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Practice Areas

Insurance Defense

Trucking

Admiralty & Maritime Law

Business Litigation

Employment and Labor Law

Personal Injury

Probate Litigation

Estate Planning, Wills and Trusts

Education

- University of Cincinnati College of Law (J.D., 1982)
- Miami University (B.A., 1979)

Overview

Don's practice is primarily commercial in nature with an emphasis on business litigation. His initial involvement with the insurance defense industry allowed him to gain extensive jury trial experience. From there, he developed his practice in the transportation industry to include admiralty and inland marine matters. He earned the distinction of Proctor in Admiralty as designated by the Maritime Law Association of the United States. He has successfully litigated jury and bench trials involving the Jones Act and general maritime law. He has represented pilots and companies in Coast Guard disciplinary matters. Don has represented medium and small sized companies in a wide variety of business litigation disputes including non-competition and severance agreements, and trade secret matters. Don has successfully represented individuals in probate litigation. He has participated in arbitrations involving personal injury, insurance, transportation, labor and employment issues. Don's experience has taken him to the State and Federal Courts of Ohio, Kentucky, West Virginia, Maryland and New York. Don understands the life style commitment necessary to be a successful litigator.

Education

- University of Cincinnati College of Law (J.D., 1982)
- Miami University (B.A., 1979)

Recent Litigation

- Representation of a shipper in successful Rule B attachment.
- Representation of a freight broker in interpleader action involving surety bond that resulted in dismissal of claim.
- Representation of vessel owner for 905(b) claim by injured longshoreman resulting in unanimous defense verdict after several week trial.
- Representation of towing company on claims by Jones Act seaman resulting in summary judgment in favor of towing company.
- Representation of former employees in connection with claims of unfair competition, Uniform Trade Secrets Act violations, conversion, breach of contract, and tortious interference with contract where court denied injunctive relief against former employee clients.
- Representation of terminal facility in connection with hit and run allision by towing company with a mooring cell resulting in substantial settlement for terminal owner.

Other Representations

- Representation of pilot in Coast Guard license revocation hearing with finding of no negligence by the Administrative Law Judge.
- Representation of physician in malpractice case resulting in unanimous defense verdict.
- Representation of major insurance company in bad faith litigation resulting in a directed verdict before consideration of case by jury.
- Representation of insured defendant in personal injury action resulting in unanimous defense verdict.
- Representation of excavation contractor in property damage action resulting in unanimous defense verdict.
- Representation of insured defendant for malicious prosecution claim resulting in unanimous defense verdict.
- Representation of trucking company in accident and injury case resulting in unanimous defense verdict.
- Representation of insurance carrier in subrogation action against County entity resulting in unanimous verdict in favor of insurance company.
- Representation of school bus company in student wrongful death action resulting in summary judgment in favor of client.
- Representation of stevedore company in longshore case resulting in an Administrative Law Judge ruling in favor of the longshore employer.
- Representation of national bus company in passenger injury case resulting in summary judgment in favor of company.
- Representation of County Judge in connection with allegations of civil rights violations arising from emergency orders.
- Representation of steam turbine manufacturer in wrongful death action resulting in dismissal of claims with no monetary settlement.
- Representation of towing companies in connection with amputation and closed head injuries to deckhands.
- Representation of trucking company in wrongful death action brought by estate of another truck driver.
- Representation of product manufacturer in UCC battle of forms case and successful appeal in Sixth Circuit U.S. Court of Appeals.

- Representation of insurance company in connection with coverage claims and disputed admiralty jurisdiction.
- Representation of towing company in Qui Tam action.
- Representation of Ohio based specialty hauling company in cargo damage cases in Ohio, Kentucky, Maryland and New York.
- Representation of Ohio based specialty hauling company in connection with cargo damage claims by German manufacturer.
- Representation of Independent Union in negotiations and grievance arbitrations.
- Representation of trucking companies in bill of lading and tariff issues and drafting of same.
- Counseling companies and insurance companies on maritime environmental and Clean Water Act issues.
- Representation of heirs in action to amend legal description or to vacate sale of estate property.

Admissions

- State of Ohio
- Commonwealth of Kentucky
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Eastern District of Kentucky
- U.S. District Court, Western District of Kentucky
- U.S. Court of Appeals for the Sixth Circuit

Professional Affiliations

- Cincinnati Bar Association (Admissions Committee since 1995)
- Ohio State Bar Association
- Kentucky Bar Association
- Northern Kentucky Bar Association
- American Bar Association (Past member of the Litigation Section, Admiralty Section, and Planning Board Member for Admiralty Law Committee)
- Federal Bar Association
- Ohio Association of Civil Trial Attorneys
- Maritime Law Association of the United States (River and Ocean Towing Committee Member)
- Trucking Industry Defense Association

- Potter Stewart Inn of Court (Master and Lecturer)
- Ohio Association of Civil Trial Attorneys (Guest Lecturer)
- United States District Court for Southern District of Ohio (Mediator)
- Hamilton County Court of Common Pleas Committee

Community Involvement

- Tall Stacks (Law Committee)
- Cincinnati Athletic Club (Past Vice President, Board of Directors)
- University of Cincinnati College of Law Moot Court Competition Judge

Presentations

- “Fourth Amendment Protection” Potter Stewart Inn of Court Judges’ Night – 2004
- “Admiralty for Landlubbers” OACTA Seminar - 2003
- “Confidentiality of Medical Records” Lorman Education Services – 2002
- “Mock Trial” Fraud Awareness Week/Liberty Mutual – 1998
- “Handling Insurance Fraud Claims” Fraud Awareness Week/Liberty Mutual – 1997
- “Recent Developments in Kentucky Law” Northern Kentucky Claims Association – 1994
- “Drug Testing and 2692” Towing Industry Seminar – 1992

Publications

- Contributing Editor, “Anderson’s Ohio Personal Injury Litigation Manual,” Lexis Nexis publication of Anderson’s Ohio Practice Manual Series (November 2009)