

North Dakota

Not surprising, given the population of the state, most firms in North Dakota are one-office boutiques. Bismarck is particularly strong in the state's legal market, with firms in the city taking on more complex matters.

Highly recommended firms

Although focusing mostly on personal injury and wrongful death claims, Fargo boutique **Maring Williams** handles a fair amount of commercial and business litigation as well as employment and products liability cases. Insurance defense cases have added to the firm's list of litigation experience in recent years. In terms of personal injury, the firm represents clients in motor vehicle and construction accidents, with particular expertise in brain injury cases. Between the firm's main office in Fargo and smaller shops in Bismarck and Detroit Lakes, Minn, Maring Williams boasts a strong bench of four partners and two associates. Representative clients include Roers Development, Thompson Roofing, ChiroChoice and Workforce Safety & Insurance.

"Doing a good job on the plaintiff's side," lead attorney **David Maring** is establishing himself as a leader in commercial and business matters, as well as personal injury and professional malpractice defense work. He is currently handling a products liability matter in which a plaintiff lost a hand and part of an arm. Maring recently worked a commercial litigation matter defending a seed company in claims that a mineral supplement product was defective and dangerous. Summary judgment was awarded to the firm's defense client. In additional matters, Maring is working on the plaintiff's side in several personal injury matters. Specializing in plaintiff's side personal injury work, **Michael Williams** also focuses on cases involving the rights of people with disabilities. Several recent personal injury cases have involved confidential settlements. Incorporating insurance defense into his already robust commercial and business litigation and personal injury practice, **Daniel Dunn** works extensively for clients such as Meridian Insurance and NAU Insurance Company. He recently represented a client accused of intentionally interfering with the purchase of real estate and violating fiduciary duties, with damages in the area of \$350,000. In another defense matter, Dunn represents a doctor accused of interfering with the plaintiff's employment arrangement with a hospital leading to her termination. The case was settled at mediation for a smaller

amount than the original damages, set at \$325,000.

Since its founding in 1919, **Pearce & Durick** has become a strong presence in Bismarck despite boasting an attorney base in the single digits. The firm maintains an impressive civil trial and appellate practice and a commercial group, which handles matters for financial institutions. Most of the firm's litigation stems from products liability work. In a recent matter, summary judgment was received for the firm's client against whom a plaintiff claimed a ladder he stood on was defective. However, it was proved that the plaintiff abandoned all breach of warranty theories. The firm won a recent oil and gas matter case on appeal despite the recent loss of some oil and gas attorneys. Peers say the firm remains strong in a number of additional litigation areas. Also of note is Pearce & Durick's insurance defense, business torts and school and employment work. Firm clients include Emerson Electric, Louisville Ladder and Zurich North America. In addition to work in the state, the firm frequently works in neighboring states, including Minnesota, Kansas, Montana, Wyoming, as well as Washington and Oregon.

"The Duricks are strong litigators," says one competitor. With an experienced products liability, commercial and insurance defense practice, **Patrick Durick** has more than 25 years of litigation specialty. His impressive representative client base has grown to include General Motors, Empire Oil Company and Dawes Rigging & Crane Rental. Brother **B. Timothy Durick** is a "well-known and well-regarded North Dakota trial lawyer" and has an equally long trial history as Patrick, with a majority of his practice focusing on products liability defense, with a peppering of negligence, medical malpractice, defamation, breach of contract, insurance coverage and fraud and employment discrimination thrown into the mix. "His forte is his ability to understand what arguments work with juries and to present them to a level which juries understand and deal with," says one peer. In a recent matter, he tried a major insurance fraud case on the defense side, keeping damages low even though the verdict was awarded on the plaintiff's side,

Local litigation firms

Highly recommended

Maring Williams

Pearce & Durick

Serkland Law Firm

Vogel Law Firm

Zuger Kirmis & Smith

Recommended

Dorsey & Whitney

Fleck Mather & Strutz

Jeffries Olson & Flom

McGee Hankla Backes & Dobrovolny

McNair Larson & Carlson

Morley Law Firm

Nilles Law Firm

Pearson Christensen & Clapp

"In professional liability, professional malpractice and personal injury matters, Edwin Evans is considered a go-to litigator and an 'excellent lawyer.'"

-Davenport Evans Hurwitz & Smith



Local litigation stars

Larry Boschee
Pearce & Durick

Bruce Carlson
McNair Larson & Carlson

Collin Dobrovolny
McGee Hankla Backes & Dobrovolny

Daniel Dunn
Maring Williams

Timothy Durick
Pearce & Durick

Patrick Durick
Pearce & Durick

Mark Hanson
Nilles Law Firm

Lyle Kirmis
Zuger Kirmis & Smith

David Maring
Maring Williams

Richard McGee
McGee Hankla Backes & Dobrovolny

Ronald McLean
Serkland Law Firm

Patrick Morley
Morley Law Firm

Thomas Olson
Jeffries Olson & Flom

Garry Pearson
Pearson Christensen & Clapp

Rebecca Thiem
Zuger Kirmis & Smith

Jason Vendsel
McGee Hankla Backes & Dobrovolny

Daniel Vogel
Vogel Law Firm

Patrick Weir Sr
Vogel Law Firm

Michael Williams
Maring Williams

Todd Zimmerman
Dorsey & Whitney

according to a market insider. Tiffany Johnson is also recognized for her work with school and employment law as is Zachary Pelham for product liability and insurance defense work.

