

ANN ARBOR

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Services

Litigation and Dispute Resolution
Antitrust and Trade Regulation
Arbitration and Alternative
Dispute Resolution
Class and Collective Actions
Commercial and Corporate
Litigation
Criminal Defense Litigation
Professional Liability and
Malpractice Litigation

Industries

Higher Education
K-12 Education

Education

University of Detroit Mercy School
of Law, J.D., 1969
Eastern Michigan University, B.S.

Bar Admissions

Michigan



Thomas C. O'Brien

Of Counsel

Thomas O'Brien is an experienced trial lawyer who has represented clients in major civil and criminal cases, including some that received national attention.

O'Brien's civil cases have encompassed catastrophic personal injuries, product liability, complex business disputes and representation of health care providers and universities. His criminal practice has involved murder trials, white collar crime, fraud, federal grand jury proceedings and internal investigations.

He has also taught trial practice at the National Institute for Trial Advocacy, University of Michigan Law School, Institute of Continuing Legal Education and Federal Bar Association. O'Brien has been a legal analyst for the ABC news affiliate in Detroit and has received awards for professionalism, integrity, and civility in the practice of law.

Representative Matters

Will Contest/Wrongful Death

Successfully represented relatives of a decedent who were alleged to have caused her drowning death. The claims were litigated in two states before 13 judges and were dismissed.

Media and Marketing Services Company Antitrust Action

Trial counsel for Valassis Communications, Inc. in its legal battle with News America, Inc., a part of Rupert Murdoch's News Corporation. Obtained \$300 million jury verdict after an eight-week trial in July 2009, the eighth-largest jury verdict in the United States in 2009. As part of a comprehensive settlement--reached three days before the parties were scheduled to begin a second jury trial in Federal Court in Detroit--News America agreed to pay Valassis \$500 million and

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enter into a 10-year shared mail distribution agreement with Valassis. *Valassis Communications, Inc. v News America Inc.*, Case No. 07-706645 (Wayne County Circuit Court 2007); *Valassis Communications, Inc. v News America Inc.*, Case No. 2:06-cv-10240 (Eastern District of Michigan 2006); *Valassis Communications, Inc. v News America Inc.*, Case No. BC367743, (Los Angeles County Superior Court, California 2007).

Energy Company Antitrust Litigation

Successfully represented leading North American energy producer in defense of state criminal antitrust claims that were resolved without any criminal conviction.

Public University Criminal Defense and Investigation

Successfully represented a large public university in a federal investigation regarding the duty to report crime on campus. Charges were declined.

Chemical Company Product Liability Defense

Represented an international chemical manufacturer in a federal lawsuit alleging product liability for catastrophic injuries to a worker at a paper mill company. The case was dismissed with no settlement paid by the defendant.

Automobile Manufacturer Product Liability

Successfully represented a large domestic auto manufacturer at trial, regarding defective design claims.

Product Liability

Successfully represented a national bank in pursuing the manufacture of defective deposit equipment installed in branches throughout the United States.

Product Liability

Successfully prosecuted a wrongful death action involving defective hydraulic hoses on a car hauler.

Aviation Liability

Represented a mother and daughter who were seriously injured in a plane crash.

Intercollegiate Athletics Association Class Action Litigation

Participated in representation of an intercollegiate athletic association in defense of claims challenging limits on scholarship payments.

Insurance Consumer Class Action

Represented plaintiff class successfully challenging practices of large insurer regarding no-fault benefits

Public University Internal Investigation

Conducted an internal investigation for a public university regarding its athletic department.

Public University Internal Investigation

Represented a public university in an internal investigation about sexual assault.

Public Medical School Crime Reporting Policy

Represented a state university medical school in developing a policy regarding the duty to report crime.

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Automotive Supplier Criminal Antitrust Defense

Represented an international auto supplier in a federal criminal antitrust case.

National Health Insurance Fraud Investigation

Represented a national insurance company in two separate investigations of insurance fraud involving hundreds of patients.

Insurance Company Internal Kickback Investigation

Conducted an internal investigation for a large domestic insurer regarding alleged kickbacks to procure municipal contracts. All criminal charges were declined by the federal government.

Steel Industry Manufacturer EPA Investigation Defense

Successfully represented a domestic producer of materials used in the steel industry regarding an EPA investigation. All criminal charges were declined.

Criminal Investigation

Successfully represented a physician investigated for homicide involving a patient. All potential charges were declined.

Homicide Defense

Successfully represented an individual charged with second degree murder and manslaughter with not guilty verdicts on both counts.

Homicide Defense

Successfully represented an individual charged with second degree murder with a not guilty verdict.

Homicide Defense

Successfully represented a medical health care provider charged with murdering and poisoning patients at a Veteran's Hospital. After a six-month federal trial and extended litigation the case was dismissed.

