



## Adam P. McMillen

Partner

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Adam McMillen brings more than 17 years of extensive experience leading a wide range of litigated matters from inception to resolution in state and federal courts. Known for his strategic approach, Adam tailors his litigation strategies to the unique facts of each case, aligning with his clients' business objectives while navigating the evolving legal landscape. His thoroughness in depositions and meticulous trial preparation ensure exceptional representation for his clients.

Adam's robust first-chair trial experience includes 17 jury trials and 4 bench trials as lead trial counsel, complemented by 4 jury trials as second-chair trial counsel. Beyond courtroom litigation, Adam has significant skill in alternative dispute resolution, handling both binding and non-binding arbitrations and mediations.

Before joining Wilson Elser, Adam held prominent roles, including partner at a mid-sized institutional and insurance defense law firm; Assistant General Counsel at the University of Nevada, Reno; in-house trial attorney at Farmers Insurance; Of Counsel at a prominent lobbying and law firm; and associate attorney at a premier intellectual property litigation firm. His practice has spanned professional liability, insurance defense, business litigation, and intellectual property litigation.

### **Professional Liability**

Adam also represents professionals in high-stakes litigation, including attorneys, professional trustees and other fiduciaries. He skillfully defends clients against claims of malpractice, breach of fiduciary duty and other professional misconduct, leveraging his trial experience to achieve favorable outcomes. His strategic approach ensures thorough preparation and vigorous advocacy tailored to the unique challenges of professional liability cases.

### **Premises & General Liability**

### **Services**

- Alternative Dispute Resolution
- Appellate
- Commercial Litigation
- Complex Tort & General Casualty
- e-Discovery
- National Trial Team

Adam has extensive experience defending businesses of all sizes from various types of claims and handles mediations, settlement conferences, arbitrations, and trials on behalf of insureds, insurance companies, and self-insured entities. Adam represents commercial and personal line insureds in wrongful death, automobile accident, slip and falls, and other premises liability cases. Working with experts in appropriate fields for any given case, Adam understands where a verdict might land and works with the client to design a litigation strategy accordingly.

### **Transportation**

Adam has extensive experience litigating automobile and commercial trucking matters, including transit and ride-sharing services matters, which have included the full spectrum from minor traffic accidents to collisions involving multiple serious injuries and fatalities, including alleged traumatic brain injuries.

### **Intellectual Property**

Adam's intellectual property experience ranges from claim construction to arguing before the Federal Circuit. He has handled complex patent, trademark, and copyright matters and has experience in both trial and appellate courts.

### **Education**

- Creighton University School of Law (J.D., 2006)
- Brigham Young University – Provo (B.A., 2002)

### **Bar Admissions**

- Nevada
- Utah

### **Court Admissions**

- Supreme Court of the United States
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Tenth Circuit
- Supreme Court of Nevada
- Supreme Court of Utah
- U.S. District Court, District of Utah
- U.S. District Court, District of Nevada
- U.S. Bankruptcy Court, District of Nevada

## **Representative Matters**

Successfully defended a professional trustee and trust company against claims brought by a beneficiary and trustee of a trust, securing a favorable outcome through strategic trial

preparation and courtroom advocacy. After a two-week jury trial where plaintiffs sought over \$4.2 million, the jury returned a verdict in favor of the clients, awarding plaintiffs a nominal award of \$1.00.

Obtained summary judgment in a professional liability action on behalf of a lawyer and his law firm in the U.S. District Court, District of Utah; affirmed on appeal by the Tenth Circuit Court of Appeals.

Obtained a defense verdict in a slip-and-fall case at a grocery store following a week-long jury trial.

Obtained a defense verdict in an auto accident jury trial where the defendant turned left in front of the plaintiff.

Obtained a defense verdict in an auto versus pedestrian case after a week-long jury trial.

Obtained a defense verdict in a low-velocity rear-end accident case after a bench trial, as plaintiff failed to prove causation for damages.

Obtained summary judgment in a premises insurance subrogation claim involving a house fire caused by renters.

Obtained summary judgment on a \$200,000 personal injury claim involving allegations of toxic mold exposure.

Obtained dismissal of an insurance subrogation claim on grounds that the matter should have proceeded through intercompany arbitration.

In a disputed liability auto accident case, jury reduced a \$29,827.97 arbitration award by 40%.

In a low-velocity rear-end accident case, jury reduced the \$20,000 arbitration award to \$3,500.

In a high-impact rear-end accident case, jury reduced an \$11,942 arbitration award to an \$8,000 verdict.

In a moderate rear-end accident case, beat offer of judgment at trial: after the defendant served a \$12,069 offer of judgment and the jury returned a verdict of \$11,625.30.

In another moderate rear-end accident case, jury reduced an \$11,233.00 arbitration award to \$8,733.00.

In a low-velocity rear-end accident case, convinced the jury to award only medical specials to two plaintiffs, significantly minimizing exposure.