



## Donald Chance Mark, Jr.

**Shareholder** | donald.mark@fmjlaw.com

Donald Chance Mark, Jr. is a founding member of FMJ with more than 35 years of experience handling general litigation, aviation litigation, employment litigation, products liability, commercial litigation and medical malpractice defense matters. A graduate of St. Olaf College, with a Bachelor of Arts degree, Don received his Juris Doctorate from Vanderbilt University School of Law.

Don is certified as a Trial Advocate by the National Board of Trial Advocacy and as a Civil Trial Specialist by the Minnesota State Bar Association. He has been named one of Minnesota's "Super Lawyers," and has been selected by his peers as a "Leading American Attorney." He has also been named one of Minnesota's "Top 100 Lawyers."

A well-known lecturer and presenter, Don has spoken on personal injury, tort reform and civil trial practice for many Minnesota Continuing Legal Education seminars. Respected nationally and internationally, Don heads up FMJ's litigation and unmanned aircraft systems practices.

In 2014, Don was asked to testify before the Minnesota Senate and House Judiciary and Civil Law Committee in a joint hearing on the topic of unmanned aircraft systems (UAS). The hearing covered public, private and commercial usage of UAS and the data they collect. Don addressed UAS regulations at state and federal levels, uses of UAS and data gathered by them, as well as current and future legal issues.

### **Practice Areas:**

Litigation  
Products Liability  
Transportation & Logistics  
HR & Employment  
Intellectual Property  
Insurance

### **Honors:**

Twice named one of Minnesota's 'Attorneys of the Year' by *Minnesota Lawyer* (2010 and 2014); now included in the "Circle of Excellence"

Named a "Top 100 Minnesota Super Lawyer" three times

Named a Minnesota "Super Lawyer" 18 times (an honor given to only 5% of lawyers in Minnesota)

Received the Minnetonka High School Distinguished Alumni Award in 2015

Case named one of Minnesota's "Top Ten Business Lawsuits of the Year" for 2011, *Twin Cities Business*, December 2011

Verdict named one of Minnesota's "Top Ten Verdicts of the Year" for 2010, *Minnesota Lawyer*, January 17, 2011, Volume 15, No. 3

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Named in "Business Guide to Law and Leading Attorneys," Commercial Litigation Section

Martindale-Hubbell AV Peer Review Rated

**Featured Media Profiles:**

*Star Tribune* article entitled, "Guiding policy on drones," August 10, 2014

*Star Tribune* article entitled, "Flying high, reaching new heights: Longtime litigator's aviation specialty will land him before U.S. Supreme Court," September 30, 2013

*Star Tribune* article entitled, "Experts in art of verbal fencing," November 30, 2010

*City Business* article entitled, "Aviation specialists fly high," January 26, 2001

**Certification:**

Civil Trial Advocate, National Board of Trial Advocacy

Civil Trial Specialist, Certified by the Minnesota State Bar Association

Contract Advisor, Certified by the National Football League Players Association

Approved Arbitrator, Certified by the American Arbitration Association

Approved Mediator, Certified by the Minnesota State Bar Association

**Education:**

St. Olaf College (BA)

Vanderbilt University School of Law (JD)

**State Bar Admissions:**

State of Minnesota

State of Wisconsin

Admitted *pro hac vice* in more than 35 states

Cases tried in California, Colorado, Illinois, Kentucky, Louisiana, Michigan, Minnesota, Texas and Wisconsin

**Federal Bar Admissions:**

U.S. Supreme Court

U.S. Court of Appeals, Tenth Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. District Court, District of Minnesota

U.S. District Court, Eastern District of Wisconsin

U.S. District Court, Western District of Wisconsin

U.S. District Court, Southern District of Texas, Houston Division

U.S. District Court, Central District of California

U.S. District Court, Western District of Louisiana

U.S. District Court, Western District of South Dakota, Western Division

U.S. District Court, Southern District of New York

U.S. District Court, District of Nevada

U.S. District Court, District of Colorado

**Past and Present Professional Memberships and Associations:**

- Fellow, American College of Trial Lawyers
- Fellow, International Society of Barristers
- Diplomate, American Board of Trial Advocates
- Master, Civil Trial Attorney, Douglas K. Amdahl Inn of Court
- Member, Million Dollar Advocates Forum
- Federal Bar Association
- Hennepin County Bar Association
- Minnesota State Bar Association, *Civil Litigation Section*
- Wisconsin State Bar Association
- American Bar Association, *Litigation Section, Air and Space Law Section, and Tort and Insurance Practice Section*
- Minnesota Defense Lawyers Association
- Defense Research Institute
- National Transportation Safety Board (NTSB) Bar Association

- Lawyer Pilots Bar Association
- Helicopter Association International
- Aviation Insurance Association
- Minnesota Business Aviation Association
- National Football League Players Association
- Association for Unmanned Vehicle Systems International (AUVSI)
- Experimental Aircraft Association (EAA)

**Other Activities and Memberships:**

- Licensed Soccer Coach, United States Soccer Federation
- Licensed Soccer Referee, Federation International Football Association
- Minnesota Select/Olympic Development Program Soccer Coach
- Certified Youth Hockey Coach, U.S.A. Hockey Association
- Certified Scuba Diver
- Certified Contract Advisor, National Football League Players Association
- High School Mock Trial Coach
- High School Mock Trial Judge, sponsored by Minnesota State Bar Association
- Student Pilot License

