



## MICHAEL P. MAGUIRE, ESQ.

### Mediator



Michael P. Maguire, Esq. is a highly successful and accomplished trial attorney with over 100 jury trials and numerous bench trials in his 44 years of experience handling a wide range of criminal and civil litigation matters. Well regarded nationwide, Mr. Maguire was admitted to the American Board of Trial Advocates (ABOTA) in 1994 and elected as the National President of ABOTA for 2019 and President of the ABOTA Foundation in 2014.

As Managing Attorney for a major insurance carrier, Mr. Maguire was directly responsible for the legal representation of clients, litigation, evaluation and results of more than 20,000 lawsuits and 1,000 civil jury trials. He has extensive experience in all areas of personal injury and property damage, including wrongful death, catastrophic injury, traumatic brain injury (TBI), spinal injuries, fractures, loss of hearing, sense of smell, electrocutions, burn and crush injuries, mold exposure, loss of consortium; fire losses, water losses, property damage, and remediations.

For 30 years, Mr. Maguire served as a settlement officer at Mandatory Settlement Conferences for the Orange County Superior Court, successfully resolving lawsuits in a wide range of civil matters including innumerable business torts, breach of contract, fraud, construction defect and CLRA actions. His breadth of legal knowledge and extensive trial experience have enabled him to credibly impart a range of potential trial outcomes to the parties at mediation and assist them in reaching full resolution of their matters.

### AREAS OF EXPERTISE

- Personal Injury
- Intentional Acts
- Property Damage
- Landlord/Tenant
- Construction Defect
- Sexual Assault & Abuse
- Homeowners' Association
- Insurance Bad Faith
- UM/UIM Mediations
- Toxic Mold
- Products Liability/Lemon Law

### LEGAL EXPERIENCE

#### **Managing Attorney, Michael Maguire & Associates (State Farm), 1994-2021**

Mr. Maguire was Managing Attorney of State Farm's staff counsel trial office, known as Michael Maguire & Associates. At various times over the years, he also managed the State Farm staff counsel offices in San Diego, San Francisco, and Los Angeles.

### **Founding Partner, Nyman, Johnson & Maguire, 1989-1994**

Mr. Maguire was a founding partner of Nyman, Johnson & Maguire, an insurance defense litigation and trial firm practicing throughout Southern California.

### **Associate, Tuverson & Hillyard, 1986-1989**

After leaving the District Attorney's Office, Mr. Maguire began practicing civil litigation as a trial attorney with Tuverson & Hillyard, with an emphasis on insurance defense.

### **Deputy District Attorney, Office of the District Attorney, 1978-1986**

Mr. Maguire began his legal career in the Office of the District Attorney, Orange County, prosecuting misdemeanors and felonies. He helped create a specialized prosecution team solely handling sexual assault and child molestation cases. He was later elevated to the homicide panel and was responsible for prosecuting all gang-related murders and homicides committed by juveniles in Orange County, California.

## **EDUCATION**

- J.D., Loyola Law School, 1977
- B.A., University of California, Irvine, 1974
- Straus Institute for Dispute Resolution, Pepperdine University School of Law

## **PROFESSIONAL ASSOCIATIONS**

- American Board of Trial Advocates (ABOTA)
  - National ABOTA President, 2019
  - ABOTA Foundation President, 2014
  - Cal-ABOTA Board Member
  - President of Orange County Chapter, 2003
  - Orange County Chapter Executive Committee, 1997-2005
    - Ex Officio, 2010-Present
- National Center for State Courts
  - Board of Directors, 2020-Present
  - Lawyers Committee, 2014-Present
- Project Youth - Orange County Bar Foundation
  - President, Board of Trustees, 2004
  - Board of Trustees, 1996-Present
- Orange County Bar Association
- California Lawyers Association, Litigation Section

## CASE SUMMARIES

### PERSONAL INJURY

#### Auto v. Auto Cases

- Handled, tried or settled hundreds of auto v. auto accidents involving intersection accidents, speeding, unsafe left turns, unsafe lane changes, red-light disputes, and thousands of rear-end or lane change accidents.
- Settled cases for a combined 8 figures where a sleepy defendant nodded off and struck vehicles that were pulled to the side of a freeway overpass by the CHP, resulting in the wrongful death of a successful 40-year-old real estate developer, husband and father of three minors, and catastrophic injuries to the CHP officer, who was struck and propelled from the freeway overpass onto freeway below. Peculiar risk theory against defendant's employer.
- Worked up and resolved a case arising from a racing automobile crossing over the center median, striking other motorist head on and causing three subsequent collisions into wreckage resulting in a months long coma and eventual wrongful death. This case involved several insurance policies from four different drivers and registered owners.
- Settled wrongful death of a 3-year-old riding a big wheel into the street, who was run over by a pizza delivery driver. This case involved emotional distress of the comparatively negligent parent who witnessed the accident.
- Settled wrongful death case of a child whose parent heard an auto accident but did not simultaneously know that her child was involved.
- 18-year-old man was exiting his vehicle on the freeway at 2:00 a.m. and was struck at full speed by another driver. Decedent's mother repeatedly refused to settle throughout litigation, and after answering ready for trial, was convinced to accept the policy limits for wrongful death.
- Handled an auto accident case involving a failed brake repair, resulting in rear end collision and cervical injury.

