

Andrew W. Vail

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Areas of Focus

Business Litigation

Real Estate and Hospitality

Trade Secrets and
Restrictive Covenants

Antitrust and Competition
Law

International Arbitration



Overview

Andrew Vail is a nationally recognized trial lawyer who counsels individuals, businesses, and other institutions on their matters of importance.

Andrew's commitment to excellence in serving his clients has been well recognized, including by *Illinois Super Lawyers* and *Chicago Magazine*, which have named Andrew in their "Best of the Best" lists of the top 100 lawyers in Illinois. He is a Fellow of the prestigious American College of Trial Lawyers and is ranked by *Chambers USA* in its Litigation: General Commercial category. Andrew was profiled by *Crain's Chicago Business* as a Notable Litigator & Trial Attorney in 2023 and as a Notable Gen X Leader in 2022. These recognitions are among other honors, including *The National Law Journal* naming him a Litigation Trailblazer in 2021. Andrew served as special prosecutor from 2021 to 2022, appointed by the Honorable Erica Reddick, Presiding Judge, Cook County, Criminal Division.

Clients have told *Chambers* researchers that Andrew is "good at making internal clients feel comfortable and helping them to understand what is going on with the litigation. He's very practical in his advice and doesn't give in to the legal manifestations of something. He's always thinking about what an action will that mean for the company and how will things sit with the judge emotionally." His "client service and general level of service, level of sophistication and commercial vision are very strong. Andrew has been exceptional at everything I've worked with him on." "Andrew is the full package. Besides being an outstanding lawyer and counsellor, he does an enormous

amount of support work, pro bono. If I had a litigation issue now, he would be my first call or one of my first two calls. He really is a star.”

He is passionate about pro bono service and is a committed leader in the community. Andrew has served as the General Counsel for the United Way Metropolitan Chicago since 2020 and was the recipient of the Chicago Bar Foundation and Chicago Bar Association’s 2021 Edward J. Lewis II Pro Bono Award.

In 2021-2022, Andrew served as the Chair of the Chicago Bar Association’s Strategic Planning Committee, which comprised lawyers and judges from a diverse cross section of the legal, business public service and not-for-profit community. That work culminated in the authorship of a new strategic plan for the CBA. He previously served on the CBA's Board of Managers, along with chairing its Civil Practice committees.

He currently serves on the boards of The Legal Aid Society, The Mikva Challenge, and Northwestern Pritzker School of Law’s Center on Wrongful Convictions. He is a member of the Leadership Greater Chicago (LGC) Signature Fellows Program, Class of 2020.

Andrew is a Co-Chair of the firm’s Real Estate and Hospitality Practice and Trade Secret and Restrictive Covenants Practice. He is a member of the firm's Management Committee and Pro Bono Committee.

He lives in Chicago with his wife, Ashley, young son, and baby daughter.



Andrew has been exceptional at everything I've worked with him on.



Chambers USA

Areas of Focus

- Business Litigation
- Real Estate and Hospitality
- Trade Secrets and Restrictive Covenants
- Antitrust and Competition Law
- International Arbitration

Representative Matters

- Won an international arbitration award on behalf of the Redeemer Committee valued at more than \$180 million after a three-week hearing in New York.
- Defeated environmental contamination claims for injunctive relief and monetary damages brought in United States District Court for the Northern District of Illinois by the City of Evanston against ComEd.

- Lead counsel on behalf of a number of clients litigating injunctive and/or declaratory relief matters in the United States District Court for the Northern District of Illinois and in Cook County Chancery Court.
- Lead counsel on behalf of EGI-VSR successfully confirming an international arbitration award worth over \$27 million in the United States District Court for the Southern District of Florida and on appeal before the Eleventh Circuit.
- Lead counsel on behalf of client successfully defeating alleged RICO's claims filed against it in the United States District Court for the Northern District of Illinois.
- Lead counsel on behalf of national bank in a bench trial in Cook County Law Division, successfully defending the bank against all claims asserted by its former customer Hilton Hotels regarding credit card data breaches that Hilton allowed to occur on its systems.
- Lead trial counsel representing client prescription health plan provider in an intellectual property license dispute, including during in a nine-day bench trial in Cook County Chancery Court, ultimately resulting in settlement between the parties and a productive relationship moving forward.
- Lead trial counsel representing Chicago-based landlord in a real estate easement/license dispute in Nevada state court with a Las Vegas nightclub relating to the club's alleged lewd, obscene and pornographic performances, including during a three-week injunction hearing and declaratory judgment trial, where court enjoined defendants.
- Co-lead arbitration counsel successfully representing property owner/developer/landlord client in a dispute about a proposal to build an adjacent pair of 50-story office buildings in downtown Chicago on a city block that includes an existing \$300 million office tower owned by our client, including during a three-day AAA arbitration.
- His investigation practice has included representing companies in internal or governmental investigations. He served as one of the team leaders—on issues relating to fiduciary duties—in the representation of Anton Valukas as the court-appointed Examiner in the Lehman Brothers bankruptcy case.

