ArentFox Schiff LLP
Attorneys

David C. Giles

PARTNER

David has represented clients for over 20 years in complex litigation involving business and commercial disputes, claims of professional liability, issues related to financial institutions and insurance, and sports and entertainment matters.



Industries

AI & Emerging Technologies
— ArentFox Schiff Industry Guide to the Metaverse
Media & Entertainment
Sports

Practices

Complex Litigation
— Commercial
— Professional Liability

Education

Notre Dame Law School, JD, magna cum laude, 2001
Swarthmore College, BA, 1998

Offices

Chicago

Phone

312.258.5819

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david.giles@afslaw.com

David has served as lead counsel in high-stakes, complex cases involving alleged breaches of contract, breaches of fiduciary duty, legal malpractice, claims involving accountants and auditors, and other claims of professional negligence and business torts. He also has handled insurance disputes related to these matters and represented the rights of athletes and celebrities in actions to protect some of their most valuable assets.

David has tried cases to verdict in federal and state courts and represented clients in jurisdictions across the United States, including in arbitrations and other alternative approaches to dispute resolution. He has also assisted clients in internal investigations. Most recently, he secured a $1.7 billion recovery for the FDIC as Receiver for Silicon Valley Bank following a three-week bench trial in which our client established that the officers and directors of the bank and its holding company caused the bank billions of dollars in losses through breaches of fiduciary duty, aiding and abetting those breaches, and constructive fraudulent transfer of assets.

Whether representing plaintiffs or defendants, David always aims to resolve disputes effectively and efficiently, maximizing recoveries for clients asserting claims and minimizing risk for those defending against them.

His successful representations have involved issues that include:

- Alleged breaches of contract
- Fraud and related business torts
- Legal, accounting, and other professional malpractice
- Fiduciary breaches
- Rights of publicity, defamation, and other privacy issues
- Post-closing disputes
- TRO and injunction practice

Appellate proceedings

Client Work

- Representing the FDIC as receiver in the investigation and litigation of dozens of commercial litigation and professional liability matters involving accountants, directors and officers, fidelity bond insurers, and appraisers, resulting in nearly $2 billion in total recoveries.
- Defending nearly a dozen multimillion-dollar claims against lawyers for legal malpractice, breach of fiduciary duty, and related torts, including successfully arguing in the Illinois Supreme Court and other appellate courts in defense of favorable decisions at the trial court level.
- Winning a complete defense award following a week-long arbitration hearing in a $100 million case for breach of contract, fraud, negligence, and other torts against a clearing broker.
- Successfully prosecuting claims against Samsung for the unauthorized use of Pele's identity in a look-alike ad published in *The New York Times* and other national publications.
- Successfully prosecuting claims against Fox Broadcasting Company for the unauthorized use of Muhammad Ali's identity in a promotional video broadcast during the Super Bowl pregame show.
- Winning a $43 million arbitration award plus declaratory relief following a two-week evidentiary hearing in a contract dispute over tax sharing, defeating our opponent's claim of more than $50 million, prevailing on all eleven issues in the case, and obtaining an award of arbitrator fees as the prevailing party.
- Obtaining and successfully defending on appeal a complete defense verdict following a jury trial on a $14 million claim for breach of contract against a real estate developer.
- Winning a TRO and preliminary injunction to enforce a healthcare provider's long term leases with operators of its facilities, to prevent the operators from closing the facilities, and to appoint a manager for the facilities due to the operators' defaults.
- Defeating breach-of-contract claims and prevailing on certain counts of a metals distributor's counterclaim arising from misstated financial statements following a one-week evidentiary hearing in an expedited arbitration where full written and oral discovery was completed in eight weeks.
- Prevailing on critical summary judgment issues that led to an eight-figure settlement immediately before jury selection in a fidelity bond case arising from one of the largest Ponzi schemes in US history.
- Representing a criminal defendant accused of conspiring to commit and committing mail, wire, and tax fraud in a nearly three-week federal jury trial.
- Prevailing in multiple TRO, injunction, and other expedited proceedings, including obtaining a TRO and preliminary injunction to prevent a chemical manufacturer's key supplier from terminating its supply contract with the client, defeating TRO and injunction efforts to halt a client's sale of its participation interest in a $22 million line of credit, and defending a preliminary injunction request sought against a client in a trust controversy.

Previous Work

- Honorable Ann Claire Williams, US Court of Appeals, Seventh Circuit (2003)
- Staff Attorney, US Court of Appeals, Seventh Circuit (2001-2003)

Boards, Memberships & Certifications

- Chicago Bar Association

Judicial Evaluation Committee, Member

Professional Responsibility Committee, Legislative Liaison

American Bar Association

Professional Activities

Adjunct Professor of Legal Ethics and Professional Responsibility, University of Chicago Law School

Adjunct Professor of Professional Responsibility, Northwestern University School of Law

David is actively involved in pro bono matters. In addition to serving as appointed counsel in federal court in criminal and civil-rights cases, he has represented clients in civil and family law matters through Chicago Volunteer Legal Services (CVLS) and has represented criminal defendants on appeal in conjunction with the Illinois Office of the Appellate Defender.

Publications, Presentations & Recognitions

Presentations

"Attorney-Client Privilege and Work Product," Schiff Hardin LLP, Chicago, Ill. (Dec. 11, 2019; Feb. 14, 2019; Mar. 13, 2018; Mar. 8, 2017; Apr. 25, 2013)

"Legal Ethics – Professional Responsibility and Liability for Illinois Lawyers," Lorman Education Services Webinar (May 10, 2016)

"Legal Ethics: Conflicts of Interest," Legal Ethics in Illinois, Naperville and Chicago, Ill. (May 7 and 14, 2013)

Recognitions

Illinois Leading Lawyer, Law Bulletin's *Illinois Leading Lawyers Network* (2017-2021)

Emerging Lawyer, Law Bulletin Publishing Company's *Leading Lawyers* (2016)

Illinois Rising Star, *Illinois Super Lawyers*, Thomson Reuters (2009, 2012-2016)

Client Work

- Winning a complete defense award following a week-long arbitration hearing in a $100 million case for breach of contract, fraud, negligence, and other torts against a clearing broker.
- Defending nearly a dozen multimillion-dollar claims against lawyers for legal malpractice, breach of fiduciary duty, and related torts, including successfully arguing in the Illinois Supreme Court and other appellate courts in defense of favorable decisions at the trial court level.
- Representing a federal agency in the investigation and litigation of dozens of commercial litigation and professional liability matters involving accountants, directors and officers, fidelity bond insurers, and appraisers, resulting in more than $100 million in total recoveries.
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- Emerging Lawyer, Law Bulletin Publishing Company's *Leading Lawyers* (2016)
- Illinois Rising Star, *Illinois Super Lawyers*, Thomson Reuters (2009, 2012-2016)

Bar Admissions

Illinois

Court Admissions

US Court of Appeals, 4th Circuit
US Court of Appeals, 7th Circuit
US Court of Appeals, 9th Circuit
US District Court, Northern District of Illinois (Trial Bar)
US District Court, Northern District of Indiana
US District Court, Eastern District of Wisconsin