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CHRIS MADEL

ATTORNEY
OF THE MONTH

ALSO INSIDE:

**INTELLECTUAL
PROPERTY
SWIPERS &
SWINGERS**

**LEGAL AID
GIVES CRIME
VICTIMS A
VOICE**

ATTORNEY OF THE MONTH

Chris Madel



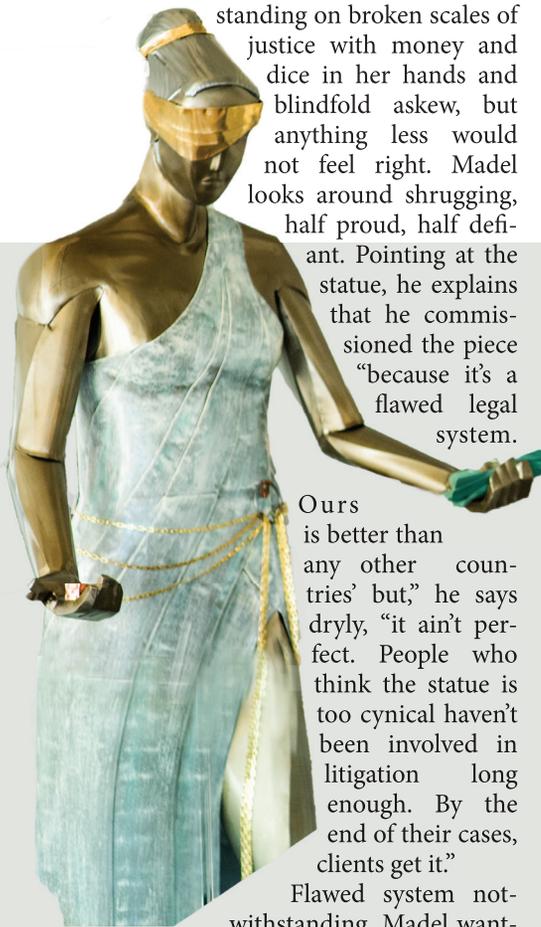
OFFBEAT BUT
AUTHENTIC

BY JACKSON WILLIAMS

The jury in the Hennepin County, Minnesota, courtroom looked at Chris Madel with interest. It was 2010 and Madel was giving his closing argument. None of the jurors' arms were crossed, and each maintained clear eye contact—good signs. His client had been charged with, among other things, felony false imprisonment and interfering with a 911 call relating to his client's detention of two juveniles in an attempted car burglary. A conviction of any of the charges would certainly end his client's career as a highly decorated Minneapolis police officer. But Madel's primary concern was the false-imprisonment count—conviction on this charge would automatically land his client on the sex-offender registry.

Leaning toward the jury box, Madel described one of the prosecution's main witnesses, using the words of "one of our greatest modern-day philosophers, Jay-Z. See, Jay-Z wrote about a man just like Mr. [X]. He said, 'you know the type, loud as a motorbike but wouldn't bust a grape in a fruit fight.'" Jurors smiled and a few laughed quietly—a very good sign.

Madel stands in his office overlooking Hennepin Avenue in Minneapolis. Unusual for a law firm with its 13-foot ceilings, skylights, exposed ductwork, and bold walls and art, including a client's gift of a framed, large depiction of a hand gesture that his daughters (ages 7 and 9) call "inappropriate," and a metallic statue of Lady Justice



standing on broken scales of justice with money and dice in her hands and blindfold askew, but anything less would not feel right. Madel looks around shrugging, half proud, half defiant. Pointing at the statue, he explains that he commissioned the piece “because it’s a flawed legal system.

Ours is better than any other countries’ but,” he says dryly, “it ain’t perfect. People who think the statue is too cynical haven’t been involved in litigation long enough. By the end of their cases, clients get it.”

Flawed system notwithstanding, Madel wanted to be a trial lawyer for as long as he can remember. There are no other lawyers in his family, and he does not have a clear memory of why or when he first realized his calling. “I really don’t know. I just always wanted to be [a lawyer]. Maybe it’s because I got into trouble a lot, so maybe I saw it as the best avenue to get a reprieve.” It is unclear whether Madel outgrew the troublemaker phase. Certainly, those who know Madel would agree that he is known for being direct and, at times, enjoying the discomfort of others who are more accustomed to dealing with “Minnesota nice” lawyers. “Subtlety isn’t among my gifts,” Madel says. Now, after having practiced law for over 27 years, Madel still loves it. “I still pinch myself. It’s just the best job—at least for me. I honestly don’t know what else I’d do, let alone what I would be good at.”

