



Bruce M. Berman

PARTNER
General Counsel

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Bruce Berman is General Counsel of WilmerHale. He is a partner in WilmerHale's Litigation/Controversy Department, leads the firm's Education Practice and is a member of the Strategic Response Practice and Regulatory and Government Affairs Department.

Mr. Berman focuses his practice in the areas of education law, educational testing, professional responsibility and legal ethics, and complex litigation.

Professional Activities

Mr. Berman previously served on the American Bar Association Litigation Section's Federal Practice Task Force.

Solutions

Anti-Discrimination

Artificial Intelligence

Crisis Management and
Strategic Response

Education

Litigation

Professional Services

Securities Enforcement

Securities Litigation

Trials

White Collar Defense and
Investigations

Experience

EDUCATIONAL LAW AND LITIGATION

Mr. Berman counsels colleges and universities on Title IX and Clery Act issues as well as a wide range of other regulatory enforcement and litigation matters. He has extensive experience representing higher education institutions in the area of campus sexual misconduct. In that arena he has:

- helped institutions revise their sexual misconduct policies and procedures to meet evolving regulatory requirements;
- handled Title IX and Rehabilitation Act investigations by the US Department of Education Office for Civil Rights and Clery Act investigations by the Office of Federal Student Aid;
- counseled colleges and universities on their handling of sexual misconduct complaints;
- defended institutions in lawsuits filed or threatened by complainants and respondents in institutional sexual misconduct grievance proceedings; provided advice in connection with criminal investigations and prosecutions arising from sexual misconduct incidents;
- counseled on the interplay of Title IX the Clery Act and FERPA;
- and advised on crisis management and strategic communications.

Mr. Berman has also helped develop and defend nondiscrimination and protection of minors policies; conducted investigations of alleged faculty misconduct; and advised on university governance issues.

Mr. Berman is one of the most experienced lawyers in the country in the area of standardized educational testing. He has handled numerous cases involving the use of standardized tests in education and employment settings, including copyright infringement litigation, litigation concerning accommodation of test takers with disabilities and False Claims Act cases. He has also represented sponsors and developers of standardized tests in civil and criminal lawsuits relating to test security issues. Among other notable cases, Mr. Berman defended leading companies in the standardized testing industry in nationwide class actions brought by test takers claiming to have lost educational, scholarship and employment opportunities as a result of erroneous test scores.

In a case that drew national and international attention, Mr. Berman successfully represented an Alabama prisoner sentenced to life without the possibility of parole. As a result of the efforts of a team led by Mr. Berman, the Alabama Supreme Court overturned the client's conviction and he was released after 27 years in prison.

PROFESSIONAL RESPONSIBILITY AND LEGAL ETHICS

Mr. Berman has been General Counsel of WilmerHale since 2009. In that capacity he advises WilmerHale partners, counsel and associates, and represents the firm, in professional responsibility and legal ethics matters. Mr. Berman also represents external clients, including lawyers and law firms, in matters involving lawyer regulation, conflicts of interest, standards of care, unauthorized practice, and attorney-client privilege.

Recognition

- Named a Thomson Reuters Stand-out Lawyer – independently rated and selected by clients.
- Named a "Leading Lawyer" for his education law practice in the 2023 edition of *The Legal 500 United States*.

Credentials

EDUCATION

JD, Yale Law School, 1979

BA, Williams College, 1976

summa cum laude

ADMISSIONS

District of Columbia

England and Wales, Registered
Foreign Lawyer

CLERKSHIPS

The Hon. Walter K. Stapleton,
US District Court for the
District of Delaware, 1979 -
1980