

MICHAEL T. BRODY, Partner

Michael T. Brody is co-chair of Jenner & Block's Appellate and Supreme Court Practice and co-chair of its Class Action Practice. Clients turn to him for help with litigation and appellate matters related to a variety of issues, including securities, antitrust, torts, contract claims, consumer fraud, fiduciary duties, and other statutory and regulatory claims.

He has argued more than a dozen appeals in various courts of appeal, the Illinois Appellate Court and the Illinois Supreme Court. Among other substantive areas, Mr. Brody has argued appeals involving federal preemption, statutory claims, breach of contract, tort and personal injury, civil rights, defamation, bankruptcy, and criminal law. For example, on behalf of a well-known consumer-facing company Mr. Brody successfully [argued before the US Court of Appeals for the 9th Circuit](#), convincing the court to overturn a \$57 million class action judgment that had arisen under a state regulatory statute. He successfully [convinced the US Court of Appeals for the 3rd Circuit](#) to revive an \$111 million antitrust suit. In addition, he also has assisted in, or supervised, the briefing of numerous other appeals in federal and state appellate courts, including the United States Supreme Court.

As co-chair of the firm's Class Action practice, Mr. Brody has represented clients in class actions at the trial and appellate level. In a recent case, he assisted a trial team in the successful trial of a major class action, successfully argued the case on appeal to the Illinois Appellate Court, and successfully argued the case in the Illinois Supreme Court.

Before coming to Jenner & Block, Mr. Brody was a law clerk for the Honorable Antonin Scalia, who was then a judge on the US Court of Appeals for the District of Columbia Circuit. He is AV Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability, and has been consistently recognized by the Leading Lawyers Network in the areas of Civil Appellate Law, Class Action/Mass Tort Defense and Commercial Litigation.

In addition to his private practice, Mr. Brody teaches a seminar on class action practice at the University of Chicago Law School and has spoken and written extensively about class actions, appellate and other topics related to his practice areas. He is a past president of the Seventh Circuit Bar Association, having previously served as first vice president, secretary, member of the Board of Governors and a Committee Chair, and he regularly organizes and presents training programs for appellate and trial lawyers. Mr. Brody is currently the chair of the Seventh Circuit Bar Association Foundation.

Mr. Brody has extensive appellate experience in federal and state appellate courts. Among other substantive areas, Mr. Brody has argued appeals involving federal preemption, statutory claims, breach of contract, tort and personal injury, civil rights, defamation, bankruptcy, and criminal law. In addition, he also has assisted in, or supervised, the briefing of numerous other appeals in federal and state appellate courts, including the United States Supreme Court.

Mr. Brody has defended a variety of clients in class actions including securities fraud class actions, consumer class actions, and class actions alleging



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PRONOUNS

He / Him

CHICAGO

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PRACTICE GROUPS

Antitrust and Competition Law
Appellate and Supreme Court Practice
Class Action
Complex Commercial Litigation
Consumer Law
Litigation
Media and First Amendment

EDUCATION

University of Chicago Law School, J.D.,
1983; *cum laude*; Order of the Coif;
Comment Editor, Editorial Board, *University
of Chicago Law Review*

University of Wisconsin - Madison, B.S.,
1980; With Distinction; Phi Beta Kappa

ADMISSIONS

Illinois, 1983

COURT ADMISSIONS

US Court of Appeals, Seventh Circuit,
1984

US Court of Appeals, DC Circuit, 1984

US District Court, Northern District of Illinois,
1984

US District Court, Northern District of Illinois
(Trial Bar), 1987

Illinois Supreme Court, 1983

US District Court, Central District of Illinois,
2008

US District Court, Eastern District of
Wisconsin, 2015

violations of contract, consumer fraud statutes, fiduciary duties, and banking rules and regulations. He has also defended class actions alleging tort duties, including a duty to warn and a continuing medical monitoring duty. He has tried class actions, defended verdicts on class actions on appeal, and handled discretionary appeals of class certification rulings.