Through its staff of ten attorneys, the Fargo-based **Serkland Law Firm** represents a variety of business and commercial clients in insurance and general commercial litigation. Both a plaintiff and defense firm, Serkland prides itself as a smaller shop, allowing attorneys to focus on the clients' individual needs. The firm has seen success in its bad faith insurance and commercial insurance coverage work, but is regarded as one of the few firms in the area with "true" oil and gas litigation expertise. Clients include Fargo Public Schools, United Rentals, MeritCare Health Systems and the Red River Valley Fair Board.

Concentrating his practice on commercial and personal injury litigation, the "excellent" **Ronald McLean** also practices in matters relating to products liability, oil and gas, class actions, insurance and employment work. "The charm Ron brings to things is that he's a great storyteller as well," exclaims one peer, who says he "relates stories to the cases he's working on." McLean's client base includes national powerhouses like AT&T, Johnson & Johnson, Lloyds of London and Liberty Mutual. In recent matters, he represented a client in an air pollution claim and took on another matter involving an oil and gas class action.

With the largest team of attorneys in the area, **Vogel Law Firm** has strong commercial and insurance and tort litigation practice groups. Between offices in Fargo, Bismarck and Moorhead, Minn, the firm also delivers handling of matters relating to environmental, construction, products liability, personal injury and white-collar crime and fraud matters. Areas of expertise within insurance and tort work have grown to include railroad liability, agricultural litigation and insurance third-party liability defense.

Although recently making the transition to of-counsel work, firm power lawyer **Patrick Weir Sr** focuses his practice on medical malpractice defense litigation, as well as insurance defense, health care and corporate law. He recently worked on oil and gas matters for the firm out of the Bismarck office. Well-versed in products liability law, **Daniel Vogel** also handles malpractice, transportation and insurance-related work. Peers laud him for his alternative dispute resolution talents and appellate work.

The dozen attorneys at **Zuger Kirmis & Smith** deliver a full-service litigation practice, with insurance litigation as the firm's mainstay. With a client base including Allied Mutual, State Farm and USAA Life, the firm represents in all aspects of the industry. The firm counts products liability matters as another foundational arena, with several attorneys taking on major products work recently. A surge in class action work is also noted, along with labor and employment-related matters and railroad litigation, counting Dakota, Missouri Valley and Western Railroad as an important client.

Rebecca Thiem is noted by peers as "very intelligent and very straightforward in presentation." The "effective" Thiem practices in the areas of banking and business law, employment and commercial law and litigation. She handles matters involving Employment Retirement Income Security Act claims, contractual disputes and agriculture as well. Senior partner **Lyle Kirmis** also "does a good job," according to peers. Taking on a majority of commercial and real estate matters, he also does a fair share of personal injury and non-medical professional malpractice work.

Recommended firms

With a national feel, including offices on both coasts in cities like Anchorage, Palo Alto, New York and San Francisco, the Fargo office of **Dorsey & Whitney** is able to call upon its larger locations for litigation support if need be. However, its presence in the region allows the firm to maintain a healthy client base in North Dakota, Minnesota and the Red River Valley. The smaller office in the state handles the regional litigation matters for companies such as CNH Global, Cavendish Farms and Otter Tail Power, representing the latter in a breach of contract and breach of good faith matter. Other clients include Blue Cross Blue Shield of North Dakota, Dakota Medical Foundation, Ag Country Farm Credit Services, Microsoft Business Solutions, North American Bison Cooperative and Varistar.

Formerly of Faegre & Benson, **Todd Zimmerman** now handles a range of commercial litigation matters for Dorsey. He focuses his practice on contract litigation, corporate governance and shareholder disputes, securities and real estate litigation. A long list of successful matters he has handled includes the defense of a national insurance company in real estate litigation and the defense of a manufacturing company accused of breaches of warranty and misrepresentation by a customer. Zimmerman represents the Moorhead Public Services Commission in an ongoing action against several parties that had provided wireless access to the City of Moorhead.

The mid-sized **Fleck Mather & Strutz** boasts ten attorneys from its office in Bismarck. While the firm is praised for its medical malpractice defense and work with oil and gas and natural resources litigation, the shop is best known for its thriving insurance defense and coverage practice. Other commercial work includes real estate, employment and professional negligence, including a prison case for a group of counties in the area and another matter regarding an alleged child abduction case. Since its inception in 1945, the firm has represented a number of clients in significant natural resources litigation, including frequent representation of clients in water-related industries. Fleck Mather & Strutz is also knowledgeable in class actions, having represented several major corporations in their defense. The firm is active throughout the state, as well as surrounding states Minnesota, Montana and Wyoming. Clients include ConocoPhillips, ExxonMobil and Basin Electric

Future stars

Tiffany Johnson
Pearce & Durick

Matthew Kipp
Dorsey & Whitney

Tracy Kolb
Zuger Kirmis & Smith

Zachary Pelham
Pearce & Durick

Joseph Wetch Jr
Serkland Law Firm

Power Cooperative for natural resource matters and the rich client base for insurance matters includes Prudential of America Group, Chubb and CNA Insurance.

