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#### EDUCATION

- J.D., University of California at Davis, 1979. First Place Team, U.C. Davis Environmental Law Moot Court Competition, 1977. U.C. Davis Representative and Second Place Appellate Brief, Roger J. Traynor California State Moot Court Competition, 1978.
- B.A., with honors, University of California at Davis, 1976.

#### COURT ADMISSIONS

- State of Texas
- State of California
- The U.S. District Courts for the Northern, Southern, Central and Eastern Districts of California

#### BAR ADMISSIONS

- State Bar of California
- State Bar of Texas

## DAVID T. BAMBERGER

### SENIOR COUNSEL

David Bamberger is a Senior Counsel in the Dallas office of McKool Smith. Mr. Bamberger's practice focuses upon commercial litigation, patent infringement disputes, and insurance coverage, with particular emphasis on complex legal research and motion practice.

Before moving to Texas, Mr. Bamberger received a California peer-review rating of "AV" -- the highest rating available -- through Martindale-Hubbell.

Mr. Bamberger served as an Adjunct Professor of Law at Loyola University School of Law. He also wrote a successful amicus brief to the California Supreme Court on behalf of the Consumer Attorneys of California in *Covenant Care, Inc. v. Superior Court*, 32 Cal.4th 771, 11 Cal.Rptr.3d 222 (2004), a decision that facilitated the recovery of punitive damages in elder abuse cases. In addition, Mr. Bamberger presented a speech on "Avoiding Mandatory Arbitration Clauses" at the 1999 Winter Convention of the Association of Trial Lawyers of America.

#### REPRESENTATIVE MATTERS

***L-3 Communications Integrated Systems, LP v. Lockheed Martin Corporation.*** Mr. Bamberger is part of the team representing Lockheed Martin in antitrust litigation related to refurbishment of P-3 maritime surveillance aircraft for foreign governments.

***i4i Limited Partnership v. Microsoft Corporation.*** Mr. Bamberger assisted in the firm's representation of i4i in a suit against Microsoft for patent infringement involving a method and system for manipulating architecture and content of a document separately from each other.

***Official Committee of Unsecured Creditors of Enron Corporation v. Fastow.*** Mr. Bamberger was part of a team working on behalf of Enron's unsecured creditors against various defendants close to the Enron collapse.

***Lockheed Martin Corporation v. Aerobotics, Inc.*** Mr. Bamberger assisted in the firm's representation of Lockheed Martin in patent infringement litigation regarding non-destructive testing technology used to evaluate the structural integrity of aircraft.

***Texas Health Resources v. Triad-Denton Hospital.*** Mr. Bamberger was part of the team that represented Triad-Denton Hospital in a breach of contract action concerning the purchase of a major hospital.

*American Video Graphics, L.P. v. Electronic Arts, Inc.* Mr. Bamberger assisted in the firm's representation of AVG in a series of patent infringement suits against computer manufacturers and game software developers related to 3-D graphics technology.

## **ARTICLES**

"Standards and Timeliness in Medical Insurance Actions: The Insured's Perspective," *Whittier Law Review*, Vol. 23, No. 3, 2001.

"Enabling the Disabled: How to Pick, Plead and Prevail in a Disability Bad Faith Case," *Lawyers Weekly USA*, 2001.

"Disabling the Disability Carrier: The Insurer's Top 10 Defenses and How to Defeat Them," CAOC Forum, January/February 2001.

"Insureds' Health vs. Insurers' Wealth: Bad Faith in the Healthcare Industry," CAALA Advocate, 2001.

"How to Pick an Insurance Bad Faith Case and Win It," *The Trial Lawyer - Journal of Strategy, Technique and Case Management*, May/June, 2000.

"Holding an HMO Fully Accountable: ERISA Preemption and How to Avoid It," *Whittier Law Review*, Vol. 22, No. 2, 2000.