



# John C. Clarke

 Partner

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**“My relationship with clients is a collaborative process to achieve outcomes that make sense for each client’s unique business and goals. My approach is simple: work hard, listen, and identify the most pragmatic, innovative, and cost-effective ways to minimize risk and resolve client disputes.”**

As an Oregon native, John Clarke brings significant value, commitment, and experience to the work that he performs for businesses, nonprofits, public entities, and individuals. As an attorney in the firm’s litigation team, he focuses on disputes related to financial services, class action, consumer protection, securities, intellectual property, and corporate governance, representing clients in state and federal courts throughout Oregon and Washington, and in arbitration proceedings.

John is an effective writing and oral advocate for clients, formulating strategies that go beyond traditional legal arguments. He is adept at telling a client’s story and maintaining the highest level of professionalism to maximize favorable outcomes. John has made winning arguments and achieved successful outcomes in several matters, including:

- Prevailing on a motion for summary judgment in a federal lawsuit asserting claims for fraud against a publicly-traded company;
- Prevailing a motion to dismiss in a state court lawsuit asserting consumer protection claims against a financial services client;
- Compelling the production of documents withheld under the attorney-client privilege and work-product doctrine;
- Prevailing on a motion for summary judgment in a state-court action asserting claims under Oregon’s antidiscrimination statutes; and,
- Creating new law in California for compliance with the Oregon Tort Claims Act.

Before joining the firm, John graduated from the University of Oregon School of Law, becoming a member of the Order of the Coif, an honor society that recognizes the top graduating law students from their class. During school, John served as an extern for the Honorable Michael J. McShane of the U.S. District Court for the District of Oregon and as a law clerk at Eugene-based firm Arnold Gallagher P.C. He received the Laird Kirkpatrick Book Prize in trial practice, awarded to the top student in a class focusing on trial strategy and oral

## Education

J.D., University of Oregon  
School of Law, 2015  
▪ Order of the Coif

B.A., Arizona State  
University, *magna cum  
laude*, political science,  
2011

## Bar Admissions

Oregon, 2015

## Court Admissions

U.S. Court of Appeals for  
the Ninth Circuit, 2016

U.S. District Court, District  
of Oregon, 2015

argument. As part of the University of Oregon's nationally ranked legal-writing program, John also served as a tutor and mentor for legal-writing students.

### Professional Activities

- Multnomah Bar Association, Member
- Oregon State Bar Association, Member
- American Bar Association, Member
- Federal Bar Association, Member

### Civic Activities

- U.S. District Court of Oregon Historical Society
  - Board of Directors, 2019-present
- Campaign for Equal Justice
  - Large Firm Associates Committee, Member

### Representative Experience

#### Securities & Corporate Governance Litigation

- Represented a financial institution in a putative class action in state court asserting claims for breach of contract and violations of Oregon's Unlawful Trade Practices Act, prevailing on motion to dismiss.
- Represented Oregon corporation involved in a closely held business dispute among its shareholders, defending against allegations of minority oppression.
- Represented group of investors that collectively lost millions of dollars arising out of the collapse of an Oregon investment company accused of defrauding investors.
- Represented individual clients involved in a closely held business dispute, defending against claims for common law fraud, breach of fiduciary duty, and claims under the Oregon Securities Law, obtaining a favorable resolution for the clients.

#### Class Action Litigation

- Represented a software company in a putative class action in federal court asserting claims under the Telephone Consumer Protection Act.
- Represented national trading card seller in a putative class action in federal court asserting claims for violations of Oregon's Unlawful Trade Practices Act, prevailing on motion to dismiss.
- Represented publicly traded corporation in a securities class action in federal court, a state court shareholder derivative lawsuit, and government investigations by the Department of Justice and Securities and Exchange Commission Enforcement Division, defending against claims that arose from allegations of accounting impropriety and insider trading.

#### Other Commercial, Intellectual Property, and Civil Rights Litigation

- Represented private education institution in federal lawsuit alleging claims under Section 1983, prevailing on motion to dismiss and successfully obtaining dismissal with prejudice.
- Represented American comic book and manga publisher in a copyright infringement lawsuit in federal court, prevailing on multiple motions to dismiss and successfully obtaining a dismissal of an appeal in the U.S. Court of Appeals for the Ninth Circuit.

- Represented client in a state court action asserting claims under state common law and state and federal antidiscrimination statutes, prevailing on a motion for summary judgment that resulted in the dismissal of all claims.
- Represented hydroelectric turbine manufacturer in federal court against claims for product liability and resulting delay. After developing defenses with engineering and construction delay experts, obtained a favorable resolution for the client.

#### **Pro Bono Service**

- Represented Transgender Law Center and other nonprofit organizations in connection with filing amicus brief with Oregon Court of Appeals in support of appeal defending the rights of nonbinary Oregonians.
- Represented Spanish-speaking client in collecting a \$30,000 judgment through Miller Nash's virtual legal aid clinic.
- Represented client with vacating dozens of 25-year-old convictions that were a result of her being a victim of sex trafficking in New York.

#### **Publications**

- "Controversial Cap on Damages Against Public Entities and Employees Upheld in *Horton v. OHSU*," Miller Nash Graham & Dunn, *From The Ground Up* (June 2016)
- "2015 Broker-Dealer Litigation Survey," American Bar Association, contributor (Mar. 2016)

#### **Recognition & Honors**

- Recipient of the Multnomah Bar Association's Pro Bono Award of Merit, 2021
- Recipient of the 2020 Clifford N. Carlsen, Jr. Pro Bono Award
- Selected for inclusion in Best Lawyers: Ones to Watch (Portland, OR)
  - Commercial Litigation, 2021-present
  - Corporate Governance and Compliance Law, 2021-present
  - Litigation—Securities, 2021-present
  - Mass Tort Litigation/Class Actions—Plaintiffs, 2022
- Selected for inclusion as an Oregon Super Lawyer—Rising Star, 2020-present

#### **Personal Activities**

An Oregon native, John enjoys spending time outdoors. He enjoys playing golf, running, and spending time with his family and high-energy dogs, Kaya and Pickles.