

DAVID M. GREENWALD, Partner

David M. Greenwald is a litigator in Jenner & Block's Chicago office. Clients seek his counsel in high-stakes, complex disputes relating to commercial matters, cross border disputes, insurance and reinsurance coverage, structured finance, bankruptcy, internal investigations, and government contracts, among other areas. Mr. Greenwald has extensive first chair trial experience, having tried more than 15 cases in federal and state courts throughout the country. In addition to his accomplished trial practice, he regularly represents clients in domestic and international arbitrations, appeals, internal investigations, and global compliance reviews.

Mr. Greenwald is AV Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability. He is the editor of Jenner & Block's [Attorney-Client Privilege Update](#) online resource center and its [Protecting Confidential Legal Information](#) handbook, and he is co-editor of *Testimonial Privileges*, published by Thomson Reuters and co-editor of the Second Edition of *Privilege and Confidentiality: An International Handbook*, published by Bloomsbury Professional for the International Bar Association. Mr. Greenwald is a frequent speaker on topics relating to cross border discovery, privilege, ethics, e-discovery, and insurance and reinsurance. He is a member of the firm's Complex Commercial Litigation, Insurance Recovery and Counseling, International Arbitration, and Bankruptcy Practices.

Mr. Greenwald maintains an active pro bono practice. He has represented indigent criminal defendants, including serving as trial counsel in a death penalty case. He has also handled a wide variety of other pro bono matters relating to civil rights, parental rights, asylum proceedings, and other matters. He has provided leadership to a variety of community organizations, including serving for seven years as president of Mwangaza, Inc., a non-profit corporation that supports health-related projects for physically disabled children in Tanzania. Mr. Greenwald served on the board of the Grant Park Orchestral Association from 2009 to 2013. He is currently serving on the board of The Few Initiative For Children. He has been an active member in the American Bar Association's Insurance Coverage Litigation Committee (ICLC) and the International Bar Association's Litigation, Insurance, and Arbitration Committees.

My Work

Mr. Greenwald represents clients around the globe in their most complex litigation matters and investigations. His work highlights include:

- Lead trial counsel representing Covanta Energy in its successful Chapter 11 reorganization proceedings, which, among other disputes, included a successful defense against attempts to terminate contracts and deactivate plants during bankruptcy proceedings;
- Lead counsel representing a Norwegian company in arbitration proceedings before the Arbitration Institute of the Stockholm Chamber of Commerce relating to minority shareholder disputes;



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PRACTICE GROUPS

Aviation and Aerospace
Insurance Recovery and Counseling
International Arbitration
Litigation
Reinsurance

EDUCATION

University of Michigan Law School, J.D.,
1986; *cum laude*

Georgetown University, A.B., 1983; *cum laude*

ADMISSIONS

Illinois, 1986

COURT ADMISSIONS

U.S. Court of Appeals, Seventh Circuit,
1989

U.S. Court of Federal Claims, 1995

U.S. District Court, Northern District of Illinois
(Trial Bar), 1987

U.S. District Court, Eastern District of
Michigan, 1989

- Lead counsel in the United Kingdom and the Netherlands relating to investigations of export controls and investigation by the Office of Foreign Assets Control (OFAC);
- Led an internal investigation for a client in Asia relating to a sensitive data breach; and
- Led an internal investigation for a client into potential Foreign Corrupt Practices Act (FCPA) violations in Egypt and Dubai.

Mr. Greenwald's recent notable matters also include:

- Lead trial counsel for holders of approximately \$1 billion of Residential Mortgage Backed Securities in *In re the Rehabilitation of: Segregated Account of Ambac Assurance Corp.*
- Lead counsel in dispute on behalf of holders of more than \$100 million of Insurance Linked Securities;
- Lead counsel in anti-corruption compliance reviews for U.S. based companies with operations in Latin America, Asia, and the Middle East;
- Representation of the Magnatrx Litigation Trust in a fraudulent conveyance matter involving hundreds of millions of dollars in pre-bankruptcy transfers;
- Representation of a reinsurer in complex federal court litigation regarding several hundred million dollars in workers' compensation carve out business;
- Representation of a reinsurer regarding several hundred million dollars in Directors and Officers and Professional Liability reinsurance claims;
- Representation of the Commercial Financial Services (CFS) bankruptcy estate, successfully defending against a constructive trust claim asserted against over \$50 million in estate assets by a bank and related entities holding interests in ABS trusts; and
- Representation of a U.S.-based ceding insurer in domestic arbitration proceedings regarding a variety of facultative reinsurance claims.

