



MICHAEL P. MAGUIRE, ESQ.

Mediator



Before joining ADR Services, Inc., Michael P. Maguire, Esq. spent 44 years as a trial lawyer, initially as a Deputy District Attorney and then as a civil trial lawyer, handling a wide range of civil litigation matters, with particular emphasis in the fields of personal injury, property damage, intentional acts, insurance coverage and bad faith, landlord/tenant, products liability, homeowners' association disputes, toxic mold, construction defect, and UM/UIM. He has personally tried more than 100 jury trials to verdict and litigated hundreds more lawsuits.

As Managing Attorney for a major insurance carrier, Mr. Maguire was directly responsible for the high-quality legal representation, 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 personal injury, traumatic brain injury (TBI), MTBI, spinal column injuries, fractures, loss of hearing, tinnitus, sense of smell, thoracic outlet syndrome, TMJ, burns, electrocutions, burn and crush injuries, mold exposure, loss of consortium; fire losses, water losses, property damage, and remediations.

For 29 years, Mr. Maguire has also served as a settlement officer for the Orange County Superior Court, successfully settling a wide range of civil matters including innumerable business tort, breach of contract and fraud cases. 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.

Mr. Maguire is a member of the American Board of Trial Advocates (ABOTA) and has served in various leadership capacities for the Orange County Chapter, Cal-ABOTA, and National ABOTA. He was ABOTA National President in 2019 and the ABOTA Foundation President in 2014.

Mr. Maguire has been married to his wife, Cindy, for 46 years. They live in south Orange County and have three adult children - Erin, Michael, and Kelly, and new grandson Cedar.

AREAS OF EXPERTISE

- Personal Injury
- Intentional Acts
- Property Damage
- Landlord/Tenant
- Homeowners' Association
- Construction Defect
- Insurance Coverage & Bad Faith
- UM/UIM mediations
- Toxic Mold
- Products Liability

LEGAL EXPERIENCE

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

In 1994, Mr. Maguire began his tenure as Managing Attorney of State Farm's staff counsel trial office, known as Michael Maguire & Associates. At various times over the years, he has also managed the State Farm staff counsel offices in San Diego, San Francisco, and Los Angeles. He was directly responsible for the high-quality legal representation, litigation, evaluation and results of more than 20,000 lawsuits and 1,000 civil jury trials.

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

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

Associate, Tuverson & Hillyard, 1986-1989

After leaving the District Attorney's Office, Mr. Maguire began a civil trial practice as a trial lawyer 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 the first specialized prosecution team handling solely sexual assault and child molestation crimes. 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)
 - 2019 National President
 - 2014 President, ABOTA Foundation
 - Board Member, Cal-ABOTA
 - Past President, Orange County Chapter
- National Center for State Courts
 - Board of Directors, 2020-Present
 - Lawyers Committee, 2014-Present
- Orange County Bar Association
- Project Youth - Orange County Bar Foundation
 - President, Board of Trustees, 2004
 - Board of Trustees, 1996-Present
- California Lawyers Association, Litigation Section

CASE SUMMARIES

- Personally tried more than 100 jury trials including numerous slip/trip & falls, auto collisions, assaults, alleged defective or unreasonably dangerous premises cases involving slip/trip and falls, sexual assaults, negligent transmission of STD, defective sliding glass door, failed deck railing, out of code and poorly illuminated stairways, unmarked ramps, insurance bad faith, golf cart caused injuries, defective auto brake repair, wrongful evictions, retaliatory eviction, and peculiar risk workplace injuries.
- Numerous wrongful death and *Dillon v. Legg* 3rd party emotional distress auto cases:
 - Wrongful death of 3-year-old run over by pizza delivery driver witnessed by parent.
 - Wrongful death of child whose parent heard the accident but questionable whether she then knew her child was involved.
 - Defendant struck vehicles pulled to side by CHP on freeway overpass, resulting in wrongful death of successful real estate developer, husband and father of 3 minors, and catastrophic injuries to CHP officer struck and propelled from overpass onto freeway below. Peculiar risk theory against defendant's employer.
 - Racing automobile crossing over center median striking other motorist head on and 3 subsequent collisions into wreckage resulting in months long coma and eventual wrongful death. Several insurance policies from 4 different drivers, and registered owners.
 - Minors accessing, using and misusing firearms resulting in shooting injuries/death.
- Failure to follow standard of care of safety precautions in transfer at assisted living facility resulting in fall and broken hip and diminished life expectancy.
- Numerous cases involving unreasonably unsafe apartment, condominium and business premise conditions resulting in sexual and physical assaults.
- Numerous intentional act *Cumis* cases with disputed insurance coverage involving child molests and sexual assault cases against neighbors, parents, family members, foster parents, and school employees.
- Civil case arising from dating service connection involving sexual assault and battery (rape).
- Tried civil sexual assault and battery (rape) and transmission of STD case.

- Wrongful retaliatory eviction cases following tenant complaints.
- Multiple “falling ceiling” cases alleged from failure to maintain leased premises resulting in personal injuries.
- Numerous personal injury horse riding incidents involving dogs, inadequate instruction, unreasonable dangerous condition of premises and oversight failure.
- Parents were away for the weekend, resulting in out-of-control teenage parties with serious injuries including alcohol-related injuries and assaults by uninvited street gangs.
- Cases where responsible adults allowed teenage drinking resulting in serious injuries.
- Minors using and misusing firearms resulting in shooting injuries/death.
- Numerous cases involving slip/falls and trip/falls down staircases involving coefficient of friction, lighting and out of code stairways.
- Cases arising from falls from second story apartment balconies/railings resulting in multiple fractures including traumatic brain injuries, fractures and crushed vertebrae and spinal fusions.
- Breaking of alleged defective out of code sliding glass doors, resulting in slicing injuries (facial and median nerve) to guests and tenants.
- Failed railing on raised patio deck resulting in fall and crushed vertebrae/spinal fusion.
- Sexual harassment and sexual discrimination by employers; several complaints to management; no corrective action taken, alleged constructive termination. Claims for lost wages and benefits, severe emotional distress damages.
- Crush and burn workplace injuries from punch presses and molding machines.
- Employer civil liability for workplace injuries excepted from Workers Compensation exclusive remedy.
- Homeowners’ Association cases.
- Trespass and nuisance cases involving water damage, tree roots, noise, smell and lighting.
- Numerous land subsidence, trespass and nuisance cases involving failed grading and other allegations of wrongful actionable conduct or failures.