Awards

- *Best Lawyers*
Commercial Litigation - 2015-2021
- *Illinois Super Lawyers*
General Litigation - 2005
Business Litigation - 2006-2009, 2011-2020
- Jenner & Block Mentorship Award, 2013, 2020
- Jerold S. Solovy Award, 2015
- Leading Lawyers Network
Civil Appellate Law, 2004-2019
Class Action/Mass Tort Defense Law, 2004-2019
Commercial Litigation, 2004-2019
- *Legal 500*
Dispute Resolution - Appellate - Supreme Court (Federal and State) - 2017, 2020
- United States District Court, Northern District of Illinois
Award for Excellence in Pro Bono Service - 2015
- Family Defense Center, Major Litigation Special Counsel Recognition
Award for Pursuing Justice for Families, 2013
- Evanston Community Foundation, Jim Kogen Foundation Spirit Award, 2018

Community

- Evanston Community Foundation Board
Chair, Board of Directors
- The Family Defense Center
Member, Board of Directors
(2009-2014)
- (University of) Wisconsin Union—Association
Trustee
Member, Executive Committee

US District Court, Eastern District of Michigan, 2013

US Court of Appeals, Third Circuit, 2017

US Court of Appeals, Ninth Circuit, 2013

US Supreme Court, 2011

JUDICIAL CLERKSHIPS

Hon. Antonin Scalia, US Court of Appeals, DC Circuit, 1983 - 1984

Educational

- University of Chicago Law School Lecturer in Law, 2000-Present

Service To The Bar

- American Bar Association
- Chicago Council of Lawyers
- Seventh Circuit Bar Association
President, 2015-2016
First Vice President, 2014-2015
Advisory Committee on Circuit Rules, 2014-2015
Secretary, 2011-2014
Board of Governors, 2009-2011
Chair, Committee on the Representation of Indigents, 2002-2009
- Seventh Circuit Bar Association Foundation
Trustee, 2014-present
Chair, 2017-present

Publications

- “Seventh Circuit Sets Guardrails for Amicus Briefs,” *Law.com*, April 5, 2021
- “No Judge Is an Island,” *Law.com*, February 10, 2021
- “Seventh Circuit Addresses Class Action Objector 'Blackmail',” *Law.com*, November 25, 2020
- “Seventh Circuit Rejects District Court Stay Pending Certiorari Petition,” *Law.com*, October 6, 2020
- Co-Author, “Seventh Circuit,” *US Courts Annual Review*, August 24, 2020
- Co-Author, *Class Actions*, Illinois Institute for Continuing Legal Education, 2020
- The Seventh Circuit Struggles with Applying 'Monell', *Law.com*, July 21, 2020
- “Is the Seventh Circuit Pushing the Limits of *Terry*?” *Law.com*, May 13, 2020
- Co-Author, “11th Circ. Ruling Deepens 'Event or Occurrence' Circuit Split,” *Law360*, April 28, 2020
- “Small Case, Big Reminder,” *Law.com*, April 27, 2020
- “So When Will the Court Rule?” *Law.com*, March 18, 2020
- Client Alert: Co-Author, Seventh and DC Circuits Allow Nationwide Class Actions with Claims of Out-of-State Plaintiffs after *Bristol-Myers Squibb*, March 13, 2020
- “Seventh Circuit Defines Accrual Date under *Heck v. Humphrey*,” *Law.com*, February 19, 2020
- “Thank You, Gino – An Invaluable Asset to the Seventh Circ. Who Will Be Missed,” *Law.com*, January 15, 2020
- “Seventh Circ. Holds Section 1292(b)'s 10-Day Deadline Is Jurisdictional and Cannot Be Restarted,” *Law.com*, December 16, 2019

