

EXPERIENCE

James S. Montana, Jr. is an experienced and seasoned practitioner who concentrates his practice on white collar criminal defense, parallel proceedings, litigation, gaming and government relations. He also frequently serves as an arbitrator. Over the course of his career he served as Chief Legal Counsel to Illinois Governor James Edgar, Assistant U.S. Attorney and Chief Judge of the Illinois Court of Claims. He was also General Counsel at Bally Entertainment Corporation and a partner at national law firm Vedder Price.

In private practice, Mr. Montana has represented casino and supplier licensees and applicants before gaming authorities and the legislature and in litigation. He also advises financial services and asset managers and investment banking firms on gaming regulatory requirements and matters related to the financing of and investments in regulated gaming entities.

For four years, Mr. Montana served as an Assistant U.S. Attorney and, consequently, he has an active practice in white collar criminal defense, civil and criminal antitrust and SEC matters as well as parallel civil and administrative proceedings. He has also conducted numerous internal investigations. His commercial litigation experience also includes Securities Act litigation, corporate derivative suits, antitrust litigation, banking and banking regulatory litigation, immigration and a variety of other litigation.

Mr. Montana has been appointed three times to a 14-member bipartisan Judicial Review Commission formed by U.S. Senator Mark Kirk. This committee screens and recommends federal district court judges for the Northern District of Illinois for consideration by the President and U.S. Senate.

Mr. Montana served as Chief Counsel to Governor James Edgar, serving as the Governor's top legal advisor. He drafted legislation on issues dealing with gaming, consumer fraud, economic development, public safety, criminal law, business and financial regulation, environmental regulation and human services. He also advised Governor Edgar on labor and personnel issues affecting 64,000 state employees and managed all litigation brought by or against the State of Illinois. He also served as Chief Justice of the Illinois Court of Claims, having been originally appointed to the bench in 1983 by Governor Jim Thompson and confirmed by the Illinois Senate. In 1985, he was appointed Chief Justice.

Mr. Montana has played an active role in civic and charitable affairs throughout his career. He is a former member of the Board of Directors for the Metropolitan Pier and Exposition Authority in Chicago, which owns and operates McCormick Place and Navy Pier. He has also served as a member of the Board and Executive Committee of the Chicagoland Chamber of Commerce and is former Chairman of the Governmental Affairs Committee. He has served as a board member for a number of institutions of higher learning, including Lewis University in Illinois and Georgetown University in Washington, DC. He is also a former member of the Board of Managers of the Chicago Bar Association and the Board of Directors of the Chicago Bar Foundation, as well as Past President of the Chicago Inn of Court.

EDUCATION

Northwestern University School
of Law, J.D.

Georgetown University, A.B.

BAR ADMISSIONS

New York

Illinois

COURT ADMISSIONS

U.S. District Court, Southern
District of New York

U.S. District Court, Northern District
of Illinois, Trial Bar

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. Supreme Court

HIGHLIGHTS

Former Assistant U.S. Attorney

Chief Legal Counsel to Governor
Jim Edgar

Member of the Judicial Review
Commission formed by U.S. Senator
Mark Kirk

Former General Counsel of Bally
Entertainment Corporation

AFFILIATIONS

Public Member, Illinois Medical
Disciplinary Board

Member of Board, Special Olympics,
Chicago

Former Member, Board of Advisors
of the College of Arts & Sciences,
Georgetown University

Former Member, Board of Regents,
Georgetown University

Former Member, Board of
Directors, Metropolitan Pier &
Exposition Authority

Mr. Montana is a frequent speaker and lecturer, having served as an Adjunct Professor of Law at Loyola School of Law, where he taught Advanced Trial Practice. For many years he served as an instructor in the Midwest Region and Boulder, Colorado, for the National Institute for Trial Advocacy (NITA), which trains lawyers in trial skills.

Mr. Montana also is Co-Chairman of the Preservation Subcommittee of the Seventh Circuit eDiscovery Committee, formerly chaired by Chief Judge James Holderman of the Northern District of Illinois.

Mr. Montana is admitted to practice in Illinois and New York, the federal courts in those states and the Supreme Court of the United States.

ARBITRATOR INDUSTRY EXPERIENCE

Mr. Montana has been a member of the American Arbitration Association since 2005 and has acted as an arbitrator on both their Commercial Panel and the Large, Complex and Commercial Dispute Panel. He has acted many times as a single arbitrator, a member of a three-arbitrator panel and as the chairman of a three-arbitrator panel on commercial disputes involving:

- Valuation of stock of a closely held corporation and appraisal procedures
- Dissolution of a law firm and disputes arising out of that dissolution among the partners
- Oppression of minority shareholders
- Breach of corporate and partnership fiduciary duties involving closely held corporations, partnerships and law firms
- Cross actions for declaratory relief related to coverage issues and misrepresentation related to an insurance company's refusal to pay proceeds of an insurance policy covering an insured personal guarantee of a loan of over \$5 million
- Actions for compensatory and punitive damages for fraud and breach of fiduciary duties
- Misappropriation of trade secrets
- Misappropriation of corporate opportunities
- Misrepresentation in sale of securities; 10(b)(5) actions
- Breach of shareholder and partnership agreements
- Breach of a variety of commercial contracts
- Actions for declaratory judgments
- Breach of non-compete and non-solicitation agreements
- Actions for injunctive relief
- Actions for recession
- Actions for sanctions, damages and injunctions related to electronic data, electronic discovery and spoliation of evidence
- Issues related to whether automobile dealerships should be reinstated to the dealer network of a major, nationally known automobile manufacturer, including issues related to adherence to the franchise agreement and performance objectives (MSR and other criteria), profitability, economic viability, market characteristics, and the respective economic interests of the dealer and the manufacturer

INDUSTRIES

- Gaming/Casino Industry
- Banking/Financial Institutions
- Insurance
- Distributorships/Franchises
- Law Firm Disputes
- Automobile Manufacturing and Dealership
- Investment Advisory and Stock Brokerage
- Food
- Disputes among buyers and sellers of securities 10(b)(5)
- Illinois Government