

Bradley W. Foster



Partner

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Brad Foster represents clients in securities litigation and other complex business disputes. His experience includes securities class actions, mergers and acquisitions (M&A) litigation, shareholder derivative suits, corporate governance litigation, securities and commodities arbitration, SEC and FINRA investigations, commercial arbitration and general business litigation. He has served as "panel counsel" for a leading insurance carrier on securities class actions and D&O claims, and he has received Martindale Hubbell's highest peer-review rating for professionalism and integrity. He is also a Certified Public Accountant.

REPRESENTATIVE EXPERIENCE

- Represented the officers and directors of a publicly-traded telecommunications company in federal securities litigation and related state court proceedings. See *R2 Investments v. Phillips*, 401 F.3d 648 (5th Cir. 2005)
- Represented a corporate officer in class action and shareholder derivative litigation involving alleged accounting manipulations. Obtained complete dismissal of all class action claims.
- Represented a publicly-traded waste management company and its board of directors in a nationwide shareholder class action arising from a \$525 million merger transaction
- Represented a Texas corporation and its board of directors in shareholder derivative litigation arising from a merger transaction
- Represented a publicly-traded restaurant company and its board of directors in a nationwide shareholder class action arising from a \$650 million merger transaction
- Represented an insurance broker in a securities class action and related federal multi-district litigation (MDL) proceedings
- Represented 100+ financial advisers in a "clawback" action arising from an alleged Ponzi scheme
- Represented various publicly-traded corporations in connection with SEC inquiries involving alleged insider trading and accounting irregularities
- Represented a corporation in shareholder derivative litigation involving an alleged antitrust scheme. Obtained complete dismissal of all claims.
- Represented a corporate officer in an SEC investigation and related federal court proceedings involving alleged accounting manipulations by a leading wholesaler in the food industry
- Represented a corporate officer in shareholder derivative litigation involving alleged antitrust violations

PRACTICES

Securities Litigation
Class Action Litigation
Corporate Compliance, Investigations and Defense
Litigation
Commercial Litigation
Arbitration/Mediation

EDUCATION

JD, 1990, *magna cum laude*, Southern Methodist University Dedman School of Law, Valedictorian, *Law Review*, Order of the Coif

BA, 1987, *cum laude*, Baylor University, Phi Beta Kappa, National Merit Scholar

ADMISSIONS

Texas 1990
US Court of Appeals for the Fifth Circuit
US District Courts for the Northern, Southern, Eastern and Western Districts of Texas
US District Court for the District of Colorado
US Supreme Court

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- Represented a broker-dealer and its employees in SEC and FINRA investigations involving an alleged Ponzi scheme
- Represented an employee of a leading investment bank in an SEC investigation involving mortgage-backed securities
- Represented corporate officers in various SEC investigations involving alleged accounting manipulations by publicly-traded technology, construction and health care companies
- Represented multiple broker-dealer employees in SEC and FINRA investigations involving an alleged Ponzi scheme
- Represented a leading investment bank in several multimillion-dollar NASD arbitration proceedings
- Represented a broker-dealer and its employees in state court litigation and a related arbitration proceeding involving an alleged Ponzi scheme
- Represented a national wireless telecommunications company in a \$100 million AAA arbitration proceeding
- Represented numerous clients (including underwriters, auditors, public company issuers, and individual officers and directors) in various class actions and putative class actions asserting claims under the federal securities laws
- Represented investment banks and brokerage firms in securities fraud suits filed in both state and federal court, and in numerous securities and commodities arbitration proceedings before FINRA, the New York Stock Exchange, and the National Association of Securities Dealers

PUBLICATIONS

- U.S. Supreme Court Limits Scope of Primary Liability Under Federal Securities Laws (June 16, 2011)
- Supreme Court Unanimously Rejects Fifth Circuit's Loss Causation Standard (June 9, 2011)
- Federal District Court Says "No" to Forum Selection Bylaws (March 23, 2011)
- U.S. Supreme Court to Review Fifth Circuit's Controversial Loss Causation Rules for Securities Class Actions *Compliance Week* (March 3, 2011)
- "The Dodd-Frank Earthquake" *Texas Lawyer* (December 20, 2010)
- Securities Litigation E-Alert: The SEC, Insider Trading, and Dallas Sports (November 25, 2008)
- Securities Litigation E-Alert: The Fifth Circuit and Loss Causation (September 26, 2008)

PROFESSIONAL RECOGNITION

- Profiled by *ALM* as one of "Texas' Top Rated" Securities Lawyers (2012)

AFFILIATIONS

Member

- Sustaining Life Fellow, Texas Bar Foundation
- Fellow, Dallas Bar Foundation
- United Way of Dallas, Leadership Society
- State Bar of Texas (Litigation Section)
- Dallas Bar Association (Securities Section)

Professional Certification

- Brad is a licensed Certified Public Accountant in the State of Texas. He passed the Uniform CPA Exam in May 1987, receiving the Elijah Watt Sells Certificate for Performance with High Distinction (given to candidates who earn one of the top 100 overall scores in the nation).

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PRESS RELEASES

- Experienced Litigator Brad Foster Joins Andrews Kurth (July 16, 2008)