

Michael N. Ungar

Partner | Chair, Litigation Department



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Practices/Industries

- Complex Business Litigation
- Securities & Commodities Litigation
- Broker-Dealer & Investment Litigation
- Product Liability

Education

Boston University
(B.A., cum laude, 1981)
Boston University School of Law
(J.D., 1984)



Overview

As Chair of Ulmer's Litigation Department, Mike is a nationally-recognized trial lawyer who is trusted by his clients to handle their most critical disputes. His practice is focused on complex civil litigation, with an emphasis on commercial and financial services matters. Mike represents clients across the country in a broad range of matters, including the defense of commercial, banking, professional liability, securities, broker-dealer, class action, consumer, product liability, pharmaceutical, and medical device cases. He frequently serves as a mediator and arbitrator, helping find solutions in contentious and complicated disputes. Mike brings a determined, decisive, and results-oriented approach to his cases, which has resulted in his recognition as one of the top trial lawyers in the United States.

National Recognition

- Selected as one of the top 100 Trial Lawyers in the country by *Benchmark Litigation* (2015-2020), which also recognized Mike as a "State Litigation Star," defined as an attorney who is recommended consistently as a reputable and effective litigator by clients and peers (2014-2020).
- Recognized in *Chambers USA: America's Leading Lawyers for Business* (2007-2019) and ranked in Band 1 (the highest of six bands) for General Commercial Litigation (only five other Ohio attorneys earned this ranking). The qualities on which *Chambers USA* rankings are assessed include technical legal ability, professional conduct, client service, commercial astuteness, diligence, commitment, and other qualities most valued by clients. According to client feedback obtained during the selection process, Mike was described as "a razor-sharp litigator and all-around high class guy." *Chambers USA* further described Mike as a "go-to attorney," noting that his practice is "geographically wide-ranging and his expertise includes arbitration and consumer class actions."
- Named *Best Lawyers®* Litigation-Banking & Finance "Lawyer of the Year" in Cleveland (2013; 2017) and Bet-the-Company Litigation "Lawyer of the Year" (2016). *Best Lawyers* designates only one lawyer per practice area as Lawyer of the Year in the nation's largest legal markets.
- Named the highest ranking attorney in Ohio (out of approximately 44,000 active attorneys) for four consecutive years on the Ohio Super Lawyers list. Mike was recently featured on the cover of Super Lawyers magazine in an article entitled, "[Mike Ungar's Town](#)."
- The following are representative quotes taken directly from a recent edition of *Benchmark Litigation*: "Michael Ungar is beloved by Ohio peers without exception"; "Michael is beyond good, he's just A1, gold standard awesome"; "If I had to choose one litigator who's at the top, someone that would be my first choice to represent me in a tough case, Michael would be my first call. He's an intellectual tough guy who knows how to fight and when to fight, and he is smart about it."
- In a recent *U.S. News & World Report* "Best Law Firms" ranking, another firm client observed: "I would put Mike Ungar up against any attorney in the country on the most sophisticated matter."
- A federal district court judge in evaluating a proposed settlement in a complex multidistrict litigation matter, noted in his [order](#) that the "negotiations were supervised by accomplished mediator Michael N. Ungar."

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National Recognition (Cont)

- Mike is consistently included in *The Best Lawyers in America* (2006-2020).
- Mike is rated AV Preeminent® by Martindale-Hubbell®, its highest available rating for legal ability and professional ethics.

Representation

- Representative clients in recent public matters include: Anheuser-Busch InBev, AXA Advisors, BPL Plasma, Diebold Nixdorf, Electronic Merchant Systems, JPMorgan Chase & Co., KeyBank, McKesson, Morgan Stanley, Prudential Financial, Raymond James Financial Inc., The Sherwin-Williams Company, The Scott-Fetzer Company, U.S. Bancorp, and Wells Fargo.
- Currently assisting with the representation of one of the largest pharmaceutical distributors in the world in multidistrict litigation, which includes hundreds of cases brought by cities, counties, and other governmental entities seeking billions of dollars in damages related to the opioid crisis.
- Currently defending a Fortune 500 paint and building materials manufacturer in connection with five putative class actions, including a proposed nationwide class, on a variety of claims based on alleged product defects.

