



Graham M. Sweitzer Shareholder

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Overview

Graham is a trial lawyer whose practice focuses on the defense of complex civil litigation claims, with an emphasis in the areas of professional malpractice, product liability and personal injury. In an era when civil jury trials are increasingly rare, Graham has successfully tried more than 15 cases in state and federal courts, and has briefed and argued a number of reported appellate cases.

How I Serve Clients

My primary focus as a litigator is to serve my clients' needs, and meet their goals, as efficiently as possible. I approach my client's commercial disputes as a business person, looking for the most productive and cost-effective means of achieving the best end result. When settlement of a case is not possible, I prepare my client and their case for trial, making sure to explain the expected cost and outcome every step of the way.

Education

- Northwestern School of Law of Lewis and Clark College, 2002
- University of Washington, with Honors, 1997

Professional Recognition

- Listed in The Best Lawyers in America® for Commercial Litigation and Professional Malpractice Law - Defendants since 2022

Practice Emphasis

- Business & Commercial Litigation
- Construction Law & Litigation
- Personal Injury Product Liability Litigation
- Professional Liability Defense
- Insurance Law
- Mediation and Arbitration Services

Admissions

- Oregon State Bar
- Washington State Bar
- Oregon State Courts
- Washington State Courts
- U.S. District Court, District of Oregon
- U.S. District Court, District of Western Washington

Memberships

- Multnomah Bar Association
- Oregon Association of Defense Counsel
- Washington Defense Trial Lawyers
- Association of Professional Responsibility Lawyers ("APRL")

Community Involvement

- Volunteer for the St. Andrews Legal Clinic
- Volunteer coach, Foothills Soccer Club
- Volunteer coach, Southwest Portland Little League

Representative Matters

- *Miller v. Olson*, 724 F. App'x 625 (9th Cir. 2018). Defense of ERISA claim brought by former employee of a regional construction company. The employee alleged that the company's benefit plan was a defined contribution plan subject to ERISA. The trial court dismissed the claims following motions for summary judgment, and the 9th Circuit Court of Appeals affirmed.
- *CJ Holdings, LLC v. Corvallis Homeless Shelter Coalition* (2017). Defended and successfully resolved public nuisance claims brought by neighboring property owners against my client, a regional homeless shelter.
- *Padrick v. [Regional Law Firm]*, 277 Or. App. 455 (2016). Defense of legal malpractice claims brought against attorneys by Chapter 11 Trustee of Summit Accommodators, Inc. ("Summit"). The attorneys were alleged to have facilitated Summit's improper use of its clients' §1031 exchange funds. The trial court awarded summary judgment in favor of the attorneys based on the expiration of the statute of limitations and the legal doctrine in pari dilecto. On appeal, the Court of Appeals affirmed.
- *Redmond v. [Regional Law Firm]*, Multnomah County (Oregon) (2015). Defense of legal malpractice claim against Oregon attorneys. The malpractice claim arose from a complicated underlying lawsuit that the attorneys' client filed against his former business partner. After not prevailing in the lawsuit, the client sued the attorneys to recover more than \$500,000. We tried the legal malpractice case before a jury, which awarded (i) a defense verdict and (ii) a \$151,000 counter-claim judgment in favor of the attorneys.
- *World Fuel Services, Inc. v. Evergreen Holdings, et al, Yamhill County (Oregon)* (2015). Prosecution of breach of contract claims brought by aviation fuel supplier against regional airline and guarantors of its debt. The trial court awarded summary judgment in favor of my client, the plaintiff, resulting in judgments in excess of \$10 million dollars.

Representative Matters Cont.

- *Ventana Partners, LLC v. [Regional Law Firm]*, 267 Or App 15 (2014). Defense of legal malpractice claim against Oregon attorneys. The attorneys were alleged to have provided negligent advice regarding a property transaction, resulting in millions of dollars in losses. The trial court awarded summary judgment in favor of the attorneys, specifically deciding that their legal advice was correct. The Oregon Court of Appeals affirmed the decision.
- *Watson v. Meltzer*, 247 Or. App. 558, 270 P.3d 289 (2011). Defense of legal malpractice claim against Oregon attorneys. The attorneys were alleged to have provided negligent advice during the negotiation of the sale of a business. We tried the case before a jury and obtained a defense verdict. The Oregon Court of Appeals affirmed the trial court result, establishing favorable law regarding "but for" causation in legal malpractice cases.
- *Howard v. Chimps, Inc.*, 251 Or. App. 636, 284 P.3d 1181 (2012). Defense of premises liability claim pursued by plaintiff-intern of a chimpanzee sanctuary. The plaintiff sustained injuries when a chimpanzee escaped from an enclosure. As a condition of her internship, the plaintiff willingly signed a liability waiver. The trial court dismissed the plaintiff's claim on summary judgment, based on the liability waiver. The Oregon Court of Appeals affirmed the decision.
- *Conley v. [Regional Law Firm], Multnomah County* (2011). Defense of legal malpractice claim against Oregon attorney and law firm. The attorney handled a personal injury claim arising from a motor vehicle accident, and was alleged to have failed to pursue claims of negligent roadway design against a County, the State of Oregon and a local manufacturing company. The case was tried before a jury, and resulted in a defense verdict. The plaintiff chose not to appeal.



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