Credentials

Admissions

- Illinois, 2003

Education

- University of Illinois College of Law, JD, *cum laude*; Harno Scholar; Moot Court Bench, 2003
- University of North Carolina, Chapel Hill, BA, 1999

Court Admissions

- US Supreme Court, 2011
- US Court of Appeals, First Circuit, 2007
- US Court of Appeals, Seventh Circuit, 2009
- US Court of Appeals, Eleventh Circuit, 2021

- US District Court, Central District of Illinois, 2004
- US District Court, Northern District of Illinois (Trial Bar), 2009
- US District Court, Northern District of Illinois, 2004
- US District Court, Western District of Michigan, 2021
- US Tax Court, 2019

Service / Recognition

Awards

- *Best Lawyers in America*, Commercial Litigation, 2024
- *Crain's Chicago Business*, Notable Litigators & Trial Attorneys, 2023; Notable Gen X Leaders in Accounting, Consulting, and Law, 2022
- *Chambers USA*, Litigation: General Commercial, 2023
- *The National Law Journal*, Litigation Trailblazer, 2021
- Law Bulletin Publishing Company, 40 Illinois Attorneys Under Forty to Watch, 2016
- *Illinois Super Lawyers*, Business Litigation, 2014-2024; Best of the Best (among the top 100 lawyers in the state), 2015; Rising Star, 2012-2013
- *Legal 500*, Intellectual Property-Trade Secrets (Litigation and Non-Contentious Matters), 2020-2021; Cannabis, 2021
- The Chicago Bar Association and Chicago Bar Foundation, Maurice Weigle Exceptional Young Lawyer Award, 2009; Edward J. Lewis II Pro Bono Award, 2021
- Jenner & Block, Albert E. Jenner, Jr. Pro Bono Award, 2008
- Public Interest Law Initiative (PILI), Distinguished Fellow Alumni Award, 2014
- Australia Bar Association, Recognition for representation of Australian national incarcerated at Guantanamo Bay
- Korean American Bar Association of Chicago, Distinguished Service Award, 2014
- Tibetan Alliance Chicago, Recognition for representation of two Tibetan nationals charged with disorderly conduct in Cook County criminal court
- The United States District Court of the Northern District of Illinois, Award for Excellence in Pro Bono Service, 2019, 2021

Community

- United Way of Metro Chicago, General Counsel
- The Mikva Challenge, Illinois Advisory Board of Directors, 2020-present
- Legal Aid Society, Board of Directors, 2020-present
- Leadership Greater Chicago, Fellow, 2020

- University of North Carolina, Chapel Hill, Henry Owl Scholarship-School of Arts and Sciences, Founder
- Constitutional Rights Foundation Chicago (CRFC), Chair, 2019-2020; Vice Chair, 2016-2018, Executive Board-Member, 2014-2020; Board of Directors-Member, 2012-2020
- Northwestern's Center on Wrongful Convictions, Advisory Board-Member, 2014-Present
- Public Interest Law Institute (PILI), Board of Directors-Member, 2010-2014
- Illinois Legal Aid Online, Gala Committee, 2014
- The Center for Justice in Capital Cases at DePaul University School of Law, Advisory Board of Directors, Member and Chair, 2006-2014
- Cabrini Green Legal Aid, Young Professionals Board-Member, 2010-2012
- Chicago Lawyers Softball Association, Commissioner, 2008-2013
- American Bar Association, Section of Litigation Litigation Institute for Trial Training, 2007
- University of Illinois, Stuart N. Greenberger Research Associate for Legal Ethics, 2001-2002
- Chicago Bar Association, Moderator-CLE seminar on trial skills, 2019

