Commercial Disputes - 2020

Community

- Death Penalty Information Center
Member, Board of Directors
- J. Roderick MacArthur Foundation
General Counsel

Educational

- Roderick and Solange MacArthur Justice Center, Northwestern University School of Law
Founding Attorney and General Counsel

Service To The Bar

- American Bar Association
- American College of Trial Lawyers, Fellow

Publications

- October 2012 - Spotlight Newsletter, October 9, 2012
- Co-Author, "Litigation: Effectively Communicating With Your Client," *InsideCounsel*, March 24, 2011
- Co-Author, "Litigation: Communicating With the Media During Trial," *InsideCounsel*, March 10, 2011
- Co-Author, "Litigation: Talking to the Jury," *InsideCounsel*, February 24, 2011
- Co-Author, "Litigation: Closing Argument- Make It Memorable and Credible," *InsideCounsel*, February 10, 2011
- Co-Author, "Litigation: Cross-Examination- When the Truth Is Told (Part 2)," *InsideCounsel*, January 27, 2011
- Co-Author, "Litigation: Cross-Examination- When the Truth Is Told (Part 1)," *InsideCounsel*, January 13, 2011
- Co-Author, "Litigation: Finding the Smoking Gun - Justice in Box 253," *InsideCounsel*, December 16, 2010
- Co-Author, "Litigation: The Art of Storytelling," *InsideCounsel*, December 2, 2010
- Co-Author, "Litigation: Opening Statement - Establish Credibility Immediately," *Inside Counsel*, November 18, 2010
- Co-Author, "Jury Deselection - Who Will Decide Your Case in an Age of Social Networks," *InsideCounsel*, October 28, 2010
- Co-Author, "Litigation: Why You Want a Diverse Trial Team," *InsideCounsel*, October 14, 2010
- Co-Author, "Litigation: Means for Reducing Litigation Costs That Increase Your Likelihood of Success," *InsideCounsel*, September 30, 2010

- Co-Author, "Litigation: Preparing Your Witness for a Deposition," *InsideCounsel*, September 16, 2010
- Co-Author, "Defending a Deposition," *InsideCounsel*, September 2, 2010
- "Case Management and Analysis: A Veteran Perspective," *The Corporate Counselor*, Vol. 22 No. 3, August 2007
- *Insurance Counselor*, Spring 2002
- "Teamwork Taps Advantage of Inside and Outside Counsel," *Corporate Legal Times*, March 1995
- "A Tale of Two Decades: Outside Litigation and Inside Litigation," *Corporate Legal Times*, February 1995
- "Managing Litigation: an Inside-Out economic Perspective," *Corporate Legal Times*, August 1994
- "Judge Rubin and the Death Penalty: A Legacy Unaccomplished," Vol. 52, No. 1441, *Louisiana Law Review*, 1992

Speaking Engagements

- PricewaterhouseCoopers General Counsel Forum, Chicago, IL, June 19, 2008
- Speaker, InsideCounsel and Jenner & Block's Eighth Annual SuperConference, Chicago, IL, May 20, 2008 to May 21, 2008
- Speaker, "Going to Trial," InsideCounsel's Annual SuperConference, Chicago, IL, May 15, 2007