

ROBERT L. BYMAN, Of Counsel

Robert L. Byman is a litigator and former president of the American College of Trial Lawyers. He represents clients in complex commercial cases on diverse issues ranging from patents and intellectual property, securities and commodities, civil rights and contractual disputes concerning such fields as construction, insurance, financing, franchising and corporate acquisitions. He was lead trial counsel in the largest jury verdict ever in the State of Connecticut; he served as lead counsel to the firm's then-chairman, Anton R. Valukas, in his capacity as examiner in the Lehman Bankruptcy. Mr. Byman also has extensive experience in alternative dispute resolution as an advocate, arbitrator and mediator.

Mr. Byman served as president of the American College of Trial Lawyers in 2013-14. The College limits its members to 1% of the bar, who are selected by invitation only after an extensive investigation of their trial records and integrity. The College is recognized as the premier organization of trial lawyers in North America; it is the only organization of lawyers in which every member of the US and Canadian Supreme Courts have addressed the group in order to accept honorary Fellowship.

Mr. Byman is an adjunct professor of law at the Notre Dame University College of Law and is a frequent speaker and faculty member at seminars, continuing legal education and law school trial advocacy programs. Mr. Byman was a regular columnist on federal civil procedure issues for the *National Law Journal* and has authored more than 80 articles, chapters and texts on various trial practice subjects. In 2001, Mr. Byman was selected by the American Bar Association to be one of four Showcase Trial Lawyers to retry the "Chicago Seven" case at its annual meeting. Mr. Byman devotes a substantial amount of his practice to pro bono work, and has represented clients in a number of cases that have attracted national media attention and have been the subject of books and feature films.

Mr. Byman has tried dozens of cases to jury or bench verdict in a gamut of substantive areas, including patents and intellectual property, commodities and securities, trade practices, environmental, employment, land use, professional liability, civil rights, and a wide variety of complex contractual disputes with issues such as insurance, construction, franchising, licensing, and corporate acquisitions and reorganizations.

Mr. Byman served as lead counsel to the firm's then-chairman, Anton. R. Valukas, in his capacity as examiner in the Lehman Bankruptcy.

Mr. Byman was lead counsel for General Electric Capital Corporation in a six-week jury trial in a complex contractual dispute against General Motors Corp. and its subsidiary DirecTV, Inc., resulting in the largest jury verdict ever in the State of Connecticut - \$133,000,000 (The award was later increased to \$181,000,000 as a result of offer-of-judgment interest and attorneys' fees.)

Other representative cases include:



ROBERT L. BYMAN Of Counsel

CHICAGO

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PRACTICE GROUPS

Complex Commercial Litigation

Litigation

Markets and Trading

EDUCATION

University of Illinois College of Law, JD, 1970; Member, 1968-1970, Comments Editor, 1969-1970, *Illinois Law Forum*

University of Illinois at Urbana-Champaign, BA, 1967; Student Body President, 1965-1966

ADMISSIONS

Illinois, 1970

COURT ADMISSIONS

US Supreme Court, 1985

US Court of Appeals, Federal Circuit, 1994

US Court of Appeals, Second Circuit, 1992

US Court of Appeals, Sixth Circuit, 1997

US Court of Appeals, Seventh Circuit, 1975

US Court of Appeals, Ninth Circuit, 1976

US Court of Appeals, Eleventh Circuit, 1988

US Court of Appeals, DC Circuit, 1983

Illinois Supreme Court, 1970

US District Court, Northern District of Illinois, 1970

US District Court, Northern District of Illinois (Trial Bar), 1982

- Represented a publicly held pharmaceutical company in a multi-billion dollar contractual dispute with a joint venture; favorable result
- Represented an Insurance Company in a \$20 million re-insurance coverage dispute; award for the client in the full amount claimed
- Represented the former division president of a major bank in an non-competition and non-disclosure action in which the bank sought \$4 million in monetary damages plus injunctive relief; case dismissed and attorneys fees awarded to client
- Represented plaintiff in a multi-million action for defective construction of the window wall system in a high-rise office building; \$5 million jury verdict for client
- Represented defendant in patent, breach of contract action brought by supplier; jury verdict for client
- Represented multiple floor traders in CFTC enforcement action charging conspiracy and prearranged trading; verdict for clients
- Represented defendant in breach of contract and theft of trade secrets action; Jury verdict for plaintiff for \$6 million set aside by court
- Represented developer in zoning dispute in connection with 600-unit residential planned development; verdict for client
- Represented taxpayer in multi-million dollar IRS tax assessment; verdict for taxpayer
- Represented public company in 10(b)(5) class action suit; jury verdict for company
- Represented 20% minority shareholder in 10(b)(5) action against company; jury verdict for shareholder
- Represented public company in 10(b)(5) action brought by substantial individual shareholder seeking in excess of \$10 million in direct damages; case settled after two weeks of jury trial