Many lawyers begin their legal career by finding a specialty. Not Madel. A graduate of Macalester College and the University of Michigan Law School, his career began at Winthrop & Weinstine in 1992. He tried his first jury trial five months after receiving his license. The case was a weighty one: his cli-

ent sued for \$3,000 she claimed was owed for the sale of a horse that specialized in dressage, a sort of equestrian ballet. (Madel is quick to note the counterclaims exceeded \$10,000.) Although Madel and his client won the trial, he professed his continuing confusion over the subject matter: “I didn’t really know what dressage was then, and I’m not exactly clear about it now. But I’m glad we won.”

Just over a year later, Madel left Winthrop to join the U.S. Department of Justice in Washington D.C. While there, he led a price-fixing investigation of a national association of car dealers, which resulted in an extensive consent decree. But the most valuable experience he received from the Justice Department, he reports, was the knowledge that he did not want to be a government lawyer. While he still has good friends who are prosecutors or work for the government, Madel says “there’s much unfairness associated with government investigations. Many times, for them it’s like shooting fish in a barrel. I’m much more comfortable as the underdog.”

Following that realization, Madel returned to private practice in Minneapolis. A few years later, just six years out of law school, Madel tried a large antitrust case in Little Rock, Arkansas with Craig Wildfang and Brooks Poley, two lawyers with whom he remains close. The trio obtained a \$133+ million judgment after a ten-week jury trial, but that judgment was subsequently vacated by the Eighth Circuit Court of Appeals. “It remains one of the most disappointing episodes in my career—not because of anything we did, or didn’t do, but because the circuit court just ignored and misrepresented the evidence.” “But I’m not bitter,” he says wryly.

“BIG PROBLEMS”

After spending some years in the world of antitrust, he decided to branch out to other fields of law. “Today,” Madel says, “the only common denominator of our matters is that clients call us with big problems.”

Big problems indeed. The diversity of Madel’s matters, and the breadth of his experience, is eye opening and enviable. He defended Major League Baseball Hall-of-Famer Kirby Puckett against criminal charges including false imprisonment and sexual assault (resulting in a total acquittal); he represented Tour de France winner Greg LeMond in a major minority-shareholder lawsuit against the billionaires’ Yellowstone Club near Big Sky, Montana (resulting in a \$39 million settlement covered by the *New York Times*); he represented professional golfer Jesper Parnevik



and two real-estate developers in securing a \$185+ million judgment in U.S. District Court in Colorado under the Racketeer Influenced and Corrupt Organizations Act; he defended Minnesota Timberwolves' forward J.R. Rider against allegations that he kicked a woman in the back at the Mall of America; he led internal investigations of the Fiesta Bowl in Phoenix, Arizona (relating to campaign fraud and embezzlement) and the Minnesota Vikings (relating to sexual assault allegations at the team's Arctic Blast in 2003 and again in 2014 relating to former punter Chris Kluwe's allegations regarding his claimed termination due to his support for marriage equality); he successfully defended UnitedHealth against a \$1 billion price-fixing case; he represented the Minnesota State Board of Public Defense in connection with a state-government shutdown (obtaining emergency relief to require the State of Minnesota to continue funding the public defenders); and he represented several high-profile executives in a lawsuit against Crown Bank relating to an alleged Ponzi scheme, a case that resulted in a quick settlement.

Recently, an international insurance company asked Madel and his team to take cases to trial after other firms have conducted all the discovery. Perhaps the insurance company's attorney recognized a kindred spirit in Madel because, as he describes her, "She's just focused on winning. Everyone recognizes we have to be cost conscious, and she is too, but she never lets that get in the way of winning. She's direct and funny. We love having her with us at trial."

The first such case was *Select Comfort Corp. et al. v. Dires, LLC et al.* in the U.S. District Court for the District of Minnesota. There, Madel and his team represented a business and two executives. Select Comfort, now known as Sleep Number, asked the jury to award more than \$17.1 million based on allegations that Madel's clients' advertising violated Select Comfort's trademarks and included copious false statements. Asked about working with Madel on the case, Craig Miller, the Chief Executive Officer of a defendant and one of the individual defendants said "I will never forget, it was the day before our trial was to begin and I was being sued by a billion-dollar company when we decided to take a break. We got into Chris' car to head to lunch and Chris introduced me to his 'pretrial' playlist, which was mostly rap. Chris not only cranked it up but also sang out loud word for word the extremely colorful lyrics. It was at that moment I realized I was about to enter Chris Madel's domain, the courtroom, and he could not be more excited. It gave me great comfort."

