

ANDREW F. MERRICK, Partner

Andrew F. Merrick is a first-chair, trial lawyer who represents companies and individuals in a broad range of business disputes involving a variety of substantive legal areas, including breach of contract, deceptive trade practices and other business torts, trade secret misappropriation, and claims arising under the UCC. Illinois Super Lawyers' 2019 named Mr. Merrick among the "top 5 percent of attorneys in the state" in the area of Business Litigation.

Mr. Merrick has significant first- and second-chair trial experience, has served as lead counsel in multiple federal jury trials, and is a member of the Trial Bar for the Northern District of Illinois. He represents clients in a variety of industries, including aerospace, energy, financial services, food and beverage, government contracts, hospitality, manufacturing, pharmaceutical, real estate and construction, technology, and transportation. He has tried cases involving claims for breach of contract, deceptive trade practices, fraud, trade secret misappropriation, tortious interference with contract, antitrust violations, and unfair competition, among others.

Recent trials include:

- Serving as lead counsel in a \$60 million commercial dispute involving claims for breach of contract, tortious interference with contract, and antitrust violations;
- Serving as lead counsel in a one-week arbitration hearing involving a \$20 million licensing dispute between two technology firms;
- Successfully defending an aerospace manufacturer in a \$20 million arbitration hearing in New York involving claims of breach of contract and fraud;
- Serving as co-lead counsel in a \$50 million, four-week trial in Florida state court involving claims of trade secret misappropriation and breach of contract;
- Successfully defending an original equipment manufacturer in a \$20 million breach of contract action in Georgia.

Mr. Merrick has particular experience representing clients in domestic and international arbitration forums, having tried more than a dozen commercial arbitration cases. He also served as the Chairman of the arbitration committee for the Chicago Bar Association, and regularly presents on issues relating to commercial arbitration and trial planning and practice.

Mr. Merrick maintains an active pro bono practice. He has devoted more than 2,000 hours to representing indigent clients on a pro bono basis since joining Jenner & Block in 2006. He has successfully defended a client charged with first-degree murder, obtained asylum for a young woman who was the victim of gender violence in Tanzania, and successfully resolved claims of excessive force against law enforcement.



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PRACTICE GROUPS

Aviation and Aerospace

Class Action

Complex Commercial Litigation

International Arbitration

Litigation

Real Estate and Construction Litigation

Real Estate Litigation and Counseling

Securities Litigation and Enforcement

EDUCATION

Chicago-Kent College of Law, Illinois Institute of Technology, J.D., 2006; Order of the Coif; with High Honors; Executive Notes & Comments Editor, *Chicago-Kent Law Review*

Miami University, B.A., 2003; *cum laude*

ADMISSIONS

Illinois, 2006

COURT ADMISSIONS

United States Court of Appeals, Seventh Circuit, 2010

United States District Court, Northern District of Illinois, 2006

Mr. Merrick also gives back through community service. He currently serves as a member of the board of directors and general counsel for Compass to Care, a childhood cancer foundation that provides financial assistance to low income families with children undergoing cancer treatment. He also serves as a member of the board of directors for CARPLS, which is Cook County's largest legal aid organization. In 2016, Mr. Merrick received the prestigious Maurice Weigle Exceptional Young Lawyer Award from the Chicago Bar Foundation for his commitment to pro bono, community service, and the organized bar.

