

## David W. DeBruin

**Partner**

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**Areas of Focus**

Antitrust and Competition

Law

Organizational Values and  
Strategy Task Force

Energy

Education

Government Contractor

Litigation and Compliance



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### Overview

**David W. DeBruin is a litigation counsel who has served as the managing partner of the Washington, DC office. He has extensive litigation experience in energy matters, as well as in complex Supreme Court and appellate litigation. David draws on his experience as a former law clerk for Supreme Court Justice John Paul Stevens and as a former trial attorney at the Public Defender Service for the District of Columbia, where he handled a large number of jury and bench criminal trials. He has argued cases before the United States Supreme Court, numerous federal appellate courts, and state supreme courts.**

In energy disputes, David provides extensive first-chair trial experience and deep proficiency in commercial energy markets. He has significant experience in hydroelectric power disputes and counsels on issues related to hydroelectric power. David led representation of Exelon in a dispute with the State of Maryland concerning the Conowingo Hydroelectric Project. He also represented Exelon in connection with challenges to the recent merger of Exelon and Pepco Holdings Inc., and he served as lead trial counsel in a case brought by Exelon, PSEG, Calpine and PPL in New Jersey involving state subsidies for construction of three natural gas generation facilities. David has been involved in contract disputes for natural gas deliveries, construction disputes in connection with new natural gas generating facilities in New England, and a significant mischarging dispute at FERC, among other matters.

David also has extensive civil litigation experience beyond the energy industry. He has served as lead trial counsel for General Dynamics, General Electric, Honeywell, Prudential, and other companies in fraud, False Claims Act, and *qui tam* cases. He served as trial and appellate counsel for General Dynamics in the successful defense of an action brought by the United States in SDNY seeking more than \$300 million under the False Claims Act, and he has

represented General Dynamics in billion-dollar contract dispute and government claims matters. David served as lead trial counsel for independent booksellers in an antitrust case that went to trial in federal court in San Francisco, obtaining significant injunctive relief.

In appellate matters, David has argued cases before the United States Supreme Court, almost every federal circuit court, and state courts of last resort in New York, Ohio, Georgia, Texas, and other states. He argued and obtained a unanimous decision in favor of his clients in a RICO case, *Bridge v. Phoenix Bond & Indemnity Co.*, 553 U.S. 639 (2008), and he was appointed by the Supreme Court to argue and defend the judgment below in favor of the *United States in Clay v. United States*, 537 U.S. 522 (2003). David served as one of the principal lawyers for Theodore B. Olson in *Morrison v. Olson*, 487 U.S. 654 (1988), the case involving the constitutionality of the independent counsel statute. In *Grutter v. Bollinger*, 539 U.S. 306 (2003), he represented Microsoft, General Electric, and 63 other leading American businesses in support of the efforts of the University of Michigan to admit a diverse student body.

David also maintains an active pro bono practice and currently serves as lead counsel for inmates on death row in Georgia, Alabama, and Texas. He served for many years on the Steering Committee of the ABA Death Penalty Representation Project and as Vice Chair of the Pro Bono Committee of the District of Columbia Bar. Among numerous awards, David was recognized by the District of Columbia Bar as its 2009 Pro Bono Lawyer of the Year, and, in 2013, he received the Frederick Douglass Equal Justice Award from the Southern Center for Human Rights. In 2022, he was recognized by *Chambers USA* as Band 1 in Litigation: General Commercial (District of Columbia).

## Areas of Focus

- Antitrust and Competition Law
- Organizational Values and Strategy Task Force
- Energy
- Education
- Government Contractor Litigation and Compliance
- Law Firm and Professional Services Defense
- Native American Law
- Transitions in Energy and Climate Solutions

## Representative Matters

- In appellate matters, Mr. DeBruin has argued cases before the United States Supreme Court, numerous federal appellate courts, and state supreme courts. Mr. DeBruin argued and obtained a unanimous decision in favor of his clients in *Bridge v. Phoenix Bond & Indemnity Co.*, 128 S. Ct. 2131 (2008), and he was appointed by the Supreme Court to argue and defend the judgment below in favor of the United States in *Clay v. United States*, 537 U.S. 522 (2003). Mr. DeBruin also served as one of the principal lawyers for Theodore B. Olson in *Morrison v. Olson*, 487 U.S. 654 (1988), the case involving the constitutionality of the independent counsel statute, and for Jose Padilla in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), the case involving the right of the President to detain an

American citizen seized in this country as an “enemy combatant.” In *Grutter v. Bollinger*, 539 U.S. 306 (2003), and *Gratz v. Bollinger*, 539 U.S. 244 (2003), Mr. DeBruin represented Microsoft Corporation, General Electric Company and 63 other leading American businesses in support of the efforts of the University of Michigan to admit a diverse student body in its Law School and College of Arts and Sciences. Among many other cases, Mr. DeBruin also served as lead counsel for General Dynamics Corporation in a successful defense of a trial court judgment rejecting claims of the United States in a \$300 million action brought under the False Claims Act, *United States v. General Dynamics Corp.*, 19 F.3d 770 (2d Cir. 1994); he represented Steelcase, Inc. and persuaded the Court of Appeals to reverse an \$8 million judgment for compensatory and punitive damages against the company and direct that judgment be entered for Steelcase, dismissing the case, *Propulsion Technologies, Inc. v. Attwood Corporation*, 369 F.3d 896 (5th Cir. 2004); and he represented Black & Decker Corporation in *National Union Fire Ins. Co. v. Emhart Corp.*, 11 F.3d 1524 (10th Cir. 1993), in which the Court of Appeals reversed a \$10 million judgment against Black & Decker and directed that judgment be entered for the company, ending the case.