Awards

- *Illinois Super Lawyers*
Business Litigation - 2012-2019
- *International Who's Who of Commercial Litigators*
- *International Who's Who of eDiscovery Litigators*
- *International Who's Who of Insurance and Reinsurance Lawyers*
- Legal Media Group
Expert Guide - Insurance and Reinsurance

Community Involvement

- The Few Initiative For Children
Treasurer - 2014-present
- Grant Park Orchestral Association
Director - 2009-2013

- McGaw YMCA
Director - 2006-2007
- MWANGAZA, Inc.
President - 2000-2007
- UNA-USA
Chicago Chapter Director - 2008-2009

Service To The Bar

- International Bar Association
Chair - Insurance Committee - 2016-2017
Senior Vice Chair - 2014-2015
Vice Chair - 2013
Special Projects Officer - 2012
- AIDA Europe
Reinsurance Working Group - 2010-present
- American Bar Association - Section on Litigation
Insurance Coverage Litigation Committee
London/International Sub-Committee Co-Chair - 2002-2005
Reinsurance Committee Co-Chair - 2006-present
- The Sedona Conference - Working Group 1
- Electronic Discovery Institute
Instructor
- Lex Mundi Ltd.
Treasurer - 2018-2019
Board Member - 2015-2017

Publications

- Co-Author, *Testimonial Privileges, 2019-2020 ed*, Thomson Reuters, September 25, 2019
- *Protecting Confidential Legal Information: A Handbook for Analyzing Issues under the Attorney-Client Privilege and the Work Product Doctrine*, Jenner & Block Practice Series, 2019
- Client Alert: Judge Orders Disclosure of Interview Memoranda Following “Oral Downloads” of Facts to the SEC, Highlighting the Importance of Safeguarding Privilege when Cooperating with the Government, December 11, 2017
- Co-Author, "Government Investigations Reference Model," GICLI, October 2017
- Author, Chapter 15, "Maximizing The Protection Provided By The Attorney-Client Privilege And The Work Product Doctrine," *The General Counsel's Guide To Government Investigations*, October 2017
- *Protecting Confidential Legal Information: A Handbook For Analyzing Issues Under The Attorney-Client Privilege And The Work Product Doctrine*, Jenner & Block Practice Series, October 24, 2017
- *Testimonial Privileges*, Thomson Reuters Trial Practice Series, Fall 2017

- “One Proposed Solution to Common Discovery Quandaries,” Bloomberg Big Law Business, January 7, 2016
- Team Leader, *Commentary on Protection of Privileged ESI*, The Sedona Conference, December 2015
- “Slaying the Traditional Privilege Log,” Bloomberg Big Law Business, December 17, 2015
- “How to Save Time, Money and Heartache in eDiscovery,” Bloomberg Big Law Business, December 10, 2015
- “Savvy Use of the Federal Rules Saves Time and Money: Privilege Review,” Bloomberg Big Law Business, December 8, 2015
- *Protecting Confidential Legal Information: A Handbook For Analyzing Issues Under The Attorney-Client Privilege And The Work Product Doctrine*, Jenner & Block Practice Series, 2015
- Author, Chapter 7, “Privilege Review and Logging,” *The Federal Judges’ Guide to Discovery*, EDI, October 2015
- D.C. Circuit Grants Mandamus To Protect In-House Internal Investigation Materials, July 2, 2014
- *Testimonial Privileges*, Thomson Reuters, 2014
- Client Alert: Mandatory Disclosure Internal Investigations May Be Found to Be Non- Privileged if Legal Function Not Sufficiently Involved, March 19, 2014
- Client Alert: NLJ names Jenner & Block as Insurance Litigation Department of the Year (Chicago), August 15, 2013
- Contributor, *Practicing Under the U.S. Anti-Corruption Laws*, Aspen Book Publishers, 2013 Edition, May 2013
- Co-Editor, *Privilege and Confidentiality: An International Handbook*, Bloomsbury Professional for the International Bar Association, June 5, 2012
- *Testimonial Privileges*, Thomson Reuters, 2012
- Author, *Protecting Confidential Legal Information: A Handbook for Analyzing Issues under the Attorney-Client Privilege and Work-Product Doctrine*, Jenner & Block, 2012
- Editor, Privilege in Insurance Disputes: “Shielding Privileged Information in the Midst of a Sword Fight”, International Bar Association, October 2011
- Author, *Protecting Confidential Legal Information: A Handbook for Analyzing Issues under the Attorney-Client Privilege and Work-Product Doctrine*, Jenner & Block, 2011
- Author, *Protecting Confidential Legal Information: A Handbook for Analyzing Issues under the Attorney-Client Privilege and Work-Product Doctrine*, Jenner & Block, 2010
- Co-Author, “New Federal Rule of Evidence 502: A Tool for Minimizing the Cost of Discovery,” *Bloomberg Litigation Reporter*, January 26, 2009
- Author, *Protecting Confidential Legal Information: A Handbook for Analyzing Issues under the Attorney-Client Privilege and Work-Product Doctrine*, Jenner & Block, 2009
- Co-Author, “Special Committees and Protecting Privilege: The Delaware Chancery Court Weighs In,” *The Corporate Counselor*, Vol. 22, No. 10, March 2008
- Co-Author, “Reinsurance 201 – Discovery of Privileged Communications Between Insurers and Their Reinsurers,” *Coverage*, Vol. 17, No. 2, November - December 2006
- *Reinsurance Reports*, Spring 2006