After a 14-day trial, the jury found no trademark infringement, no trademark dilution, no unfair competition, and found in favor of Madel's clients on multiple false-advertising claims. The jury also found in favor of Madel's clients on their declaratory-judgment counterclaim that Select Comfort has no trademark rights in the phrase "number bed." In total, the jury found that Personal Comfort Bed (the corporate client) made several false statements and awarded Select Comfort \$120,812 in damages—the jury found no liability whatsoever for Madel's

individual clients. In other words, the federal jury awarded Select Comfort less than 1% of the damages it sought at trial.

“We put the band back together for the next trial,” Madel says. There, Monster Energy drink sued the Madel team’s client in the U.S. District Court for the Central District of California for federal trademark infringement and California state claims. Monster Energy sought over \$64 million in damages. The jury awarded \$0 actual damages.

Remarking on his cases, Madel repeatedly used the pronoun, “We.” When asked to explain, he said, “You can’t consistently get results like these without an awesome team. I have the best in the business.” And it’s probably one of the reasons that his 13-member firm has received *Minneapolis-St. Paul Business Journal’s* “Best Place to Work” award in 2018 and 2019.

REPRESENTING UNPOPULAR CLIENTS TO CORPORATE TITANS

Madel has also represented some decidedly unpopular clients. For example, in 2015, he represented a 19-year-old Somali man against felony charges for allegedly making a threat to kill the U.S. Attorney General after his friend was charged with being a member of ISIS. After some successful motion practice, Madel’s client pled guilty to a (very rare) federal misdemeanor and was released from jail before sentencing. Following that success, Madel represented a second Somali man in 2016 against felony charges for allegedly making a threat to kill a U.S. District Court judge, related to another ISIS prosecution. Again, after some successful motion practice, Madel’s client pled to a federal misdemeanor and was released from custody the same day. And today, he represents a man charged with bombing the Dar Al-Farooq Islamic Center in Bloomington, Minnesota. “He spoke to the FBI before we accepted the representation, so that one’s going to be a bit more difficult,” deadpans Madel.

“Too few lawyers represent unpopular clients,” Madel said. “I believe it’s an ethical obligation, and one that many larger law firms ignore because they think it hurts business. I not only don’t believe that, I think the opposite is true.”

Representing unpopular clients doesn’t seem to have negatively affected Madel or his business. His current client list is a virtual “Who’s Who” of the Twin Cities, and they all appear to like him even if their first inclination is toward good-natured heckling. Tom Barnard, the venerable KQRS radio host says, “Chris Madel is what everyone is looking for in a lawyer. He is fair, he is tough, he is thorough and most important to me and I assume every client, he ALWAYS does what he says he is going to do! A rare find these days!” After joking that he could not call Madel the names he would want to, Jim Hays, past owner of the Hays Companies (sold in October 2018 for \$705 million), described Madel as, “first, a good friend. Sec-

“Too few lawyers represent unpopular clients, I believe it’s an ethical obligation, and one that many larger law firms ignore because they think it hurts business. I not only don’t believe that, I think the opposite is true.”

ondly, a great lawyer. He looks at all angles and all possibilities. A great combination of friend, legal advisor, and top-notch strategy guy. Look at his results. Hard to beat. Honored to call him a friend.” And Mark Evenstad, past CEO of Upsher-Smith Laboratories, stated “Chris is one of a kind. He is principle-driven and defends clients’ issues as though they are his own. He is tireless in his legal representation. However, it is his insight and personal counsel—from vast, deep experience—that set him head and shoulders above. I’ve trusted him, and he’s delivered, with the most important suits, inquiries and investigations I’ve faced.”

Madel has also represented other top attorneys in sensitive matters, including matters relating to firm breakups, alleged malpractice, criminal investigations, and other sensitive matters. “Representing attorneys can be difficult, to say the least...it’s like doctors say, the worst patient is a doctor.”

A NEW LAW FIRM

Each of these clients decided to move their matters to Madel’s firm, MADEL PA, when he started it in March 2017. Madel wanted his own law firm as long as he can remember, and so far, he loves it. It now has eight attorneys and five staff members. “It was certainly one of the hardest decisions of my life. But everyone—my wife, parents, friends—supported me. It turned out to be among the best decisions of my life.”

Madel began his firm with a few members from his previous law firm, including Jenny Robbins, his managing partner and his self-described right-hand person “I couldn’t do what I do without Jenny and our team. People say that sort of crap all the time. I mean it.”

Much like their non-traditional office, Madel’s team approaches work attire as one might expect from tech firms, dressing casually for work unless they are in court or have a similar obligation. According to Madel, “it’s the culture we want in our firm and it makes clients feel more comfortable.”

