



Dan Albers advised on intellectual property disputes and commercial litigation, trials and appeals. A consummate advocate, Dan was known by clients and colleagues alike for providing persuasive and clear arguments grounded in sound legal theory that reflect his clients' position and their specific objectives.

Dan's experience included a broad range of litigation on behalf of both plaintiffs and defendants including patent, trademark, copyright and trade secret infringement, ERISA, asbestos removal, environmental issues, insurance defense, securities fraud, antitrust and contract disputes. His clients included individuals, public governmental entities, utilities and banking institutions.

Throughout his career, he prepared and tried a variety of commercial and patent cases in both state and federal court. In fact, Dan's courtroom capabilities consistently translated into favorable arbitration and ADR results. His pragmatic approach to problem-solving was manifested in skilled representation inside and outside of the courtroom.

In the event that trial ensued, Dan's ability and willingness to take difficult cases to trial, identify the critical and most persuasive elements of an argument, and present complex facts in laymen's terms was supported by his proven ability to make smart choices that served his client's best interests at every turn. Dan's decades of trial experience were amplified by his intellectual acuity and presentation abilities, which were key components to helping clients realize the right result.

In addition, Dan offered extensive and diverse experience handling appeals in a variety of civil and criminal matters. He argued four dozen appeals before Illinois state appellate courts, the U.S. Court of Appeals for the Seventh Circuit Court, the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court. Notably, Dan argued and helped his client win the landmark U.S. Supreme Court ERISA preemption case establishing states' rights to require independent review of medical necessity decision in *Moran v. Rush Prudential HMO*. He was also an appellate team member in *Kemner v. Monsanto*, the longest civil jury in

Daniel P. Albers

Of Counsel (Retired)

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EDUCATION

University of Illinois Urbana-Champaign,
(J.D.), 1983

University of Illinois Urbana-Champaign,
(B.S.), 1980

BAR ADMISSIONS

Illinois

Michigan

U.S. Patent and Trademark Office

COURT ADMISSIONS

Illinois Central District Court

Illinois Northern District Court

Illinois Southern District Court

U.S. Court of Appeals for the Federal
Circuit

U.S. Supreme Court

LANGUAGES

English

U.S. history.

Dan argued appeals relating to:

Civil:

- ERISA preemption
- Patent liability, claims construction and damages
- Product liability
- Medical malpractice
- Insurance coverage
- Arbitration (arbitrability and awards)
- Tort immunity
- Constitutionality of municipal ordinance
- Toxic tort/medical causation
- Punitive damages/corporate complicity
- Forum non conveniens
- Tort statutes of limitations/statutes of repose

Criminal (all pro bono):

- Entrapment
- Use of gang affiliation
- One Act/One Crime Rule
- Confessions/48-hour Rule
- Search and seizure
- Federal Three Strikes Law

Dan also had experience with Seventh Circuit

Settlement Mediation and experience as a trial/appellate team member with the following:

- Outlining/prioritizing potential appellate issues
- Preserving errors below, including preparation of motions in limine, trial objections, motions to strike, offers of proof and post-trial motions
- Preparing appellate briefs, response briefs and reply briefs
- Mooting appellate practice arguments
- Preparing motions for rehearing
- Preparing Illinois Supreme Court Rule 308 Petitions for Leave to Appeal
- Preparing Illinois Petitions for Leave to Appeal to the Illinois Supreme Court
- Preparing Petitions for Writ of Certiorari to the United States Supreme Court and responses to such petitions
- Developing appellate budgets

Dan also lectured and wrote on subjects such as mandatory arbitration, product liability, third-party practice and medical malpractice.

Professional and Community Involvement

Member, Million Dollar Advocates Forum

Arbitrator, AAA Commercial Panel and Uninsured Motorists Panel

Guest lecturer and Moot Court judge on appellate advocacy, Northwestern Law School, Chicago-Kent Law School and John Marshall Law School.

Honors

The Best Lawyers in America, 2013- 2024

Illinois Super Lawyers, 2014 to present

Martindale-Hubbell, AV Preeminent

