

# High-Profile Investigations, Including the Chicago Blackhawks

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JENNER & BLOCK

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# Chicago Blackhawks Report: Executive Summary

On May 7, 2021, a hockey player formerly affiliated with the Chicago Blackhawks Hockey Team (the “Blackhawks”) filed a lawsuit against the team. The player, John Doe, alleged that in May 2010, he was sexually assaulted by the then-video coach for the Blackhawks. John Doe further alleged that the Blackhawks were made aware of the alleged assault soon after it occurred and failed to act to address the assault. In late June 2021, Jenner & Block LLP (“Jenner & Block”) was hired by the Blackhawks to conduct an independent investigation. Over the course of four months, we investigated (i) the conduct of the former video coach, Brad Aldrich, in and around May 2010; (ii) the extent to which individuals affiliated with the Blackhawks, including those in senior management, knew about Aldrich’s conduct in May 2010, and when and how those individuals learned about the conduct; and (iii) when and how individuals affiliated with the Blackhawks, including those in senior management, responded to the information they learned about Aldrich’s conduct in May 2010.

Our investigation uncovered the following events. On May 8 or 9, 2010, John Doe had a sexual encounter with Brad Aldrich. The Blackhawks were in the midst of the National Hockey League (“NHL”) playoffs and ultimately won the Stanley Cup for the first time since 1961. John Doe was a twenty-year-old hockey player for the Blackhawks’ minor league affiliate team. He was called up to Chicago during the 2010 playoffs to serve as a “Black Ace,” a prospect player who could be available to play for the Blackhawks if needed. Brad Aldrich was the Blackhawks’ twenty-seven-year-old video coach in his second full year in the job. Aldrich was responsible for cutting video clips of game footage for the other Blackhawks’ coaches.

## Chicago Blackhawks Report: Executive Summary Continued

Today, John Doe and Brad Aldrich have widely divergent recollections of the sexual encounter, but both men agree an encounter occurred. The heart of the difference between the two recollections is not only what occurred during the encounter, but most critically whether the encounter was consensual. John Doe stated that the encounter was entirely non-consensual. John Doe stated, among other details, that on one occasion, during the second week of May 2010, Aldrich invited him to his apartment, provided him with dinner and drinks, told him he had the power to get John Doe onto the Blackhawks' roster, and turned on pornography. John Doe stated that Aldrich threatened John Doe by telling John Doe he needed to act like he enjoyed the sexual encounter or John Doe would never play in the NHL "or walk" again, forcibly performed oral sex on John Doe, masturbated on John Doe's back, and then threatened John Doe again before John Doe was able to escape Aldrich's apartment.

According to a confidant of John Doe who did not work for the Blackhawks, a little over one week after the sexual encounter, John Doe shared certain details of the encounter with the confidant. The confidant stated to us that John Doe was clear at the time that the encounter was not consensual.

Brad Aldrich stated that the encounter was entirely consensual. Aldrich stated, among other details, that he brought John Doe and a woman from a bar to Aldrich's apartment, played strip poker, and engaged in oral sex with the woman, but not with John Doe. Aldrich further stated that after the woman left Aldrich's apartment, Aldrich and Doe watched pornography, Aldrich received permission to engage in a sexual encounter with John Doe, Aldrich performed oral sex on John Doe, and Aldrich received a "hand job" from John Doe.

# Chicago Blackhawks Report: Executive Summary Continued

The woman present at the beginning of the encounter described by Aldrich was located and interviewed as part of this investigation. The woman recalled being present for and engaging in sexual activity with John Doe and Aldrich in Aldrich's apartment in Chicago, but leaving at a certain point while Aldrich and John Doe remained at Aldrich's apartment. Her version of events contradicts certain of Aldrich's statements, and also contradicts certain of John Doe's statements, who said that he went to Aldrich's apartment building with the woman on a different evening, but the woman left before entering the apartment and no sexual encounter with the woman occurred.

On May 23, 2010, the Blackhawks' Senior Director of Hockey Administration Al MacIsaac was told by a Blackhawks employee that there may have been a sexual encounter involving Aldrich and John Doe. MacIsaac dispatched the Blackhawks' mental skills coach and team counselor Jim Gary to speak to John Doe to gather details of what may have happened. John Doe recalled that he told Gary the details of the encounter with Aldrich as he reported them to us during our investigation and as described above. Gary recalled a conversation with John Doe on May 23, 2010 during which Gary obtained limited, yet still very troubling information from John Doe that Gary believed to be true: that Aldrich was pressuring John Doe to have sex with him and that Aldrich told John Doe that if John Doe did not comply, Aldrich could harm John Doe's career.