Representative Matters

- Served as lead trial counsel in a \$60 million arbitration dispute in which we obtained a final judgment in favor of our client on claims of breach of contract, tortious interference with contract and violation of the antitrust laws.
- Served as co-lead trial counsel in a \$50 million, four-week bench trial in Florida state court involving claims of trade secret misappropriation and breach of contract.
- Served as lead trial counsel in a one-week arbitration hearing involving a commercial dispute between two technology firms based on purported breach of a patent licensing agreement.
- Successfully defended a manufacturer in a \$20-million trial in New York in which the plaintiff asserted claims for breach of contract, unjust enrichment and fraud.
- Successfully defended a heavy equipment manufacturer in a \$20 million arbitration matter in Michigan based on the allegation that the defendant owed past due royalties under a commercial licensing agreement.
- Secured a \$20 million judgment in favor of a manufacturer against a customer in a dispute over a multi-year commercial contract following a two-week trial.
- Successfully defended a client in a supplier dispute in which the plaintiff alleged that our client breached a multi-year supply contract purportedly resulting in \$20 million in damages.
- Secured a multi-million dollar judgment in favor of our client in a dispute between an engineering services company and a manufacturer involving various contract and tort theories.
- Successfully defended a manufacturer in a one-week arbitration hearing in Georgia in which the claimant was seeking \$20 million as a result of a purported breach of contract and related business torts.
- Represented a manufacturer in a long-running dispute with a supplier involving competing claims of several hundred million dollars. The case was settled on favorable terms after the conclusion of a three-week trial in New York.
- Successfully defended a client in a trial in which the plaintiff was seeking \$20 million due to alleged breach of contract, breach of warranty and negligence. After a one-week arbitration hearing, the arbitrators entered judgment in favor of our client.
- Successfully defended a client in a commercial arbitration dispute in New York relating to a purported breach of contract in which the claimant was seeking a multi-million dollar award due to the purported breach of a sales contract and fraud.
- Successfully defended a client in a commercial dispute relating to purported breach of contract, resulting in a judgment in favor of our client after a one-week trial.
- Secured dismissal with prejudice in favor of a large restaurant franchise in an action brought by franchisee asserting claims for breach of contract and fraud.
- Defended an international pharmaceutical company in a putative class action in New Jersey based on allegations of fraudulent pricing.

- Obtained summary judgment in favor of a franchisor in a dispute with a franchisee relating to purported improper termination of a franchise agreement.
- Defended a freight transportation company in a non-compete case in which the plaintiff alleged that the defendant formed a competing business in violation of non-compete and non-solicitation agreements.
- Defended a hospitality company in a commercial dispute with an owner of a large hotel in the Chicago area based on allegations of breach of lease and related business torts.
- Secured a favorable settlement on behalf of a video surveillance company in a dispute with a sub-supplier relating to the provision of a faulty micro-processing chip.
- Secured a dismissal of a state court class action in Mississippi in favor of a private equity firm.

Awards

- Chicago Bar Foundation
Maurice Weigle Exceptional Young Lawyer Award, 2016
- *Illinois Super Lawyers*
"Rising Star," Business Litigation, 2014, 2015, 2016
Illinois Super Lawyer, Business Litigation, 2018
- Jenner & Block Mentorship Award, 2016

Service To The Bar

- Chicago Bar Association
Chairman, Alternative Dispute Resolution Committee, 2016-2018
Chairman, Securities Law Committee, 2009-2010

Community

- Compass to Care, The Mike & Sandy Ernsdorff Childhood Cancer Foundation
President, Board of Directors, 2015-present
Member, Board of Directors, 2013-present
- CARPLS
Board of Directors, 2017 to present

Publications

- "Strategies For Controlling Discovery Costs in Commercial Arbitration," *Commercial & Business Litigation*, American Bar Association, August 29, 2011
- "*Beck v. Dobrowski*: The Application of the PSLRA and *Bell Atlantic* to Section 14(a) Securities Claims," *American Bar Association Securities Litigation Journal*, July 2009
- "Protecting Proffer Session Statements from Being Used in Civil Litigation," *American Bar Association's Committee on Pretrial Practice & Discovery Newsletter*, March 2009
- "Protecting Proffer Session Statements from Being Used in Civil Litigation," *American Bar Association Securities Litigation Journal*, September 2008

Speaking Engagements

- “Discovery Challenges in Arbitration,” Bloomberg Next, May 09, 2018
- Panelist, “Arbitration v. Litigation (Commercial): Perspectives from the Arbitrator, In-House Counsel, and Outside Counsel,” Chicago Bar Association, February 02, 2017
- Moderator, “Building Your Solo or Small Practice: ADR & Other Techniques,” Chicago Bar Association, February 02, 2016
- “How to Become an Arbitrator,” CBA Alternative Dispute Resolution Committee, December 03, 2015