“It’s true,” Robbins says, “clients usually tell us that they decided to work with us because of our creative approach while also making some reference to our lax dress code. We find it a little funny.”

Madel adds, “I’ve never understood why tying a piece of fancy fabric in a special knot around my neck makes me more special than anyone else.”

MADEL PA’s avoidance of typical law-firm conservatism also spills into other areas, such as the advertising that clients and friends have kindly offered Madel. He and Robbins develop their ads themselves. Thus far, they have been inspired by some of their favorite rap songs. They started, for example, with a take on Jay-Z’s *99 Problems*: “You have 99 problems, but we’re not one. (Unless you’re on the other side.)” To celebrate MADEL PA’s Platinum-level partnership with Minnesota Women Lawyers, they went with a Nicki Minaj quote from *Monster*, “You could



At a Glance

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Practice Areas

Civil Litigation
Internal Investigations
Criminal Litigation

Education

Juris Doctor, University of Michigan
Law School, 1992
Bachelor of Arts in Economics &
Political Science, Macalester
College, 1989

Awards

Top 100 Trial Lawyer, The National Trial
Lawyers Association, Since 2012
Attorney of the Year, Minnesota
Lawyer, 2011-2013
Circle of Excellence, Minnesota
Lawyer, 2012, 2013
Top 40 in Criminal Defense,
Minnesota Law & Politics
Litigation Star, Benchmark Litigation,
2014-2016
Fellow, American Bar Foundation, 2017
North Star Lawyer, Minnesota State
Bar Association, 2015, 2016
Selected as Super Lawyer each year
since 2003
Selected Top 100 Super Lawyer each
year since 2017

Professional Memberships

Innocence Project of Minnesota,
Board of Directors
Illusion Theatre, Board of Directors
Hubert H. Humphrey Institute of
Public Affairs, Policy Fellow

be the king but watch the queen conquer.”

When asked whether any of their offbeat ads resulted in negative comments or complaints, Madel and Robbins laugh and recall their version of a line from Ice-T’s *Original Gansta*: “Not your everyday type pranksters. We’re MADEL PA, the original gangsters.” That ad generated criticism from a single lawyer’s blog. Unconcerned, Madel says, “Some people take themselves way too seriously. We’re just trying to play off the usual ‘we’re bold and tough’ junk.” When asked if he thought the criticism was fair, Madel shook his head. “We’re nothing if not authentic. We work hard and, unlike a lot of attorneys, we really enjoy what we do and we have senses of humor. Surprising, right? We’re humans. If you don’t see what we’re trying to do, then you’re not our

people anyway.” Commenting on the blog, Robbins added, “Yeah, a benefit of working with Chris is that we don’t waste much energy or time entranced by fear.”

Madel credits this grounded perspective, in part, to his mixed practice of civil and criminal defense and encourages his team to seek out similar experiences. “Sit in Hennepin or Ramsey County court and watch a judge handle cases involving violent crime or sentence defendants who have no family, no money, and yet another drug conviction. After that, it’s hard to get wrapped around the axle about little discovery disputes, everyday personal problems, or comments from pinheads with blogs.”

As irreverent and ready to joke with clients and colleagues as Madel is, a few minutes with him leaves little doubt about the truth in the firm’s claim on its website that Madel and his team often care more about their clients’ matters than the clients themselves. “I wake up in the middle of the night thinking about our cases and I don’t want to work with anyone who doesn’t,” says Madel. “Our clients rely on us. They ask us to hold their businesses, freedom and livelihoods in our hands—what is more humbling than that?”

Madel finished his closing and sat down. He had argued that Officer Tony Adams’ off-duty detention of two juveniles in his car while awaiting the arrival of on-duty officers was the right thing to do with the potential suspects in an attempted car burglary. When the Wright County prosecutor stood to give his final rebuttal, some jurors refused to look at him; most had crossed their arms. Three Minnesota county attorney offices had refused to prosecute Adams, and the Minneapolis trial validated their good sense. After deliberating for less than an hour, the jury acquitted Adams of all charges. One of the jurors asked the judge if she could speak with Adams directly. The trial judge informed her it was her decision, and she proceeded to plead with Adams not to let the case stop him from protecting the community.

Over eight years since that jury verdict Madel and Adams remain friends. Madel is effusive about “TA.” “I feel like I saved lives with that case. He is the bravest person I’ve ever known.” When asked how Adams feels about Madel he responded with high praise, especially from a two-time Medal of Valor recipient, “I have been in law enforcement for 29 years and Mr. Madel is hands down the most tenacious defense attorney in this country. I absolutely love his hard work and dedication to each case that he defends.”