

## Jon G. March

OF COUNSEL

Grand Rapids

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**Jon March is a Member of the Firm and an experienced trial lawyer handling a wide variety of employment, commercial, construction, and general civil litigation. In addition to his trial practice, he is an experienced facilitative mediator and has successfully mediated to settlement hundreds of cases involving nearly every substantive area of the law.**

### Employment Litigation

Mr. March has defended employers, ranging from Fortune 500 companies, to school districts and municipalities, to sole proprietorships, in nearly every type of employment litigation, including claims of wrongful discharge, discharge in violation of public policy, retaliatory discharge, age, race, gender, national origin, religious, and handicap discrimination, unfair representation, intentional infliction of emotional distress, tortious interference with contract, covenants not to compete, trade secrets, breach of express and implied employment contracts, sexual harassment, racial harassment, drug testing, employee defamation, invasion of privacy, Whistleblower Act violations, and contract and statutory tenure. He has tried employment cases in federal and state courts to judges and juries and to arbitrators. Examples of reported employment cases handled by Mr. March are set forth above.

### Commercial Litigation

Mr. March has represented both plaintiffs and defendants, individuals and corporations, in prosecuting and defending a wide variety of commercial cases, including claims of breach

### Practice Areas

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### Education

- Harvard Law School Mediation Workshop, 1998
- J.D., Harvard Law School, 1969, *cum laude*
- B.A., University of Michigan, 1966, with high distinction

### Bar Admissions

- Michigan, 1972



of contract, breach of express and implied warranties, Sherman Act, Clayton Act, Robinson-Patman Act, tortious interference with contract, securities fraud, and chemical contamination. These cases have involved manufacturing companies, distributors, food processors, farmers, and tool manufacturers.

Examples include:

- Mr. March defended a Canadian corporation in a multimillion dollar claim brought by a U.S. Fortune 500 company alleging breach of a contract and express and implied warranties arising out of the proprietary packaging of a juice concentrate.
- He represented an auto parts manufacturer in a claim against a tool maker for breach of warranty and contract delays causing substantial consequential damages.
- He represented a Michigan retailer and petroleum products distributor in a lawsuit brought by the seller of a retail fuel oil business for breach of contract and fraud.
- He represented a Fortune 500 company in defense of a dealer termination lawsuit in which numerous state and federal antitrust violations and breach of contract claims were alleged.
- He defended a national shelving manufacturer in a case involving an alleged breach of a distributor agreement, price discrimination, and unlawful brokerage fees.
- He represented outside directors in a federal securities class action and shareholder derivative lawsuit.
- He represented a tool and die maker in a breach of contract claim against a subcontractor.

### **Construction Litigation**

Mr. March has represented contractors and subcontractors in prosecuting and defending a wide range of construction disputes, including extra work claims, delay damage claims and construction defects. He has tried these cases to



arbitration panels and juries. Examples include:

- Mr. March represented a general contractor in asserting a delay damage claim against a Michigan municipality and its international design engineer arising out of the construction of a combined sewage retention basin and multilevel parking structure. The case involved numerous factual and legal issues, including soil conditions.
- He represented the prime electrical contractor on a delay damage claim against the owner and another prime contractor on a hospital construction project.
- He represented the general contractor in defending claims of defective work brought by the public owner of a sewage treatment plant.
- He defended a general contractor in defense of a defective work claim brought by the public owner of a water treatment plant.
- He represented an underground contractor in a claim for extras and defending against liquidated delay damages on a sewer project.

### **General Civil Litigation**

Mr. March has represented individuals and public and private institutions in a wide variety of litigated matters, including the following:

- He has defended a psychiatric hospital on claims of patient suicide, wrongful death, improper treatment, negligent admission practices, and patient sexual abuse.
- He has defended public school districts in constitutional claims of wrongful expulsion, free exercise of religion, establishment of religion, due process violations, and equal protection violations.
- He has represented physicians and social workers before administrative agencies and the courts in licensing revocation procedures.
- He has defended employers in personal injury actions where the employee alleged an intentional injury.