Nonprofit Corporation Commercial Litigation

Successfully represented a large European non-profit corporation sued in U.S. federal court for fraud, breach of contract and related claims.

Marital Asset Litigation

Successfully represented a former spouse in receiving a substantial recovery against her former husband for allegedly hiding marital assets.

Mining Company Land Use Litigation

Obtained a verdict against a municipality that had refused to permit the mining of silica sand valued at half-a-billion dollars.

Wrongful Death Plaintiff

Successfully represented the estate of the department chair of a university killed in an automobile crash.

Wrongful Death Plaintiff

Represented the estate of a passenger killed in a head-on auto crash with a truck.

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Personal Injury Defense

Defended a national rail carrier in a personal injury claim for traumatic brain injury.

Municipal Class Action Litigation

Successfully tried and defended the City of Detroit against a potential class action lawsuit that drew international attention regarding the City's program of shutting off water to non-paying customers.

Teaching

Guest Lecturer – University of Michigan Ross School of Business, Conflict Resolution Corporate America Class, February 1, 2023; March 11, 2024

National Institute for Trial Advocacy

Faculty Member, 1980-present

Midwest Regional Program Section Leader, 1996

Distinguished Faculty Member, 1994

University of Michigan Law School, Trial Advocacy; Adjunct Faculty, 1985-1997; Guest Lecturer, 1971–2015

2018 Trucking Auto Injury Cases: Deposing Accident Reconstruction Experts Strafford Webinars

2018 Handling Difficult Witnesses in Personal Injury Cases: Direct and Cross Examinations, Strafford Webinar

Federal Bar Association, Eastern District of Michigan Chapter, Trial Advocacy Program 2010 and 2012 Team Leader

Institute of Continuing Legal Education, Trial Advocacy Workshop; Team Leader and Faculty Member, 1978–1994

Advanced Trial Advocacy Skills Workshop, Team Leader and Faculty Member, 1985; Lecturer, 1986–present

Michigan Trial Lawyers Association, Lecturer, April 1994

Criminal Defense Lawyers of Michigan, Lecturer, 1983, 1987, 1993, 1994, 2007

State Farm Insurance In-House Advocacy Program, Faculty Member, 1992

Travelers Insurance Advocacy Program, Faculty Member, 1990

Creighton University, Trial Advocacy Skills Workshop, Faculty Member, 1976

Honors

Best Lawyers in America, Bet-the-Company Litigation, Commercial Litigation, Lawyer of the Year 2025; Criminal Defense: Non-White Collar, Criminal Defense: White-Collar, Personal Injury Litigation-Defendants, Personal Injury Litigation-Plaintiffs, 2012–present

2022 Ann Arbor Criminal Defense: General Practice Lawyer of the Year

2021 Ann Arbor Personal Injury Litigation – Defendants Lawyer of the Year

2019 Ann Arbor Criminal Defense: General Practice Lawyer of the Year

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2018 Ann Arbor Personal Injury Litigation: Defendants Lawyer of the Year
2017 Ann Arbor Criminal Defense: General Practice Lawyer of the Year
2016 Ann Arbor Criminal Defense: White-Collar Lawyer of the Year
2015 Ann Arbor Bet-the-Company Litigation Lawyer of the Year
2015 Ann Arbor Personal Injury Litigation – Defendants Lawyer of the Year
2014 Ann Arbor Criminal Defense: White-Collar Lawyer of the Year
2013 Ann Arbor Bet-the-Company Litigation Lawyer of the Year
2011 Ann Arbor Criminal Defense: White-Collar Lawyer of the Year

Michigan Super Lawyers, Criminal Defense, 2006–present

Martindale-Hubbell AV Preeminent Attorney, 2016, 2023, 2024–2025

Leading Lawyers, 2013–present – Commercial Litigation, Criminal Defense Law: Felonies & Misdemeanors, Criminal Defense Law: White Collar, Professional Malpractice Defense Law: Including Legal/Technical/Financial

National Association of Distinguished Counsel, Nation's Top One Percent, 2015–2016, 2021, 2023

DBusiness Magazine, Top Lawyers, 2011-present:

White Collar Criminal Defense & Antitrust Law

Non White Collar Criminal Defense Law

Washtenaw County Bar Association, 2012 Professionalism and Civility in the Practice of Law Award

Cooley Law School, 2012 Integrity in the Community Honoree

Who's Who in American Law

Washtenaw Land Trust, Distinguished Service Award, 2003

Michigan Centennial Farm Association, Outstanding Centennial Farm of the Year, 1996