# Chicago Blackhawks Report: Executive Summary Continued

Later on May 23, within an hour after the Blackhawks won the playoff game that secured their place in the Stanley Cup Finals, five members of senior management (then-President John McDonough, MacIsaac, General Manager Stan Bowman, then-Executive Vice President Jay Blunk, and then-Assistant General Manager Kevin Cheveldayoff), along with then-head coach Joel Quenneville, and Gary, met to discuss what had been learned about Aldrich and John Doe. Accounts of the meeting vary significantly, and the participants had limited recollections of the details of the meeting. All of the participants recalled being informed that there was an incident between Aldrich and John Doe involving an unwelcome sexual advance, but, for the most part, the participants reported that they only learned about the incident at a high level—that Aldrich, a coach, tried to “get under the sheets” with John Doe, a player. Gary recalled telling everyone in the meeting what he said John Doe told him—that Aldrich was pressuring John Doe to have sex with him and that Aldrich told John Doe that if John Doe did not submit to Aldrich’s advances, he could harm John Doe’s career. None of the participants recalled being told about the type of clearly non-consensual sexual conduct that is described by John Doe in his lawsuit or was described during John Doe’s interview with us.

Bowman recalled that during the meeting, McDonough and Quenneville made comments about the challenge of getting to the Stanley Cup Finals and a desire to focus on the team and the playoffs. Several years later, MacIsaac, in discussing the situation between Aldrich and John Doe with another Blackhawks employee, stated that McDonough did not want any negative publicity during the Stanley Cup Finals.

# Chicago Blackhawks Report: Executive Summary Continued

While there was a general failure to recall how the meeting ended, Bowman recalled a statement by McDonough, the most senior member of management in the room, that he would handle the situation. Regardless of who was, or was perceived to be, responsible for handling the situation, Aldrich continued to travel and work with the team, and participate in team activities throughout the playoffs. We found no evidence that any action was taken to address the issue until after the playoffs ended.

A Blackhawks policy at the time provided that all reports of sexual harassment would be “promptly and thoroughly” investigated. Our investigation uncovered no evidence, however, that McDonough or anyone else either contacted Human Resources or initiated an investigation between May 23 and June 14. The Blackhawks won the Stanley Cup on June 9. On June 10, during an evening in which players, coaches, and other employees took the Stanley Cup to various Chicago locations to celebrate the team’s championship, Aldrich made a sexual advance on a Blackhawks intern who was twenty-two years old, physically touching the intern. The intern rebuffed Aldrich’s advance and did not report the encounter to management or Human Resources.

## Chicago Blackhawks Report: Executive Summary Continued

Four days later, on June 14, McDonough informed the Blackhawks' then-Director of Human Resources that Aldrich had allegedly made a sexual advance on John Doe. According to the Director of Human Resources, McDonough also informed her about the May 23 meeting in his office, during which McDonough said it was decided that the group would not alert Human Resources or do anything about the incident during the playoffs so as not to disturb team chemistry. When interviewed, McDonough stated that he did not recall this conversation with the Director of Human Resources.

On June 16, 2010, the Director of Human Resources met with Aldrich and offered him the option to undergo an investigation into what occurred with John Doe or to resign. Aldrich chose to resign and signed a separation agreement during the meeting. No investigation was conducted. Aldrich received a severance and a playoff bonus, and continued to be paid a salary for several months. He was permitted to host the Stanley Cup for a day in his hometown, his name was engraved on the Stanley Cup, he received a championship ring, and he attended a Stanley Cup banner-raising ceremony at the United Center. He went on to have paid and unpaid positions with USA Hockey, the University of Notre Dame, Miami University in Ohio, and Houghton High School in Houghton, Michigan. While in Houghton, in 2013, Aldrich was arrested and pled guilty to fourth degree criminal sexual conduct involving a minor.

# Chicago Blackhawks Report: Executive Summary Continued

- This report is organized into ten sections, beginning with the scope and execution of our investigation, and as follows:
- We describe the structure of, and relevant policies governing, the Blackhawks organization in 2010, followed by background regarding Brad Aldrich and his employment with the Blackhawks.
- For context, we provide a detailed recitation of the 2010 NHL playoffs, when the majority of relevant events occurred; not all events in this report, however, are listed in chronological order.
- We next provide a thorough account of the sexual encounter between Aldrich and John Doe as told to us during our interviews of each individual, and describe certain subsequent events.
- We describe in detail the Blackhawks' knowledge of what occurred between Aldrich and John Doe, including the conversations that occurred between and among coaches, senior management, and John Doe in the days and weeks that followed the encounter.
- We provide a detailed account of the Blackhawks' actions and inactions during and after the 2010 playoffs, Aldrich's separation from the team, and finally certain events in Aldrich's life and John Doe's life after the playoffs.
- At the end of this report, we offer our conclusions regarding the events that transpired in 2010.