**Military Service:**

United States Army, R.O.T.C., Commissioned Second Lieutenant, 1972

Military Police Corps, Ft. Gordon, Georgia, 1973

United States Army Reserve, 1973-1975

Honorable Discharge, 1975

**Published Articles:**

- *Outsports*, "Shannon Miller and the Bulldogs: Coach takes aim at discrimination," April 19, 2018
- *Agricultural Aviation*, "UAS Insurance Considerations," March/April 2015
- *Star Tribune*, "Court victory is a boost for aviation safety," March 17, 2014
- *Star Tribune*, "Drones: Useful or just invasive?" July 15, 2013
- *Legal Issues in Collegiate Athletics and Sports Litigation Alert*, "Coaching Contracts: When is a done deal done?" May 1, 2012
- *Law360*, "Broadening the Field of Acceptable Expert Witness," January 9, 2012
- *Law360*, "The Vanishing Civil Trial Lawyer," November 3, 2011
- *Bloomberg Law Reports Student Edition*, "Who Will Try the Civil Jury Cases of the Future?" January 31, 2011, Volume 2, No. 1 Edition
- *Athletic Management magazine*, "Hold the Hire," Volume XXII, No. 6, October/November 2010
- *Legal Issues in Collegiate Athletics*, "Hiring Assistant Coaches: Lessons for Coaches, Job Candidates and Athletic Directors," Volume 12, Issue 1, November 2010
- *Sports Litigation Alert*, "Hiring Assistant Coaches: Lessons for Coaches, Job Candidates and Athletic Directors" Volume 7, Issue 19, October 21, 2010
- Article published in the "*Executive Read*" section of the *Paul Pioneer Press*, "No Ordinary Time – Franklin and Eleanor Roosevelt: The Home Front in World War II by Doris Kearns Goodwin," October 25, 2009
- *Stature Magazine* (chiropractic professional publication), "Standard of Care," Volume 1, Issue 2, Fall 2004
- *Minnesota Trial Lawyer*, "Government Liability in the Air Crash Case," Spring Issue, 1996

**Media Interviews:**

- Quoted in *Star Tribune* article entitled, "Former UMD women's hockey coach accepts reduced award," October 1, 2019
- Quoted in *Grand Forks Herald* article entitled, "Miller accepts reduced verdict, stands to receive \$1.96 million from UMD," September 30, 2019
- Quoted in *Minnesota Lawyer* article entitled, "Court calls foul in coach suit," September 9, 2019
- Quoted in *Star Tribune* article entitled, "Judge slashes award in UMD hockey coach's discrimination lawsuit," September 9, 2019
- Quoted in *KIMT 3 News* article entitled, "Supreme Court: High school coaches are not public officials," September 5, 2019

- Quoted in FOX Sports article entitled, "Minnesota court: High school coaches not public officials," September 5, 2019
- Interviewed for WCCO Channel 4 News segment entitled, "MN Supreme Court Rules in Favor of Defamed H.S. Coaches," September 5, 2019
- Quoted in *Star Tribune* article entitled, "Parents can be sued for false claims against high school coaches, Minnesota high court rules," September 4, 2019
- Quoted in *St. Cloud Times* article entitled, "'Sweeping' SCSU decision will benefit female athletes 'across the country,'" August 2, 2019
- Quoted in *Star Tribune* article entitled, "Federal judge: St. Cloud State athletics fails to provide equal opportunity to women," August 2, 2019
- Quoted in *MPR News* article entitled, "Judge: St. Cloud State University needs to invest more in women's sports," August 1, 2019
- Quoted in *Law360* article entitled, "Ex-Minn. Hockey Coach Gets Extra \$461K in Sex Bias Suit," February 14, 2019
- Quoted in *St. Cloud Times* article entitled, "Bench trial in SCSU Title IX case ends," December 7, 2018
- Interviewed for KMSP FOX 9 News segment entitled, "Women bring Title IX lawsuit against St. Cloud State University," November 27, 2018
- Interviewed for WCCO Channel 4 News The Good Question segment entitled, "Where Are You Allowed to Fly Drones?" June 5, 2017
- Quoted in *St. Cloud Times* article entitled, "SCSU reinstates women's Nordic skiing," August 29, 2016
- Referenced in book *Scapegoat: A Flight Crew's Journey from Heroes to Villains to Redemption* by Emilio Corsetti III, Odyssey Publishing LLC, written about the TWA Flight #841 incident
- Quoted in *Aviation International News* article entitled, "2016 Aviation Insurance Report," May 10, 2016
- Quoted in WCCO Channel 4 News segment/article entitled, "St. Cloud State Athletes' Lawsuit Alleges Fewer Opportunities For Women," May 4, 2016
- Quoted in *St. Cloud Times* article entitled, "Hearing set on SCSU tennis team lawsuit," May 4, 2016
- Quoted in KMSP FOX 9 News segment/article entitled, "SCSU being sued for violating Title IX," May 3, 2016
- Quoted in *Minnesota Lawyer* article entitled, "Lessons in Fee Split Fight: Get it in Writing," January 7, 2016
- Press conference given to local, national and international media regarding *Miller, Banford & Wiles v. U of M Board of Regents*, September 28, 2015
- Interviewed on WCCO-AM for The John Williams Show by WCCO sports reporter Mike Max, concerning the *Miller, et al.* litigation, September 28, 2015
- Quoted in Grand Forks Herald article entitled, "Legal concerns grow with UAS use," September 22, 2015
- Quoted in *Eden Prairie News* article entitled, "Drone Use Comes with Rules," September 17, 2015
- Quoted in KMSP FOX 9 News segment/article entitled, "Pilot reports drone fly-by on Minneapolis airport approach," August 4, 2015
- Quoted in *Edina Sun Current* article entitled, "Edina could take video production to the sky," July 29, 2015
- Quoted in Minnesota Public Radio segment/article entitled, "Drones take flight with consumers; safety worries rising, too," May 13, 2015
- Quoted in *St. Cloud Times* article entitled, "Flying a drone outside FAA rules brings mixed scrutiny," April 22, 2015
- Quoted in KMSP FOX 9 News segment/article entitled, "New Prague man 1 of 2 who can fly commercial drones," April 21, 2015
- Quoted in KMSP FOX 9 News segment/article entitled, "FAA proposes commercial drone regulation," February 16, 2015
- Quoted in *South Washington County Bulletin* article entitled, "State looks at curbing 'wild west' approach to drones," December 17, 2014
- Quoted in *DL-Online* article entitled, "Will Minnesota challenge federal officials over drones?," December 15, 2014
- Quoted in *FAA Daily* article entitled, "Lawmakers Debate Drones in Minnesota," December 13, 2014
- Quoted in *Daily Globe* article entitled, "Minnesota may mount challenge over drones," December 12, 2014
- Quoted in *Associated Press* article entitled, "From farms to fun, Minnesota lawmakers weigh possible rules for drones," December 12, 2014
- Quoted in *Grand Forks Herald* article entitled, "Privacy advocates want regulations on drones in Minnesota," December 12, 2014
- Quoted in KSTP 5 Television (ABC affiliate) segment/article entitled, "Lawmakers Debate Drones in Minnesota," December 12, 2014
- Quoted in KARE 11 Television (NBC affiliate) segment/article entitled, "Minn. lawmakers explore reining in aerial drones," December 12, 2014