Experience

Mike has successfully represented the following:

- The plaintiff in a complex dispute to recover millions of dollars in damages it incurred as a result of incorporating a defective part into medical oxygen regulators it manufactured. Obtained a favorable settlement before trial.
- The prevailing defendant – a biopharmaceutical company – in a pricing dispute arising from a blood plasma supply agreement with the plaintiff-blood center. Successfully defended the client after coming in as new counsel only a month before trial. Achieved a partial directed verdict on one count and a full defense verdict on the remaining claims. Appeal now pending in the Florida District Courts of Appeal.
- The prevailing party in a groundbreaking Ohio Supreme Court decision interpreting and applying Ohio's advancement statute, where the court clarified the scope of protections afforded to corporate directors under Ohio law. [Click here](#) to see video of Mike's Supreme Court oral argument. *Miller v. Miller*, 132 Ohio St.3d 424, 2012-Ohio-2928.
- The prevailing party – a large national bank in an important preemption case – before the 6th Circuit. *Chase Bank USA, N.A. v. Cleveland*, 695 F.3d 548 (6th Cir. 2012).
- The prevailing defendants in a 10b-5 "material omissions" case. Summary judgment was granted by the Federal Court and affirmed on appeal by the 6th Circuit. *Filing v. Phipps* 2012 WL 5200375 C.A.6 (Ohio), 2012.
- A large securities firm and its financial consultant accused of causing significant monetary harm to a former customer who was the winner of the \$102 million Indiana lottery. All claims were dismissed by a FINRA arbitration panel following a lengthy hearing. *Roberta Eaton, Individually and as Trustee of the Rondal Eaton Trust vs. Chase Investment Services Corp. and Jeffrey L. Roache*, FINRA Arbitration No. 11-01585.
- A national retailer in a consumer class action alleging statutory and common-law claims; trial court dismissed case on early dispositive motion, court of appeals affirmed dismissal, discretionary appeal denied by Supreme Court of Ohio. *Grey v. Walgreen Co.*, 131 Ohio St.3d 1553, 967 N.E.2d 764, 2012-Ohio-2263 (Ohio May 23, 2012) (Table, NO. 2012-0341).
- A large national bank in a purported class action alleging violations of the Electronic Funds Transfer Act (EFTA). All claims were dismissed at summary judgment stage by district court and affirmed by Sixth Circuit Court of Appeals.

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Experience (Cont)

- A major law firm accused by a court-appointed receiver of malpractice in connection with a \$65 million Ponzi scheme (all claims dismissed at summary judgment stage).
- A large investment bank in a one-week arbitration involving claims against it arising out of a “busted deal” concerning a large power generation facility in Anchorage, Alaska. All claims determined in client’s favor.
- A major law firm accused of malpractice by a real estate developer client. After trial, judgment was rendered in favor of law firm client on all claims.
- A large publicly traded company and its directors defending against claims alleging fraud/misrepresentation/ breach of fiduciary duty filed by the company’s largest shareholder (all claims against our clients were dismissed).
- A large national bank and its executives accused of causing over \$40 million in damages to a major customer based on alleged violations of various federal securities laws and lending laws (state court in Seattle dismissed all claims).
- A publicly traded bank and its officers and directors in shareholder derivative claims arising out of a contemplated merger transaction (all claims against our clients were dismissed).
- A national securities firm in defense of claims brought by the trustee of a large trust seeking damages in excess of \$20 million. All claims against our clients were dismissed, and after a successful appeal, we recovered all of our clients’ attorneys’ fees against the Plaintiff. *Hollern v. Wachovia Securities, Inc.*, 2006 U.S. App. LEXIS 20995 (10th Cir. Aug. 16, 2006).
- A large bank and its broker-dealer in multimillion dollar claims arising out of highly publicized criminal misconduct by a senior executive (all claims against our client were dismissed).
- A national securities broker-dealer in defense of a lawsuit brought by an Ohio county in an attempt to recover \$115 million in investment losses sustained by large pooled public investment fund.
- Major national and international companies in numerous cases involving trade secrets, non-competition/non-solicitation, inevitable disclosure, raiding, and unfair competition issues.
- A national banking institution, accused of breach of fiduciary duty under ERISA for failing to timely invest participants’ contributions to the pension and profit sharing plan of a major insurance company.
- A regional discount brokerage firm in its defense against significant order execution claims involving “when issued” securities (favorable jury verdict).
- A national broker-dealer, accused in a nationwide class action complaint of misleading investors in limited partnerships (obtained dismissal of all claims, affirmed on appeal).
- A national securities firm and its broker accused of churning, switching between mutual funds, and recommending unsuitable investments (obtained dismissal of both clients after NASD Arbitration hearing).
- An Ohio manufacturer of environmental testing equipment for multimillion dollar losses resulting from breach of a multi-stage requirements contract.
- A national securities firm, accused in a nationwide class action complaint of failing to pay interest to commodities customers (obtained dismissal by federal court; dismissal affirmed by Sixth Circuit Court of Appeals).
- A public company in its defense against shareholder claims alleging violations of Section 10(b) of the Exchange Act and Rule 10b-5, fraud and conspiracy claims.
- A public company in an action against a major competitor for misappropriation of trade secrets involving manufacturing processes in the commercial lighting industry (obtained injunctive relief and favorable settlement).

