

James P. Madigan
james.madigan@case.edu (216) 368-0425

EDUCATION

The University of Chicago Law School J.D., *cum laude*, June 2000

- Symposium Editor for the University of Chicago Law School Roundtable Journal
- Ann Watson Barber Outstanding Service Award
- Thomas R. Mulroy Prize for Excellence in Appellate Advocacy
- Finalist - Hinton Moot Court (argued before Justice Clarence Thomas)

Case Western Reserve University B.A., *summa cum laude*, May 1997

- *Phi Beta Kappa*
- Double major: History and Political Science, with departmental honors
- Two-term class president
- Winner of the Seiberling Constitutional Law Moot Court at University of Akron Law School

EXPERIENCE

Case Western Reserve University School of Law Cleveland, OH (present)

- Visiting Assistant Professor of Law

Stark State College Akron/Canton, OH 2025

- Writing Center – Assisting underprivileged students and foreign-language speakers with writing

United States District Court Cleveland, OH August 2022 to August 2024

- Federal judicial law clerk to Hon. Bridget Meehan Brennan
- Drafted judicial opinions on a wide variety of legal subjects under federal and state law
- Constitutional law, commercial disputes, patents, trade secrets, bankruptcy, warranties, torts, the Uniform Commercial Code, Section 1983 and constitutional habeas claims

James Madigan Law Chicago, IL January 2016 to July 2022

- Litigation solo practice focused on Delaware corporate law and merger transaction disputes
- Outside general counsel for *Alisa Bloom* - a high-end interior design firm

- Associate promoted to Shareholder/Partner
- Federal & state court commercial litigation and Chapter 11 corporate reorganization litigation
- Experience: lead drafting appellate briefs and memoranda of law; courtroom oral argument of motions and appeals; taking and defending depositions; coordinating and supervising work of experts and consultants; negotiating settlements and drafting settlement agreements; supervising work of associates
- Areas of Law: restrictive covenants and employment contract litigation involving employer and current and former employees; commercial contract drafting and litigation; state and federal consumer fraud and debt collection practices statutory claims; Illinois law of guaranty; adjudication of tax matters in Chapter 11 bankruptcy cases; adjudication of False Claims Act claims in Chapter 11 bankruptcy cases; single-asset real estate cases in bankruptcy; federal bankruptcy jurisdiction; FICA tax statutes and related U.S. Treasury regulations; patent infringement claims against debtors in bankruptcy; litigation regarding terms of commercial leases, real estate management companies and Delaware LLCs

Representative cases at Greenberg Traurig:

- Successfully represented a personal guarantor against a bank suing for \$2 mm resulting in a judgment of zero liability for the guarantor
 - Twice authored briefs and argued in the Circuit Court of Cook County, both times resulting in the dismissal of all claims against my client/guarantor
 - Authored brief on appeal in the Illinois Appellate Court resulting in unanimous opinion affirming the decision in favor of my client/guarantor, *Ringgold Capital IV, LLC, successor to Old Second Nat'l Bank v. Finley*, 993 N.E.2d 541 (Ill. App. Ct. 2013)
- Successfully defended a bank against a mass action brought by a borrower on a \$20 mm loan secured by artwork collateral who alleged that the bank's methods of exercising rights against collateral violated various California and federal statutes
 - Secured summary judgment in favor of the bank on all counts on the eve of trial, *Minor v. ML Private Finance, LLC*, No. BC409337 (Los Angeles Super. Ct. Feb. 10, 2012)
- Successfully represented a real estate management company in a dispute with its former CEO regarding corporate governance and efforts taken to market and sell the assets of a real estate fund
- Successfully represented Chapter 11 debtor in bring a multimillion state tax issue into federal bankruptcy proceedings and securing judgment in favor of the debtor against the state taxing authority
 - Principal author of briefs in *In re Indianapolis Downs, LLC*, 462 B.R. 104, 108 (Bankr. D. Del. 2011)
- Represented Chapter 11 debtor supermarket chain in litigation adverse to another formerly affiliated supermarket chain also in bankruptcy in another forum (favorable settlement)
- Represented teaching hospitals in tax litigation against the United States regarding the taxation of medical resident income under FICA
- Represented Chapter 11 debtor football helmet manufacturer in proceedings against a competitor with claims and a judgment for patent infringement
 - successfully invoked federal bankruptcy law to enjoin litigation against third parties

- Authored briefs *amicus curiae* in the United States Supreme Court and Illinois state court on behalf regarding marriage equality under the United States Constitution and Illinois Constitution