Mr. Byman has devoted a substantial amount of his practice to pro bono work, which has included obtaining the release of two different men wrongfully convicted of murder. Mr. Byman secured reversal and the release of David Dowaliby after his conviction for the murder of his daughter; the case is the subject of a book and movie, *Gone In The Night*, starring Shannon Doherty. Mr. Byman secured the release of one of the “Ford Heights Four,” Dennis Williams, after he had served 18 years on death row as a result of a wrongful conviction; that case is the subject of the book *A Promise of Justice*. Mr. Byman has handled numerous pro bono matters that have attracted considerable national media attention, including his representation of (1) the adoptive parents of the child known in the media as “Baby Richard;” (2) Patrick Sykes, the defendant in the infamous “Girl X” case; (3) Dale Basten, one of the defendants in the “Monfils 7” murder case; and (4) Silvonus Shannon, one of the defendants in the highly publicized beating death of a Fenger High School student captured on cell-phone video.

Mr. Byman is a frequent speaker on e-discovery issues; he was responsible for the electronic discovery issues in *Coleman (Parent) Holding v. Morgan Stanley* which led to a default order that translated into a \$1.4 Billion jury verdict (the verdict was later reversed on other grounds). Mr. Byman is a co-author of the West’s *Illinois Civil Litigation Guide* and has authored numerous articles and chapters on trial practice subjects for the Practising Law Institute, the Matthew Bender Federal Evidence Practice Guide, the Matthew Bender Federal Litigation Guide, the ABA Litigation Magazine, and the Illinois Institute of Continuing Legal Education (IICLE). Mr. Byman was a regular columnist on federal civil procedure issues (with more than 70 published articles) for the *National Law Journal*. Mr. Byman has been a frequent lecturer for the IICLE on various litigation subjects and was a senior instructor for the IICLE Trial Bar Skills Course for Practising Attorneys. Mr. Byman is an adjunct professor at the Notre Dame University College of Law and has participated as guest faculty in trial advocacy programs at Northwestern, IIT-Kent, and Loyola Universities.

Awards

- *Illinois Super Lawyer*
Business Litigation, 2005-2020
- Leading Lawyers Network
ADR Law: Commercial Litigation, 2004-2019
Commercial Litigation, 2019
- *Who's Who Legal Illinois*
Arbitration - 2007 and 2008 Edition
Commercial Litigation - 2007 and 2008 Edition

Other

- Lindner Mutual Funds
Trustee, 1994-2004

Service To The Bar

- American College of Trial Lawyers
Ex-Officio Member, Board of Regents, 2014-present
President, 2013-2014
Treasurer, 2012-2013
Regent, 2008-2012
Chair, Regents' Nominating Committee, 2010
Chair, Ad Hoc Committee on Judicial Independence, 2006-2007
Chair, Ad Hoc Committee on Judicial Compensation, 2006-2008
Chair, Committee on Federal Civil Procedure, 2002-2005
- American Arbitration Association
Commercial Panel of Arbitrators, 1978-present
- Chicago Bar Association
Chair, Committee on Paralegals - 1980
Member, Committee on Judicial Evaluation, 1990-1992
Member, Committee on Futures & Derivatives Law - 1985
- International Academy of Trial Lawyers
Fellow, 2013-2018

Publications

- Co-Author, "When Your Expert Becomes Their Expert," ABA's Commercial & Business Litigation Committee Newsletter, November 30, 2018
- Partner Robert L. Byman Explores the Controversial History of Jury Nullification, October 10, 2017
- "Bubba the Love Sponge Wipes Out Gawker," American College of Trial Lawyers *Journal*, Fall 2016
- "Sometimes, a Litigation Hold Is Not Enough," *National Law Journal*, September 20, 2016
- "Aspire to Rein in Discovery Demands," *National Law Journal*, June 2016