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Experience (Cont)

- A national broker-dealer in its defense against ERISA-based breach of fiduciary duty claims and claims of unsuitability, churning, and common law fraud for alleged losses to a pension and profit sharing plan.
- A public company and its recently hired senior executive accused by a competitor of inevitable disclosure of trade secrets.

Reported Cases

- *Big City Small World Bakery Café, LLC v. Francis David Corporation*, 265 F.Supp.3d 750, 2017 WL 2954694 (N.D. OH 2017)
- *U.S. S.E.C. v. Geswein*, 2 F.Supp.3d 1074, (N.D. OH 2014)
- *B & G Properties Ltd. Partnership v. Office Max., Inc.*, 3 N.E.3d 774, 2013 WL 6221372 (E.D. MI 2013)
- *Chase Bank USA, N.A. v. Cleveland*, Nos. 10-4115, 4116, 2012 WL 4372550 (6th Cir.)
- *Miller v. Miller*, 132 Ohio St.3d 424, 2012-Ohio-2928.
- *Grey v. Walgreen Company*, 2011-Ohio-6167 (8th Dist.), discretionary appeal denied, 131 Ohio St.3d 1553, 967 N.E.2d 764, 2012-Ohio-2263 (Ohio May 23, 2012) (Table, NO. 2012-0341)
- *Louisiana Mun. Police Employees Retirement System v. KPMG LLP*, 822 F.Supp.2d 711, 2011 WL 4629299 (N.D. OH 2011)
- *Maestle v. Best Buy Co.*, 197 Ohio App.3d 248, 2011 WL 5507376 (8th Dist.)
- *City of Cleveland v. Ameriquest Mortgage Securities, et al.*, 2010 U.S. App. LEXIS 15305; 2010 FED App. 0222p (6th Cir. 2010)
- *Havensure, L.L.C. v. Prudential Insurance Company of America*, 595 F.3d 312 (6th Cir. 2010)
- *City of Cleveland v. Ameriquest Mortgage Securities, et al.*, 621 F. Supp. 2d 513, 2009 U.S. Dist. LEXIS 41303 (N.D. Ohio, 2009)
- *Monroe Retail, Inc. v. Charter One Bank, N.A.*, 624 F. Supp. 2d 677, 2007 U.S. Dist. LEXIS 68971 (6th Cir. Ohio 2009)
- *Sollitt v. KeyCorp*, 2009 U.S. Dist. LEXIS 74217 (N.D, Ohio August 21, 2009)
- *Ferro Corp. v. Cookson Group*, 561 F. Supp. 2d 888, U.S. Dist. LEXIS 75579 (N.D. Ohio 2008)
- *Burns v. Prudential Sec.*, 116 F. Supp. 2d 917, 2000 U.S. Dist. LEXIS 13204 (2008)
- *Fornshell v. Roetzel & Andress, L.P.A.*, 2009 Ohio 2728, 2009 Ohio App. LEXIS 2265 (Ohio Ct. App., Cuyahoga County June 11, 2009)
- *Monroe Retail, Inc. v. RBS Citizens, N.A., f/k/a Charter One Bank, N.A.*, 09a0422p.06; 2009 U.S. App. LEXIS 27092; 2009 FED. App. 0422P (6th Cir.)
- *Novelis Corp. v. Anheuser-Busch, Inc.*, 559 F. Supp. 2d 877; 2008 U.S. Dist. LEXIS 49201 (2008)
- *Clemmer v. KeyBank*, 539 F. 3d 349, 2008 U.S. App. LEXIS 18010, 2008 FED App. 309P (6th Cir. 2008)
- *City of Cleveland v. Deutsche Bank Trust Co.*, 571 F. Supp. 2d 807, 2008 U.S. Dist. LEXIS 64445 (2008)
- *Lopardo v. Lehman Bros., Inc.*, 548 F. Supp. 2d 450, 2008 U.S. Dist. LEXIS 17377 (N.D. Ohio 2008)
- *In re Arter & Hadden, LLP*, 373 B.R. 31, 2007 Bankr. LEXIS 2669 (2007)
- *Burns v. Prudential Secs., Inc.*, 450 F. Supp. 2d 808, 2006 U.S. Dist. LEXIS 46329 (N.D. Ohio 2006)