#### Auto v. Pedestrian

- Responsible for, handled or settled hundreds of auto v. pedestrian cases resulting in deaths, catastrophic and occasionally minor physical injuries.
  - Crosswalks
  - Jaywalking
  - Dart outs
  - Autos driven out of control onto sidewalks

#### Auto v. Bicyclist

- Intersectional red light and unsafe lane change cases.
- Right turning auto at intersection vs. bicyclist riding opposite traffic direction.
- Opening doors on roadway and sidewalk side in front of oncoming bicyclists.

- Auto veering into and striking riding bicyclists with side mirrors or directly.

### **Auto v. Motorcyclist**

- Settled unsafe left turn by DUI driver into speeding oncoming motorcyclist causing lifechanging catastrophic injuries.
- Handled and settled numerous freeway lane changing into lane splitting motorcyclist cases.
- Handled a case involving an oncoming racing motorcyclist striking left-turning vehicle resulting in catastrophic triplegia.
- Numerous intersectional accidents involving speeding and either unsafe lane changes or left and right turns.

### **Bicyclists v. Bicyclists and/or Pedestrians**

- Handled head on collisions on bike paths.
- Handled accidents caused by bicyclists' encounters with slower bicyclists.
- Settled several similar cases as a Settlement Officer.

### **Boating Accidents**

- Pleasure and ski boating and Sea Doo accidents involving collisions, propeller slicing, head injuries/
- Parker strip accidents involving alcohol and DUIs.

### **Catastrophic Injuries**

- Handled and settled a case involving an oncoming racing motorcyclist striking a left turning vehicle, resulting in catastrophic triplegia.
- Settled a case involving an unsafe left turn by a DUI driver into a speeding oncoming motorcyclist, causing lifechanging paraplegia and catastrophic injuries.
- Motocross bicyclist crashed during a race, resulting in paraplegia and alleged products liability bicycle failure.

### **Commercial Rigs and Busses**

- Numerous cases regarding unsafe lane changes or merging traffic involving big rig trucks versus automobiles and versus other big rigs.
- Settled a questioned liability case arising from a lane change sideswipe between a big rig truck and automobile, resulting in the car dragging with two plaintiff occupants inside. The older plaintiff underwent L5-S1 fusion within 30 days.
- Numerous cases involving passenger and driver claims of injuries from auto v. bus accidents.

## **Firearm Injuries and Deaths**

- Minors accessing and misusing firearms resulting in shooting injuries/deaths.
- Unsafe storage of firearms.
- Non-intentional discharges on loaded firearms.

## **Golf Cart and ATV accidents**

- Handled a case involving unsafe golf cart operation. The golf cart hit and pinned a golfer between golf carts, resulting in severe knee injury.
- Unsafe operation causing golf carts to tip over.
- ATV rollovers with serious traumatic brain injuries (TBI) and catastrophic injuries.

## **Primary Assumption of Risk**

- Sports participation incidents with allegations of conduct outside ordinary risks inherent in game, against players, coaches and owners of facilities. (Football, softball/baseball practices and games; snow and water-skiing accidents.)

## **UM/UIM CASES**

- Settled innumerable UM and UIM cases as a Settlement officer or attorney involving cases from very clear policy limits value, to others requiring evaluation of value, injuries and causation issues.

## **DOG BITES AND ANIMAL INJURIES**

### **Dog-Related Injuries**

- Handled and settled hundreds of personal injury cases involving dog bite, dog fright, dog knocking down or causing plaintiff to fall.
- Handled or settled cases involving:
  - Dog bites to faces resulting in permanent nerve damage and torn away flesh.
  - Dogs escaping yard and biting pedestrians, bicyclists and other dogs.
  - Numerous dogs injuring U.S. Postal carriers or delivery persons.
  - Injuries caused attempting to break up dog fights.
- Injuries caused by horses spooked by dogs.

### **Horse-Related Injuries**

- Handled numerous personal injury cases involving horseriding-related incidents including dogs, inadequate instruction, unreasonable dangerous condition of premises and oversight failure.

## **Parrots and Monkeys**

- Defended homeowners sued for injuries caused by pet birds and one involving a monkey.