- "Transparency in Financial Reporting without Waiving a Corporation's Privileges," *Bloomberg Corporate Law Journal*, Vol. 1, Issue 1, 2006
- Co-Author, "Legal Privilege in the United States," Chapter 21 in *Privilege and Confidentiality: An International Handbook*, International Bar Association, 2006
- *Testimonial Privileges*, 3rd Ed., Thomson West, 2005
- *Reinsurance Reports/Arbitration News*, Spring 2003
- "Selective Waiver of Privileges," *For the Defense*, December 2002
- *Reinsurance Reports*, Summer 2002

Speaking Engagements

- Moderator, "The Government Investigations Reference Model (GIRM) 3.0: An Interactive Planning Session & a Call for The Forensic Accounting Reference Model (FARM)," 2019 GICLI Annual Meeting, October 15, 2019
- Moderator, "Litigations & Investigations: The Government Reference Model," 2019 LegalTech Conference, January 29, 2019
- Panelist, "Seeing the Forest Through the Trees: Protecting Privilege in Complex Discovery," ABA 12th Annual National Institute on E-Discovery, May 18, 2018
- Panelist, "Proportional Privilege Practicum," 14th Annual Georgetown Advanced E-Discovery Institute, November 17, 2017
- Panelist, "Attorney-Client Privilege at Risk in Investigations and Audits," Strafford webinar, September 14, 2016
- Panelist, "The Federal Judges' Guide to Discovery," EDI Webinar, August 09, 2016
- Panelist, "Recent Developments on Client Confidentiality," ABA Center for Professional Responsibility, June 16, 2016
- Panelist, "Privilege Solved: Streamline the Review Process," 12th Annual Georgetown Advanced E-Discovery Institute, November 20, 2015
- Panelist, "Convergence of Capital Markets and Reinsurance: Catastrophe Bonds and Other Insurance Linked Securities," International Bar Association's Annual Conference, October 08, 2015
- Panelist, "Attorney-Client Privilege at Risk in Investigations and Audits," Strafford Webinar, August 25, 2015
- "Protecting Your Client's Confidential Information: ESI, Privilege, and FRE 502," American Bar Association Center for Professional Responsibility 41st Annual National Conference, May 29, 2015
- "Asserting and Preserving Privilege in e-Discovery," 9th Annual Sedona Conference Institute Program on e-Discovery, March 19, 2015 to March 20, 2015
- "Attorney-Client Privilege at Risk in Investigation and Audits," Strafford, December 17, 2013
- "ESI and Privilege: Taking a Fresh Approach," Georgetown Law Advanced eDiscovery Institute, November 22, 2013
- "Who Shall I Say is Calling? The Role of the Insurance Broker at Placement, Following a Major claim, and in Dispute Resolution," IBA 2013 Annual Conference, Boston, Massachusetts, October 07, 2013
- "Global Legal Strategies for Managing Change and Mitigating Risk: 2013 and Beyond," Lex Mundi Insurance and Reinsurance Cross-Border Legal Summit, Munich, Germany, September 09, 2013 to September 10, 2013

