

Donald R. McMinn

Managing Partner

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Focused on pharmaceutical products liability and co-leading the insurance coverage litigation practice, Don McMinn litigates a variety of complex civil matters with an eye towards successful resolution. With over three decades of experience and a broad background, Don sees many different aspects of a case, not just the most obvious approach. His unique perspective allows him to quickly zero in on the key issues within the context of his client's business interests, as well as within the context of the courtroom. Clients find Don to be hands-on and proactive, and able to find ways to use an opponent's interests to advance those of his clients while standing firm when that is in his clients' best interest.

With considerable experience defending clients involved in MDL proceedings, from the initial filings through the push and pull over MDL status, plaintiffs' efforts to weaponize discovery, and then a multi-month trial of "bellwether" plaintiffs, Don leads both Firm attorney teams and local counsel teams in implementing a unified, consistent strategy across multiple jurisdictions with simultaneous proceedings. Focused on the ultimate trial strategy, he develops deposition strategies, supports experts developing their testimony concerning causation and damages issues, and engages in motion practice and oral argument to knock out opponents' causation experts on *Daubert* grounds. He also enjoys the opportunity to eliminate opponents' theories of liability with a goal of making trial legally unavailable or at least practically unpalatable to those opponents.

Don's extensive insurance coverage work is exclusively on behalf of policyholders seeking to maximize the return from pursuing coverage, balancing the expected coverage against the costs of securing it. He has developed strong relationships with specialized accounting consultants and has significant experience in the use of sophisticated computerized allocation models necessary for long-tail claims. Don advises clients with respect to coverage issues arising out of product liability claims, tort claims, and environmental matters. His substantial experience extends to issues unique to clients with coverage as additional insureds pursuant to agreements with business partners, as well as issues of particular importance to clients with fronted coverage, including the application of other-insurance clauses and the use contribution and subrogation doctrines. He enjoys the privilege of representing the firm's sophisticated and forward thinking clients and recognizes that tenacious dedication, determination, and steadiness help him achieve successful outcomes for them.

As someone who digs deep into legal doctrine, Don is a frequent speaker on insurance topics, including managing the insured-insurer relationship and securing defense costs in the event of a conflict. He served on the editorial board of the *Insurance Coverage Law Bulletin* for a number of years and has been an Adjunct Professor of Law, teaching insurance law at George Washington University Law School.

During law school, Don served as a Note & Comment Editor for the *New York University Law Review*. After law school, he clerked for Chief Judge Manuel L. Real of the U.S. District Court for the Central District of California. Don has served on the Alumni Council of Swarthmore College and is a member of the Legal Council for the Williams Institute at the UCLA School of Law.

Services

Business Interruption & Commercial Disputes

Class Action Defense

Complex Litigation

Insurance Coverage

Pharmaceutical & Medical Device

Products Liability & Toxic Torts

Risk Mitigation & Management

Transportation

Education

New York University School of Law (J.D., 1990, *cum laude, Order of the Coif*)

Swarthmore College (B.A., 1986, *with high honors*)

Admissions

District of Columbia

United States Supreme Court

United States Courts of Appeals for the Second, Eleventh, and District of Columbia Circuits

United States District Court for the District of Columbia

Accolades

- *Chambers USA*
 - "Don McMinn has substantive knowledge of insurance coverage law, which is outstanding." — Client
- *Best Lawyers in America*, Insurance Law, 2020-2026
- *Best Lawyers in America*, Litigation-Insurance, 2020-2026
- *Super Lawyers*, Insurance Coverage, 2014-2025
- AV Preeminent Lawyer by ALM Media and Martindale-Hubbell™, 2021-2025