

David M. Murphy

Mediator / Arbitrator / Independent Panelist

David is one of the nation's most sought-after neutrals in complex commercial litigation. A retired partner of Wachtell, Lipton, Rosen & Katz in New York, David joined Phillips ADR in April 2017. Since then, he has served as a mediator, arbitrator and independent monitor in hundreds of commercial disputes, including antitrust, patent, securities law, corporate governance, investment company, bankruptcy, environmental, construction, contract and tort cases.

Representative settlements include, among many others:

- US patent litigation between Blackberry and Facebook;
- a long-running, multi-jurisdictional international patent litigation between leading pharmaceutical companies over continuous glucose monitoring devices;
- federal class action and shareholder derivative litigation against Hawaiian Electric arising out of the Maui fires;
- federal class action litigation against PG&E arising out of the Camp Fire in California;
- an antitrust case brought by a group of major health insurers against a leading pharmaceutical company;
- a youth marketing dispute between a foreign tech company and the State of New Mexico;
- a patent case between a leading research university and a major pharmaceutical company;
- a federal class action lawsuit against one of the world's largest pharmaceutical companies;
- a hard-fought patent litigation between a software developer and a major tech firm;
- multiple disputes over rep-and-warranty insurance in corporate acquisitions;
- numerous shareholder cases challenging the price and process in controlling shareholder and take-private transactions;
- a federal class action case against a leading life insurance provider over cost-of-insurance adjustments to life insurance premiums;
- a federal class action securities case against a leading public utility company arising out its delayed construction of a major power plant;
- a legal malpractice dispute over the construction and zoning rules on a luxury hotel project in NYC;
- numerous legal malpractice claims by trustees in bankruptcy court;
- a federal class action securities case against a public utility arising out of losses incurred by energy traders hedging West Coast electricity pricing;
- a class action wage dispute in the fast-food industry;
- a bankruptcy-related dispute arising out of the Madoff fraud;
- shareholder litigation arising out of sexual harassment and assault at a leading cable news network.



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David regularly mediates federal class action securities law cases, shareholder derivative suits, as well as breach of fiduciary duty and corporate control cases. At any given time, he has a significant number of Delaware Chancery Court cases on his mediation docket.

In addition, David is retained to serve as a neutral monitor for complex, executory settlements — most recently, as the monitor under a settlement agreement between Standard Amusements and Westchester County involving the development and operation of Rye Playland.

Over his three decades at Wachtell, Lipton, David handled federal securities and derivative litigation, antitrust litigation, contests for corporate control, breach of fiduciary duty and corporate governance disputes, as well as contract, tort and high-stakes defamation cases. He also specialized in defending white-collar criminal investigations and often represented companies and individuals before the DOJ, SEC, Federal Reserve, OCC, NASD and state attorneys general.

While at Wachtell Lipton, David negotiated several key aspects of the landmark national tobacco settlement with the state attorneys general. Later, in the wake of the 2008 financial crisis, he counseled major financial institutions and individuals before an array of prosecutors and regulators and also before Congress and the Financial Crisis Inquiry Commission (FCIC). On several occasions, he was specially retained to conduct internal corporate investigations at the request of federal bank regulators, including the Federal Reserve and OCC. He also led international internal investigations into potential violations of the FCPA, US sanctions and anti-money laundering laws, the USA Patriot Act and US antitrust laws. David has litigated and arbitrated cases in more than two dozen states.

An honors graduate of Yale College, David received his law degree from the University of Chicago, where he won the annual Hinton Moot Court, Thomas J. Mulroy Prize for outstanding oral advocacy, and Joseph Henry Beale Prize for legal research and writing.

After law school, he clerked for Judge Ralph K. Winter, Jr. of the United States Court of Appeals for the Second Circuit and Chief Judge Charles L. Brieant of the United States District Court for the Southern District of New York.

An avid racing sailor since childhood, David and his family reside in Rowayton, Connecticut.