The University of Chicago Law School Chicago, IL 2006 - 2010

- Adjunct Lecturer in Law

Primary Candidate for Illinois State Senate Chicago, IL June 2009 to February 2010

Equality Illinois Chicago, IL December 2008 to June 2009

- Served as the Interim Executive Director for the statewide political and public education organization
- Chaired search committee for a permanent director
- Oversaw and implemented legislative and public policy agenda
- Oversaw fundraising, grant application, and public education work

Lambda Legal Chicago, IL December 2005 to December 2008

- Staff Attorney
- Frequent public speaker, CLE instructor, and corporate training instructor
- Practice: state and federal constitutional litigation and employment litigation
- Drafted the ILLINOIS RELIGIOUS FREEDOM PROTECTION AND CIVIL UNION ACT, 750 ILCS 75/1 (2011)
- Drafted the Toledo, Ohio DOMESTIC PARTNER REGISTRY, codified as Ordinance Chapter 114 (2007)
- Training Presenter for the Illinois Human Rights Department staff regarding antidiscrimination law and workplace reporting and compliance policies
- Coauthored *amicus curiae* briefs regarding constitutional issues in the United States Supreme Court
 - *Morse v. Frederick* (U.S.) concerning the First Amendment rights of high school students
 - *National Pride at Work v. Granholm* (Mich.) concerning the constitutionality of domestic partner benefits for public employees
 - *In re Kimumwe* (U.S.) asylum case regarding persecution in Zimbabwe

Representative cases as lead counsel at Lambda Legal:

- Successfully represented university faculty in Ohio in Circuit Court and Court of Appeals – won dismissal of a lawsuit to invalidate domestic partner health benefits at public universities
- Successfully represented voter-objectors in the Illinois Board of Elections to defeat a proposed statewide anti-gay referendum

- Successfully represented a college student attacked in rural Wisconsin – secured a settlement after suing under the civil recovery provision for victims of hate crimes
- Successfully brought the first case in the nation against a private charter school under the federal Equal Access Act, which codified protections related to the First Amendment

Goldberg Kohn

Chicago, IL

May 2002 to December 2005

- Associate Attorney
- Practice: state & federal court commercial litigation, securities & consumer class action defense, multidistrict federal litigation, pro bono prison litigation, and corporate bankruptcy adversary proceeding litigation
- Experience: jury trial; taking and defending depositions; drafting appellate briefs and memoranda of law; oral argument of motions and appeals

Representative cases at Goldberg Kohn:

- Co-defended national hardware cooperative as trial and appellate counsel against member lawsuits regarding stock redemption and allocation of cooperative financial losses; successfully invoked the capital impairment doctrine to defend cooperative's moratorium on the redemption of stock *TruServ Corp. v. Bess Hardware*, 346 Ill. App.3d 194 (2004)
- Served as second chair for national hardware cooperative in jury trial in Kentucky against local member asserting claims of fraud
 - drafted motions to dismiss and for judgment as a matter of law
 - the Kentucky Supreme Court in *Flegles Inc. v. TruServ Corp.*, 289 S.W.3d 544 (Ky. 2009) overturned the jury's verdict holding that the original motion for judgment as a matter of law – which I authored – should have been granted by the trial court
- Represented secured senior lender in securities class actions, multidistrict litigation, and corporate bankruptcy adversary proceedings
- Successfully argued as amicus curiae in the Seventh Circuit in support an Illinois prisoner regarding the federal Prison Litigation Reform Act's exhaustion of remedies rule and equitable estoppel *Lewis v. Washington*, 300 F.3d 829 (7th Cir. 2002)

The University of Chicago Law School

September 2000 to May 2002

- Harry A. Bigelow Teaching Fellow & Lecturer in Law
- Experience: teaching legal research and writing; teaching a seminar on law of domestic abuse; arguing as *amicus curiae* before U.S. Court of Appeals for the Seventh Circuit

BAR ADMISSIONS

State of Illinois

United States Supreme Court

United States Courts of Appeals for the Fourth and Seventh Circuits

United States District Court in Illinois and Indiana

PUBLISHED LEGAL SCHOLARSHIP

- *The Idea of Public Reason Resuscitated* (First Amendment)
 - 10 William & Mary Bill of Rights Law Journal 719 (2002)
- *Questioning the Coercive Effect of Self-Identifying Speech* (Political philosophy)
 - 87 Iowa Law Review 75 (2001)
- *Doing Justice to the Potential Contribution of Lyric Poems* (Writing style)
 - 6 Journal of Legal Writing 27 (2000) (co-author with Laura Ymayo Tartakoff)