



Jacob Kirkham

Lawyer

DELAWARE

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Jacob Kirkham is an experienced trial litigator who focuses his practice on complex commercial disputes, breach of contract, breach of fiduciary duty, deal litigation, shareholder disputes, class actions, and other corporate litigation in the Delaware Court of Chancery. He has significant experience advising both international and domestic board members and other stakeholders regarding various proceedings under the Delaware General Corporation Law, including appraisal, advancement and indemnification, books and records demands, and director election contests. Mr. Kirkham also regularly represents company directors and officers in breach of fiduciary actions, and he assists companies with special investigations of alleged improper conduct.

Before joining Kobre & Kim, Mr. Kirkham practiced at Potter Anderson & Corroon LLP, where he focused on complex corporate litigation and disputes, including merger agreements, internal investigations for governance, compliance and liability risk assessment.

Admissions

- Delaware
- Georgia
- U.S. District Court for the District of Delaware

Education

- Emory University School of Law, JD
- Brigham Young University, BS

Languages

- Tagalog

Accolades

Best lawyers: Ones to Watch – Corporate law

Select Engagements

- Representation of CEO and founder of asset management firm in class action breach of duty claims.

KOBRE & KIM

- Representation of a large, mid-stream oil and gas company and all its named director defendants against multiple coordinated stockholder direct, derivative and class-action claims for breaches of fiduciary duty. Obtained dismissal of all claims, including affirmance on appeal to the Delaware Supreme Court.
- Representation of the special committee of an international shipping company in an internal investigation arising from a stockholder demand on the board for alleged breaches of fiduciary duty.
- Representation of an international pharmaceutical company in its efforts to terminate a US \$4.8 billion merger agreement, resulting in a landmark ruling by the Delaware Court of Chancery finding a material adverse effect justifying termination of the agreement. The decision was affirmed by the Delaware Supreme Court.
- Representation of an oil and gas company and its directors in various stockholder lawsuits challenging a proposed acquisition of the company and the abandonment of a roll-up merger with its master limited partnership.

Professional & Community Involvement

- Emory University School of Law, Kessler-Eidson Program for Trial Techniques, Faculty Member
- American Bar Association, Member
- American Bar Association Litigation, Section Trial Practice Committee Leadership Group
- Delaware State Bar Association, Member
- Richard S. Rodney Inn of Court, Member

Publications & Presentations

- Speaker, "Preparing for Direct Examination" (*American Bar Association*, Webinar, May 2018)