- Quoted in *Star Tribune* article entitled, "Lawmakers hear the virtues, risks of drones," December 12, 2014
- Quoted in *Star Tribune* article entitled, "Minnesota legislators look to weigh in on nation's drone debate," December 12, 2014
- Quoted in *UAS Magazine* article entitled, "UAS law firms take different approaches," November 25, 2014
- Quoted in *UAS Magazine* article entitled, "UAS law firm addresses pent-up demand for UAV use," September 18, 2014
- Quoted in *Star Tribune* article entitled, "Guiding policy on drones," August 10, 2014
- Quoted in *Eden Prairie News* article entitled, "EP law firm starts practice group for drones," August 6, 2014
- Quoted in *Minnesota Lawyer* article entitled, "Local law firm sees dollar signs in fledgling drone technology," August 4, 2014
- Quoted in *Minnesota Business* article entitled "Eden Prairie law firm launches practice group for drones," July 31, 2014
- Quoted in *Star Tribune* article entitled, "Drone law arrives," July 27, 2014
- Quoted in *Twin Cities Business* article entitled, "Twin Cities Law Firm Launches Drone Practice," July 22, 2014
- Quoted in *Minneapolis/St. Paul Business Journal* article entitled, "Law firm adds drone practice," July 22, 2014
- Quoted in *Duluth News Tribune* article entitled, "Jury awards family \$11,000 for toddler's burns on Canal Park manhole cover," June 13, 2014
- Quoted in *Star Tribune* article entitled, "Businesses embrace drones despite buzz of worry," April 13, 2014
- Quoted in *Minnesota Lawyer* article entitled, "Judge doubles damages in U golf coach suit," March 31, 2014
- Quoted in *Star Tribune* article entitled, "Former U associate golf coach Brenny awarded \$360K in firing case," March 19, 2014
- Interviewed on WCCO-AM for The John Williams Show, March 19, 2014
- Quoted in *Pioneer Press* article entitled, "University of Minnesota: Lesbian golf coach proved discrimination, judge rules," March 18, 2014
- Quoted in *Golfweek* article entitled, "Brenny awarded up to \$359,000 in bias case," March 18, 2014
- Quoted in *Associated Press* article entitled, "Judge: Ex-Minn. golf coach proved discrimination," March 18, 2014
- Quoted in *Minnesota Lawyer* article entitled, "Security Act Gives Airlines Immunity," February 3, 2014
- Quoted in *Twin Cities Business* article entitled, "Twin Cities Law Firm Earns Victory in Supreme Court Case," January 30, 2014
- Quoted in *Star Tribune* article entitled, "Lawsuit: Couple wants \$50,000 from Minnesota steam plant after son burned on manhole cover," December 26, 2013
- Quoted in *Duluth News Tribune* article entitled, "Lawsuit alleges 2-year-old was burned on Duluth manhole cover," December 26, 2013
- Quoted in *Minnesota Daily* article entitled, "Both sides rest in Brenny trial," November 16, 2013
- Mentioned in *Star Tribune* article entitled, "Conflicting claims in ex-U golf coach's bias case," November 12, 2013
- Profiled in *Star Tribune* article entitled, "Flying High, Reaching New Heights: Longtime litigator's aviation specialty will land him before U.S. Supreme Court," September 30, 2013
- Quoted in *Minnesota Lawyer* article entitled "Case Explores Limits of Immunity," July 15, 2013
- Quoted in *Eden Prairie News* article entitled "EP Law Firm's Case going to U.S. Supreme Court," July 11, 2013
- Quoted in *Minneapolis/St. Paul Business Journal* article entitled "New Court Rules Aim for Faster, Cheaper Litigation," July 2, 2013
- Quoted in *MinnPost* article entitled "Case Tried by Twin Cities Firm Heads to U.S. Supreme Court," July 1, 2013
- Quoted in *Twin Cities Business* article entitled "Case Tried by Twin Cities Firm Heads to U.S. Supreme Court," June 26, 2013
- Quoted in *SUN Thisweek Lakeville* article entitled "Alan Merrick, Lakeville Soccer Club Settle Lawsuit," June 14, 2013
- Quoted in *Law360* article entitled "8<sup>th</sup> Finds Coverage for Worker Injury Under Minn. Law," May 3, 2013
- Quoted in *Star Tribune* article entitled "U fights sanction in coach's bias suit," January 16, 2013
- Quoted in *Minneapolis/St. Paul Business Journal* article entitled "Lawyers Have Fewer Trial Opportunities," March 30, 2012 and May 4, 2012
- Quoted in *Minnesota Lawyer* article entitled "State Sees Big Drop in Civil Lawsuits," August 1, 2011, Volume 15, No. 31
- Quoted in *Minnesota Lawyer* article entitled "How To: Pick an Expert Witness," April 11, 2011, Volume 15, No. 15
- Featured in newspaper article "Experts in Art of Verbal Fencing" by Rochelle Olson, *Star Tribune*, November 30, 2010