Service to the Bar

- American Bar Foundation, Fellow
- American College of Trial Lawyers, 2021
- Chicago Bar Association, Strategic Planning Committee-Chair, 2021-Present; Civil Practice Committee-Chair, 2019-2021; Civil Practice Committee, Vice Chair, 2018-2019; Business Divorce and Complex Ownership Disputes Committee, Founding Member, 2018; Board of Managers, Member, 2016-2018; CBA/CBF, Co-Chair, 2016; Pro Bono Week, Chair, 2014-2015; Federal Civil Practice Committee, 2014-2015; Federal Civil Practice Committee, Vice Chair, 2013-2014; Judicial Evaluation Committee, Lead Investigator, 2009-2011
- Illinois State Bar Association, Illinois Bar Journal Editorial Board, Appointed Member, 2012-2016; Supreme Court Rules, Appointed Member, 2010-2011; Young Lawyers Division Council, Appointed Member, 2005-2006
- Illinois Supreme Court Committee on Jury Instructions in Criminal Cases, Appointed Member, 2009-2019

Pro Bono

The Wrongfully Accused and Wrongfully Convicted

- **Patrick Pursley.** Patrick Pursley had been convicted of murder in a 1994 jury trial in which the state relied heavily on the testimony of a state ballistics examiner that a firearm attributed to Mr. Pursley fired the bullets and cartridge cases found at the crime scene. Along with Steve Drizin from the Center on Wrongful Convictions (CWC), a Jenner team led by Andrew, took on Patrick's case in 2008 when he sought post-conviction testing under a new Illinois law. They succeeded winning on a matter of first impression at the Illinois Appellate Court, which ordered the testing. That testing led them to winning a post-conviction petition for a new trial. At the new trial they proved conclusively that the alleged firearm was not the one used in the crime. In sum, for over a decade, Andrew worked on behalf of Mr. Pursley to win a new trial and then prevail at that new trial, exonerating

Mr. Pursley after over 23 years in prison. Patrick recently obtained his Certificate of Innocence. Various news outlets such as NBC and the Associated Press have reported on the retrial and various pre-trial proceedings.

- **Arturo Reyes.** Andrew led a Jenner team that freed Arturo Reyes, who had been convicted based on confessions coerced by controversial former Chicago police detective Reynaldo Guevara. Andrew worked with the late Karen Daniel on the case, as she represented Mr. Reyes' co-defendant, Gabriel Solache. Judge Obbish's ruling came after prosecutors granted Guevara—who earlier had invoked the Fifth Amendment under questioning from Andrew—immunity from prosecution for everything but perjury, only to hear Guevara testify that he did not remember anything about the case. Prosecutors later dismissed the charges against Reyes, and he was released from IDOC custody for first time in nearly 19 years. Additionally, this work paved the way for a number of other persons convicted based on Guevara's investigative work. News of the dropped charges was reported by multiple media outlets, ranging from the *Chicago Tribune* to the *Associated Press*.
- **Juan Rivera.** Along with the CWC, Andrew was part of a Jenner trial team that included Tom Sullivan and Terri Mascherin in the case *People v. Juan Rivera*, a high-profile and long-running indigent criminal defense matter in Lake County, Illinois. Mr. Rivera was charged with the rape and murder of an 11-year-old girl. The team represented Mr. Rivera in his third trial and lost. Larry Marshall argued the appeal for the team and a unanimous three-judge panel of the Illinois Appellate Court reversed, outright, Mr. Rivera's murder conviction, holding in their opinion that "the State's evidence was insufficient to establish guilt beyond a reasonable doubt." Mr. Rivera was released from prison. Two years after his release, evidence from the case was matched to a potential suspect in a separate murder, supporting Mr. Rivera's innocence as he had long insisted. This was reported by the *Chicago Tribune*.
- **Hyungseok Koh.** Andrew and Terri Mascherin led the representation Hyungseok Koh, who had been wrongfully charged with murdering his 22-year-old son, Paul, and was acquitted only hours following a three-week jury trial at the Skokie courthouse. The team was able to show how the arresting officers had "tunnel vision" in attempting to force Mr. Koh to agree to their version of what happened. The trial included the showing of a video-recorded interview of Mr. Koh conducted by police and taped shortly after his son was found dead, during which, prosecutors argued, he confessed to killing the young man. The team was able to show the jury that Mr. Koh, a South Korean native, did not understand either the interrogation process or the questions because of language difficulties. In addition, the team presented evidence that Paul Koh had a history of mental illness and argued that not only was there no physical evidence to convict Mr. Koh, but that his son's death was a suicide. In recognition of their work, Andrew and the team earned a Distinguished Service Award from the Korean American Bar Association, as well as press from the *Chicago Tribune* and the *New York Daily News*.
- **Danny Lanza.** After Danny Lanza, who only spoke Spanish, was arrested based on an erroneous identification, allegedly falsely confessed to an assault, and had lingered in pretrial detention for years, Andrew took the case and demonstrated to the Cook County State's Attorney's that Mr. Lanza's confession was demonstrable false. He also identified the actual perpetrator who had engaged in a string of similar assaults. The State dropped the charges against Mr. Lanza and released him. He returned to Mexico to reunite with his family.
- **Lawrence Owens.** In the span of less than a year-and-a-half, Andrew and other firm lawyers appeared on behalf of pro bono client Lawrence Owens in the US Court of Appeals for the Seventh Circuit, the US District Court for the Northern District of Illinois, in the US Supreme Court (including Andrew sitting second chair at oral