Immersed in natural resources work is partner John Morrison, who provides consistent representation to oil and gas and telecommunications companies in both state and federal courts. Important clients have grown to include a number of high profile oil and gas entities, including the American Petroleum Institute. Partner Michael Walter is also commended, with peers considering him to be one of the regional leaders in medical malpractice work.

Between its staff of three partners, the Fargo-based **Jeffries Olson & Flom** represents both plaintiffs and defendants in an almost-strictly litigation practice, especially from a civil perspective. Specialties have grown to include commercial work, employment, environmental, products liability, liquor liability and construction. With another office in Moorhead, Minn, all Jeffries attorneys handle a variety of cases in each state. Partner **Thomas Olson** is recognized by peers as “a good guy and a reasonable guy.” Since the early 1980s, Olson has focused his practice on litigation, joining the firm in 1986. Insiders continue the praise, saying he “finds good arguments” and “is passionate about his clients without losing sight of the larger picture.”

The small team of attorneys at the century-old **McGee Hankla Backes & Dobrovolny** is a full-service firm with a robust civil litigation practice to match. Specializing in insurance defense, professional negligence, construction, commercial work, personal injury, wrongful death and products liability, the firm is licensed to practice in state, federal and tribal courts. Based in Minot, the firm also handles matters relating to planning and trusts, real estate and business law. An impressive list of insurance clients includes the North Dakota Insurance Reserve Fund, Center Mutual and Horace Mann. Other non-insurance clients include Minot Public Schools, Northwestern Dairy and First Western Bank & Trust.

Focusing on tort litigation, insurance defense, medical malpractice and products liability matters, the “very good litigator” **Richard McGee** is the third generation of the McGee family working at the firm. Grandfather George started the McGee Law Firm in 1901. Richard handles matters on both the plaintiff and defense side. Peers say he “tends to be low-key, but always very effective.” Noted for his appearance in court, he is described with a “calm, confident demeanor and has been very successful.” Partner **Collin Dobrovolny** focuses his extensive litigation practice on matters relating to personal injury, products liability and insurance defense, with a unique niche in fires and explosion work. Working more on the defense side of litigation, he is described by competitors as “very aggressive, very hard-hitting, but also has a good way with a jury that makes him very convincing.” Although described as “a little younger,” **Jason Vendsel** is

still called “a good litigator.” His practice focuses on insurance defense, construction, tort and personal injury litigation.

The four-partner team at Fargo boutique **McNair Larson & Carlson** may be a compact bunch, but the firm is still heavy into litigation matters. Focusing on business-related issues, the firm is active in agriculture litigation and commercial work as well. Partner **Bruce Carlson** is singled out for his work in commercial and insurance cases. “He is an excellent primary commercial attorney,” one insider says. “He has a real analytical mind and a good way of getting info from people at depositions and during trials.”

From its Grand Forks location, **Morley Law Firm** focuses much of its litigation practice on matters relating to insurance law and personal injury defense. Within the spectrum of insurance, the firm has taken on matters relating to bad faith, commercial work and malpractice issues. The firm also has more than 60 years of complex litigation experience, with a thriving appellate practice on both the federal and state levels. Insurance clients include Allstate, American Family, Auto-Owners Insurance, Canal Insurance, Employers’ Mutual Companies and Dakota Fire, as well as numerous entities under the umbrella of general casualty companies, including Great American Custom and Progressive. Shareholder **Patrick Morley** specializes in insurance matters, construction, commercial work, legal and medical malpractice and business torts.

Taking on a variety of litigation matters, from commercial work to white collar and antitrust, **Nilles Law Firm** is a sizable presence in the state, from its locations in Fargo and Williston. The 12 attorneys within the firm’s litigation group handle cases for clients throughout the country, with licenses to practice in the Dakotas, Minnesota and Montana. Within the hearty commercial litigation subgroup, Nilles attorneys handle matters including contract disputes, construction, trade secrets, environmental law, Racketeer Influenced and Corrupt Organizations Act matters, class actions, as well as a healthy mediation and arbitration practice. Tackling commercial matters, insurance work, railroad defense and shareholder disputes, partner **Mark Hanson** is a “no-nonsense litigator.” According to peers, he is “well prepared, thorough and very professional to deal with.”

With his tax litigation expertise, **Garry Pearson** founded **Pearson Christensen & Clapp** in 1968 as a one-person practice. Since then, the firm has grown to one of the largest law firms in the area, with litigation specialties across the border. Pearson still focuses his practice on tax matters, including income tax at the state and federal level and estate and gift taxation matters. The firm now features litigation specialties, including a thriving business and commercial groups and equally strong employment and personal injury chapters. Representative clients include Geico, North Star Mutual Insurance and Dakota Fire.

