



## William F. Gary Shareholder

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### Overview

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Bill Gary's practice focuses on litigation and appellate law. He is highly regarded for his skills in the development and implementation of strategies for business and government clients to manage complex and multifaceted problems. Bill is the firm's senior trial attorney with expertise in commercial, constitutional, government and product liability cases. He has appeared in more than 1,400 appeals and has argued hundreds of cases in the Oregon Supreme Court, Oregon Court of Appeals, federal appellate courts and the United States Supreme Court. He served as Oregon's Solicitor General and Deputy Attorney General (second in command of the Oregon Department of Justice). He served as President of the firm from 1990-2008.

### Admissions

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- Oregon State Bar
- U.S. District Court for the District of Oregon
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Circuit Court for the D.C. Circuit
- U.S. Supreme Court

### Practice Emphasis

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- Appellate Law
- Business & Commercial Litigation
- Civil Rights & Other Tort Claim Defense & Litigation
- Ethics in Government
- Government Law & Legislative Affairs
- Insurance Law
- Oregon Public Records Law
- Products Liability Defense Litigation
- Regulatory (Administrative) Law & Proceedings

### Education

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- J.D., The University of California, Hastings College of Law (1976)
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- B.A. (English & Speech/Theater), University of Oregon Honors College

## Representative Matters

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- Lead counsel for Oregon Local Governments in connection with reform of Oregon Public Employees Retirement System (PERS) (Led successful litigation by local governments challenging mismanagement of PERS. Wrote and lobbied for enactment of comprehensive PERS reform legislation in 2003. Represented local governments in numerous challenges to legislation by public employee unions. Reforms eliminated unfunded actuarial liability of more than \$16 billion.)
- *Clarke v. Oregon Health Sciences University*, 343 Or 581 (2007) (Lead counsel for OHSU in challenge to the constitutionality of the Oregon Tort Claims Act and its limitation on damages.)
- *Lowe v. Philip Morris USA Inc., et al*, 344 Or 403 (2008) (Counsel for Philip Morris USA Inc. Successfully argued on behalf of all defendants in Oregon Court of Appeals and Supreme Court. Affirmed dismissal of a class action lawsuit seeking court-supervised medical monitoring.)
- *Williams v. Philip Morris USA Inc.*, 344 Or 45 (2008) (Lead Oregon counsel in appeal of an \$83 million punitive damages award. Argued case in Oregon Court of Appeals and twice in Oregon Supreme Court. United States Supreme Court granted certiorari in the case three times before it was finally resolved in 2009.)
- *State of Oregon, et al. v. City of Salem, et al.*, Marion County (Or) 05C18435 (Lead counsel for City of Salem defending prevailing wage law claim brought by the Commissioner of Bureau of Labor concerning public/private partnership to construct a conference center and a private hotel. Secured summary judgment dismissing claim and award of attorney fees on ground that state's position was "without a reasonable basis in fact or in law.")
- *Smith and Black v. Employment Division*, 108 S. Ct. 1444 (1988) (Counsel for State of Oregon. Successfully argued appeal of decision awarding unemployment benefits based on Free Exercise Clause.)
- *State of Oregon v. City of Rajneeshpuram*, 598 F. Supp. 1208 (1984) (Counsel for State of Oregon. Successfully challenged incorporation of a religious commune as a municipality on ground that it violated the Establishment Clause.)

## Representative Matters Cont.

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- *Pearson v. Philip Morris USA Inc.*, Multnomah County (Or) 0211-11819 (Counsel for Philip Morris USA in an Unlawful Trade Practices Act class action brought on behalf of purchasers of Marlboro Lights cigarettes. Class certification was denied and summary judgment was granted based upon federal preemption.)

## Professional Recognition

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- AV® Preeminent™ 5.0 out of 5.0 Peer Review Rated with Martindale-Hubbell®
- Listed in the Outstanding Lawyers of America
- Listed in *The Best Lawyers in America*® for commercial litigation, appellate practice, and administrative/regulatory law every year since 2006
- Selected for inclusion in Oregon Super Lawyers® for commercial litigation and appellate law every year since 2006

## Memberships

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- American Academy of Appellate Lawyers
- The Supreme Court Historical Society



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### Eugene

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