argument), followed by Andrew taking the lead in the Circuit Court of Cook County, Criminal Division after the habeas path had concluded successfully. As a result of the firm's work, Mr. Owens, who had almost 11 years of a 25-year prison sentence left to serve, was released from prison under an *Alford* plea agreement to time already served. As part of his plea, Mr. Owens made clear on the record that he did not commit the crime for which he was charged.

- **Brendan Dassey.** Andrew was part of a Jenner & Block team that submitted a brief to the United States Supreme Court in support of Brendan Dassey's petition. Mr. Dassey's case was profiled in the Netflix series *Making A Murderer*. The petition focused on law enforcement's concerns with false confessions and wrongful convictions.

Addressing Post Conviction, Unfair Juvenile Sentencing or Racially Charged Sentencing Guidelines

- **Robert Rollins.** Andrew represented Robert Rollins before US District Court Judge Gary Feinerman, who reduced Mr. Rollins' "stupendously long" sentence of 106.5 years to 28 years and one day. The decision means that rather than serve the remainder of his life in prison, Mr. Rollins should be free in a couple of years. When he was 25 years old, Mr. Rollins was convicted for a string of three robberies within a week's time. No one was hurt during the offenses, and he stole less than \$10,000. He was convicted of these offenses under a mandatory sentencing scheme whereby the trial judge sentenced him to 106.5 years. Joining a legal team from New York-based Debevoise & Plimpton, Andrew filed a motion to reduce his sentence under the First Step Act. In reducing the sentence, Judge Feinerman found that Mr. Rollins' sentence was "exceedingly rare, resulting from the combination of the Government's charging decision and Rollins' decision to proceed to trial rather than cooperate and plead."
- **Willie Johnson.** Andrew and Gabe Fuentes led a legal team on behalf of pro bono client Willie Johnson who was prosecuted for perjury in 2011 after he recanted 1994 testimony implicating two men in a double murder two years earlier. The team promptly filed a petition for executive clemency, asking the Governor's office to act immediately to prevent the case from continuing to deter other witnesses from giving truthful recantations. Mr. Johnson received clemency shortly after Jenner & Block filed the petition on his behalf.

Civil Rights

- Andrew sued the Village of Robbins on behalf of a young woman asserting claims of discrimination in connection with Robbins' Police Department's failure to properly investigate the rape, where the rapist went on to rape additional persons in Robbins, and a high-ranking member of the Robbins Police Department testified at deposition that he didn't believe that reported rapes were true and instead a maneuver by women to obtain leverage in a relationship. The case was settled.
- He was one of the first American lawyers to represent a client detained in Guantanamo Bay, David Hicks. That worked was recognized by the CRFC and Australian Bar Association.
- Andrew was recognized by the Tibetan Alliance Chicago for his representation of two Tibetan nationals charged with disorderly conduct in Cook County Criminal Court in connection with protests at the Chinese Consulate. Andrew convinced the State to drop the charges in exchange for a commitment to commit community service that included protesting at the Chinese Consulate.

- Andrew recently co-led the firm's launch of an initiative called the Name Change Project. In partnership with firm clients and in collaboration with the firm's legal aid partner, the Transgender Legal Defense and Education Fund, the goal of the Name Change Project is to assist transgender individuals through the challenging experience of filing legal name change petitions.

