

## ANDREW W. VAIL, Partner

*Andrew W. Vail is a first-chair litigator and co-chair of the firm's Trade Secrets and Restrictive Covenants Practice. He represents individuals, privately held, public and Fortune 500 companies as both plaintiff and defense counsel. Mr. Vail counsels clients on complex business litigation matters, providing sophisticated, creative and passionate representation at all stages. He also has extensive experience representing clients in internal corporate and government investigations. He speaks and/or testifies nationally on issues relating to reforms in the justice system and legal ethics.*

Mr. Vail has practiced at Jenner & Block his entire professional career, coming to the firm after graduating from law school with honors in 2003. *Illinois Super Lawyers* and *Chicago Magazine* have recognized Mr. Vail in their "Best of the Best" lists of the top 100 lawyers in Illinois, and he has been named a *Super Lawyer* for six consecutive years. He is also a member of the Leadership Greater Chicago (LGC) Signature Fellows Program, Class of 2020.

Mr. Vail is a member of several firm litigation practice groups. His practice focuses on "bet the company" complex commercial, property (both real estate and trade secret) and financial matters, among other important matters, and requests for emergency or injunctive relief. Examples of his recent work are listed on the "My Work" page, and include trying six significant litigation and arbitration matters to verdict or arbitration award over the past 16 months in federal court, Illinois state court and private arbitrations.

Mr. Vail authors the *Illinois Civil Practice Guide* and he has significant experience litigating in Illinois and Cook County courts.

His investigation practice has included representing companies in internal or governmental investigations. Mr. Vail also 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.

Mr. Vail chairs the firm's Pro Bono Committee in Chicago and has been recognized for his commitment to the Chicago community, pro bono legal representation and the organized bar.

### Examples of Reported Court Decisions:

- *Stephen Duncan v. Lawrence Owens*, No. 14-1516 (Supreme Court of the United States 2015).
- *EGI-VSR, LLC v. Coderch Mitjans*, 2015 WL 13765366 (S.D. Fla.).
- *The American Society of Media Photographers, Inc. v. Google, Inc.*, 2013 WL 1883204 (N.D. Ill. May 6, 2013) (awarding attorneys' fees and costs to client Tribune Media Services, LLC).
- *The American Society of Media Photographers, Inc. v. Google, Inc.*, 2013 WL 4953796 (N.D. Ill. Sept. 12, 2013) (denying American Society of Media Photographers' motion to reconsider award of fees and costs).



## ANDREW W. VAIL Partner

### CHICAGO

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### PRACTICE GROUPS

Antitrust and Competition Law  
Complex Commercial Litigation  
Consumer Law  
Environmental Litigation  
Financial Services Litigation  
International Arbitration  
Litigation  
Real Estate Litigation and Counseling  
Trade Secrets and Restrictive Covenants

### INDUSTRY GROUPS

Cannabis

### EDUCATION

University of Illinois College of Law, JD,  
2003; *cum laude*; Harno Scholar; Moot Court  
Bench

