

Michael G. Jacobs

PARTNER

Michael's law practice focuses on defending professionals in minor and catastrophic injury cases. He has over a decade of litigation experience working with professionals in medicine (including assisted living and long-term care facilities), law, construction, architecture, engineering, finance, and real estate. Throughout his career, he has pursued a diverse practice in which he has successfully handled numerous cases involving complex legal and factual issues.



Contact

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LEGAL ASSISTANT

Heather Gilpin

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Practice Areas

Business and Commercial Litigation
Construction Defense Litigation
Employers Liability Defense
Long-Term Care, Assisted Living and Skilled Nursing Home Liability Defense
Medical Malpractice Defense
Personal Injury and Wrongful Death Defense
Premises Liability Defense
Product Liability Defense
Professional Liability Defense

REPRESENTATIVE CASES

Trial:

Obtained defense verdict for logging contractor in \$3 million+ lawsuit after three-week trial alleging defective design, maintenance, and construction of a bridge. Plaintiff asserted claims against the logging contractor for negligence and pursuant to Oregon's Employer Liability Law statute (ORS 654.305 *et seq*) claiming that the logging contractor had control over the accident location and the plaintiff's work and failed to protect plaintiff from injury.

Served as second-chair representing a municipal government during a three-week trial in \$3.5 million lawsuit arising out of a construction project and relating to claims of fraudulent non-disclosure, breach of contract, breach of implied warranty, and contribution involving allegations of improper disposal of hazardous materials, including asbestos. The case resolved during trial.

Assisted at three-week trial for OB/GYN in \$40+ million lawsuit alleging failure to diagnose herpetic lesions leading to neonatal herpes encephalopathy. The trial resulted in a defense verdict for our client.

Assisted with obtaining an eve-of-trial dismissal for orthopedic surgeon in lawsuit

involving allegations of negligent failure to repair labral tear.

Assisted with two-day trial in a case involving approximately \$75,000 in damages arising out of a motor vehicle accident. The trial resulted in a defense verdict for our client.

Assisted with one-day trial in a case involving approximately \$50,000 in damages arising out of a motor vehicle accident. The trial resulted in a defense verdict for our client.

Summary Judgment:

Obtained summary judgment in client homeowner's favor in \$1.1 million lawsuit arising out of an alleged construction site accident at the homeowner's home when the plaintiff allegedly fell from an unsecured ladder. The plaintiff asserted claims for negligence and pursuant to Oregon Employer Liability Law statute (ORS 654.305 *et seq*) claiming that the owner had control over the accident location and the plaintiff's work and failed to protect plaintiff from injury.

Obtain summary judgment in client skilled nursing facility's favor in \$5 million lawsuit involving claims of negligence and violations of Washington's Vulnerable Adults Act (RCW 74.34 *et seq*) arising out of allegations that the skilled nursing facility failed to properly recognize and treat constipation which lead to further medical complications and resulted in death.

Obtained summary judgment in client hospital's favor in \$600,000 lawsuit arising out of allegedly negligent placement of an intravenous needle that plaintiff claimed resulted in severe permanent nerve damage.

Obtained summary judgment in client automobile business's favor in an approximately \$16,000 lawsuit arising out of alleged unfair trade practices, negligence, and sexual battery related to a vehicle purchase.

Dismissals:

Obtained dismissal of our client mold remediation company in \$350,000 lawsuit arising out of a residential construction project and claims for breach of contract, contractual indemnity, common law indemnity, and negligence.

Obtained dismissal of plaintiff's product liability case against our product distributor client in approximately \$200,000 lawsuit arising out of an e-cigarette explosion on grounds of lack of personal jurisdiction.

Obtained dismissal of plaintiff's claims pursuant to the Oregon Employer Liability Law in a \$6 million lawsuit arising out of allegations relating to a construction site accident and permanent injury and impairment claims on grounds that plaintiff had not stated sufficient allegations of ultimate fact to support the claims.

Obtained dismissal of our client architecture firm in approximately \$230,000 lawsuit arising out of a residential construction project and a claim for professional negligence involving allegations of failure to design the home to ensure adequate load criteria, truss deflection, and ventilation.

Obtained dismissal of our client roofing contractor in approximately \$400,000 lawsuit arising out of a construction site accident involving claims for negligence and pursuant to the Oregon Employer Liability Law.

Obtained dismissal of plaintiff's claims for negligence, outrage, and loss of consortium in a lawsuit with unspecified damages against assisted living facility client arising out of allegations that the facility improperly restricted the plaintiff's access to his wife on grounds that the claims were either expressly waived or not statutorily authorized.

Obtained dismissal of plaintiff's claims for intentional infliction of emotional distress and negligent infliction of emotional distress in an approximately \$50,000 lawsuit against our client assisted living facility arising out of allegations that the facility improperly

restricted the plaintiff's access to a resident at the facility on grounds that plaintiff had not and could not state a legally cognizable claim.

Obtained dismissal of indebtedness claim against our client substance abuse/dependence program by the United States Department of Agriculture for approximately \$50,000 related to a forest fire and involving allegations that our client failed to properly supervise or control an individual taking part in the program.

In addition to the above examples relating to trial experience, summary judgment motions, and dismissals, Michael also has experience defending a variety of claims against financial institutions, trustees, and other professionals and legal fiduciaries.

EDUCATION

Lewis and Clark College

Northwestern School of Law
J.D., 2009

Gonzaga University

B.A. Political Science, *cum laude*, 2004

EXPERIENCE

Hart Wagner LLP

Partner, 2018–present
Associate Attorney, 2011–2017

The Gilroy Law Firm

Associate Attorney, 2009–2011

Lewis and Clark Legal Clinic

Legal Intern, 2008–2009

ADMITTED TO PRACTICE

Oregon State Courts
Washington State Courts

AWARDS AND RECOGNITION

Super Lawyers

Rising Star — Personal Injury General: Defense, 2017-2019

PROFESSIONAL ACTIVITIES AND ASSOCIATIONS

OADC Leadership — Practice Management Practice Group — Vice Chair — 2021 to Present

OADC Leadership — Practice Management Practice Group — Publications Liaison — 2019 — 2020

Oregon State Bar, member

Multnomah County Bar Association, member

Oregon Association of Defense Counsel, member

PROFESSIONAL PUBLICATIONS

“They Will Ask, Do Not Tell: Avoiding Waiver of Attorney-Client Privilege.” *The Verdict*, OADC, Issue 2, p. 8-9, 2015.

“Client Education is Important in ORS 20.080 Cases,” *The Verdict*, OADC, Issue 1, p. 10-11, 2013.

OUTSIDE OF THE OFFICE

In his free-time, Michael enjoys spending time with his family (Liz and Max), fishing, traveling home to Sitka, Alaska, and watching basketball.