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Reported Cases (Cont)

- *Burns v. Prudential Secs., Inc.*, 167 Ohio App. 3d 809, 2006 Ohio 3550, 857 N.E.2d 621, 2006 Ohio App. LEXIS 3500 (Marion County 2006)
- *Hollern v. Wachovia Secs., Inc.*, 458 F.3d 1169, 2006 U.S. App. LEXIS 20995 (10th Cir. Colo. 2006)
- *Gertz v. JVC Americas Corp.*, 339 B.R. 454, 2006 Bankr. LEXIS 320 (2006)
- *Gertz v. Echo Rock Ventures, LLC*, 339 B.R. 445, 2006 Bankr. LEXIS 333 (2006)
- *Reinglass v. Morgan Stanley Dean Witter*, 2006 Ohio 1542, 2006 Ohio App. LEXIS 1417 (Ohio Ct. App., Cuyahoga County 2006)
- *In re Arter & Hadden, L.L.P.*, 335 B.R. 666, 2005 Bankr. LEXIS 2572 (Bankr. N.D. Ohio 2005)
- *Patnik v. Citicorp Bank Trust FSB*, 412 F. Supp. 2d 753, 2005 U.S. Dist. LEXIS 26052 (2005)
- *Dubin v. Sec. Union Title Ins. Co.*, 832 N.E. 2d 815, 2005 Ohio App. LEXIS 3233 (2005)
- *State ex rel. Residents' Initiative Voting Alliance v. Cuyahoga County Bd. of Elections*, 841 N.E. 2d 753, 2005 Ohio LEXIS 2367 (2005)
- *Wachovia Secs., Inc. v. Gangale*, 125 Fed. Appx. 671, 2005 U.S. App. LEXIS 4460 (6th Cir. Ohio 2005)
- *Stambaugh v. Corpro Cos.*, 116 Fed. Appx. 592, 2004 U.S. App. LEXIS 24103 (6th Cir. Ohio 2004)
- *Loughridge v. Goodyear Tire and Rubber Co.*, 281 F.Supp.2d 1252, 2003 WL 22077581 (D. CO 2003)
- *Fazio v. Lehman Bros., Inc.*, 340 F.3d 386, 2003 U.S. App. LEXIS 16588, 2003 FED App. 284P (6th Cir.) (6th Cir. Ohio 2003)
- *Javitch v. First Union Sec., Inc.*, 315 F.3d 619, 2003 U.S. App. LEXIS 304, 2003 FED App. 11P (6th Cir. Ohio 2003)
- *Fazio v. Lehman Bros.*, 268 F. Supp. 2d 865, 2005 U.S. Dist. LEXIS 15174 (6th Cir. Ohio 2003)
- *Stickler v. KeyCorp*, 2003 Ohio 283, 2003 Ohio App. LEXIS 264 (Ohio Ct. App., Cuyahoga County 2003)
- *Boedeker v. Rogers*, 136 Ohio App. 3d 425, 736 N.E.2d 955, 1999 Ohio App. LEXIS 6056 (Ohio Ct. App., Cuyahoga County 1999)
- *Gobble v. Hellman*, 2002 U.S. Dist. LEXIS 26833 (N.D. Ohio Mar. 26, 2002)
- *Loughridge v. Goodyear Tire and Rubber Co.*, 207 F.Supp.2d 1187, 2002 WL 485175 (D. CO 2002)
- *Prudential Sec., Inc. v. Yingling*, 226 F.3d 668, 2000 U.S. App. LEXIS 22769, 47 Fed. R. Serv. 3d (Callaghan) 814, 2000 FED App. 311P (6th Cir. Ohio 2000)
- *Lynch v. Dean Witter Reynolds, Inc.*, 134 Ohio App. 3d 668, 731 N.E.2d 1205, 1999 Ohio App. LEXIS 4189 (Montgomery County 1999)
- *Plating Resources, Inc. v. UTI Corp.*, 47 F. Supp. 2d 899, 1999 U.S. Dist. LEXIS 6352 (N.D. Ohio 1999)
- *Adams v. Dean Witter Reynolds, Inc.*, 1999 Ohio App. LEXIS 2778 (Ohio Ct. App., Cuyahoga County June 17, 1999)
- *Allstate Financial Corp. v. Professional Housewares Distributors, Inc.*, 999 F.Supp. 1049, 1998 WL 166613 (N.D. OH 1998)
- *Bibbo v. Dean Witter Reynolds, Inc.*, 151 F.3d 559, 1998 U.S. App. LEXIS 17757, 36 U.C.C. Rep. Serv. 2d (Callaghan) 931, 1998 FED App. 240P (6th Cir. Ohio 1998)