University of North Carolina, Chapel Hill, BA,  
1999

### ADMISSIONS

Illinois, 2003

### 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,  
2019

US District Court, Northern District of Illinois  
(Trial Bar), 2009

US District Court, Northern District of Illinois,  
2004

US District Court, Central District of Illinois,

- *People v. Pursley*, No. 2-09-0913 (Ill. App. Ct. Jan. 26, 2011) (reversing and remanding to trial court to enter order compelling IBIS ballistics testing). 2004
- *The People of the State of Illinois v. Juan A. Rivera, Jr.*, 2011 IL App (2d).
- *Rivera v. Mueller*, 596 F. Supp. 2d 1163 (N.D. Ill. Feb. 2, 2009) (successfully sued the FBI under the APA on behalf of incarcerated client to force the Bureau to run a search of its DNA database).
- *Baxter Int'l., Inc. v. Fresenius Med. Care Holdings, Inc.*, 2008 WL 4395854 (N.D. Ill. Sept. 25, 2008) (staying case on behalf of defendant-client; the court subsequently terminated the case).
- *In re Marine Sys. Corp.*, 2008 WL 4820128 (4th Cir. 2008) (affirming grant of summary judgment on behalf of client in fraud case).
- *Gillis v. SPX Corp. Individual Account Retirement Plan*, 511 F. 3d 58 (1st Cir. 2007); *Gillis v. SPX Corp. Individual Account Retirement Plan*, 2007 WL 1031656 (D. Mass., Mar 31, 2007).
- *Equity Residential v. Kendall Risk Mgmt., Inc.*, 246 F.R.D. 557 (N.D. Ill. Nov. 16, 2007) (granting client's and denying opponent's cross-motions to compel discovery; the case was settled shortly thereafter); *Equity Residential v. Kendall Risk Mgmt., Inc.*, 2005 WL 2007240 (N.D. Ill. Aug. 11, 2005) (finding that plaintiff-client's complaint had adequately pleaded a federal RICO claim).
- *Hicks v. Bush*, 397 F. Supp. 2d 36 (D.D.C. Nov 14, 2005) (granting motion to stay military commission proceedings against client).

## 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.

## Awards

- Law Bulletin Publishing Company  
40 Illinois Attorneys Under Forty to Watch, 2016
- *Illinois Super Lawyers*  
"Super Lawyer," Business Litigation - 2014-2020  
"Best of the Best" (among the top 100 lawyers in the state) - 2015  
"Rising Star," Business Litigation - 2012, 2013
- *Legal 500* - Intellectual Property - Trade Secrets (Litigation and Non-Contentious Matters) - 2020
- The Chicago Bar Association and Chicago Bar Foundation  
Maurice Weigle Exceptional Young Lawyer Award - 2009
- Jenner & Block  
Albert E. Jenner, Jr. Pro Bono Award - 2008
- Public Interest Law Initiative (PILI)  
Distinguished Fellow Alumni Award, 2014
- Constitutional Rights Foundation  
Along with other firm lawyers, received Chicago's Bill of Rights in Action Award for representation of client incarcerated at Guantanamo Bay - [Please click here to view.](#)
- 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

## Community

- University of North Carolina, Chapel Hill  
[Founder, Henry Owl Scholarship - School of Arts and Sciences](#)
- [Constitutional Rights Foundation Chicago \(CRFC\)](#)  
Chair - 2019-present  
Vice Chair - 2016-present  
Member, Executive Board - 2014-present  
Member, Board of Directors - 2012-present
- [Northwestern's Center on Wrongful Convictions](#)  
Member, Advisory Board - 2014-present
- Northwestern University Leadership Circle  
Member, 2016

- Public Interest Law Institute (PILI)  
Member, Board of Directors - 2010-2014
- Illinois Legal Aid Online  
Gala Committee - 2014
- The Center for Justice in Capital Cases at DePaul University School of Law  
Member and Chair, Advisory Board of Directors - 2006-2014
- Cabrini Green Legal Aid  
Member, Young Professionals Board - 2010-2012
- Chicago Lawyers Softball Association  
Commissioner - 2008-2013

