

Matthew J. Kalmanson

PARTNER

Matt is an experienced litigation and appellate attorney. He regularly serves as lead appellate counsel in cases before state and federal appellate courts in the Pacific Northwest, and has a track record of success.

Matt is also an accomplished litigator and skilled negotiator, with particular experience litigating matters involving complex business transactions, securities, accounting and finance; cases involving statutory, constitutional and regulatory schemes; actions involving professional duties; class actions; shareholder disputes; derivative actions; trust and partnership disputes; and many others.



Contact

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LEGAL ASSISTANT

Florence Hoblitzell

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Practice Areas

Appellate Law

Business and Commercial Litigation

Civil Rights Defense

Insurance Coverage Litigation

Legal Malpractice Defense

Professional Liability Defense

REPRESENTATIVE CASES

Recent Appellate Matters

Represented City of Eugene on appeal of court order denying the City's motion for summary judgment in § 1983 action. Ninth Circuit reversed and held that City's officers were entitled to qualified immunity. *Johns v. City of Eugene, et al.*, 18-35127, Ninth Circuit, 771 Fed. App. 739, (2019).

Oregon Court of Appeals ruled in favor of client and defined the scope of several important provisions of Oregon's public accommodation law. *Fenimore v. Blachly-Lane County C.E.A.*, 297 Or. App. 47 (2019).

Oregon Court of Appeals ruled in favor of client in case concerning ownership of power lines on public lands. *Western Radio Services Co. v. Verizon Wireless, LLC*, 297 Or. App 446 (2019).

Represented client in important case involving scope of constitutional rights in international airport. *Oregon Natural Resources Defense Council dba Oregon Wild v. the Port of Portland*, 318 Or. App. 447 (2017).

Oregon Court of Appeals reversed jury verdict and found client was entitled to excess insurance coverage as a matter of law. *RepWest Insurance v. Portland Adventist Medical Center*, 285 Or. App. 74 (2017).

Oregon Court of Appeals reversed jury verdict against client in case alleging intentional torts. *Miller v. Columbia County*, 573 Or. App. 348 (2016).

Represented construction company in significant case deciding numerous important issues related to tort and contract law. *Abraham v. T. Henry Construction*, 230 Or. App. 564 (2009), 350 Or. 29 (2014).

Ninth Circuit reversed jury verdict against client in case defining scope of disability law under ADA. *Weaving v. City of Hillsboro*, 763 F.3d 1106 (9th Cir. 2014).

Represented business client in case before Court of Appeals and Supreme Court, in case narrowly defining scope of liability of Oregon limited liability corporations. *Cortez v. Nacco Materials Handling Grp., Inc.*, 248 Or. App. 435, 356 Or. 254 (2014).

Oregon Court of Appeals ruled in favor of client in case defining scope of liability for criminal act that occurred on premises. *Stewart v. Kids Inc.*, 245 Or. App. 267 (2011), 353 Or. 104 (2012).

Litigation Matters

Represented national broker in federal class action and related state mass actions in cases alleging liability under Oregon securities laws.

Represented bank CFO in case alleging bank fraud and conspiracy.

Represented municipal corporation in case defining scope of constitutional authority to regulate speech on municipal property.

Represented national medical organization in multiple class actions arising out of medical testing program.

Received judgment in favor of client alleged to have conspired to defraud third party in business transaction.

Received judgment in favor of client alleged to have violated securities laws.

Received exemption from burdensome regulatory requirement for client in lawsuit brought against the United States government.

Secured dismissal of all claims for professional fiduciary accused of violating constitution.

Received dismissal of claims on behalf of board of directors in derivative lawsuits alleging breach of fiduciary duties.

EDUCATION

Yale Law School

J.D., 1999

University of Massachusetts

Honors Program

B.A., 1994

EXPERIENCE

Hart Wagner LLP

Partner

Oregon Legislature

Counsel to Judiciary Committee

2007 Legislative Session

Stoel Rives LLP

Attorney, 2003–2006

Paul, Weiss, Rifkind, Wharton and Garrison LLP, New York City, NY

Attorney, 2001–2003

Justice James Coleman

New Jersey Supreme Court

Law Clerk, 1999–2000

The Honorable Judge Susan Graber

United States Court of Appeals for the Ninth Circuit

Law Clerk, 2000–2001

ADMITTED TO PRACTICE

Oregon State Courts

Washington State Courts

District of Oregon

Western District of Washington

Southern and Eastern Districts of New York

The United States Court of Appeals for the Ninth Circuit

United States Supreme Court

AWARDS AND RECOGNITION

Best Lawyers in America

Appellate Practice, 2016–2021

Commercial Litigation, 2021

Litigation — Health Care, 2021

Oregon Super Lawyers

Rising Star, 2008–2012

PROFESSIONAL ACTIVITIES AND ASSOCIATIONS

Multnomah Bar Association

Oregon Judicial Department, Oregon Rules of Appellate Procedure Committee, 2014–present

Oregon State Bar, Executive Committee Chair of the Constitutional Law Section, 2011–present; Uniform Civil Jury Instructions Committee, 2011–2013; Securities Section; Appellate Section

Oregon Association of Defense Counsel, Editor, “The Verdict” Magazine, 2012–2015

PROFESSIONAL PUBLICATIONS

Chapter on “Civil Procedure, Dispute Resolution and Appellate Practice,” Oregon Legislation Highlights. Co-author, 2007

Contributor to Oregon State Bar publications on appellate law and procedure

PRESENTATIONS

Interviewed on Oregon Public Broadcasting’s program, “Think Out Loud”. Discussed a case brought by animal rights and environmental activists that is being appealed after first being dismissed by a federal judge. In their lawsuit the Animal Legal Defense Fund and Seeding Sovereignty claimed they have a constitutional “right to wilderness”, and this right is being violated by the federal government’s failure to combat climate change more vigorously. Listen online. August 30, 2019

“The Changing U.S. Supreme Court,” Featured Speaker, City Club of Portland Friday Forum, July 13, 2018

Co-organizer and Moderator, Constitutional Law Section Annual Seminar on Developments in Constitutional Law,

2011-2019

Panelist on Developments in Tort Law

Panelist on Legislative Highlights, 2007 Legislative Session

Panelist on CLE on Ethics and Judgments

Panelist on Motion Practice in Legal Malpractice Claims

Presenter on "Trends in ADA Law," BOLI Seminar

COMMUNITY ACTIVITIES

Pioneer Courthouse Historical Society, Member, Board of Directors

U.S. District Court of Oregon Historical Society, 2005-2009, Board of Directors, 2007-2009, Board Member, 2005-2009

Pro Bono activities for refugees seeking asylum