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Reported Cases (Cont)

- *Brown v. Blue Cross and Blue Shield of Michigan, Inc.*, 167 F.R.D. 40, 1996 WL 252267 (E.D. MI 1996)
- *GMI Holdings. v. Stanley Door Sys.*, 943 F. Supp. 1420, 1996 U.S. Dist. LEXIS 16562 (1996)
- *Young v. Equitec Real Estate Investors Fund*, 3d 136, 652 N.E. 2d 234, 1994 Ohio App. LEXIS 5770 (1995)
- *In re Outdoor Sports Headquarters*, 168 B.R. 177, 1994 Bankr. LEXIS 812, 25 Bankr. Ct. Dec. (CRR) 1137, Bankr. L. Rep. (CCH) P 75992 (Bankr. S.D. Ohio 1994)
- *Arnold v. City of Cleveland*, 67 Ohio St. 3d 35, 616 N.E.2d 163, 1993 Ohio LEXIS 1608 (1993)
- *Baines v. Harwood*, 87 Ohio App. 3d 345, 622 N.E.2d 372, 1993 Ohio App. LEXIS 2247 (Ohio Ct. App., Clinton County 1993)
- *Rosen v. Brown*, 970 F.2d 169, 1992 U.S. App. LEXIS 16609 (1992)
- *Baltimore & O. R. Co. v. Mobile Tank Car Services*, 673 F. Supp. 1436, 1987 U.S. Dist. LEXIS 10993 (1987)

Presentations

- Federal Bar Association's Inaugural Litigation Academy, Presenter (September 2019)
- "Judges, Lies and Audiotape: Ethics Lessons on Upholding the Integrity of the Profession," Indianapolis Bar Association Bench Bar Conference (June 2019)
- "Before the Hearing" and "At the Hearing," Securities Arbitration and Mediation - Hot Topics Seminar, New York City Bar (May 2019)
- "A Mock Securities Arbitration," Speaker and Faculty Member, Securities Industry Institute, The Wharton School, Philadelphia, PA (2005-2019)
- PIABA Annual Meeting, Securities Law Seminar (From The Defense Bar Perspective), Panel Member (October 2018)
- "Trying a Complex, Protracted FINRA Arbitration," Ulmer, Financial Services & Securities Litigation Hot Topics (November 2017)
- "Veteran Mediators Discuss the Critical Steps to Take in Advance of Mediation and the Strategies and Techniques to Employ/Avoid During Mediation," Annual Spangenberg Litigation Institute, Panelist (April 2017)
- "Emerging Issues in Securities Arbitration," Annual Ulmer Financial Services & Securities Litigation CLE Seminar (November 2016)
- "Advice from the Top – Secrets to Success," Cleveland Metropolitan Bar Association New Lawyer Bootcamp (December 2015)
- "PTI: Hot Topics from the U&B Broker-Dealer Blog," Ulmer & Berne, Financial Services & Securities Litigation Hot Topics 2015 CLE (November 2015)
- "Two Top Minds Battle About Selling Away Cases," Public Investors Arbitration Bar Association Annual Meeting and Securities Law Seminar (October 2015)
- "Negotiation Strategy and Technique," AIG 2015 Consumer Legal Offsite "Join Together" (May 2015)
- "Winning Mediation Strategies," The Secrets of Winning (August 2014)
- "A Few Ideas About How to be a Successful Lawyer," Ohio State Bar Association, Litigation Section, webinar (March 2014)
- "What Happens When the Whistle Blows?," mediator, "Navigating the Ever-Changing Landscape of Financial Services Litigation," Financial Services Hot Topics (December 2013)