## **Educational**

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

## Publications

- Co-Author, Real Estate Litigation Newsletter September 2020, September 24, 2020
- “How Cannabis Cos. Can Address Enhanced Antitrust Scrutiny” *Law360*, July 8, 2020
- Co-Author, Client Alert: Federal Court Refuses to Allow Lost Profits Claim from Alleged Breach of Cannabis-Related Contract, April 21, 2020
- Co-Author, Client Alert: An Update on the State of Litigation Under COVID-19, April 20, 2020
- Co-Author, Client Alert: Safeguarding Company Trade Secrets in a “Work from Home” Environment, April 15, 2020
- Co-Author, Client Alert: The State of Litigation Under COVID-19, April 1, 2020
- Co-Author, Client Alert: Commercial Cannabis: Current Legal Landscape, March 27, 2020
- Co-Author, *Consumer Finance Observer* – Winter 2020, February 5, 2020
- Co-Author, *Illinois Civil Practice Guide*, Jenner & Block Practice Series, January 30, 2020
- Client Alert, Co-Author, “FTC May Wade into Enforceability of Non-Compete Agreements”, January 16, 2020
- Co-Author, Client Alert: Federal Court Upholds Client’s Arbitration Agreement, Finds It Is Enforceable and Not in Conflict with Bankruptcy Code, December 23, 2019
- Co-Author, “Employers Take Note: State AGs Urge FTC to Step Up Scrutiny of Employee Restrictions,” New York University’s *Compliance and Enforcement* blog, August 9, 2019
- Co-Author, Client Alert: “Employers Take Note: State AGs Urge FTC to Step Up Scrutiny of Employee Restrictions”, August 1, 2019
- Co-Author, Client Alert: “Government and Private Challenges to Worker Restrictions Continue”, June 6, 2019
- Co-Author, “Depositions,” *Business and Commercial Litigation 2019 Edition*, IICLE, December 10, 2018
- Co-Author, “Illinois Federal Judge Strikes Down Director-Level Restrictive Covenant As Facially Unreasonable”, April 23, 2018
- Co-Author, *2018 Illinois Civil Practice Guide*, Jenner & Block Practice Series, February 20, 2018
- Co-Author, Client Alert: “Illinois Attorney General Targets Customer Service Worker Non-Competition Provisions”, November 7, 2017
- Co-Author, Client Alert: Restrictive Covenants and Social Media: When are LinkedIn Requests and Other Posts Solicitations?, July 21, 2017
- Co-Author, “Employment Agreements: Employers Need to Pay Attention to Growing Government Activism,” *IP Watchdog*, January 22, 2017
- Co-Author, *Illinois Civil Practice Guide*, Jenner & Block Practice Series, July 14, 2016
- Co-Author, Client Alert: “Not So Fast: Illinois AG Sues Jimmy John’s Over Enforceability of its Non-Compete Agreements”, June 13, 2016
- Co-Author, Client Alert: “The New Federal Trade Secrets Law: Additional Protections, Additional Complexity”, May 13, 2016

- Co-Author, *Illinois Civil Practice Guide*-Jenner & Block Practice Series, July 2014; Mid-Year 2013; January 2013; April 2012
- Co-Author, "Using Juror Questions During Trial to Your Advantage: Practice Tips for Illinois Supreme Court Rule 243," *Illinois Bar Journal*, December 2013
- "The Consequences of Law Enforcement Officials' Failure to Record Custodial Interviews as Required by Law," *Northwestern University School of Law's Journal of Criminal Law & Criminology*, Winter 2009
- "The Case for Recording Police Interrogations," *Litigation*, American Bar Association's Section of Litigation, Vol. 34, No. 3, Spring 2008
- "Model Jury Instructions in Civil Antitrust Cases 2005 Edition," ABA Section of Antitrust Law, 2005
- "John Marshall's Views on Native American Sovereignty, Land Rights & Culture," *University of North Carolina Journal of Social Science*, 1999

## Speaking Engagements

- "Current Litigation Practice Highlights: State and Federal Court," Chicago Bar Association, March 26, 2019
- Panelist, "Legislative and Policy Solutions," Northwestern Pritzker School of Law's *Journal of Criminal Law and Criminology* Symposium, February 28, 2019
- Panelist, "Making a Difference: How You Can Get Engaged," Illinois Supreme Court Commission on Access to Justice's Law Student Leaders Summit, February 22, 2019
- "From Confession to Acquittal: In-Depth Trial Strategies for the Confession Case," NACDL 2019 Midwinter Meeting and Seminar, February 2019
- Panelist, "Advanced Business Development Strategies: The Secrets to Becoming a Rainmaker," Chicago Bar Association Leadership Institute, 2018 and 2019
- "Cross Examination," Chicago Bar Association CLE: "Sharpen Your Trial Skills", September 22, 2016
- "Cross Examination," Chicago Bar Association CLE: "Sharpen Your Trial Skills", September 24, 2015
- "Direct Examination," Chicago Bar Association CLE: "Sharpen Your Trial Skills", September 17, 2015