

Jeffrey D. Gardner

Member



Overview

Mr. Gardner is a Member in the Jennings Strouss Commercial Litigation practice and currently serves on the firm's management committee. He is a trusted advisor to both entrepreneurs and businesses of all sizes. In that capacity, he routinely counsels clients on ways to mitigate risk, achieve business objectives, develop and implement employment policies, and build, secure, and protect intellectual property.

Contact

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Areas of Focus

- Securities Litigation and Regulatory Compliance
- Class Action and Derivative Suits
- Labor & Employment
- Intellectual Property
- Corporate and Business
- Real Estate

Education

J.D., Illinois Institute of Technology/Chicago-Kent College of Law (2002)

B.A., University of Minnesota (1999)

Biography

Mr. Gardner is a Member in the Jennings Strouss Commercial Litigation practice and currently serves on the firm's management committee. He is a trusted advisor to both entrepreneurs and businesses of all sizes. In that capacity, he routinely counsels clients on ways to mitigate risk, achieve business objectives, develop and implement employment policies, and build, secure, and protect intellectual property.

Mr. Gardner focuses his litigation practice on securities litigation and arbitration, class action defense, employment, intellectual property, and real estate matters. He has extensive experience representing businesses and individuals in high stakes and complex disputes, as well as financial service industry investigations and enforcement actions brought by the U.S. Securities and Exchange Commission, the Financial Industry Regulatory Authority, the Arizona Corporation Commission Securities Division, and numerous other federal and state regulatory agencies throughout the United States. Mr. Gardner has an in-depth knowledge of the laws, rules, and regulations applicable to broker-dealers, registered investment advisers, banks, registered representatives, and investment adviser representatives. With regard to class actions, Mr. Gardner has defended public and private companies, as well as officers and directors, in securities fraud, employment and ERISA, privacy, antitrust, statutory, and breach of contract class actions. He previously served as national Chair of the American Bar Association's Trial Practice Committee and Class Action and Derivative Suit Committee. Mr. Gardner currently serves on the Board of Directors of the Phoenix Theatre Company, is an Ambassador of the Translational Genomics Research Institute (T-Gen), and serves on the Arizona Chamber of Commerce and Industry's Economic Development and Real Estate Committee.

Admissions

Admitted to Practice

- Texas (2004)

- Arizona (2002)

Court Admission

- U.S. District Court, Northern District of Texas (2005)
- U.S. Court of Appeals, Ninth Circuit (2004)
- U.S. District Court, District of Arizona (2002)

Representative Experience

- Recently defeated class certification of putative nationwide class action alleging breach of contract, and seeking declaratory judgment and injunctive relief
- Secured total defense verdict with co-counsel for registered investment adviser and investment adviser representative in a lengthy jury trial before Arizona District Court and involving claims of securities fraud
- Secured unanimous jury verdict with co-counsel in a matter involving federal and state securities fraud claims, as well as breach of fiduciary duty claims, in a trial before Arizona District Court
- Recently secured dismissal for client at pleading stage in class action asserting FACTA and FCRA claims
- Recently secured early-stage dismissal in class action involving claims of fraud and misrepresentation
- Defended class actions in matters involving claims of securities fraud, employment and ERISA, antitrust, privacy, and breach of contract
- Defended officers of commercial real estate lender in a class action alleging damages in controversy of approximately \$900 million; also represented officers in mass action, additional state court action, and regulatory investigation
- Represented the CFO of a public company in securities fraud class action, derivative suit, civil litigation, SEC investigation and enforcement action
- Defended international businesses in investigation and enforcement action brought by the Securities Division of the Arizona Corporation Commission
- Represented employees in New York Attorney General and SEC investigation involving allegations of market timing and late trading; also represented the company in SEC investigation involving such claims
- Represent broker-dealers, registered investment advisers, and licensed individuals with licensing and registration requirements, as well as disclosure or reporting requirements - including consultation on Form ADV, Form U4, and Form U5 filings and amendments
- Represent clients with regulatory inquiries, investigations, productions, Wells' responses and, where necessary, defense of enforcement actions
- Defended broker-dealers, registered investment advisers, and licensed individuals in customer arbitrations involving claims of unsuitable investment recommendations, negligent supervision, negligent hiring, selling away, impermissible annuity or mutual fund switches, and churning
- Represent clients in intra-industry disputes and employment matters, including actions involving employee forgivable loans or notes, enforcement or defense of non-solicitation or confidential and