# Today's Presenters



## Wade Thomson

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- Wade is a Co-Chair of the Business Litigation Practice, and a member of firm leadership. He has significant experience in high-stakes commercial disputes and government investigations around the world, practicing out of both the Chicago and London offices. Litigates high-stakes commercial disputes, including litigation and domestic and international arbitrations, and assists clients with government and internal investigations around the world.
- He is *Chambers USA* ranked for litigation and has been recognized as one of *The Legal 500 United States* attorneys, and previously as one of the “40 Under Forty” lawyers in Illinois, and as a “Rising Star” by *Illinois Super Lawyers*.
- Wade served as one of the team leaders for the Chicago Blackhawks investigation.
- Highly active in the civic community in Chicago, including serving on several boards including World Business Chicago, the Chicago Public Library Foundation, and the National Immigrant Justice Center (of which he was a co-chair). He is a recent Fellow of Leadership Greater Chicago, was named an “Immigration Law Trailblazer” by *The National Law Journal* for his pro bono work, and he was named a “Notable Nonprofit Board Leaders” by *Crain’s Chicago Business*.

# Today's Presenters



## Reid Schar

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- Co-Chair of the Litigation Department with active litigation practice across industries.
- Counsels boards and board committees of public and private companies on a variety of sensitive and complicated matters and conducts board and management-driven investigations involving various subjects domestically and internationally.
- Reid is a Fellow of the American College of Trial Lawyers and former federal prosecutor. During his 13-year tenure as an assistant US attorney for the Northern District of Illinois before joining the firm, Reid led a number of significant prosecutions and trials, including *United States v. Rod Blagojevich*, the case that led to the conviction of the former Illinois governor.
- Reid has led several high-profile investigations while at Jenner, including serving as the lead investigator in 2021 resulting in a [public report](#) for the Chicago Blackhawks, investigating allegations that in 2010, a player was sexually assaulted by an assistant coach. Reid was also a team leader conducting an investigation and producing an internal report to the board of directors for General Motors Company (GM) with regard to events leading up to certain recalls stemming from faulty ignition switches. Reid was appointed to serve as special counsel to the New Jersey joint legislative committee investigating questions regarding the decision to close access lanes to the George Washington Bridge and related matters (generally referred to as “Bridgegate”).
- Reid has been recognized in *Chambers USA* every year since 2014 and is Band 1 ranked.

# Today's Presenters



## Shoba Pillay

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- Shoba is a Co-Chair of the firm's Data Privacy and Cybersecurity Practice, National Security and Crisis Practice, Post-Dobbs Task Force, and a member of the firm's Investigations, Compliance, and Defense Practice.
- Shoba is a former federal prosecutor with extensive trial and investigations experience who leads significant complex and high-stakes internal and government-facing investigations and advises her clients in developing robust regulatory compliance programs.
- As a corporate crisis manager, she advises clients on investigating, mitigating, and responding to cybersecurity threats, national security risks, foreign corruption and bribery, sexual harassment, and other high risk and sensitive matters.
- Shoba was the court-appointed Examiner in a high-profile bankruptcy matter involving cryptocurrency lender Celsius Network. She led a team to build two reports detailing the fraud and internal controls failures that led to the company's bankruptcy. At its height, Celsius held over \$25 billion in customer assets, and its fall was one of the largest crypto collapses in 2022, with significant losses for customers and investors worldwide. The Jenner reports were relied upon in the federal criminal and civil enforcement actions against Celsius and its leadership and are paving the way for customers and investors to recover lost funds.
- Shoba served as one of the team leaders for the Chicago Blackhawks investigation in 2021.

# Today's Presenters



## Sarah Weiss

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- When companies face DOJ, SEC, or other government inquiries and enforcement actions, Sarah helps respond and resolve them. She takes on her clients' most complex challenges and forges a path forward to achieve results.
- She helps companies avoid future entanglements through preventative compliance efforts, remediation, and court-appointed monitorships. Her experience also includes complex commercial litigation.
- Sarah has led massive internal investigations in household-name cases and secured significant settlements involving the DOJ and SEC. Some of her cases have been widely covered by leading news outlets internationally.
- Sarah served as one of the team leaders for the Chicago Blackhawks investigation in 2021.
- She is a graduate of the Leadership Greater Chicago Signature Fellows Program (2022).