- In energy litigation, Mr. DeBruin has extensive experience. He is leading the representation of Exelon in challenges in Maryland and the District of Columbia to the recent merger of Exelon and Pepco Holdings, Inc. Mr. DeBruin also served as lead trial counsel in a case brought by Exelon, PSEG, Calpine and PPL in New Jersey involving state subsidies for construction of three natural gas generation facilities. He has also been involved in contract disputes for natural gas deliveries, construction disputes in connection with new natural gas generating facilities in New England and a significant mischarging dispute at FERC, among other matters.
- In securities, fraud and other white collar litigation, Mr. DeBruin also has handled a wide range of matters. He recently represented the audit committee of a major corporation in connection with a confidential internal investigation, and he has represented the former CEO of BISYS Group, Inc., the former CFO of SIRVA, Inc., and other corporate officials in SEC investigations, shareholder securities class actions, and shareholder derivative suits. Mr. DeBruin has represented General Dynamics Corporation, General Electric Company, Honeywell International and other companies in fraud, False Claims Act, and *qui tam* cases. In other criminal litigation, Mr. DeBruin represented several employees of General Electric in an antitrust price-fixing case involving industrial diamonds, and several persons affiliated with the Hsi Lai Temple, in California, in a case involving allegations of illegal campaign finance contributions.
- In other civil litigation, Mr. DeBruin served as lead counsel for plaintiffs in an antitrust price discrimination action involving the bookselling industry, in which the American Booksellers Association and 26 independent bookstores brought claims against chain retailers Barnes & Noble and Borders. Mr. DeBruin also has handled matters for clients before the Federal Election Commission, the Securities and Exchange Commission, and the former Interstate Commerce Commission, and he has represented witnesses in several congressional investigations. In 1986, Mr. DeBruin served as Special Counsel to the Judiciary Committee of the United States House of Representatives in connection with the impeachment proceedings involving Judge Harry E. Claiborne, the first impeachment proceedings in the United States Senate in the modern era.

## Credentials

### Admissions

- District of Columbia, 1980

## **Education**

- University of Michigan Law School, JD, *summa cum laude*, 1980
- Indiana University–Bloomington, BA, with highest distinction, 1977

## **Court Admissions**

- US Supreme Court, 1988
- US Court of Appeals, Second Circuit, 1993
- US Court of Appeals, Third Circuit, 2002
- US Court of Appeals, Fourth Circuit, 1998
- US Court of Appeals, Fifth Circuit, 1997
- US Court of Appeals, Sixth Circuit, 2001
- US Court of Appeals, Seventh Circuit, 2010
- US Court of Appeals, Ninth Circuit, 2014
- US Court of Appeals, Tenth Circuit, 1992
- US Court of Appeals, Eleventh Circuit, 2010
- US Court of Appeals, District of Columbia Circuit, 1981
- US Court of Appeals, District of Columbia Circuit, 1980
- US Court of Appeals, Federal Circuit, 1995
- US District Court, District of Columbia, 1984
- US District Court, District of Maryland, 1990
- US District Court, Eastern District of Michigan, 2016
- US District Court, Western District of Michigan, 2001
- US Court of Federal Claims, 1995
- US Court of International Trade, 2011

## **Clerkships**

- Justice John Paul Stevens, US Supreme Court, 1981-1982
- Hon. Harry T. Edwards, US Court of Appeals, District of Columbia Circuit, 1980-1981

## **Service / Recognition**

### **Awards**

- Jenner & Block, Jenner & Block Mentorship Award, 2020; Albert E. Jenner Pro Bono Award, 2018; Jerold S. Solovy Public Service Award, 2013
- *Best Lawyers in America*, Criminal Defense: White Collar, 2015-2020
- *Chambers USA*, Litigation: General Commercial (District of Columbia), 2016-2025
- District of Columbia Bar, Pro Bono Lawyer of the Year, 2009
- *Lawdragon Magazine*, 3000 Leading Lawyers in America, 2010
- *Legal 500*, Energy Litigation - Conventional Power, 2020-2021
- Southern Center for Human Rights, Frederick Douglass Equal Justice Award, 2013
- *Washington, DC Super Lawyers*, 2010-2023, in Appellate, Business Litigation, Communications, and Franchise/Dealership
- Capital Bro Bono High Honor Roll, 2022-2025