- Quoted in *Legal Issues in Collegiate Athletics* article entitled "Asst. Coach Wins Million-Dollar Verdict; University Will Appeal," June 2010
- Quoted in *Minnesota Business* magazine article entitled "Power of the Big, Spirit of the Small," June 2010
- Quoted in *Minnetonka Alumni* magazine regarding "The 1965 Minnetonka High School State Basketball Championship," 2010 issue
- Interviewed on the Dan Barreiro radio program, KFAN Radio, regarding *Jimmy Williams v. Tubby Smith* jury verdict, May 30, 2010
- Interviewed on the Ron Rosenbaum radio program, "Holding Court," KTLK Radio, regarding the *Jimmy Williams v. Tubby Smith* jury verdict, May 29, 2010
- Quoted in *Minnesota Business* article entitled "Power of the Big, Sprit of the Small," February 2010
- Quoted in *Eden Prairie News* article entitled "Fafinski Mark & Johnson Celebrate 10<sup>th</sup>," June 11, 2009
- Press conference given to WCCO-CBS Television, KARE-NBC Television, *Star Tribune*, *Pioneer Press* and *Minnesota Daily* regarding *Jimmy Williams v. University of Minnesota* and Joel Maturi, October 11, 2007
- Interview given to WCCO-CBS Television regarding *Jimmy Williams v. University of Minnesota* and Joel Maturi, October 10, 2007
- Quoted in *Minnesota Lawyer* article entitled "Aviation Law Takes Off," August 15, 2005
- Quoted in *The Tennessean* article entitled "Anderson Returning to Titans," September 10, 2004
- Interview given to WCCO-CBS television regarding the NTSB Factual Report Concerning the Wellstone Crash, November 17, 2003
- Interview for *Sports Illustrated/SI.com*, article entitled "Anderson's Annual Retirement Bid Spoiled by Titans," September 14, 2003
- Interview given to WCCO-CBS television regarding Senator Paul Wellstone airplane crash settlements, August 28, 2003
- Interview given to KSTP-ABC television regarding Senator Paul Wellstone airplane crash settlements, August 28, 2003
- Quoted in *Minnesota Lawyer* article entitled "Jury Clears Hays Group of Wrongdoing," April 15, 2002
- Quoted in *Star Tribune* article entitled "Jury Says Hays Group Didn't Wrong Aon Corp.," March 9, 2002
- Quoted in *Minnesota Lawyer* article entitled "Aviation Lawyers: Piloting Airlines through the Heavy Storm," Volume 5, Number 48, November 26, 2001
- Quoted on WMNN News Radio regarding post September 11, 2001 issues involving the aviation industry, November 12, 2001
- Quoted in *City Business* article entitled "Demand for Aviation Attorneys Rising," Volume 19, Number 21, October 26, 2001
- Quoted in *City Business* article entitled "Nonprofit Learns Legal Lesson the Hard Way," Volume 19, Number 12, August 24, 2001
- Quoted on KSTP-ABC television regarding "Discover Aviation Days" lawsuit, July 21, 2001
- Quoted in *City Business* article entitled "Aviation Specialists Fly High," Volume 18, Number 35, January 26, 2001
- Quoted on WCCO-CBS television regarding jury verdict for TWA #841 case, June 9, 1983, Hennepin County Government Center, Minneapolis, MN

**Professional Presentations:**

- Presentation to the National Business Institute entitled, "Evidence from Drones: How to Obtain and Use," September 18, 2019
- Presentation to the American Association of University Women Minneapolis Chapter entitled, "Equity for All – Still Not There," April 8, 2019 in Minneapolis, MN
- Presentation to the American Association of University Women St. Croix Valley (MN) Branch entitled, "Equity for All – Still Not There," October 8, 2018 in Stillwater, MN
- Minnesota CLE presentation entitled, "Drones and the Law: A Look at the Legal and Illegal Operations of Unmanned Aircraft Systems (UAS)," June 26, 2018
- Presentation to the American Association of University Women entitled, "Equity for Women: A Legal Perspective," April 21, 2018 in Fort Dodge, IA and April 28, 2018 in Faribault, MN
- Strafford Publications CLE presentation entitled, "Drones and Personal Injury Liability: Navigating the Evolving Regulatory Landscape and Emerging Theories of Liability," June 14, 2017, Webinar
- Speech to the National Business Institute entitled, "Drone Law: A to Z," February 24, 2017, Eau Claire, WI
- Minnesota CLE presentation entitled, "Drones and the Law: A Look at the Legal and Illegal Operations of Unmanned Aircraft Systems (UAS)," December 7, 2016

