



## MICHAEL B. KING

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Michael King is widely recognized as one of the premier appellate lawyers in the Pacific Northwest. For 30 years he has represented clients on appeal, including cases on the merits before the Alaska, California, and Washington Supreme Courts; the United States Courts of Appeals for the Second, Ninth, and Eleventh Circuits; and the intermediate appellate courts for California, Oregon, and Washington. Mr. King has presented over 170 arguments to full merits panels. He is nationally recognized as a leader in the field of preservation of error work, regularly leading teams of lawyers assisting trial counsel in a wide variety of major stakes litigation.

Mr. King is a fellow of the American Academy of Appellate Lawyers. He has been named by Washington Super Lawyers magazine as one of the top appellate attorneys in the state every year since the list for appellate lawyers was first published in 2001. He has been selected by *Best Lawyers* in America as one of the best appellate lawyers in Washington every year since the inaugural listing of appellate lawyers for the state in 2007.

### Representative Cases

Mr. King has successfully represented clients in a wide variety of appellate matters, including the following published victories in cases he has argued since the turn of the century:

*Maxwell v. Atlantic Richfield Co.*, \_\_\_ Wn. App.2d \_\_\_, 476 P.3d 645 (2020) (design and construction statute of repose)

*Mohandessi v. Urban Venture LLC*, 13 Wn. App.2d 681, 468 P.3d 622 (2020) (condominium governance)

*Keodalah v. Allstate*, 194 Wn.2d 339, 449 P.3d 1040 (2019) (insurance bad faith claims against employee adjusters)

*Ada Motors, Inc. v. Butler*, 7 Wn. App.2d 53, 432 P.3d 445 (2018) (trade secrets)

*Adamson v. Port of Bellingham*, 907 F.3d 1122 (9th Cir. 2018) (scope of general maritime law “gangplank” rule)

*Noll v. American Biltrite, Inc.*, 188 Wn.2d 402, 395 P.3d 1021 (2017) (“stream of commerce” personal jurisdiction)

*Baseball Club of Tacoma v. SDL Baseball Partners, LLC*, 187 Wn. App. 519, 348 P.3d 1283 (2015) (anti-SLAPP)

*Department of Labor & Industries v. Tesoro Refining & Marketing Co., LLC*, 186 Wn. App. 240, 347 P.3d 63 (2015) (statutory writ requirements)

### Education

JD, University of Washington School of Law (high honors)

BA in Government, Harvard University (cum laude)

### Bar and Court Admissions

State of Washington

U.S. Supreme Court

U.S. Courts of Appeal, Second Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Eleventh Circuit

U.S. District Court, Western District of Washington

U.S. District Court, Eastern District of Washington

### Professional Associations

American Academy of Appellate Lawyers, fellow

Washington Appellate Lawyers Association, founding member and past president

Council of Appellate Lawyers, American Bar Association (Executive Committee, 2008-2010)

Appellate Advocacy Committee, Defense Research Institute (chair, 2001-2003)

Appellate Law Section, King County Bar Association, founding member and first chair

Appellate Practice Committee, Federal Bar Association of the Western District of Washington, former co-chair

Amicus Committee, Defense Research Institute (2008-2010)

Amicus Committee, Washington Defense Trial Lawyers

*Bunch v. Nationwide Mutual Ins. Co.*, 180 Wn. App. 37, 321 P.3d 266 (2014) (Priority of Action rule)

*Barabin v. Asten-Johnson*, 730 F.3d 457 (9th Cir. 2014) (*en banc*) (*Daubert* expert witness requirements)

*Angelo Property Co. v. Hafiz*, 67 Wn. App. 789, 274 P.3d 1075 (2012) (unlawful detainer)

*City of Tacoma v. City of Bonney Lake*, 173 Wn.2d 584, 269 P.3d 1017 (2012) (municipal indemnification obligations)

*Tatham v. Rogers*, 170 Wn. App. 76, 283 P.3d 583 (2012) (judicial recusal)

*Cummings v. Budget Tank Removal & Env. Servs.*, 163 Wn. App. 379, 260 P.3d 220 (2011) (arbitration)

*In re K.R.P.*, 160 Wn. App. 215, 247 P.3d 49 (2011) (genetic testing to determine parentage)

*Grays Harbor Energy, LLC v. Grays Harbor County*, 151 Wn. App. 550, 213 P.3d 609 (2009) (characterization of power plant equipment for property tax)

*16th Street Investors, LLC v. Morrison*, 153 Wn. App. 44, 223 P.3d 513 (2009) ("agreement to agree" contract formation)

*Braaten v. Saberhagen Holdings*, 165 Wn.2d 373, 198 P.3d 493 (2008) (duty to warn of hazards caused by another's product)

*Bank of America v. Prestance Corp.*, 160 Wn.2d 560, 160 P.3d 17 (2007) (equitable subrogation of real estate refinancing lien)

*Hamoui v. Ashcroft*, 389 F.3d 821 (9th Cir. 2004) (immigration asylum for fear of persecution)

*Lund v. San Joaquin Valley R.R.*, 1 Cal. Rptr. 3d 412, 71 P.3d 770 (2003) (FELA)

*Seattle v. Burlington Northern Railway Co.*, 145 Wn.2d 661, 43 P.3d 1169 (2002) (federal preemption of local railroad regulations)

*Guijosa v. Wal-Mart*, 144 Wn.2d 907, 32 P.3d 250 (2001) (inconsistent verdicts and consumer protection claims)

*Hadley v. Maxwell*, 144 Wn.2d 30, 627 P.3d 600 (2001) (collateral estoppel effect of contested traffic infractions)

*Hill v. BCTI*, 144 Wn.2d 172, 23 P.3d 440 (2001) (employment discrimination)

*Glasebrook v. Mutual of Omaha*, 100 Wn. App. 538, 997 P.2d 981 (2000) (health care regulations)

*Goeble v. Fred Hutchinson Cancer Research Ctr.*, 100 Wn. App. 609, 1 P.3d 579 (2000) (employment discrimination)

## **Professional Involvement**

Mr. King is a Fellow of the American Academy of Appellate Lawyers, and a founding member and past president of the Washington Appellate Lawyers Association. From 2001 through 2003, he chaired the Appellate Advocacy Committee of the Chicago-based Defense Research Institute. From 2008 through 2010, he served on the Executive Committee of the American Bar Association's Council of Appellate Lawyers. In 2005-2006, he served as the first chair of the Appellate Law Section of the King County Bar Association, and in 2007 he received the Section's inaugural "Golden Podium Award" for outstanding contributions to appellate practice. He has co-chaired the Appellate Practice Committee of the Federal Bar Association of the Western District of Washington, and is the longest-serving member of the Amicus Committee of the Washington Defense Trial Lawyers Association.

For over 25 years Mr. King has spoken at and chaired national, regional, and local appellate practice seminars, including programs presented by the American Bar Association, the National Foundation for Judicial Excellence, the American Academy of Appellate Lawyers, the Defense Research Institute, the Washington State Bar

Association, and the Washington Appellate Lawyers Association. Most recently he served as a member of the member of the COVID-19 Oral Argument Task Force of the American Academy of Appellate Lawyers, helping to develop proposals and guidelines to help appellate courts and advocates cope with the impact of the COVID-19 pandemic on oral argument in state and federal appellate courts.

Mr. King has authored dozens of articles and papers on various aspects of appellate and preservation-of-error practice, including as a contributor to the third and fourth editions of the Washington Appellate Practice Deskbook (co-authoring the chapter on preservation of error).