

## CLIFFORD W. BERLOW, Partner

*Clifford W. Berlow is a litigator who focuses his practice on appellate litigation, as well as complex commercial litigation at the trial level. Before joining the firm, Mr. Berlow served for four years in the civil appeals division of the Illinois Attorney General's office, where he argued a total of more than twenty appeals before the Illinois Supreme Court, the Seventh Circuit Court of Appeals, and all five districts of the Illinois Appellate Court.*

Mr. Berlow has authored or co-authored numerous briefs in state and federal courts, including more than a dozen briefs and petitions in the Supreme Court of the United States, two of which were given Supreme Court Best Brief awards by the National Association of Attorneys General. In addition to that traditional appellate work, Mr. Berlow also has significant experience developing legal strategy in trial courts and has participated in successful representations in matters spanning the energy, financial services, media, pharmaceutical, technology, telecommunications, and transportation sectors in cases presenting difficult questions of constitutional, statutory, and regulatory law.

A partner in Jenner & Block's Litigation Department and a member of the firm's Appellate and Supreme Court Practice, Mr. Berlow previously worked as a law clerk for the Honorable Mary Beck Briscoe of the United States Court of Appeals for the Tenth Circuit and as an associate in the appellate practice at the Washington, D.C. office of a large law firm. He earned his law degree from the Northwestern University School of Law, where he was a member of the winning team in the law school's moot court competition and served as the managing editor of its law review. Before law school, Mr. Berlow was a 2002 Teach for America corps member working as a junior high school teacher in Chicago, Illinois.

Representative engagements as lead appellate counsel prior to joining Jenner & Block:

- *Nationwide Freight Systems v. Illinois Commerce Commission*, 784 F.3d 367, in which the Seventh Circuit Court of Appeals held that a federal transportation deregulation statute did not preempt Illinois licensing and insurance regulations applicable to the commercial trucking industry.
- *Illinois Commerce Commission v. FERC*, 756 F.3d 556, in which the Seventh Circuit Court of Appeals reversed the decision of a federal agency and held that under the Federal Power Act, electricity consumers in Illinois could not be required to share equally in the costs of constructing power lines principally designed to service and benefit non-Illinois customers.
- *Shepard v. Madigan*, 734 F.3d 748, in which the Seventh Circuit Court of Appeals rejected a challenge under the Second Amendment to the temporary limits on firearm availability that applied in Illinois while the State still was implementing a new conceal-carry firearm licensing program.
- *People v. Jackson*, 983 N.E.2d 1027, in which the Illinois Supreme Court reversed a lower court holding that the Due Process Clause forbids prosecutions for the crime of driving on a suspended driver's license when



## CLIFFORD W. BERLOW Partner

### CHICAGO

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### PRACTICE GROUPS

Appellate and Supreme Court Practice

Litigation

Sports and Gaming

### EDUCATION

Northwestern University School of Law, J.D., 2007; *Cum Laude*; Order of the Coif; Winning Team Member, Julius H. Miner Moot Court Competition; Managing Editor, *Northwestern University Law Review*

Northwestern University, B.A., 2002; Departmental Honors, History

### ADMISSIONS

District of Columbia, 2009

Illinois, 2007

### COURT ADMISSIONS

US Supreme Court, 2017

US Court of Appeals, Tenth Circuit, 2008

US Court of Appeals, Seventh Circuit, 2017

US Court of Appeals, Eleventh Circuit, 2017

US Court of Appeals, Second Circuit, 2018

US Court of Appeals, Fourth Circuit, 2020

US Court of Appeals, Fifth Circuit, 2018

US Court of Appeals, Ninth Circuit, 2020

US District Court, Northern District of Illinois, 2021

### JUDICIAL CLERKSHIPS

Hon. Mary Beck Briscoe, US Court of

a defendant, during a period of license suspension, nonetheless erroneously receives a driver's license from the State.

Appeals, Tenth Circuit, 2007 - 2008

- *City of Champaign v. Madigan*, 992 N.E.2d 629, in which the Illinois Appellate Court for the Fourth District held that emails sent by public officials from their private email accounts using their private electronic devices nonetheless may be public documents for purposes of the Illinois Freedom of Information Act.
- *Joseph Construction Co. v. Board of Trustees of Governors State University*, 973 N.E.2d 486, in which the Illinois Appellate Court for the Third District determined that a state university, its board of trustees, and its officers are protected by state sovereign immunity as defined by the Illinois State Lawsuit Immunity Act.

## Awards

- Supreme Court Best Brief Award, National Association of Attorneys General, Respondent's Brief, *Harris v. Quinn*, 134 S. Ct. 2618 (2014).
- Supreme Court Best Brief Award, National Association of Attorneys General, Brief of Amici Curiae Illinois and 45 Other States, *Mississippi ex rel. Hood v. AU Optronics Corp.*, 134 S. Ct. 736 (2014).

## Publications

- Co-Author, Client Alert: Supreme Court Limits Article III Standing for Class Action Plaintiffs: Implications for Data Breach Class Actions, July 8, 2021
- Co-Author, Client Alert: Why the Supreme Court's Decision in *Van Buren* May Be Felt beyond Criminal Law, December 11, 2020
- Co-Author, "The Class Action as Political Theory," 85 *Wash. Univ. Law. Rev.* 753 (with Martin H. Redish), 2007