- "Wind, Water and Quake: Coverage in the Wake of Catastrophes," International Bar Association Annual Conference, Dublin, Ireland, October 04, 2012
- "Attorney-Client Privilege: How Strong Is it?" International Bar Association Conference, Dublin, Ireland, October 03, 2012
- Panelist, "Protecting Privileged Information for Insurance Disputes," Strafford Webinar, February 01, 2012
- "Federal Civil Practice Update 2011: A Practical Guide to New Developments, Procedures & Strategies," Practising Law Institute, Chicago, IL, October 05, 2011
- "Protecting Privilege and Avoiding Waiver," Law Bulletin Seminar, 2011 Annual E-Discovery Conference, June 28, 2011
- "Attorney-Client Privilege & the Work Product Doctrine," Professional Education Broadcast Network Teleseminar, May 17, 2011
- "Resolving Reinsurance Disputes at Home and Abroad: Developing the Case and Providing It at Trial or a Hearing," American Bar Association Section of Litigation Insurance Coverage Litigation Committee Mid-Year Meeting, Tucson, AZ, March 03, 2011 to March 05, 2011
- Panelist, "Maneuvering Your Way Through Common Privilege Traps," American Conference Institute National Advanced Forum on Professional Liability Insurance, New York, NY, March 24, 2010 to March 25, 2010
- "Punitive Damages and Tort Reform," The International Bar Association's 2009 Annual Conference, Madrid, Spain, October 04, 2009 to October 09, 2009
- "Navigating the Ethics of Providing Competent Representation in Complex Litigation," Practising Law Institute Webcast, June 18, 2009
- "Attorney-Client Privilege at Risk in Investigations and Audits: Strategies for Preserving Confidentiality and Avoiding Waiver," Legal Publishing Group of Strafford Teleconference, April 15, 2009
- "Rule 502 And The Attorney-Client Privilege: Scope, Limitations, And Best Practices," Strafford Publications Webinar, March 18, 2009
- "Reinsurance at Home and Abroad: What Direct-Side Coverage Lawyers Should Know about Reinsurance," American Bar Association Section of Litigation Insurance Coverage Litigation Committee CLE Seminar, Tucson, AZ, March 06, 2009
- "Attorney-Client Privilege in Electronic Communications," Legal Publishing Group of Strafford Publications Teleconference, January 21, 2009
- "Protecting Attorney-Client Privilege in Insurance Litigation," Insurance Law & Litigation Week and the Legal Publishing Group of Strafford Publications Teleconference, December 02, 2008
- "Electronic Discovery Guidance 2008: What Corporate and Outside Counsel Need to Know," Practising Law Institute, New York, NY, November 05, 2008
- "Fronting Insurance," International Bar Association 2008 Annual Conference, Buenos Aires, Argentina, October 15, 2008
- Panelist, "Class Actions: Will Europe Have to Face a US-style Litigation Culture in the Future?" Association Internationale de Droit des Assurances Europe Conference, Hamburg, Germany, May 23, 2008

- "Balancing Zealous Advocacy and Ethical Obligation: Confidential Information, Privileged Materials, and Other Potential Pitfalls," Practising Law Institute Webcast, May 01, 2008
- "Attorney-Client Privilege at Risk in Investigations and Audits – Strategies for Preserving Confidentiality and Avoiding Inadvertent Disclosure," Legal Publishing Group of Strafford Publications Teleconference, April 08, 2008
- "Attorney-Client Privilege in Jeopardy in Insurance Litigation," Strafford Publications Webinar, March 11, 2008
- "Walking the Line: Managing Privilege and Attorney-Client Communications," Martindale-Hubbell Counsel to Counsel Roundtable, New York, NY, February 27, 2008
- "Protecting Against Threats To The Attorney-Client Privilege From Auditors, Adversaries, And Deal Partners," Practising Law Institute Webinar, November 27, 2007
- "Introduction to International Arbitration," International Bar Association Annual Conference, Singapore, October 14, 2007 to October 19, 2007
- "Law Firm Bidding Strategies and Interview Tips," University of Michigan Law School, Ann Arbor, MI, April 04, 2007
- Faculty, "Proposed Evidence Rules 502 on Waiver of Attorney-Client Privilege and Work Product; Thompson Memo," American Law Institute-American Bar Association, St. Thomas, USVI, March 07, 2007 to March 09, 2007
- "Complex Civil Litigation and Class Action Developments," The Center for American and International Law Conference, Plano, TX, November 30, 2006 to December 01, 2006
- Corporate Secretary Chicago Think Tank, Chicago, IL, September 13, 2006
- "Civil Practice and Litigation Techniques in Federal and State Courts," American Law Institute-American Bar Association, Charleston, SC, May 31, 2006 to June 02, 2006
- *InsideCounsel* - SuperConference, April 18, 2006
- Panelist, "Hot Topics in Reinsurance," American Bar Association Section of Litigation Insurance Coverage Litigation Committee CLE Seminar, Tucson, AZ, March 02, 2006 to March 04, 2006
- "Special Masters' Handling of Privilege and Work Product Claims," American Law Institute-American Bar Association, Chicago, IL, November 03, 2005 to November 04, 2005
- ABA Insurance Coverage Litigation Committee Meeting, Tucson, AZ, March 06, 2003 to March 08, 2003
- "Lloyd's, Equitas, and the London Market: The Basics," ABA Insurance Coverage Litigation Committee, Tucson, AZ, March 06, 2003
- 2002 *InsideCounsel* SuperConference, June 20, 2002
- Lloyd's and EQUITAS 2002 Conference, Chicago, IL, May 14, 2002 to May 15, 2002
- "Update on Recent Insurance Case Law," Chicago Bar Association Insurance Committee, Chicago, IL, March 06, 2002
- "Equitas: How long will the show go on?" American Bar Association Tort and Insurance Practice Section Excess Surplus Lines and Reinsurance Committee and Bartsky Legal Texts Ltd., New York, NY, October 19, 2001