Northfield Township Historical Society, Centennial Farm Award, 1996

Peace Neighborhood Center, Defense Lawyer of the Year, 1994

State Bar of Michigan, Circle of Excellence Award

Professional Activities

American Bar Association

Section on Litigation; Trial Practice Committee, 1981–present

Sub-Committee on National CLE Programs

National Center for State Courts, Lawyers Committee, 2012–present

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State Bar of Michigan

Section on Negligence and Criminal Law; Task Force on Professionalism, 1989–1990

Criminal Jurisprudence Committee, 1993–1994

Criminal Jury Instructions Committee, 1993–1999

Michigan State Bar Foundation, Fellow

Washtenaw County Bar Association

Trial Practice Section, Chairman 1988–1990

Judiciary Committee

Trial Court Case Evaluation Panel, 1983–present

Case Evaluation Committee, Chairman, 1991–1994

American Association for Justice

Michigan Association for Justice

National Association of Criminal Defense Lawyers

Criminal Defense Lawyers of Michigan

American Constitution Society for Law & Policy

Phi Alpha Delta

Civic, Cultural & Social Activities

James K. Stringwell Scholarship Fund, Board of Directors

State of Michigan, Agriculture Preservation Fund Board; Member, 2004–2014

Michigan Prospect for Renewed Citizenship, Vice President, 1998–2002; Board Member, 1984–2010

Washtenaw Land Trust, President 2001–2003; Board Member, 1998–2004

The Devine Foundation, Board Member, 1993–1996

Campus Ecumenical Center, Board Member, 1993–1996

NEW Center, Board Member, 1993–1996

COPE-O'Brien Center, Board Member, 1987–1992

Northfield Township Historical Society, Board Member, 1981–present; President, 1984–1988

Spaulding for Children, Board Member, 1980–1984

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Ann Arbor Bicentennial Commission, Chairman, 1975–1976

Parent/Infant Center, Board Member, 1971–1973

Federal Bar Association; West Michigan Chapter

Speeches

"Internal Investigations," Aug. 8, 2016 to lawyers and investigators for a Big Three auto manufacturer

"Internal Investigations," Miller Canfield, March 10th and 18th, 2015

"Health Care Related Reporting Obligations: 'Who ya gonna call?'," State Bar of Michigan Health Care Law Section, (Moderator) March 2013, (Presenter) April 2013

"Cross-examination of an Arson Expert," National Institute of Trial Advocacy, 40th Anniversary National Program, Boulder, Colo., 2011

"Presenting and Rebutting Evidence in Michigan Resentencing Hearings," (following the U.S. Supreme Court's decision in *Miller v. Alabama*, striking down mandatory life sentencing for juveniles), University of Michigan Law School, July 27, 2012

"Presenting the Defense," Criminal Defense Lawyers of Michigan Seminar, Spring 1983, Spring/Fall 1987, Fall 1993, Spring 1994

"Examining Expert Witnesses," National Institute of Trial Advocacy (video), Spring 2003

"The V.A. Nurses Case: The Effects of Press Coverage on a High-Profile Criminal Trial," V.A. Nurses Symposium, Wayne State Law School, 2001, Wayne Law 2002

"The Defense Perspective," *US v Narciso*, Federal Bar Association, Rakow Scholarship Awards Luncheon, November 2001

"How to Develop a Winning Theory of the Case," Jackson County Bar Association, 1997

"Federal Grand Jury Practice," Federal Practice Section, Washtenaw County Bar Association, 1995

"Cross Examination of Expert Witness," Institute of Continuing Legal Education, 1993, 1996, 1999, 2003, 2007 and Criminal Defense Lawyers of Michigan, 1994

"What Every Lawyer Should Know About Cross Examining Expert Witnesses," ICLE - 2007 Wayne County Assigned Counsel Training-Juvenile, May 2007

"Advocacy in the 90's," Michigan Trial Lawyers Association, 1992

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"How to Develop a Winning Theory of the Case," Michigan Trial Lawyers Association, October 1990

"Reliability of Child Witnesses," Institute of Continuing Legal Education, 1987

"How to Introduce Evidence in Court: Expert Witnesses," Institute of Continuing Legal Education, 1986

Symposium on Hypnosis, National Legal Aid and Defender Convocation, Albuquerque, N.M., November 1979

Publications

"A Light for Justice," Historical Society of the United States District Court for the Eastern District of Michigan Documentary, November 1, 2023

Effective Strategies for Cross-Examining an Expert Witness, by Thomas C. O'Brien and David D. O'Brien, 44 *Litigation* 26-30, Fall 2017

"Defining works: trial attorney's career includes series of headline-grabbing cases," *Legal News*, June 15, 2012

"Daubert, Crawford, the Rules of Evidence and Issues in Presentation of Expert Investigator Evidence," *Criminal Defense Attorneys of Michigan (CDAM) Newsletter*, June 2007

"The V.A. Murders," *Litigation Magazine*, November 1984; *The Advocate*, Idaho State Bar, April 1985; *The Court Legacy*, the Historical Society for the United States District Court, Eastern District of Michigan, volume XXV, 1 October 2018