

Jeffrey Gardner

PARTNER

Phoenix

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About Jeff

Go-to litigator and trusted advisor for businesses and individuals

Jeffrey Gardner counsels clients on ways to mitigate risk, achieve business objectives, develop and implement employment policies, and protect intellectual property. But, when litigation arises, Jeffrey has significant experience representing clients in high stakes class actions, securities litigation and complex business disputes. He has extensive knowledge of the laws applicable to broker-dealers and registered investment advisers, and represents clients with financial service industry investigations, enforcement actions and compliance.

Jeffrey previously served as national chair of the American Bar Association's Class Action and Derivative Suit Committee, as well as the Trial Practice Committee. He was also the managing partner at his previous firm.

Experience in Action

- **Represents FINRA industry members** in FINRA arbitration customer and industry disputes.
- **Represents individuals and entities in connection with regulatory matters** brought by FINRA and the SEC.
- **Defends nationwide class actions involving claims of securities fraud**, employment and ERISA, antitrust, privacy and breach of contract.
- **Defends businesses and individuals in investigations and enforcement actions** brought by the U.S. Securities and Exchange Commission (SEC), as well as the Securities Division of the Arizona Corporation Commission and other regulatory agencies.

Education and Honors

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

University of Minnesota (B.A., 1999)

Bar Admissions

Texas

Arizona

Court Admissions

U.S. Court of Appeals, 9th Circuit

U.S. District Court, District of Arizona

U.S. District Court, Northern District of Texas





- **Represents 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.
- **Represents clients in intra-industry disputes and employment matters**, including actions involving employee forgivable loans and enforcement or defense of non-solicitation or confidentiality agreements.

Successes

- 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 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.
- Successfully defended officers of commercial real estate lender in a securities fraud class action; also represented officers in mass action, additional state court action and regulatory investigations.
- Secured early dismissal at pleading stage of class action asserting FACTA and FCRA claims.
- Secured dismissal of class action involving claims of fraud and misrepresentation.

Capabilities

Class Action Defense

Litigation & Dispute Resolution

Securities Litigation and Enforcement

Professional Recognitions

- AV Preeminent® Peer Review Rated™, Martindale-Hubbell
- *The Best Lawyers in America*® (2015-2023: Commercial Litigation); 2023: Litigation – Securities; 2022-2023: Securities Regulation)
- *Southwest Super Lawyers*® (2018-2022: Securities Litigation and Class Action/Mass Torts)
- *Southwest Super Lawyers*® "Rising Stars" (2012-2016: Securities Litigation and Class Action/Mass Torts)
- *AzBusiness Magazine* "Top Lawyers" (2013: Securities Litigation)

Professional & Civic Activities

- Arizona Chamber of Commerce & Industry, member
- Arizona Chamber of Commerce & Industry, Economic Development and Real Estate Committee, member (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





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- The Fellows of the American Bar Foundation, member (2014 - present)
 - State Bar of Arizona, Securities Regulation Law Section, former chair
 - Maricopa County Bar Association (MCBA), member
 - 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)