Presentations (Cont)

- “The Anatomy of an Arbitration,” Public Investors Arbitration Bar Association’s Annual Meeting (October 2013)
- “Alternative Dispute Resolution: Mediation/FINRA Claims/AAA Claims,” The Ohio Association for Justice (November 2012)
- “FINRA Arbitration: News from the Trenches,” Hot Topics: Financial Services Update (November 2012)
- “Conversation with MDL Lead Counsel: Best Practices for Organizing and Litigating an MDL,” Cleveland Metropolitan Bar Association and the Federal Bar Association, Northern District of Ohio Chapter (July 2012)
- “Stockbroker Malpractice,” The Ohio Association for Justice (October 2011)
- “In-House Counsel and Attorney-Client Privilege - Adhering to the Lawyer’s Creed and Aspirational Ideals While Wearing ‘Two Hats,’” KeyCorp In-House Legal Department Presentation (October 2011)
- “What They Didn’t Tell You About Being Bar President,” Conference of Metropolitan Bar Associations (September 2011)
- “Championing Civic Education: A Bar Leader’s Role in Advancing Public Understanding of the Law,” American Bar Association Leadership Institute (March 2011)
- “Pro Bono: Why Bother?,” The Eighteenth Judicial Conference of the Eighth Judicial District (October 2010)
- “Why Good Judges Matter,” The City Club of Cleveland (October 2010)
- “Building Better Citizens: How Bar Associations Can Support and Participate in Civics Education,” American Bar Association Annual Meeting/National Conference of Bar Presidents (NCBP), San Francisco, CA (August 2010)
- “Broker-Dealer and Investment Advisor Issues,” Hot Topics: Financial Services Update (December 2009)
- “Securities Arbitration & Mediation Hot Topics 2009,” New York City Bar (June 2009)
- “Deep Pockets: Potential Liability of Professionals Under Aiding and Abetting and Similar Theories,” William J. O’Neill Great Lakes Regional Bankruptcy Institute, Cleveland Metropolitan Bar Association Bankruptcy and Commercial Law Section (April 2009)
- “Is Aiding and Abetting Liability Really Dead?,” Hot Topics: Financial Services Update (December 2008)
- “Location, Location, Location – Winning by Mastering the Art of Removal Jurisdiction,” PriceWaterhouseCoopers General Counsel Forum (August 2008)
- “FINRA – A New Era of Securities Arbitration and Regulation,” Hot Topics: Financial Services update (November 2007)
- “Mock Arbitration,” Public Investors Arbitration Bar Association (PIABA) 16th Annual Meeting, Amelia Island, FL (October 2007)
- “Winning Class Action Litigation,” PriceWaterhouseCoopers General Counsel Forum (August 2007)
- “Motions to Dismiss: Procedural & Substantive Approaches for Expediting Arbitrations,” American Conference Institute, New York, N.Y. (May 2007)
- “Managing the Media: Lawyers and the Press,” Cuyahoga County Bar Association (December 2006)
- “Winning at Securities Litigation,” PriceWaterhouseCoopers General Counsel Forum (August 2006)
- “Trust Mismanagement Issues,” Hot Topics: Financial Services Update (May 2006)
- “The Fundamentals of NASD Arbitration,” JPMorgan Chase Retail Litigation Group, Chicago, IL (February 2006)
- “Winning at Mediation,” PriceWaterhouseCoopers General Counsel Forum (August 2005)

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Presentations (Cont)

