



## **JOHN MICHAEL CLEAR**

**Senior Counsel**

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### **BIOGRAPHY**

John Michael Clear is a member of the Class and Derivative Actions Client Service Group. He tries complex commercial cases, in federal and state court and in other claims tribunals (including arbitrations and federal or state regulatory agencies). He has tried significant cases to judgment representing both plaintiffs and defendants. He has served as lead counsel in obtaining judgments or settlements on behalf of claimants in excess of \$400 million; he has led the defense of claims in excess of \$6 billion. He has appeared in courts or tribunals in 35 states in cases involving securities, antitrust, RICO, misappropriation of trade secrets and other corporate/commercial claims. He has served as independent counsel for Board Committees involving securities laws, disclosures, accounting and other corporate governance matters.

## CIVIC INVOLVEMENT & HONORS

- Visiting Committee of the University of Chicago Law School, 1996-99 term
- National Council for Arts & Sciences, Washington University, 1986 to present
- Task Force on the Future of Washington University, 1978-81
- *The Best Lawyers in America*®, Antitrust Law, Commercial Litigation, Litigation - Antitrust, Litigation - Banking and Finance, Litigation - Securities, 1983-2022<
- *Missouri & Kansas Super Lawyers*, 2005-Present

## PROFESSIONAL AFFILIATIONS

- American Law Institute
- American Bar Association

## ADMISSIONS

- District of Columbia, 1975
- Missouri, 1974
- United States Supreme Court  
United States Courts of Appeals for the Second, Third, Fifth, Seventh, Eighth and District of Columbia Circuits  
United States District Courts for the Eastern and Western Districts of Missouri, Southern and Central Districts of Illinois, District of Columbia and District of Colorado

## EDUCATION

University of Chicago, J.D., with honors, Order of the Coif, 1974

Washington University, A.B, *summa cum laude*, Phi Beta Kappa, 1971

## RELATED PRACTICE AREAS

- Class Actions & Mass Torts
- Financial Services
- Antitrust Class Actions
- Shareholder Securities and Mergers & Acquisitions
- Food, Ag & Nutrition (Class Actions)

- Employment Class & Collective Actions
- Sports (Class Actions)
- Data Privacy, Telecommunications & Collections
- Toxic Tort
- Investigations
- Litigation & Dispute Resolution
- Finance
- Consumer Fraud
- Insurance (Class Actions)
- Pharmaceutical & Medical Devices (Class Actions)
- Class Actions
- M&A Disputes
- Antitrust
- Regulation, Compliance & Advisory
- Business & Commercial Disputes
- Securities Litigation and Enforcement

## EXPERIENCE

- **Securities** – lead trial counsel in class and MDL actions in over 20 states, including defense of issuers of securities (Emerson Electric Co., McDonnell Douglas Corp., Interco, Inc., KV Pharmaceutical) and underwriters (Edward D. Jones & Co., Stifel, Nicolaus & Co.); led independent investigation on behalf of Audit Committee of Falcon Products, Inc.; counsel for Fiserv, Inc. and TD Ameritrade and their affiliates and subsidiaries in claims arising out of Bernard Madoff Ponzi scheme (including federal class claims and arbitrations)
- **Corporate** – represent Boards of Directors in claims of derivative actions, including claims of breach of fiduciary duty (under Delaware, New York and Missouri law); investigations by Bankruptcy Examiner and Creditors' Committees; advise Boards of Directors and senior management concerning corporate governance, major claims and strategies; tender offer defense
- **Finance** – professional malpractice claim against major investment banker on behalf of Interco, Inc., arising out of hostile tender offer (settled for \$18.5 million); represent national mall developer in litigation with mortgage lender
- **RICO/Consumer Fraud** – defense of class and MDL actions involving sales of securities, promotion of R&D, oil and gas, motion picture and real estate limited partnerships; medical insurance; collateral protection insurance; defense of class claims alleging abusive claims

settlement practices of major railroad; defense of purported class claims concerning charges to uninsured patients by largest health care system in Missouri

- **Antitrust** – trial of Sherman Act claims in federal court, involving alleged monopolization and resale price maintenance (four jury trials); lead counsel in defense of over 40 class actions and related foreign proceedings involving alleged international cartel
- **Mergers & Acquisitions** – trial of claims arising out of complex corporate M&A transactions, including breaches of tax sharing agreement (recovered \$9 million), reps and warranties, accounting adjustments and indemnification obligations
- **Complex Commercial Disputes** – 11-month arbitration for damages arising from breach of teaming agreement and misappropriation of technical data and designs (obtained \$64 million arbitral award); representation of major manufacturer of power tools in disputes with national retailer (including opposition of preliminary injunction to enjoin roll-out of major new product line for competitor); defense of rights under trademark licensing agreement (including obtaining injunction to bar termination of trademark license agreement); litigation of suits to prevent misappropriation of trade secrets and enforce non-competition agreements of senior executives

## RELATED INSIGHTS

Awards

Aug 17, 2023

**The Best Lawyers in America® 2024**

Awards

Aug 18, 2022

**The Best Lawyers in America© 2023**

Awards

Aug 19, 2021

**The Best Lawyers in America© 2022**

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Aug 20, 2020

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Aug 15, 2019

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Awards

Aug 15, 2018

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