- “Calm Yourself Amid the Interrogatory Chaos,” *National Law Journal*, February 8, 2016
- “Let Company Witnesses Work from a Script,” *National Law Journal*, October 26, 2015
- “Judges Rejecting Long-Winded Answers,” *National Law Journal*, July 20, 2015
- Co-Author, “Knowing How to Play a Jury: Maybe Attorneys in Gaye Case Used Old-Fashioned Psychology,” *Chicago Lawyer*, June 2015
- “How to Handle the Deposition ‘Do-Over’,” *The National Law Journal*, April 6, 2015
- “The Silvonus Shannon Story,” *The Benchers*, November 24, 2014
- “Objectionable Objections,” *National Law Journal*, August 25, 2014
- “When Your Expert Becomes Their Expert,” *National Law Journal*, May 12, 2014
- “The Lehman Examination – A Team Effort,” *National Litigation Consultants' Review*, vol. 3, 2013, January 17, 2014
- “So, You’ve Screwed Up. Now What?” *National Law Journal*, January 13, 2014
- “Attention Facebook Users: Post at Your Own Peril,” *National Law Journal*, September 2, 2013
- “Predictions on Predictive Coding,” *National Law Journal*, April 8, 2013
- “The Unwritten Rule - Get Out of Jail Free,” *National Law Journal*, June 4, 2012
- “Chapter 4: Presenting Testimony,” *Illinois Civil Practice: Trying the Case 2012 Handbook*, Illinois Institute for Continuing Legal Education, May 14, 2012
- “The NLJ: Three Decades of Change,” *The National Law Journal*, April 16, 2012
- “Initial Evaluation of the Case,” *IICLE Business and Commercial Litigation Handbook 2012*, 2012
- “USA,” *The International Comparative Legal Guide to: International Arbitration 2010*, Global Legal Group, 2010
- “USA,” *The International Comparative Legal Guide to: International Arbitration 2009*, Global Legal Group, 2009
- *Illinois Civil Litigation Guide*, Illinois Practice Series, Thomson West, 2009-2010
- “USA,” *The International Comparative Legal Guide to: International Arbitration 2008*, Global Legal Group, 2008
- *Illinois Civil Litigation Guide*, Illinois Practice Series, Thomson West, 2007-2008
- “Crossing with Technology,” *Your Witness: Lessons on Cross-Examination and Life from Great Chicago Trial Lawyers* (Law Bulletin Pub. Co. 2008), 2008
- Co-Author, “Initial Evaluation of the Case,” *IICLE Business and Commercial Litigation Handbook*, 2007
- *Judicial Compensation: Our Federal Judges Must Be Fairly Paid*, American College of Trial Lawyers, 2007
- *Judicial Independence: A Cornerstone of Democracy Which Must Be Defended*, American College of Trial Lawyers, 2006
- Co-Author, “Federal Litigation Guide, Discovery,” Vol. 2, *LexisNexis*, Matthew Bender, 2005
- Co-Author, “Illinois Evidence Courtroom Manual,” *LexisNexis*, 2005

- "The Expert-Lawyer Relation," *Litigation Services Handbook*, 3rd edition, 2004
- "Handling Witnesses," *Illinois Institute for Continuing Legal Education Handbook on Illinois Civil Trial Practice*, 1999
- Co-Author, "Initial Evaluation of Case," *Illinois Institute for Continuing Legal Education Handbook: Business and Commercial Litigation 1999*, 1999
- Co-Author, "Expert Witnesses," *PLI Winning Strategies & Techniques*, 1992
- "Opening Statements," *Matthew Bender Federal Evidence Guide*, 1990
- "Circumstantial Evidence," *Matthew Bender Federal Evidence Guide*, 1990
- Co-Author, "Direct Examination," *PLI Civil Trial Practice*, 1986
- "A New Boundary for Zone of Peril," *Illinois Law Forum* 125, 1969

Speaking Engagements

- "Out With the Old - The Legality of Law Firm Retirement Policies," American College of Trial Lawyers 61st Spring Meeting, San Antonio, TX, March 03, 2011 to March 06, 2011
- Delegation of the China Institutes of Contemporary International Relations, Chicago, IL, October 15, 2010
- "Lehman Brothers' Bankruptcy - The First Domino in the Financial Crisis," American College of Trial Lawyers 60th Anniversary Annual Meeting, Washington, DC, September 23, 2010
- Guest Instructor, University of Notre Dame Law School Trial Advocacy Course, South Bend, IN, January 03, 2010 to January 16, 2010
- "Practice Under the New E-Discovery Amendments: The Battlegrounds of Conflict; The Promise of Resolution," Bloomberg BNA Conference, Chicago, IL, May 08, 2007
- Guest Instructor, University of Notre Dame Law School Trial Advocacy Course, South Bend, IN, January 13, 2007
- "Arbitration: What You Need to Know as a Litigator," Chicago Bar Association Class Litigation and Commercial Litigation Committees, Chicago, IL, October 17, 2006
- Panelist, "eDiscovery and the New Rules: Practice Issues," Sedona Conference Institute, Chicago, IL, September 15, 2006
- "Instant Mentor: Ten Things I Wish I Knew as a Young Litigator," American Bar Association Young Lawyers Division 2006 Midyear Meeting, Chicago, IL, February 10, 2006
- Panelist, "ADR 101 for Construction Lawyers," American Bar Association Section of Litigation Alternative Dispute Resolution & Construction Litigation Committees CLE Seminar, Henderson, NV, November 09, 2005 to November 11, 2005
- Panelist, "The Use of e-Discovery in Litigation," Attenex and LIT Group Online Seminar, November 08, 2005
- Corporate Legal Times SuperConference 2005, June 22, 2005
- "Best Practices in Arbitration - Tips for Advocates and Transactional Attorneys" Chicago Bar Association Alternative Dispute Resolution Committee Seminar, Chicago, IL, April 06, 2005
- "Straight Talk About B2B Arbitration," The American Arbitration Association The National Law Journal, New York, NY, May 07, 2004

- Moderator, "Discovery Issues: A Perspective From The Bench," Second Annual Chicago Sidebar Seminar, Chicago, IL, October 30, 2002