

David J. Bradford

Partner

dbradford@jenner.com

Office

Chicago

Phone

+1 312 923 2975

Areas of Focus

Business Litigation

Bankruptcy and
Restructuring

Energy

Law Firm and Professional
Services Defense

Real Estate and Hospitality



Overview

David J. Bradford is 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 David 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.

David 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.

Since 2003, David has served on the firm’s Policy Committee, which is its governing committee. He is the founding attorney and general counsel of the Roderick and Solange MacArthur Justice Center, which has clinics at the Northwestern University Law School and University of Mississippi Law School.

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- Energy

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Representative Matters

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.
- 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.
- 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).

Credentials

Admissions

- Illinois, 1976

Education

- University of Chicago Law School, JD, *cum laude*, Order of the Coif, 1976
- Michigan State University, BA, Highest Honors, Phi Kappa Phi Award, 1973

Court Admissions

- Illinois Supreme Court, 1976
- US Court of Appeals, Fifth Circuit, 1978
- US District Court, Northern District of Illinois, 1979
- US Court of Appeals, Seventh Circuit, 1979
- US Supreme Court, 1985
- US District Court, Northern District of Illinois (Trial Bar), 1993
- US District Court, Northern District of Indiana, 2000
- US Court of Appeals, Ninth Circuit, 2002
- US Court of Appeals, District of Columbia Circuit, 2005
- US Court of Appeals, Federal Circuit, 2006
- US District Court, Eastern District of Michigan, 2006
- US District Court, Western District of Kentucky, 2007
- US Court of Appeals, Sixth Circuit, 2009

Clerkships

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

Service / Recognition

Awards

- *Lawdragon 500 Leading Litigators in America*, 2026
- *The Best Lawyers in America*, Litigation - Mergers and Acquisitions, 2024, 2026
- American Constitution Society Chicago Lawyer Chapter, Abner J. Mikva Award - 2020
- *Chambers USA*, Litigation: General Commercial (Illinois), 2011-2025
- *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 Lawyers*, Business Litigation, 2005- 2023

- 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, 2021

Community

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

Service to the Bar

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