- “Jury Selection & Closing Arguments,” Cleveland Bar Association and National Institute of Trial Advocacy 2nd Annual Trial Advocacy Institute (June 2004)
- “NASD Arbitration Process,” KeyCorp Legal Department (April 2004)
- “Securities Arbitration & Mediation – Mastering the Basics,” Practising Law Institute (December 2003)
- “Lawyers’ Expectations from an Expert Witness on Financial Matters,” Ohio Society of Certified Public Accountants (October 2003)
- “Effective Settlement Negotiation Strategies,” Bank One Settlement Roundtable, Presentation to Bank One Law Department (September 2003)
- “Securities Litigation & Arbitration Strategies,” Bank One Law Department Seminar (September 2003)
- “Recent Arbitration Decisions Affecting Securities Cases,” Cleveland Bar Association Securities Law Institute (February 2003)
- “Use of Demonstrative Evidence During Opening Statement,” Cleveland Bar Association Advanced Litigation Institute: Litigation in the New Millennium (November 2001)
- “Criminalization of Civil Conduct,” 2001 Cleveland Securities Law Institute, Cleveland Bar Association
- “Advanced Considerations Involving Non-Compete Agreements,” Ulmer & Berne Breakfast Forum Series (March 2000)
- “Nuts and Bolts of Trying a Civil Case,” Cleveland Bar Association's Litigation Institute (1999)
- “Minority Shareholders,” Cleveland Bar Association Business Litigation Seminar (December 1998)
- “Protecting Your Company's Secrets,” The Society for Competitive Intelligence (December 1998)
- “Drafting Enforceable Covenants Not to Compete and Arbitration Agreements: The Latest Developments,” The Best of Labor & Employment Law Seminar, Ohio CLE Institute (July 1998)
- “Injunctive Relief,” Cleveland Bar Association Practice and Procedure Clinic, Civil Litigation (April 1998)
- “Attorney Disqualification: Tactical and Ethical Ramifications of DR5-101, DR5-102, and DR5-105,” Cleveland Bar Association Business Litigation Seminar: Advanced Privilege and Ethical Issues (December 1997)
- “Litigation Essentials: Demonstrative Evidence – From the Basic to the Exotic,” Cleveland-Marshall College of Law (October 1997)
- “Examining Experts at Deposition and at Trial,” Cleveland Bar Association Practice and Procedure Clinic – Civil Litigation (April 1997)
- “Restrictive Covenants and Arbitration Agreements,” Ohio CLE Institute (March 1997)
- “Non-Competition and Trade Secrets Issues,” Midwestern Labor Law Conference (1996)
- “Keeping the Rein on Trade Secrets,” PriceWaterhouseCoopers General Counsel Forum (1996)
- “The Impact of the Private Securities Litigation Reform Act of 1995,” 25th Securities Law Institute, Cleveland Bar Association (1996)
- “Can You Keep A Secret? Protecting Your Trade Secrets Under Ohio Law,” Cleveland Bar Association Business Litigation Seminar (1995)
- “Trade Secrets Under Ohio Law,” Litigation Institute, Cleveland Bar Association (1995)
- “The Fundamentals of Arbitrating a Broker Negligence Case,” Cuyahoga County Bar Association (1990)

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Private Mediator and Arbitrator

- Frequently serves as mediator and arbitrator in complex business disputes.

Publications

- “Confidentiality Provisions and Sealing of Court Records,” Chapter co-author, *Settlement Agreements in Commercial Disputes*, Aspen Law & Business (2000-present)
- “eDiscovery Strategies and Issues in a Rapidly Changing Technology Environment,” chapter co-author, *Inside the Minds: Ethics in eDiscovery*, Aspatore Books (August 2012)
- “Equitable Estoppel: A Nonsignatory’s Key To Arbitration,” *Law360* (August 2012)
- “A Quick Look Back on a Breakout Year for the CMBA and a Farewell Thanks,” *Cleveland Metropolitan Bar Journal* (June 2011)
- “Why Good Judges Matter,” *Cleveland Metropolitan Bar Journal* (May 2011)
- “Progress!,” *Cleveland Metropolitan Bar Journal* (April 2011)
- “From Good to Great: What Distinguishes A Good Bar Association From A Truly Great One?,” *Cleveland Metropolitan Bar Journal* (March 2011)
- “Judicial Excellence ... Personified,” *Cleveland Metropolitan Bar Journal* (February 2011)
- “A Mid Year Progress Report to the CMBA Membership,” *Cleveland Metropolitan Bar Journal* (January 2011)
- “Why I Love This Job,” *Cleveland Metropolitan Bar Journal* (December 2010)
- “Civics Education and Our 3Rs Program – Now More Than Ever,” *Cleveland Metropolitan Bar Journal* (November 2010)
- “We Want You!!!,” *Cleveland Metropolitan Bar Journal* (October 2010)
- “It’s Time – A Renewal of Our Bar’s Commitment to ‘The Creed of Professionalism’,” *Cleveland Metropolitan Bar Journal* (September 2010)
- “Preparation, Opportunity and Making a Difference,” *Cleveland Metropolitan Bar Journal* (July/August 2010)
- “Fight To Protect Your Trade Secrets,” *Enterprise Magazine* (Winter 1993)