- Speech at the Co-op & Elevator Conference entitled, "Drones and Agriculture," November 17, 2016, New Ulm, MN
- Speech at the Minnesota Podiatric Medical Association Annual Conference entitled, "Legal Developments for Podiatrists," November 10, 2016, St. Paul, MN
- Moderator for panel discussion with energy industry experts entitled, "UAS Integration into the Utility Industry," UAS for Electrical Utilities Conference, October 18, 2016, Denver, CO
- Speech to the National Business Institute entitled, "Drone Law: A to Z," October 12, 2016, Eau Claire, Wis.
- Speech at Aviation Insurance Association Annual Conference entitled, "Regulatory Overview of Unmanned Aircraft Systems," May 1, 2016, Miami, FL
- Speech to Crane Engineering entitled, "UAS Operations," January 21, 2016, Plymouth, MN
- Participated in panel discussion with the University of Minnesota Center for Transportation Studies, Minnesota Department of Transportation and legislators entitled, "UAV for Policymakers Forum," December 7, 2015, Minneapolis, MN
- Speech at Robotics Alley Conference & Expo entitled, "The Legality of Drones," December 1, 2015, Minneapolis, MN
- Speech to the Minnesota Podiatry Association entitled, "Legal Issues Affecting the Practice of Podiatric Medicine," November 12, 2015, St. Paul, MN
- Speech to the National Business Institute entitled, "Drone Law: A to Z," November 17, 2015, Eau Claire, WI
- Participated in panel discussion at the UAS Summit, "Understanding UAS Insurance in 2015," September 22, 2015, Grand Forks, North Dakota
- Minnesota CLE presentation entitled, "Drones and the Law: A Look at the Legal and Illegal Operations of Unmanned Aircraft Systems (UAS)," September 1, 2015
- Speech to the National Generation and Transmission Utility Accounting/Finance Association, "Unmanned Aircraft Systems & the FAA: What You Can and Cannot Do," June 22, 2015, Bloomington, MN
- Webinar for *GPS World Magazine*, "New Frontiers in Unmanned Flight: Hey You, UAV!" May 21, 2015
- Speech to AUVSI's Unmanned Systems and Agriculture: Realizing the Field of Dreams, "The Future is Now: The Impact of Unmanned Aircraft Systems," March 4, 2015, Dubuque, IA
- Speech to Hays Group, "Drones: The Future is Now," February 3, 2015, Minneapolis, MN
- Speech to the Minnesota Autonomous Vehicle Meetup, "Drones: The Future is Now," January 22, 2015, Minneapolis, MN
- Speech to the Rotary Club of Eden Prairie, "Drones: The Future is Now," November 11, 2014, Eden Prairie, MN
- Introduction speech for 1965 State High School Basketball Championship Team for Minnetonka High School Hall of Fame Induction Ceremony, September 27, 2014, Minnetonka, MN
- Speech to the Rotary Club of Eden Prairie, "Unmanned Aircraft Systems," September 25, 2014, Eden Prairie, MN
- Participated in panel discussion, "Law & Politics," October 8, 2013, St. Catherine University, St. Paul, MN
- Speech to Aviation Ethics class, "Ethical Considerations for the Aviation Professional," March 19, 2012, St. Cloud State University, St. Cloud, MN
- Speech to Delta Airlines claims personnel, "Claims Handling," October 28, 2010, MSP Airport
- Speech to Medical Assistants and Nurses at Minnesota Podiatry Association annual meeting, "Do's and Don'ts of Charting," November 13, 2009, Bloomington, MN
- Speech before Minnesota Youth Soccer Association Board of Directors, "Fiduciary Duties of Board Members," April 18, 2009, MYSA office, Hopkins, MN
- Speech before Minnesota Business Aviation Association, "Engine Failure on Final: The Last Flight of N4890J and Its Aftermath," February 14, 2007, Fort Snelling Officer's Club, Minneapolis, MN
- Clarion Legal CLE, "Products Liability 2005: Recreational Products," April 28, 2005, Minneapolis, MN
- Speech to Aviation Safety class, "Ways for Young (and Old) Pilots to Jeopardize Their Careers and Their Lives," February 2, 2005, St. Cloud State University, St. Cloud, MN
- Speech before the Experimental Aircraft Association, Chapter No. 54, "Downtown St. Paul Mid-Air," November 8, 2004, Lake Elmo Airport, MN
- Speech to Aviation Safety class, "Ways for Young (and Old) Pilots to Jeopardize Their Careers and Their Lives," October 1, 2004, St. Cloud State University, St. Cloud, MN
- Speech to Aviation Safety class, "Aviation Litigation and Other Air Safety Issues," April 5, 2004, St. Cloud State University, St. Cloud, MN
- Speech to Aviation Management class, "Aviation Litigation and Other Air Safety Issues," April 5, 2004, St. Cloud State University, St. Cloud, MN
- Speech to Aviation Safety class, "Ways for Young (and Old) Pilots to Jeopardize Their Careers and Their Lives," October 29, 2003, St. Cloud State University, St. Cloud, MN