proprietary agreements, and the like

Media and Presentations

Articles

- Author, "[Supreme Court Upholds Insider-Trading Conviction for "Relative or Friend" Tippee,](#)" *AZ Big Media* (2017)
- Contributor, "[Enhanced Damages on the Rise for Willful Patent Infringement,](#)" (pg. 4-5 & 28) *American Bar Association: Litigation News* (2016)
- Contributor, "[Documents from Internal Investigation Protected by Privilege,](#)" *American Bar Association: Litigation News* (2015)
- Contributor, "[Court Rejects Department of Labor Intern Test,](#)" *American Bar Association: Litigation News* (2015)
- Contributor, "[Trend of Cutting Class Action Attorney Fees Continues,](#)" *American Bar Association: Litigation News* (2015)
- Author, "[Defense Strategies for ERISA Class Actions,](#)" *A.B.A Class Actions & Derivative Suits, Litigation News* (2014)
- Contributor, "[Where's the Relief? Do Large Attorney Fee Awards Undermine Class Action Settlements?,](#)" *Litigation News* (2014)
- Co-author, "Five Things to Remember When Drafting or Responding to a Securities Fraud Class Action Complaint," *A.B.A Sec. Lit., CADS Committee, Vol. 1* (2007)
- Author, "Mutual Fund Market Timing and Late Trending Investigations: The Current Landscape," *A.B.A Sec. Lit., Securities Litigation Committee, Vol. 16* (2006)

Presentations

- "Big Firm Discovery on a Small Firm Budget," American Bar Association (2019)
- "Securities: Tackling Future Issues Today," State Bar of Arizona Convention (2016)
- "Working Effectively With Experts," American Bar Association Section of Litigation Trial Evidence and Trial Practice Committees (2016)
- Program Chair and Presenter, "Raising Money, Regulation and Litigation in Arizona," State Bar of Arizona Annual Convention (2015)
- Chair and Presenter, "Wall Street, Lawyers, Ethics and Movies," State Bar of Arizona Annual Convention (2013)
- "The Arizona Securities Act: Advantages and Disadvantages in Arizona Class Actions," State Bar of Arizona (2013)
- "Understanding the Demand Futility Exception, SOUND ADVICE," American Bar Association (2013)
- "Nuts and Bolts of Securities Law, Regulation and Litigation in Arizona," State Bar of Arizona Annual Convention (2012)
- "Navigating the Credit Crisis: What Every Litigator and Corporate Counsel Needs to Know About Representing Clients in an Uncertain New World," State Bar of Arizona Annual Convention (2009)
- "Timing Is Everything: The Civil, Regulatory and Criminal Implications of Backdated Stock Options,"

ABA Litigation Section Annual Meeting (2007)

Memberships

Arizona Chamber of Commerce & Industry

- Member, Economic Development and Real Estate Committee (2019-present)

American Bar Association

- Former Co-Chair, Trial Practice Committee, Section of Litigation (2015 - 2019)
- Former Co-Chair, Class Actions & Derivative Suits Committee (2012 - 2015)

American Bar Foundation

- Member, The Fellows of the American Bar Foundation (2014 - present)

Maricopa County Bar Association (MCBA)

State Bar of Arizona

- Former Chair, Securities Regulation Law Section

Community Involvement

TGen

- Ambassador, Translational Genomics Research Institute (TGen) an affiliate of City of Hope (2015 - present)

Phoenix Theatre Company

- Member, Board of Directors (2018 - present)

Cancer Support Community of Arizona

- Chair, Board of Directors (2013)
- Vice Chair, Board of Directors (2012)

Honors and Awards

- [AV Preeminent® Peer Review Rated](#)
- Listed, *The Best Lawyers in America*® in the category of Commercial Litigation (2015 - 2020)
- Listed, *Southwest Super Lawyers* in the categories of Securities Litigation and Class Action/Mass Torts (2018 - 2020)
- Listed, *Southwest Super Lawyers Rising Star* in the categories of Securities Litigation and Class

Action/Mass Torts (2012 - 2016)

- Listed, Top Lawyers, Securities Litigation, *AZ Business Magazine* (2013)

Foreign Languages

- Spanish