

# Randolph K. Herndon

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Litigation



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## Education

J.D., Duke University 1981  
(with distinction; Editorial Board,  
*Duke Law Journal*)

B.A., Duke University, 1975

## Bar Admissions

Delaware

Randolph K. Herndon represents major corporations, financial institutions and individuals in all phases of securities and corporate cases, as well as intellectual property and commercial litigation. He has represented clients in contested takeover actions, proxy contests and other corporate matters in Delaware Chancery Court, as well as other courts nationwide. He also has handled other diverse types of expedited litigation, involving employment raids, insurance regulatory matters and intellectual property matters. In addition, Mr. Herndon provides Delaware general corporation law advice with respect to transactional matters. Mr. Herndon also has been involved in pro bono activities, including the representation of indigent clients and service to the Delaware Supreme Court and community.

Mr. Herndon has extensive experience in representing clients in complex multi-jurisdictional disputes. In addition to the inherent complexity of these cases, Mr. Herndon has been intimately involved in the use and development of cutting-edge electronic discovery protocols and tools. These cases have included representation of clients in the steel, online travel, and energy and marketing industries.

Mr. Herndon also successfully represented several pharmaceutical companies in a variety of complex intellectual property disputes. These cases included disputes relating to ownership rights of novel DNA sequence technology for the diagnosis of various respiratory diseases. Another dispute involved other technology rights to DNA sequences utilized for the treatment of multiple sclerosis. Mr. Herndon has represented other pharmaceutical companies in connection with ownership rights to patent, as well as generic medications under various license agreements.

Mr. Herndon also is actively involved in *pro bono* matters. In addition to representing a variety of indigent clients, he has been a board member of Delaware Volunteer Legal Services for 24 years. Mr. Herndon served the Delaware Supreme Court in a variety of positions, including as a secretary and member, with the Board of Bar Examiners for 16 years. In 2005, Mr. Herndon also was appointed by the Delaware Supreme Court to serve as a receiver to wind down the practice of a disbarred Delaware attorney. During the last two years, Mr. Herndon has been involved in establishing a legal clinic with the Sunday Breakfast Mission in Wilmington, Delaware, an agency that provides assistance to the homeless.

Mr. Herndon also has been involved in several other community activities. During the last 11 years, Mr. Herndon served as legal adviser to a high school mock trial team which has won the Delaware State Championship four times. Mr. Herndon also has served his neighborhood civic association board of directors for more than 20 years, including two terms as president.

After graduating from Duke University, Mr. Herndon served a two-year clerkship for, and was mentored by, Chief Judge James L. Latchum of the United States District Court for the District of Delaware. He has been with Skadden, Arps since 1983.