- Speech to Aviation Safety class, "Aviation Litigation and Other Air Safety Issues," February 26, 2003, St. Cloud State University, St. Cloud, MN
- Speech to Aviation Management class, "Aviation Litigation and Other Air Safety Issues," February 25, 2003, St. Cloud State University, St. Cloud, MN
- Speech to Minnesota Business Aviation Association, "TransWorld Airlines Flight No. 841," March 6, 2002
- Speech to Doctors of Podiatric Medicine at Minnesota Podiatry Association Annual Meeting, "Podiatric Medicine Risk Management Issues," November 17, 2001, Bloomington, MN
- Speech to St. Paul Insurance Company, "How to Improve your Negotiating Technique," November 6, 2001, St. Paul, MN
- Speech to Minnesota Business Aviation Association, "The Downtown St. Paul Mid-Air Crash," February 7, 2001, St. Paul, MN
- Speech to St. Paul Insurance Company, "How to Improve your Negotiating Technique," November 14, 2000, St. Paul, MN
- Speech to Minnesota Ninety-Nines, "The Downtown St. Paul Mid-Air Crash," February 19, 2000, St. Paul, MN
- Speech to Fleming Field Flyers Club, "The Downtown St. Paul Mid-Air Case and Other Aviation Matters," December 1, 1998, St. Paul, MN
- Speech to National Association of Store Fixtures Manufacturers, "Product Liability," June 18, 1998, Chicago, IL
- Speech to Various Utility Company Representatives at Aegis Insurance Services, Inc. Seminar, "Prevention and Handling of Wire Strike Claims," February 20, 1997, Jersey City, NJ
- Minnesota Continuing Legal Education, "TMJ Claims," February 13, 1997, Minneapolis, MN
- Speech to La Crosse Flying Club, "TWA Flight #841, The Downtown St. Paul Mid-Air Case and Other Aviation Matters," January 20, 1997, LaCrosse, WI
- Minnesota Advocacy Institute, "How to Conduct an Effective Deposition," December 6, 1996, Minneapolis, MN
- Speech to Doctors of Podiatric Medicine, "How To Keep Your Attorney Happy," October 11, 1996, Minneapolis, MN
- Minnesota Advocacy Institute, "How to Conduct an Effective Deposition," December 7, 1995, Minneapolis, MN
- Minnesota Advocacy Institute, "Taking of Depositions," December 15, 1994, Minneapolis, MN
- Speech to Doctors of Podiatric Medicine, "Tips For Proper Medical Charting," December 4, 1993, Minneapolis, MN
- Minnesota Advocacy Institute, "Arguing Damages," February 28-March 1, 1991, Minneapolis, MN
- Minnesota Continuing Legal Education, "How To Negotiate To Maximize Or Minimize Recoveries," October 25, 1990, Minneapolis, MN
- Minnesota Continuing Legal Education, "Minnesota Civil Trial Practice II," February 2, 1990, Minneapolis, MN
- Minnesota Continuing Legal Education, "How to Prepare a Personal Injury Case," (Video), October 5, 1989, Minneapolis, MN
- Minnesota Continuing Legal Education, "How to Prepare a Personal Injury Case," September 19, 1989, Minneapolis, MN
- Course Chairman for Minnesota Continuing Legal Education, "How to Prepare the Personal Injury Case," August 18, 1989, Minneapolis, MN
- Minnesota Continuing Legal Education, "Tort Reform Update," September 8, 1988, Minneapolis, MN
- Speech to American Bar Association, "How to Successfully Negotiate Settlement of a Personal Injury Matter From a Defense Perspective," Tort and Insurance Practice Section, August 11, 1987, San Francisco, CA
- Speech to Doctors of Podiatric Medicine, "Risk Management Techniques and Recent Changes in Medical Malpractice Law," June 12, 1987, Minneapolis, MN
- Speech to Anoka County Bar Association, "Tort Reform," November 18, 1986, Anoka, MN
- Minnesota Institute of Legal Education, "Tort Reform – A Step Forward or a Step Backward," October 31, 1986, (Panel discussion with Consumer-Advocate Ralph Nader), Minneapolis, MN
- Minnesota Continuing Legal Education, "How to Prepare and Try a Medical Negligence Case After the Tort Reform Act," October 24, 1986, Minneapolis, MN
- Minnesota Continuing Legal Education, "Minnesota Pre-Trial Practice," December 14, 1985, Minneapolis, MN
- Minnesota Continuing Legal Education, "Fundamentals of Trying a Personal Injury Case," October 11, 1985, Minneapolis, MN
- Minnesota Continuing Legal Education, "Fundamentals of Effective Discovery Practice," April 25, 1985, Minneapolis, MN
- Minnesota Continuing Legal Education, "Fundamentals of Personal Injury Practice-Up to Trial," December 14-15, 1984, Minneapolis, MN
- Organization of Flying Adjusters, "Sixty Seconds Over Flint – The TWA #841 Case," November 4, 1983, Memphis,



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- Lawyer-Pilots Bar Association, "TWA #841," September 24, 1983, Telemark, WI
- The International Society of Air Safety Investigators, "The Flight of TWA #841," October 14, 1983, Chicago, IL
- Minnesota Continuing Legal Education, "How to Try a Personal Injury Case," January 27, 1983, Minneapolis, MN
- Minnesota Continuing Legal Education, "How to Prepare a Personal Injury Case," February 10, 1978, Minneapolis, MN