- “The Seventh Circuit’s Separate Document Requirement for Injunctions,” *Law.com*, November 13, 2019
- “The Seventh Circuit Wants Us to Stop Filing Unnecessary Paper,” *Law.com*, October 21, 2019
- “Seventh Circuit Foregoes Rehearing En Banc,” *Law.com*, September 25, 2019
- Co-Author, “Recent Noteworthy Class Action Decisions,” *Practising Law Institute’s Course Handbook Series: Class Action Litigation*, 2019
- Client Alert: Co-Author, US Supreme Court Holds that Classwide Arbitration is Unavailable Unless the Parties Clearly Agree to It, April 26, 2019
- Client Alert: The Supreme Court Reaffirms The Reach And Force Of The Federal Arbitration Act, This Time In Employment Cases, May 22, 2018
- Co-Author, “Recent Noteworthy Class Action Decisions,” *Class Action Litigation*, 2017
- Co-Author, “Recent Noteworthy Class Action Decisions,” *Class Action Litigation*, 2016
- Co-Author, *Class Actions 2015 Edition*, Illinois Institute for Continuing Education, 2015
- Co-Author, “Recent Noteworthy Class Action Decisions,” *Class Action Litigation*, 2015
- Co-Author, “Recent Noteworthy Class Action Decisions,” *Class Action Litigation 2014*, Practising Law Institute, 2014
- Co-Author, “Recent Noteworthy Class Action Decisions,” *Federal Civil Practice Update 2013: A Practical Guide to New Developments, Procedures & Strategies*, Practising Law Institute, 2013
- Co-Author, “Recent Noteworthy Class Action Decisions,” *Federal Civil Practice Update 2012: A Practical Guide to New Developments, Procedures & Strategies*, Practising Law Institute, 2012
- Co-Author, “Recent Noteworthy Class Action Decisions,” *Federal Civil Practice Update 2011: A Practical Guide to New Developments, Procedures & Strategies*, Practising Law Institute, July 2011
- Co-Author, *Class Action Litigation Strategies 2011*, Practising Law Institute, July 2011
- Client Advisory: U.S. Supreme Court Holds Federal Arbitration Act Preempts States From Conditioning Enforceability of Arbitration Agreements on the Availability of Class Arbitration, April 27, 2011
- Co-Author, “Recent Noteworthy Class Action Decisions,” *Federal Civil Practice Update 2010: A Practical Guide to New Developments, Procedures & Strategies*, Practising Law Institute, 2010
- Client Advisory: Supreme Court Holds FAA Does Not Permit Class Arbitration Where Parties’ Arbitration Clauses Are “Silent”, April 28, 2010
- Client Advisory: U.S. Supreme Court Rejects State’s Attempt To Limit Class Action Relief In Federal Court, April 1, 2010
- “Ruling On a Number of Business-Related Issues,” *The National Law Journal*, October 24, 2005
- Co-Author, “Federal Litigation Guide, Discovery,” Vol. 2, *LexisNexis*, Matthew Bender, 2005
- “*Ketchum v. Byrne*: The Hard Lessons of Discriminatory Redistricting in Chicago,” *Chicago-Kent Law Review*, Vol 64, 1989
- “Inflation, Productivity, and the Total Offset Method of Calculating Damages for Lost Future Earnings,” *University of Chicago Law Review*, Vol. 49, 1982

Speaking Engagements

- “2021: The Changing Landscape for Financial Institutions and FinTechs,” Berkeley Research Group’s Class Action Litigation Conference, January 28, 2021
- Panelist, “Current Issues in Class Actions,” Contemporary Issues in Complex Litigation Seminar, November 30, 2017
- Moderator, “Political, Economic and Social Implications to Chicago and Illinois,” E Pluribus Unum: The Immigration Conundrum, March 04, 2016
- “Keystone Program: Oral Advocacy Boot Camp,” University of Chicago Law School Law Women’s Caucus, October 15, 2014
- Moderator, “Ethical and Civility Obligations,” ISBA “Tips of the Trade: A Federal Civil Practice Seminar”, May 07, 2014
- “Keystone Program: Oral Advocacy Boot Camp,” University Of Chicago Law School Law Women’s Caucus, October 16, 2013
- “Cy Pres Issues,” 2013 National Consumer Class Action Litigation & Management Conference, June 27, 2013
- Presenter, "Gender Plus Discrimination Against Mothers in the Child Welfare System," Family Defense Center's Second Annual Mothers' Defense Breakfast, May 09, 2013
- “Keystone Program: Oral Advocacy Boot Camp,” University Of Chicago Law School Law Women’s Caucus, October 23, 2012
- 59th Annual Meeting of the Seventh Circuit Bar Association and Judicial Conference of the Seventh Circuit, Chicago, IL, May 02, 2010 to May 04, 2010
- Moderator, "Appellate Practice in the Seventh Circuit Court of Appeals," Chicago Bar Association and the Seventh Circuit Bar Association, Chicago, IL, June 01, 2009
- “Records/Discovery Convergence – What is the Future Bringing?” Huron Consulting Group Records and Discovery Management Roundtable Discussion, Chicago, IL, September 17, 2008
- University of Chicago Law School Diversity Week Forum, Chicago, IL, April 24, 2006
- “The Impact of the Class Action Fairness Act of 2005 on the Prosecution and Defense of Class Actions,” Chicago Bar Association, Chicago, IL, October 25, 2005
- Faculty, "Trial Evidence in the Federal Courts: Problems and Solutions," American Law Institute - American Bar Association, Chicago, IL, October 20, 2005 to October 21, 2005
- "Calculating Economic Damages," Lorman Education Services, Oak Park, IL, May 17, 2002
- “Representing Wards in Criminal Matters,” National Guardianship Association Colloquium, Chicago, IL,