- He represented a national toy retailer in the defense of a lawsuit to enjoin the construction of its freestanding store in a Grand Rapids area shopping center.
- He defended a national communications company against class action and subrogation property damage claims arising out of the flooding of an outdoor country music concert at which hundreds of motor vehicles were damaged or destroyed.
- He represented a distributor of food products in a claim of accounting malpractice against one of the “big six” accounting firms.
- He represented a Midwest retailer in an appeal to the Michigan Tax Tribunal of numerous real property tax assessments.
- He challenged on behalf of a non-union contractors’ association the constitutionality of the Michigan prevailing wage statute.
- He has represented several medical groups and law firms in litigation arising out of partnership dissolutions.
- He represented a Grand Rapids school teacher in a lawsuit against local and state teachers’ unions which had sought his discharge under an agency shop provision because he refused to pay a strike fund assessment.
- He has represented individuals in personal injury and wrongful death claims.
- As a Staff Judge Advocate with the United States Air Force from 1970 to 1973, he prosecuted and defended numerous courts-martial.

### **Facilitative Mediation and Other ADR**

Mr. March has served as a facilitative mediator throughout Michigan in hundreds of cases pending before state and federal courts, as well as cases mediated prior to the filing of a lawsuit. The subject matter of the cases he has mediated have included medical malpractice; architects’ and engineers’ negligence; legal malpractice; construction defect claims; construction delay damages; real estate



development; fire loss; personal injury; environmental; toxic tort; highway defects; product liability; law firm breakup; professional medical group breakup; employment contract; employment discrimination; civil rights; breach of computer licensing agreement; trademark violations; insurance coverage issues; price discrimination; breach of contract and warranties; religious discrimination; breach of company buy-sell agreements; grain futures; burn injuries; environmental contamination; and antitrust.

Mr. March has mediated cases involving the automotive, agricultural, publishing, healthcare, insurance, real estate development, public housing, and retail industries. The cases have involved individuals, Fortune 500 companies, family owned business, municipalities, public schools, state universities, and the Chinese government. Mr. March has also served as an arbitrator in cases involving law firm breakups, fee disputes, employment discrimination, medical malpractice, environmental contamination, personal injury, and breach of contract. He has served as both a court appointed and privately selected case evaluator in hundreds of civil litigation cases involving every area of the law.

### **Professional Affiliations, Activities And Honors**

Mr. March is a Fellow of several distinguished law-related organizations: the American College of Trial Lawyers, the International Society of Barristers, the American Bar Foundation, National Academy of Distinguished Neutrals, and the State Bar of Michigan Foundation.

Mr. March is a member of the Federal Bar Association, the State Bar of Michigan, the Grand Rapids Bar Association, and the American Bar Association. He is also a faculty member of the National Employment Law Institute. Mr. March is a past president of the West Michigan Chapter of the Federal Bar Association, a founding Master of the Grand Rapids Inns of Court, and he has served on the Board of Trustees of the Grand Rapids Bar Association and as a member of the Representative Assembly of the State Bar of Michigan. He is a faculty member of the Hillman Advocacy Program of the United States District Court for the Western



District of Michigan and received the 2013 Hillman Award. He has also served as a member of the Civil Justice Reform Act Advisory Committee. He has been certified by the United States District Court for the Western District of Michigan as a mediator. Additionally, Mr. March is a former Managing Member of the law firm having served from 2000-2005.

Mr. March was named a “Leaders in the Law 2010” by *Michigan Lawyers Weekly* based on criteria such as exemplify the noble tradition of the legal profession, and inspire and lead others with their skill and character. He is recognized in *Chambers USA* for employment: mainly defendant. Mr. March is listed in “The Best Lawyers in America®” for Arbitration, Bet-the-Company Litigation, Commercial Litigation, Litigation – Labor & Employment, Mediation, and Professional Malpractice Law – Defendants and was named as *Best Lawyers* Grand Rapids Bet-the-Company Litigation Lawyer of the Year in 2009 and 2013. He is named a Michigan “Super Lawyer” for alternative dispute resolution and was on Top 100 Super Lawyer list for 2013 and was on the Top 10 list in 2006. He is a recipient of the Grand Rapids Bar Association Young Lawyers’ Professionalism and Community Service Award. He received the 2013 Hillman Award presented by the Hillman Trial Advocacy Program for his contributions to trial advocacy training.

### **Articles and Presentations**

Mr. March writes and speaks on commercial and employment litigation topics for the Institute of Continuing Legal Education and the National Employment Law Institute.

### **Education**

Mr. March received his law degree, *cum laude*, from Harvard Law School in 1969. He received his undergraduate degree, with high distinction, from the University of Michigan in 1966, where he was also a member of Phi Beta Kappa and a James B. Angell Scholar. He has completed the Harvard Law School Mediation Workshop. He has received the basic mediation training provided by the United States District



Court for the Western District of Michigan; and the annual refresher courses provided by the Court; and numerous ICLE courses on mediation. He is licensed to practice law in Michigan, and is admitted to practice in all Michigan state, federal, and appellate courts.