**Reported Cases:**

- Soderberg & Vail, LLC v. Meshbeshier & Spence, Ltd., Nos. A15-0088 and A15-0358 (Minn. Ct. App. Jan. 4, 2016) (Unpublished Opinion): Lawsuit against law firm for non-payment of a referral fee to another law firm.
- Jacob Brown, et al. v. Duluth Steam Cooperative Association, Nos. A14-1598 and A14-2072 (Unpublished Opinion) Minnesota Court of Appeals (8/3/15); Lawsuit against company operating steam distribution system for the city of Duluth, Minnesota, for causing second degree burns to two-year-old child who fell on superheated manhole cover.
- Sandy Phillips v. Lucky Gunners, The Sportsman's Guide, et al., U.S. District Court for the District of Colorado, Civil Action No. 1:14-cv-02822-RPM. Summary judgment granted to client The Sportman's Guide, an online retailer of outdoor sporting products, including ammunition for weapons, which were sold to James Holmes who entered a movie theater in Aurora, Colorado on July 20, 2012, and shot 70 innocent movie-goers.
- Air Wisconsin Airline Corp. v. Hoeper, 134 S. Ct. 852 (2014); U.S. Supreme Court decides in 9-to-0 decision that immunity applies under the Aviation Transportation Security Act.
- Harleysville Ins. Co. v. Physical Distribution Services Inc., 716 F. 3d 451 (8<sup>th</sup> 2013); Insurance coverage upheld for injured worker.
- In re Estate of Darlene Nueman and Lois Wiggs, 819 N.W.2d 211 (Minn. Ct. App. 2012); Trial court decision regarding duty of several representatives of estate upheld.
- James R. Williams v. Orlando Henry "Tubby" Smith, et al., 820 N.W.2d 807 (Minn. 2012); Minnesota Supreme Court reverses jury verdict and Court of Appeals decision.
- William L. Hoeper v. Air Wisconsin Airlines Corporation, et al., 320 P.3d 830, 2012 WL907764 (Colo. March 19, 2012), In a 4-to-3 decision, the Colorado Supreme Court upheld the Court of Appeals' decision affirming the jury verdict. However, a strongly worded dissent attacked the majority and concluded that the decision "may threaten to undermine the federal system for reporting flight risks."
- James R. Williams v. Orlando Henry "Tubby" Smith, et al.; Nos. A10-1802 and A11-567 (Unpublished Opinion) Minnesota Court of Appeals (10/17/11); Jury verdict finding Coach Tubby Smith guilty of negligent misrepresentation upheld by the Court of Appeals, and the \$1 million verdict is sustained.
- William L. Hoeper v. Air Wisconsin Airlines Corporation, et al.; No. 08CA1358, 2009 WL3764080, 232 P.3d 230 (Colo. Ct. App. 2009); Colorado Court of Appeals upholds jury verdict to pilot-plaintiff.
- Daniel Ehrmann v. Leslie Adam, et al.; No. A08-2120 (Unpublished Opinion) Minnesota Court of Appeals (09/01/09); Dismissal of plaintiff's defamation lawsuit upheld.
- Farmers Insurance Exchange v. Hallaway, Hawkins, and the Hollenbecks; No. 07-4521, 2009 (Unpublished Opinion) D. Minn. (05/18/09); Denial of motion to dismiss case as the defamer's intent must be decided by a jury.
- Williams v. the Board of Regents of the University of Minnesota, et al.; A08-0765 (Reported Decision) Minnesota Court of Appeals (03/31/09), 763 N.W.2d 646 (2009); Reversal of lower court's decision to dismiss basketball coach Jimmy Williams' claim against the University of Minnesota.
- Ericson, et al. v. Hallaway, et al.; A07-1047, 2008 WL 3896872 (Minn. Ct. App. Unpublished) (08/26/08); Plaintiffs' jury verdict for defamation remanded to trial court for new trial.
- Farmers Insurance Exchange v. Hallaway, Hawkins, Ericson, Singer and MYSA; 564 F.Supp.2d 1047 (D. Minn. 2008); Intentional acts exclusion does not negate coverage of acts if negligent defamation.
- Ericson, et al. v. Kathleen Hallaway; A07-1047 (Unpublished Opinion), Minnesota Court of Appeals (08/06/08); Plaintiffs' jury verdict for defamation remanded to trial court for new trial.
- Michael Wilson, et al. v. Robert Tuxen, et al.; 2007AP1964 (Unpublished Opinion), Wisconsin Court of Appeals (05/20/08); Various claims involved with the purchase of cattle infected with Johne's Disease.
- Catherine Sanford v. Duane F. Nelson, DPM, et al.; A06-1135 (Unpublished Opinion), Minnesota Court of Appeals (08/14/07); Defense verdict in podiatric negligence case upheld.
- Marion C. Blakey, Administrator, FAA v. Larry M. Schlasinger; SE-17230 (Unpublished Opinion), National Transportation Safety Board (08/18/06); Reversal of administrative law judge's decision; dismissal of all charges against pilot/client.
- Sharyl Uhde v. Brookwest Chiropractic Clinic, et al.; A03-2009 (Unpublished Opinion), Minnesota Court of Appeals (07/13/04); Statute of limitations issue involving mental disability of patient who claimed chiropractic malpractice.