Involvement

Professional Affiliations

- Cleveland Metropolitan Bar Association (Past President, 2010-2011; Board of Trustees, 2007-present; Professionalism Conciliation Panel, 2015-Present; Executive Committee; Member, Court Rules Committee and Legislation Committee; Chair, Judicial Selection Committee, 2005, 2006; Vice Chair, Judicial Selection Committee, 2002-2004; Chair, Litigation Section, 2000-2001; Chair, Litigation Institute, 1999; Vice Chair, Litigation Section, 1999; Chair, Presidential Special Committee on Judicial Excellence 2011-2012)
- Cleveland Metropolitan Bar Foundation (*Member and Fellow*)
- Ohio State Bar Association's Commission on Judicial Candidates (*Member*)
- The Legal Aid Society of Cleveland (*Vice President, Board of Directors Executive Committee*)
- American Bar Association (*Litigation Section; Commercial and Banking Litigation and Business Torts Committee*)
- Ohio State Bar Association (*Litigation Section; parliamentarian of the Association’s Council of Delegates*)

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Involvement (Cont)

Professional Affiliations (Cont)

- Appointment by Chief Justice Maureen O'Connor of the Supreme Court of Ohio to Task Force on the Funding of Ohio Courts (2012)
- Securities Industry Association (*Member, Compliance & Legal Division*)
- American Inns of Court (*Founding Member of a Cleveland Chapter*)
- Litigation Counsel of America (*Fellow*)

Community Involvement

- City of Cleveland Heights (*City Council, 2016-present*)
- City of Cleveland Heights (*Chair, Planning Commission, 1999-2016; Master Plan Steering Committee*)
- The Mandel Jewish Community Center of Cleveland (*Board of Trustees; Board of Directors*)
- Cleveland Metropolitan Bar Association The 3Rs – Rights, Responsibilities, and Realities Program (*High School Classroom Volunteer 2006-present*)
- Appointed by U.S. District Judge Kathleen O'Malley to the Merit Selection Panel for the Reappointment of Incumbent Magistrate Judge James S. Gallas (1999)
- Transition '90 (*Member, Cleveland Mayor Mike White's transition team*)

Firm Involvement

- Management Committee
- Litigation Department, Chair

Honors & Distinctions

- Ranked in Band 1 of Ohio's Leading General Commercial Litigation Lawyers by Chambers USA: America's Leading Lawyers for Business (2007-2019)
- Named the highest ranking attorney in Ohio (out of approximately 44,000 active attorneys) for four consecutive years on the Ohio Super Lawyers list.
- Named one of *Benchmark Litigation's* Top 100 Trial Lawyers in America (2015-2020)
- Named a "State Litigation Star" in Ohio by *Benchmark Litigation* (2014-2020)
- Named to *The Best Lawyers in America*, Commercial Litigation; Litigation-Securities; Litigation-Banking and Finance; Litigation-Labor and Employment; Bet-the-Company Litigation (2006-2020)
- Named to the Ohio Super Lawyers list (2005-2019)
- Ranked a Top 100 Ohio attorney and a Top 5 Cleveland attorney in the Ohio Super Lawyers list (2012-2019)
- Named a Top 10 attorney in the state of Ohio by Ohio Super Lawyers (2007; 2008; 2012-2019)
- Named *Best Lawyers* Litigation-Banking & Finance "Lawyer of the Year" in Cleveland (2013; 2017)
- Recipient of ORT America's Jurisprudence Award (2016)
- Named *Best Lawyers* Bet-the-Company Litigation "Lawyer of the Year" in Cleveland (2016)
- Named *Best Lawyers* Litigation-Securities "Lawyer of the Year" in Cleveland (2014)

Michael N. Ungar

Partner | Chair, Litigation Department

Honors & Distinctions (Cont)

- Selected as a “Leading Lawyer” in Northeast Ohio in a survey of lawyers by Inside *Business Magazine* (December 2004-2011*) *2011 final year of survey
- Named to the “Top 100 Attorneys in Ohio,” *Cincinnati Magazine* (2011)
- AV Preeminent Peer Review Rated – Martindale-Hubbell
- Recipient of Crain’s Cleveland Business “40 Under Forty” Award (1995)

Admissions

- State of Ohio
- U.S. Supreme Court
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. District Court, District of Colorado
- U.S. District Court, Eastern Division of Wisconsin
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Western District of Texas
- Numerous others on a *pro hac vice* basis