## **HOMEOWNERS' ASSOCIATION DISPUTES**

- Settled HOA cases involving allegedly non-complying homeowners.
- Handled alleged breach of contract, fraud, intentional infliction of emotional distress case over non-payment of HOA dues.
- Settled case involving mutual complaint & cross complaint alleging battery, harassment, violation of Temporary Restraining Order and alleged threatening conduct on both sides by negotiating a move out/buyout.

## **SEXUAL ASSAULTS AND ABUSE**

- Settled civil case arising from dating service connection alleging sexual assault and battery (rape).
- Tried civil rape case with alleged transmission of STD.
- Handled numerous premises liability cases involving unreasonably unsafe apartment, condominium or business premise conditions resulting in sexual and physical assaults.
- Handled and settled scores of intentional act *Cumis* cases with disputed insurance coverage involving child molestations and sexual assault cases against neighbors, parents, family members, foster parents, and school employees.

## **PREMISES LIABILITY**

### **Slip/Trip & Falls**

- Tried numerous slip/trip and fall cases involving store premises, HOA common grounds, apartment complexes and professional offices.
- Settled numerous slip/trip and fall cases as settlement officer.

### **Liability for Criminal Conduct of Third Parties**

- Handled numerous cases involving alleged failure to take precautionary measures or unreasonably unsafe conditions of apartment, condominiums or business premises resulting in sexual, physical and firearm assaults.

### **Stairways**

- Tried or settled scores of cases involving stairway falls, including insufficient coefficient of friction, lighting and debris related, missteps, building code violations and failed or out of code railings and rise and run stair treads.

## **Falls from Rail and Balcony Failures**

- Tried a case involving plaintiff's broken vertebrae caused by fall from balcony due to failed railing.
- Handled several cases involving severe injuries including TBI, fractured skulls and broken bones resulting from falls from second story stairwells and balconies.

## **Sidewalks, Parkways and Parking lots**

- Handled hundreds of cases involving walkway, sidewalk, parkway, and parking lot accidents.
- Tried a cases involving an unmarked ramp from sidewalk to parking lot of big box store exit.
- Tried several trip and fall cases related to elevation differentials along walkways and door thresholds.
- Tried slip and fall cases alleging insufficient coefficient of friction or maintenance issues leading to puddles and slippery surfaces.
- Resolved as settlement officer cases involving adjacent landowners, city-owned sidewalks, uneven pavement, unsafe elevation change, tree roots and misrepair.

## **Toxic Mold**

- Handled numerous suits alleging toxic mold injuries and property damage.

## **Injuries Arising from Teenage Parties**

- Underage drinking leading to injuries and sexual assaults.
- Out-of-control teenage parties crashed by uninvited guests and street gangs leading to assault and injuries.
- Teenagers jumping from second story into pools resulting in serious injuries.

## **Employer Liability (exceptions to exclusive workers compensation remedy)**

- Handled punch press and rolling press cases:
  - Rubber mill press caused crushing and trapped hand in hot rollers, cooking and rendering primary hand useless.
  - Several finger(s) or hand off punch presses cases.
- Handled workplace assault and batteries.

## **LANDLORD/TENANT**

### **Unsafe Premises**

- Tried a case involving an alleged defective sliding glass door resulting in slicing injury severing median nerve.

- Handled numerous suits alleging injuries from unsafe premises, breaches of implied warranty of habitability, mold, falling ceilings and negligent asbestos removal.
- Settled, handled and tried scores of cases involving premise liability claims against landlords. (See also Premises Liability section.)

### **Habitability/Constructive Evictions**

- Settled numerous breach of habitability cases leading to constructive eviction, allegations of negligence, intentional infliction of emotional distress, negligent infliction of emotional distress.

### **LEMON LAW**

- Settled defective auto case arising from sale of six-year-old used car for failure to disclose prior damage alleging B&P 17200, CLRA and Fraud claims for \$15,000 cash and keep car.

### **NUISANCE AND TRESPASS**

- Handled numerous land subsidence, trespass and nuisance cases involving failed grading, flooding and other allegations of wrongful actionable conduct or failures.
- Failure to ameliorate noise conducting hallways, floors and siding.
- Numerous cases involving tree roots.
- Numerous cases involving loud constantly barking dogs.

### **NURSING HOME LIABILITY**

- Successfully settled case involving the failure of a skilled nursing facility to follow standard of care transfer safety precautions resulting in fall, broken hip and diminished life expectancy.

### **INSURANCE COVERAGE AND BAD FAITH**

- Handled and settled scores of intentional act *Cumis* cases with disputed insurance coverage involving child molestations and sexual assault cases against neighbors, parents, family members, foster parents, and school employees.
- Tried breach of contract/bad faith for failure to pay fire claim resulting in total loss of home.