

## Thomas C. O'Brien

### SERVICE AREAS

#### Businesses

- Litigation/Trial Practice
  - Criminal Defense

#### Governments + Nonprofits

- Litigation/Trial Practice

#### Individuals + Families

- Litigation/Trial Practice
  - Criminal Defense

### EDUCATION

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

### BAR ADMISSIONS

- Michigan



### Senior Counsel

#### Ann Arbor

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During more than three decades of practice, Thomas C. O'Brien has handled major criminal and civil matters, including cases that received national attention. His criminal practice has included murder trials and white-collar crime, while his civil cases have encompassed catastrophic personal injuries and contract disputes. In addition, he has defended lawyers in malpractice claims. Tom also has lectured and taught throughout the United States in the field of trial advocacy at the National Institute for Trial Advocacy, the University of Michigan Law School and the Institute of Continuing Legal Education.

Tom's clients call him an articulate, experienced and highly effective trial lawyer who relates well with juries and has achieved exceptional results over the years.

### EXPERIENCE

Tom defended a 17-year-old charged with manslaughter after his snowmobile crashed through the windshield of a car, instantly killing the driver. During a three-day preliminary examination before a district judge, Tom and his team presented testimony to counter the prosecution's claim that the snowmobile went airborne at a rural intersection in excess of 60 mph. The young man contended that he was going less than 30 mph when he came up a steep hill and entered the intersection. At that point, he said the car crossed the center line into the oncoming lane. To avoid a head-on collision, the young man quickly accelerated, causing the front-end of his snowmobile to lift off the ground. The snowmobile then struck the car, climbed up the hood and went through the windshield. A careful examination of the car revealed snowmobile tread tracks on the front bumper, directly supporting the young man's version of the events and contradicting the prosecution's theory that the

snowmobile flew through the air for several feet before crashing through the windshield. Tom's team also offered evidence that the driver of the other vehicle had smoked marijuana just before the accident. The circuit judge who reviewed a transcript of the preliminary examination found that there was insufficient evidence to support the claim that the young man "knowingly created a high risk of death or great bodily harm knowing that death or such harm would be the likely result of his actions." After protracted litigation, the judge dismissed the felony charge, and the young man was put on probation as a youthful offender.

*"The most gratifying part of practicing law is knowing that someone in desperate need of legal services has placed their trust in you and, through your experience, you have made a significant difference in the outcome of a life-altering case."*

### PROFESSIONAL ACTIVITIES

- American Bar Association, Member, Section on Litigation; Committee Member, Trial Practice Committee, 1981-present
- State Bar of Michigan, Member, Section on Negligence and Criminal Law; Committee Member, Task Force on Professionalism, 1989-1990; Committee Member, Criminal Jurisprudence, 1993-1994; Committee Member, Criminal Jury Instructions, 1993-1999
- Washtenaw County Bar Association, Chairman, Trial Practice Section 1988-1990; Member, Judiciary Committee; Member, Trial Court Case Evaluation Committee, 1983-present; Chairman, Mediation Committee, Trial Court, 1991-1994
- Federal Bar Association, Member, Eastern District of Michigan Chapter; Committee Member, Rules & Civil Practice and Criminal Practice, 1988-present
- Michigan Association for Justice
- American Association for Justice, Washtenaw County Trial Lawyers Association
- Criminal Defense Lawyers of Michigan
- National Association of Criminal Defense Lawyers
- Incorporated Society of Irish-American Lawyers
- Michigan State Bar Foundation, Fellow
- American Constitution Society for Law & Policy

## Thomas C. O'Brien

- National Institute for Trial Advocacy, Distinguished Faculty Member, 1994
- 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
- Phi Alpha Delta

### HONORS + AWARDS

- Best Lawyers in America, Personal Injury Litigation 2005 - 2009; White Collar Criminal Defense 2009
- Michigan Super Lawyers, Criminal Defense 2006-2008
- Who's Who in American Law, Member

### CIVIC, CULTURAL + SOCIAL ACTIVITIES

- Ann Arbor Bicentennial Commission, Chairman, 1975-1976
- 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
- Spaulding for Children, Board Member, 1980-1984
- Parent/Infant Center, Board Member, 1971-1973
- State of Michigan, Agriculture Preservation Fund Board; Member, 2004-present
- Michigan Prospect for Renewed Citizenship, Vice President, 1998-2002; Board Member, 1984-present
- Northfield Township Historical Society, Board Member, 1981-present; President, 1984-1988

### TEACHING EXPERIENCE

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

## Thomas C. O'Brien

- Advanced Trial Advocacy Skills Workshop, Team Leader and Faculty Member, 1985; Lecturer, 1986-present
- National Institute for Trial Advocacy, Senior Faculty Member, 1980-2008; Midwest Regional Program Section Leader, 1996
- Michigan Trial Lawyers Association, Lecturer, April 1994
- University of Michigan Law School, Trial Advocacy; Adjunct Faculty, 1985-1997; Guest Lecturer, 1971-2008
- Criminal Defense Lawyers of Michigan, Faculty Member, 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

### PUBLICATIONS

"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

### SPEECHES

"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

"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