

E. King Poor

Retired Partner

King Poor served as chair of Quarles & Brady's appellate practice group. He has appeared before the United States Supreme Court three times and has authored two petitions for certiorari granted by the Supreme Court.

Overall, Mr. Poor has represented clients in more than 130 appeals. These appeals have included cases involving arbitration, class action defense, constitutional law, contracts, creditors' rights and bankruptcy, environmental law, labor and employment, franchising, real estate disputes, school law, trusts and estates, and government regulation. He has presented oral arguments before United States Supreme Court, the Courts of Appeals for the Second, Seventh, Eighth and Ninth Circuits, the Supreme Courts of Illinois and Delaware, and the Illinois Appellate Court.

Mr. Poor has also presented clients' perspectives on issues of national and statewide importance with amicus briefs in the U.S. Supreme Court and the Supreme and Appellate Courts of Illinois. In addition, he has authored numerous articles on appellate and civil practice. And for many years, he has represented inmates in federal and state prisons in their pro bono appeals. His representative cases include:



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Arbitration

- *NECA-IBEW Rockford Union v. A&A Drug Co.*, 736 F.3d 1054 (7th Cir. 2013) (affirms dismissal against client, ruling that plaintiff ratified unsigned contract requiring arbitration).

Bankruptcy

- *Kontrick v. Ryan*, 540 U.S. 443 (2004) (Court settles nationwide split over bankruptcy deadlines).

Contract Disputes

- *Comolli v. Huntington Learning Ctrs.*, 683 Fed. Appx. 27 (2d Cir. 2017) (court affirms ruling for client that proper written consent obtained for television commercials).

Civil Rights

- *Courtney v. Butler*, 756 Fed. Appx. 626 (7th Cir. 2019) (inmate's civil rights case for wrongful denial of parole reinstated).

Class Action Defense

- *Jamie S. v. Milwaukee Public Schools*, 688 F.3d 481 (7th Cir. 2012)

(court reverses class action certification against client arising from special education claims).

Creditors Rights

- *Securities and Exchange Com'n v. Wealth Mgt. LLC*, 628 F.3d 323 (7th Cir. 2010) (court affirms plan of distribution proposed by client as receiver).

Criminal Law

- *Harris v. Reed*, 489 U.S. 255 (1989) (state court must expressly rely on non-constitutional ground to bar constitutional challenge in federal habeas action).
- *People v. Lerma*, 2016 IL 118496 (amicus brief supporting Supreme Court's decision to change existing precedent and allow expert testimony on eyewitness identifications).
- *United States v. McMurtrey*, 704 F.3d 502 (7th Cir. 2013) (court rules that client's challenge search warrant was unconstitutionally restricted).

Employment

- *Wesbrook v. Ulrich*, 840 F.3d 388 (7th Cir. 2016) (court affirms dismissal of terminated employee's claims of tortious interference).

Franchising

- *Winebow, Inc. v. Capitol-Hustings, Inc.*, 381 Wis. 2d 732 (2018) (Supreme Court rules that wine distributors not covered by Wisconsin Fair Dealership Act).

Intellectual Property

- *Christian Faith Fellowship Church v. adidas AG*, 841 F.3d 986 (Fed. Cir. 2016) (in case of first impression, court rules that use-in-commerce for Lanham Act trademark registration may be satisfied by *de minimus* sales).

Prisoners' Rights

- *Cordrey v. Prisoner Review Bd.*, 2014 IL 117155 (original action in Illinois Supreme Court involving statewide practice of denying inmates parole for lack of housing).
- *Lusk v. Cole*, 779 Fed. Appx. 403 (7th Cir. 2019) (reverses trial court ruling that prisoner had not exhausted remedies for civil rights claim).

Product Liability

- *Custer v. Cerro Flow Products, Inc.*, 2018 IL App (5th) 160165 (court vacates good-faith finding for settlement that blocked client's contribution claims in mass tort case).

Real Estate

- *Hidden Chutes v. Dick Blick Holdings*, 2017 WL 3926075-U (court affirms judgment in favor of tenant client that landlord failed to mitigate damages).

Sovereign Immunity and Constitutional Law

- *United States v. Georgia*, 546 U.S. 151 (2006) (Americans with Disabilities Act overrides sovereign immunity only for violations of Fourteenth Amendment).

Trusts and Estates

- *Herlehy v. Marie V. Bistersky Trust*, 407 Ill. App. 3d 878 (1st Dist. 2010) (court validates charitable trust for client's benefit).

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In trial court practice, Mr. Poor has focused on representing clients in cases ranging from contract disputes, business torts, real estate, franchises, and class action defense. His bankruptcy and creditors rights' practice includes litigation involving the rights of secured creditors as well as fraudulent transfer and preference actions. This experience includes:

Civil Procedure:

- *Corus Bank N.A. v de Guardiola*, 593 F. Supp.2d 991 (N.D. Ill. 2008) (court grants client's motion to abstain in favor of pending state court case in litigation over guaranty of real estate development).

Contracts:

- Major corporate merger, court rules that client not responsible for paying stock options (Cook County Circuit Court, 2016).

Class Action Defense:

- *Taxman v. Integrys Energy Group, Inc.*, 2014 WL 5502560 (Ill. Cir. Ct.) (court dismisses shareholder class actions in favor of similar out-of-state suits).

Environmental:

- *City of Waukegan v. National Gypsum Co.*, 560 F. Supp. 2d 636 (N.D. Ill. 2008) and related cases (represented client in litigation and settlement of major Superfund case).

Creditors Rights:

- Prosecuted claims of secured creditors in bankruptcy and state courts, defended fraudulent transfer and preference actions involving lien rights.

Legal Services

- Appellate
- Litigation & Dispute Resolution

Education and Honors

- Emory University School of Law (J.D., 1979)
- Dartmouth College (A.B., *cum laude*, 1976)

Bar Admissions

- Illinois

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, 2nd Circuit
- U.S. Court of Appeals, 3rd Circuit
- U.S. Court of Appeals, 4th Circuit
- U.S. Court of Appeals, 5th Circuit
- U.S. Court of Appeals, 6th Circuit
- U.S. Court of Appeals, 7th Circuit
- U.S. Court of Appeals, 8th Circuit
- U.S. Court of Appeals, 9th Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, Northern District of Illinois (including Trial Bar)
- U.S. District Court, Central District of Illinois
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Wisconsin

Professional and Civic Activities

- Appellate Lawyers Association (Board of Directors, 2014–2016)
- Defense Research Institute
- Seventh Circuit Bar Association
- Faculty member, National Institute of Trial Advocacy, Boulder, Colorado and for other in-house programs
- Village of Winnetka (Trustee, 2007–2011; Environmental Commission, 2008–2011; Zoning Board of Appeals, Chair 1988–1991)
- Assistant Illinois Attorney General (Commerce Commission Division, 1980–1984)



Professional Recognition

- Pro Bono Partner of the Year, Quarles & Brady Michael Goring Award, 2017
- The Best Lawyers in America® (Appellate and Commercial Litigation)
- Illinois *Super Lawyers*®, Business Litigation, 2012-present
- Leading Lawyers Network (Civil Appellate; Commercial Litigation)
- Martindale-Hubbell AV® Peer Review Rated