

Thomas W. Sondag

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Areas of Practice

Tom Sondag is chair of the Firm's Appellate Practice Group. He has been lead counsel on more than 200 appeals in state and federal courts, including cases involving employment discrimination, securities regulation, class action certification, business torts, professional malpractice, property rights, insurance coverage, antitrust, labor law, products liability, and contractual disputes.

Admitted to Practice

Oregon
U.S. District Court, District of Oregon
Third Circuit Court of Appeals
Ninth Circuit Court of Appeals
U.S. Court of Appeals for the Federal Circuit
U.S. Supreme Court

Academics

University of California at Berkeley, Boalt Hall School of Law (J.D., 1984)
California Law Review (1983-84)
University of California at Berkeley (A.B., with high honors, 1980)
Phi Beta Kappa

Practice Group and Specialty Team Memberships

Chair, Appellate Practice Group
Diversity Committee
Litigation

Representative Matters and Clients

ZRZ Reality Co. v. Beneficial Fire and Cas. Ins. Co., 222 Or. App. 453, 194 P.3d 167 (2008), *modified*, 225 Or. App. 257, 201 P.3d 912 (2009) (establishing and clarifying numerous issues concerning environmental contamination coverage under Oregon law)

Resident Councils of Washington v. Leavitt, 500 F.3d 1025 (9th Cir.2007) (amicus) (rejecting challenge to federal feeding assistant regulations as inconsistent with Nursing Home Reform Law)

Wah Chang v. PacifiCorp, 212 Or. App. 14, 157 P.3d 243 (2007) (permitting client to pursue multi-million dollar claims based on electricity purchases made during period of widespread market manipulation)

Buck v. SeaRiver Maritime, 211 Or. App. 324, 154 P.3d 750 (2007) (rejecting claims for violation of shipowner's "turnover" duty under federal Longshore and Harbor Workers' Compensation Act)

Skidmore v. Clark, 205 Or. App. 592, 135 P.3d 367 (2006) (reversing trial court's decision granting easement in roadways on client's property)

GRK Fasteners Ltd. v. Bennett, 168 Fed. Appx. 191, 2006 WL 390243 (9th Cir. 2006)
(affirming permanent injunction and contempt order in action to enforce rights under settlement agreement)

Kelly v. Fleetwood, 377 F.3d 1034 (9th Cir. 2004) (rejecting claims under Magnuson-Moss Warranty Act)

Key Pharmaceuticals, Inc. v. Edwards, 538 U.S. 974, 123 S. Ct. 1781, 155 L. Ed. 2d 662 (2003) (amicus curiae support of successful challenge to punitive damage award)

Oki v. Wells Fargo Bank, 298 F.3d 768 (9th Cir. 2002) (rejecting RICO claim based on employer based on conduct of employee beyond scope of employment)

International Brotherhood v. Oregon Steel Mills, Inc., 168 Or. App. 101, 5 P.3d 1122 (2000), *rev. denied*, 332 Or. 137 (2001) (client's claims found not preempted by ERISA)

Stevens v. First Interstate Bank of Cal., 167 Or. App. 280, 999 P.2d 551, *rev. denied*, 331 Or. 429 (2000) (rejecting claims based on third party's misappropriation of personal credit information)

Nike, Inc. v. Northwestern Pacific, 166 Or. App. 312, 999 P.2d 1197, *on rehearing*, 167 Or. App. 322, 1 P.3d 1060 (2000), *rev. denied*, 332 Or. 137 (2001) (permitting client's claim for insurance coverage of theft by employee of foreign subsidiary)

Phoenix Electric v. National Elec. Contractors Ass'n, 81 F.3d 858 (9th Cir. 1996) (union's and employer association's job targeting program protected from antitrust challenge)

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Publications

"Noncompliance With New ID Theft Law Could Cost Businesses," *Portland Business Journal*, Co-author (August 24, 2007)

"Superseding and Staying Judgments: A National Compendium," Oregon Chapter ABA (2007)

"Motion Practice," *Appeal and Review*, Oregon CLE (2002)

Speaking Engagements

"Ethical Management of Adverse Precedent," Oregon State Bar's Appellate Practice Section meeting on Tactics and Ethics on Appeal, Panelist (November 17, 2011)

"Preserving Your Case for Appeal," (2009)

"Damages: Statutory Limitations and Constitutional Attacks," (2008)

"The Nuts and Bolts of an Appeal," Moderator (2007)

"Winning Appeals," (2005)

"Practicing Law in the Oregon Court of Appeals," (2003)

"From Take-Off to Landing: Mastering the Civil Appeal," (2001)

"Effective Appellate Advocacy in Federal Court," (1999)

"Effective Appellate Advocacy," Northwest Trial Mastery Demonstration Program (1997)

Ninth Circuit Appellate Practice Institute (1996)

Awards and Honors

Peer Review Rated “AV” in Martindale-Hubbell
Fellow, American Academy of Appellate Lawyers
Named as “Oregon Super Lawyer,” *Super Lawyers* magazine, Appellate (2006-2011)
 (“Top 50 Oregon Super Lawyers,” 2008)
Named one of *The Best Lawyers in America*®, Appellate (2005-2012)
Named one of Portland’s Best Lawyers by *Portland Monthly* (2006-2008)

Professional and Community Activities

Member, Multnomah Bar Association
Executive Committee, Oregon State Bar Appellate Practice Section (2003-2008)
Oregon Rules of Appellate Procedure Committee (by appointment of the Oregon Supreme Court) (2002-2007)
Executive Committee, Lane Powell (2002-2004)
Amicus Committee, Oregon Association of Defense Counsel (1997-2010)
Executive Committee, U.S. District Court of Oregon Historical Society (2000-2004;
 President, 2002)