

# Douglas W. Dunham

## Of Counsel

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With extensive experience leading teams of lawyers in nationwide, bet-the-company litigation matters at trial and on appeal — including playing a key role in numerous high-profile matters before the U.S. Supreme Court — Douglas Dunham is a sophisticated strategist and diligent advocate for clients across industries.

Doug has devoted a significant portion of his career to federal and state appellate practice and continues to serve as a go-to resource for clients on these matters. He has appeared before the U.S. Supreme Court in connection with 27 matters and has supervised and authored numerous certiorari petitions and curiae briefs.

Doug focuses his practice on class actions, product liability, and other complex commercial litigation matters, and he has significant experience in insurance, pharmaceutical, and transportation matters. He has defended clients against consumer fraud claims, claims involving insurance sales practices, and claims of personal injury as the result of exposure to, or the consumption of, asbestos, tobacco, and alcoholic beverages. Doug counsels clients including universities and hospitals on how to minimize exposure to potential liability. He has also represented clients in federal securities, environmental, commercial, employment, discrimination, and white collar criminal litigation.

Doug is the chair of Governor Kathy Hochul's New York State Judicial Screening Committee. He also serves as a member of the board of trustees for the New York State Interest on Lawyers Accounts Fund.



## EXPERIENCE

### Representative Engagements

- Successful supervision and preparation of a petition for writ of certiorari and merits briefs before the U.S. Supreme Court in the landmark case on behalf of a leading insurer regarding federal constitutional limitations on punitive damages; *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003).
- Metro-North Commuter Railroad Co. in the successful supervision and preparation of a petition for writ of certiorari and merits briefs in *Metro-North Commuter Railroad Co. v. Buckley*, 521 U.S. 424 (1997), in which the U.S. Supreme Court addressed limitations on emotional distress and medical monitoring claims under the Federal Employers' Liability Act.
- Submission of numerous amicus curiae briefs in cases before the U.S. Supreme Court, including *Morrison v. National Australia Bank Ltd.* (2010) (counsel of record); *General Motors Corp. v. Bryant* (2009); *Safeco Insurance Company of America v. Burr* (2007); *Philip Morris USA v. Williams* (2007); and *Ford Motor Co. v. Smith* (2003).
- Represented a leading insurer in several federal and state appellate and trial courts across the country, including supervision and preparation of winning appellate briefs in the Illinois Supreme Court, which resulted in reversal of a \$1.1 billion judgment against the insurer; in the Ohio Supreme Court, which reversed certification of a 100,000-member class seeking to recover \$100 million, and in the California

Appellate Court, which affirmed summary judgment for the insurer in a certified nationwide class action contending the insurer had up to \$47 billion in excess surplus.

- MetLife in directing legal defense at appellate and trial court levels against numerous class actions and individual lawsuits regarding premiums and interest rates in life insurance policies.
- Directing legal defense at appellate and trial court levels of numerous property and other claims on behalf of another major P & C insurer, with many significant victories.

## CREDENTIALS

### Education

Columbia Law School, J.D., 1987

Harlan Fiske Stone Scholar

*Columbia Law Review*, Research Editor (1985-1987)

Harvard University, M.A., American History, 1984

Phi Beta Kappa

Harvard University, B.A., History with Government, 1983, *magna cum laude*

Phi Beta Kappa

### Bar Admissions

New York

### Professional Memberships

New York State Judicial Screening Committee for the Appellate Division

Second Department Chair (2011-present)

New York State Judicial Screening Committee for the Court of Claims

New York State Bar Association Special Committee on Federal Legislative Priorities

New York Interest on Lawyers Account Fund

Board of Trustees (2007-present)

### Honors & Awards

Client Service All-Star, *BTI Consulting Group* (2022)

## PUBLICATIONS & PRESENTATIONS

“Validity of incentive or service awards for class representatives challenged in class actions; and (ii) Lessons from establishing plaintiffs’ leadership structure in mass-tort MDLs applied to class actions (*Mann v. Norfolk Southern Railway Co.*),” (speaker) Rabiej Litigation Law Center’s Class Actions Conference Webinar (July 20-21, 2023)

## COMMUNITY SERVICE

Doug maintains an active pro bono practice. He has prepared and submitted amicus curiae briefs before the U.S. Supreme Court as Counsel Record for organizations and individuals, including the Partnership of New York City, Inc., members of the U.S. Congress, U.S. veterans associations, the National Association of Criminal Defense Lawyers, the National Association of Federal Defenders, and Families Against Mandatory Minimums.