

THOMAS G. MCNEILL

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BIOGRAPHICAL

Tom is exclusively dedicated to full-time service as a mediator in a broad range of complex commercial and business cases, and pre-litigation disputes, that reflect the scope of his practice for four decades as a trial lawyer, in Michigan and nationally. He practices from an independent platform established in January 2023, Tom McNeill ADR, PLLC.

In his prior career as trial and litigation counsel with an AmLaw 125 law firm, Dickinson Wright PLLC, Tom tried 57 cases to verdict or award (with his clients prevailing in each of those cases). At the firm, Tom served as national director of litigation, national director of lateral partner level recruitment, member of the firm's management committee (and as Deputy CEO) and member of its governing board.

Since 2017, Tom has served as a business litigation mediator -- first as an adjunct to his trial and litigation practice, and from early 2023 full time as an independent neutral. He works collaboratively with counsel to tailor the process of each mediation to meet the needs of the parties. Drawing upon his trial approach, Tom prepares in extensive detail to fully understand the nuances of the factual, legal and practical issues that create risk and settlement leverage in the case.

As mediator, Tom focuses upon building trust with clients and their counsel. Tom's approach is predicated upon fully engaging client decision makers as the single most important factor in a successful mediation.

For that reason, Tom prefers in-person mediation, which may include participation by some client team members by audio-visual platform. However, less than 10% of his mediations are fully conducted by Zoom or Teams.

Counsel and their clients frequently retain Tom in eight, nine and occasionally ten figure cases -- including in national securities and automotive class actions. However, his mediator service regularly includes six and seven figure cases that also turn on their factual and legal complexities.

MEMBERSHIP, AFFILIATIONS AND HONORS

International Society of Barristers

Former Fellow, 2019 – 2022 (resigned upon pivoting career to full-time mediator)

Michigan Appellate Defender Commission (overseeing Michigan's public system of representing indigent clients on appeal in nearly 4,000 criminal defense matters annually)

Four terms ending 2023, Vice Chair, nominated by the Michigan Supreme Court, appointed by three successive Governors

State Bar of Michigan Foundation, Fellow

Federal Bar Association, Eastern District of Michigan Chapter, sustaining member, past President (2012-13), past Officer and Board Member

Federal Bar Association (the national organization), 6th Circuit Vice President (2014-16) with supervisory responsibility for 12 FBA Chapters; Federal Litigation Section, member and past officer

Oakland County Bar Association, Fellow and Advisory Committee to Oakland Circuit Business Court, member

Detroit Bar Association, past President of its Inn of Court, 2013-15 (2014 "Section of the Year") and Chair of Advisory Committee for Wayne Circuit Business Court Judge David Allen

Chambers USA, from 2008

Michigan Band 1, Commercial Litigation (Top Five trial lawyers)

Michigan Super Lawyers® – From 2006

2022 Michigan Super Lawyers Top 10 Lawyers in Michigan

Top Rated in Business Litigation for 17 years

Best Lawyers in America® – from 2008

Named Lawyer of the Year Six times, during 2015-22

Bet-the-Company Litigation (twice)

Banking & Finance (twice)

Litigation – Securities (twice)

Also recognized for General Litigation and Litigation-Mergers & Acquisitions

Benchmark Litigation – from 2014

Litigation Star

The Legal 500 United States – from 2019

General Commercial Disputes

EDUCATION

University of Notre Dame, B.A., 1981 (American Studies)

Magna Cum Laude
Phi Beta Kappa

University of Virginia J.D., 1984

Law School's Trial Advocacy Award, and under Virginia's Supervised by Counsel Program tried five misdemeanor criminal matters, each to defense verdicts

Founder, National Law School Softball Tournament (40th Anniversary in 2023)

CASE EXPERIENCE

- Accounting and Actuarial standard of care/malpractice
- Antitrust
- Automotive supply
- Business merger, acquisition, joint venture and purchase and sale transactions
- Business torts (co-author and editor of *Michigan Business Torts* (ICLE Publishing 1999 to present), the seminal treatise in the field
- Commercial real estate, development, buy, sell, lease
- Company/officer/director/shareholder disputes
- Class Actions (securities, automotive, consumer, ERISA and antitrust)
- Contracts in a wide array of contexts and industries
- Executive compensation and equity grants (stock, options, RSUs)
- Fiduciary duty in many settings
- Financial institutions and major corporate borrower disputes
- Franchisor/franchisee
- Insurance coverage
- Intellectual property, focused on federal and state trademark violations, licensing agreements and misappropriation of trade secrets (but not patent disputes)
- Lawyer standard of care/malpractice
- LLC operating agreements

- Non-compete and non-disclosure agreements
- Physician Practices, Law Firm and other Professional firm breakups, disputes and shareholder/member/partner departures
- Private Equity Investment and Mezzanine Lending
- Securities (Federal and Blue Sky), including class actions
- Shareholder agreements, including buy-sell
- Supply Distribution in many industries
- Shareholder oppression
- Uniform Commercial Code Article 2 (sale of goods) and Article 9 (secured transactions)

RATE INFORMATION

Tom's rate is \$550/hour (allocated among the parties as they agree), with advance retainers required. He only charges for time directly dedicated to assisting counsel and clients in resolving the dispute. He does not charge for routine scheduling, administrative or logistical matters, in office out-of-pocket costs (lunch, snacks, drinks or photocopying) or in state travel. For out-of-state mediations, Tom does not charge for travel time; and he invoices only direct costs of air travel and accommodations. Tom does not charge cancellation fees in any matter.