- Virginia R. Scally v. Norwest Mortgage, Inc., et al; C4-02-2181 (Unpublished Opinion), Minnesota Court of Appeals (09/02/03); Summary judgment reversed in bank fraud matter.
- Aon Risk Services, Inc. of Minnesota v. Hays Group, Inc.; C2-02-1661, Minnesota Court of Appeals (appeal dismissed by Court) (11/02); Jury verdict in favor of The Hays Group in tortious interference with contract claim.
- Aero Properties, LLC v. Discover Aviation Days, A to Z Party Rental, Inc., et al; C6-01-1765 (Unpublished Opinion), Minnesota Court of Appeals, 2002 WL 1544249 (07/16/02); Jury verdict upheld in claim involving property damage to aircraft caused by commercial tent.
- The Work Connection, Inc. v. Universal Forest Products, Inc.; C3-01-1643 (Unpublished Opinion), Minnesota Court of Appeals, 2002 WL 1275700 (06/11/02); Directed verdict motion in breach of contract case upheld.
- Arthur Redl v. Northwest Airlines, Inc.; 01-1313 (Unpublished Opinion), United States Court of Appeals, Eighth Circuit, 2001 WL 1335653 (8th Cir. Minn.) (10/19/01); Statute of limitations upheld under Warsaw Convention for international air traveler.
- United States of America v. The Washington Mint, LLC, Novus Marketing, Inc., et al; 9901768 (Unpublished Opinion), United States District Court for the District of Minnesota, 2000 WL 1640073 (D. Minn.) (09/05/01); Copyright claims involving the Sacagawea dollar.
- Okhwa Iverson, Trustee of the Heirs and Next-of-Kin of Timothy Robert Iverson v. Lynda Gayle Schmitt, Kenneth J. Schwartz, et al; C4-97-2312, (Unpublished Opinion), Minnesota Court of Appeals (07/14/98); Wrongful death, motor vehicle accident, product liability.
- Gordon G. Roufs v. Parker Hannifin, et al; CO-97-1478, (Unpublished Opinion), Minnesota Court of Appeals (07/14/98); Products liability – anhydrous ammonia accident, summary judgment.
- Vaughn v. Northwest Airlines, Inc.; 558 N.W.2d 736 (Minn. 1997); Statute of limitations issue applied to discrimination claim under Federal Air Carriers Access Act (ACAA).
- Richard Heller v. Northwest Aerospace Training Corporation; C9-96-917, (Unpublished Opinion), Minnesota Court of Appeals (11/26/96); Breach of contract, gender discrimination, defamation, emotional distress and tortious interference with contract.
- Leonard Howard v. Northwest Airlines, Inc.; DHR No. ER-19940598, (Unpublished Opinion) (0/05/96); Claimant alleged that he was wrongfully terminated from his employment as an equipment service employee (ESE) at Northwest Airlines because of his race.
- Rasheed Ibn Bilal, et al. v. Northwest Airlines, Inc., et al; 537 N.W.2d 614 (Minn. 1995); Alleged religious discrimination involving Northwest Airlines pass rider. Leading decision concerning religious free speech.
- Avemco v. Cebco; C1-93-2419, (Unpublished Opinion), Minnesota Court of Appeals (06/07/94); Crash of Cessna 421 in Colorado by an unlicensed pilot; Declaratory judgment action, summary judgment.
- Debra Jean Kinnear v. The Foot Clinic and Dr. Myron Kaminsky; C1-93-1867, (Unpublished Opinion), Minnesota Court of Appeals (03/14/94); Podiatric malpractice case involving Macbride bunionectomy; Directed verdict upheld by the Minnesota Court of Appeals.
- Nordale, Inc. v. Samsco, Inc.; 830 F.Supp. 1263 (Minn. 1993); Patent infringement and breach of contract.
- Gerald Brown v. Parker Hannifin; 919 F.2d 308 (5th Cir. 1990); Products liability – quick coupling accident involving high-pressure water.
- Paul Petty v. Dakota Barge Service; 730 F. Supp. 983 (1990); Alleged Jones Act claim when shoreside welder, working as deck hand, was injured on a towboat.
- Robert Perkins v. Parker Hannifin; 4-90-0175, Appellate Court of Illinois (09/28/90); Product liability – anhydrous ammonia accident.
- George and Jennifer Jenista, d/b/a Flightways, Inc. v. Burlington Northern Automotive; 388 N.W.2d 770 (Minn. App. 1986); Emotional distress, fear of flying, property damage and business loss involving engine loss and aircraft emergency landing.
- Gail L. Peppin v. Parker Hannifin; 372 N.W.2d 369 (Minn. App. 1985); Personal injury; Traumatic arm amputation by hydraulic press.
- Quill v. Trans World Airlines; 361 N.W.2d 438 (Minn. App. 1985); Sudden dive of Boeing 727 aircraft over Flint, Michigan. Leading decision concerning emotional distress claims.
- Kaiser v. Northern States Power; 353 N.W.2d 899 (Minn. 1984); Personal injury and property damage as a result of the separation of a dresser coupling which caused a large natural gas explosion at the Commodore Hotel in St. Paul, MN.
- Ronald and Emma Danielson v. Estate of Debra Hanford; 352 N.W.2d 758 (Minn. App. 1984); Personal injury and wrongful death automobile accident.
- Barbara Marsden v. Minneapolis Clinic and E. Philip Nuernberger; 329 N.W.2d 306 (1982) Personal injury claimed from sexual impropriety of therapist.
- Canadian Universal Ins. Co. v. Fire Watch, Inc.; 258 N.W.2d 570 (1977); Fire loss/declaratory action. Leading

- decision concerning changes in insurance coverage.
- Dotterwich v. Yamaha International Corporation and Yokahama Rubber Company; 416 F. Supp. 542 (1976); Personal injury resulting from a snowmobile track becoming disconnected and striking Plaintiff in the leg.

**Practice Philosophy:**

"We vigorously represent FMJ clients in both state and federal courts throughout the United States."