Asylum and Immigration Matters

- Andrew helped organize a partnership with GCM Grosvenor, Jenner & Block, and the NIJC for a six-team asylum project. He led a team that helped secure asylum for a young LGBTQ Mexican woman who fled to the United States after members of a prominent and powerful criminal cartel sought to force her into work in the sex and drug trades. When the client tried to resist the cartel's efforts to recruit her, the cartel retaliated by physically attacking her and threatening her life. The team presented testimony (including detailed testimony from two expert witnesses regarding the systemic mistreatment of LGBTQ individuals in Mexico) and argument to the immigration judge over the course of two hearings. Despite obstacles, the team put together what the immigration judge called a "very well documented case."
- Andrew and a Jenner team co-authored an amicus brief in a case involving a father and his toddler son who seek redress for their forced separation at the border when they tried to enter the country. Filed on behalf a Stanford law professor and clinicians, the brief argues that the Trump Administration's forced family separation policy is torture under international law. "Since the inception of the Trump Administration's family separation policy, *amicus curiae* have important experience studying the mental and physical suffering endured by separated families."
- For his work on matters of importance to the Mexicans living in Chicagoland, he was selected by the Consul General of Mexico in Chicago to join a panel of lawyers to whom the Consulate may refer legal matters involving Mexican citizens. Andrew is among a select group of lawyers across Chicago who have been invited into this recognition.

Criminal Justice Reform

ILLINOIS CRIMINAL PATTERN JURY INSTRUCTIONS COMMITTEE

- Andrew served the full 10-year term permitted under Court rules on the Committee from 2009-2019. His service was recognized in an accommodation from Chief Justice Anne Burke.

ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS

- Andrew spent many years working with Tom Sullivan to investigate and advocate for the electronic recording of custodial interrogations. Tom began focusing on this matter while serving as the Co-Chair for the Illinois Governor's Commission on Capital Punishment and leading a subcommittee charged with making recommendations about police investigatory practices. The Committee ultimately recommended that the questioning of all homicide suspects in custody in police facilities be recorded electronically (Illinois followed the recommendation with legislation sponsored by then Illinois Senator Barack Obama, making it the first state to require complete custodial interrogations by statute).

At that time, only two other states required complete recordings – Alaska and Minnesota – under order of those states’ highest courts. In his work, Tom had learned that a number of police agencies outside of those states had been voluntarily recording custodial interrogations, including because they found it to be very beneficial to law enforcement in a number of ways. Together, Tom, Andrew, and a number of Jenner lawyers and staff picked up phones (for many years) and called police departments around the country to learn officers’ experiences. Together, they authored several articles, including the 2008 ABA Litigation article “The Case for Recording Police Interrogations.”

They took the first-hand, anecdotal information gathered – universal in support for the practice from law enforcement who actually experienced recording, based on the benefits to law enforcement – and testified and spoke across the country, and authored the Model Bill for Electronically Recording Custodial Interrogations. Andrew testified before the Montana House of Representatives Judiciary Committee; Pennsylvania State Senate Judiciary Committee; Missouri General Assembly Judiciary Committee; New York State Assembly Judiciary Committee; and District of Columbia City Council, Judiciary Committee.

Now, most of the states and the DC mandate recording custodial interrogations, along with several federal agencies.

EYEWITNESS IDENTIFICATION

- Andrew has spent significant time addressing the concern of unreliable eyewitness testimony, including amicus brief to the Seventh Circuit, testimony before the Illinois House of Representatives Judiciary Committee in connection with the enactment of Illinois eyewitness identification law along with numerous speaking engagements, including the “Legislative and Policy Solutions” panel at Northwestern Pritzker School of Law’s 2019 *Journal of Criminal Law and Criminology* Symposium.

Additional Testimony Before Legislative Bodies

- Montana House of Representatives Judiciary Committee, Feb. 19, 2009.
- Pennsylvania State Senate Judiciary Committee Joint State Government Commission to Study Wrongful Convictions, Harrisburg, PA, Mar. 5, 2008. Please click here to view.
- Missouri General Assembly Judiciary Committee, Subcommittee on DNA issues, St. Louis, MO, Nov. 9, 2005.
- New York State Assembly Judiciary Committee, Roundtable on videotaping interrogations, New York City, NY, Oct. 27, 2005.
- District of Columbia City Council, Judiciary Committee Hearing on municipal law requiring custodial interrogations be recorded, Washington DC, Nov. 15, 2004.