Michael W. Thrall

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DES MOINES OFFICE

Michael Thrall believes successful litigation begins and ends with effective communication. “Whether speaking with clients or arguing the case in front of the judge and jury, an attorney needs to present clear, complete, and accurate information,” he says.

An accomplished advocate, Michael thrives on arguing diverse, challenging cases. The ability to communicate effectively comes easily to him.

Michael has extensive experience as a trial attorney in both state and federal court. He practices commercial litigation, helping business clients with a wide variety of disputes such as shareholder disputes, breach of warranty, business torts and other business and commercial litigation. “There’s a lot of variety in my work,” he says. “I essentially become an instant expert in different businesses, industries, and legal issues.”

He also litigates life, health, and disability insurance cases under both state law and ERISA. “Each case is different, and each area of law presents its own challenges,” Michael says. “That diversity is what makes law interesting to me.”

Clients describe Michael as thorough and highly organized. He controls the course of the case and develops inventive strategies to achieve the desired outcome. “Creativity permeates the whole law process,” he says. “You can review the facts and applicable law, but once you get into the courtroom you need to present evidence in a such a way to persuade jury.”

Michael is a fellow in the American College of Trial Lawyers as well as the Iowa Academy of Trial Lawyers and a member of the American Board of Trial Advocates (ABOTA). Family, golf, and reading consume much of his time outside of the office.

RECOGNITION

Martindale-Hubbell
AV® Preeminent

American College of Trial Lawyers
Fellow, 2015–present

The Best Lawyers in America®
- Litigation—ERISA, 2012–2027
- Bet-the-Company Litigation, 2010–2027
- Commercial Litigation, 2005–2027

Chambers USA
2008–2026

Great Plains Super Lawyers
Business Litigation, 2009–2026



PRACTICE AREAS

- Litigation
- Banks & Financial Institution Litigation
- Business & Commercial Litigation
- Class Actions
- ERISA Litigation
- Estate, Trust & Fiduciary Litigation
- Health Care Litigation
- Life & Disability Insurance Litigation

EDUCATION

- Iowa State University (B.S.)
- University of Iowa (J.D., with high distinction)

BAR ADMISSIONS

- Iowa
- Admitted to practice in all state and federal courts in Iowa
- Eighth Circuit Court of Appeals
- U.S. Supreme Court
- Admitted pro hac vice in numerous state and federal courts

PROFESSIONAL EXPERIENCE

- Law Clerk, Hon. Harold D. Vietor, U.S. District Court, Southern District of Iowa

Benchmark Litigation
Litigation Star, Iowa, 2013–2023

Iowa Academy of Trial Lawyers
Fellow

American Board of Trial Advocates
Associate

Foundation of ABOTA
Fellow

C. Edwin Moore Inn of Court
Master

Iowa State Bar Foundation
Fellow

American Bar Foundation
Fellow

DRI Exceptional Performance Citation
2005–2006

Iowa Law School Moot Court Board
Chairman, 1979–1980

PROFESSIONAL & COMMUNITY AFFILIATIONS

American Bar Association

Iowa State Bar Association
- Iowa Jury Instructions Committee, 1989–2001
- E-Commerce Section Council, 2000–2003
- Federal Practice Committee, 1988

Polk County Bar Association

Defense Research Institute
- State Representative, 2007–2010
- Life, Health, and Disability Committee, 2000–present
- Data Management and Security Committee, 2006–present
- Commercial Litigation Committee, 2008–present

International Association of Defense Counsel

Iowa Defense Counsel Association
- President, 2005–2006
- Director, 1996–2010
- Legislative Committee, 1995–2010Chair, 2003–2005
- Amicus Committee Chair, 1999–2002
- Rules Committee Chair, 1999–2002
- E-Discovery Committee, 2007–2010

American Board of Trial Advocates
Iowa Chapter, President, 2009–2010

National Association of Railroad Trial Counsel

SIGNIFICANT CASES

Successfully represented an Iowa manufacturer on a breach of contract claim, obtaining a judgment for client in excess of $12 million.

Successfully defended independent directors of an Iowa company against claims of breach of fiduciary duty in an action raising questions of first impression under the Iowa Business Corporation Act.

Successfully defended an insurance company against multimillion dollar claims for malicious prosecution and tortious interference with perspective economic advantage arising from the termination and reporting of an agent to state insurance commissions for possible fraud.

Successfully represented an insurance company in obtaining an arbitration award in excess of $1,000,000 against an agent for indemnity.

Successfully defended the manufacturer of ultraviolet disinfection equipment against claims of breach of warranty.

Successfully defended office equipment manufacturer in enforcing a contractual limitation of liability clause to preclude multimillion dollar lost profits claim.

Successfully represented in an insurance company and related defendants in challenge to prepayment penalty in commercial loan documentation in a case of first impression in Iowa.

Successfully defended a church and several of its elders against claims of negligent supervision, defamation, and negligence in case raising First Amendment issues.

Successfully defended national retailer in putative class action, challenging the charging of sales tax for shipping and handling on internet transactions.

Successfully defended a railroad company in a complex contract and real estate dispute over riverfront property brought by the city involving the interpretation of agreements between the parties or their predecessors from the 1800's.

Successfully represented a national corporation in a constitutional challenge to Iowa's Loan Agencies Tax under the Commerce Clause and Equal Protection

resulting in a refund of over $1,600,000 in taxes.

Co-counsel for plaintiffs in an ERISA class action seeking to enforce a change of control agreement for management employees upon the sale of the company.

Successfully represented a company in establishing an artisan's lien protecting its work in improving and maintaining computer databases.

Hearing counsel for insurance companies in contested administrative hearings before the Iowa Insurance Division involving mutual insurance company holding company structure and related issues.

Representing companies and shareholders in shareholder disputes, including appraisal litigation following corporate mergers determining the value of dissenting shareholders' stock.

Representing companies in numerous commercial disputes including breach of contract, UCC, real estate litigation, warranty, and business torts.

Representing numerous clients in life, health, and disability insurance cases, including the first case to find Iowa first party bad faith claim preempted by ERISA.

SPEECHES & PUBLICATIONS

"Misrepresentation in the Life, Health, and Disability Process: A National Survey," ABA, Iowa Chapter, 3d ed., 2022

"State *Consumer Protection Law,"* ABA, Iowa Update, 2022

"Latest Trends, Techniques, and Case Law on Surveillance in Disability Insurance Litigation," DRI Life, Health, Disability and ERISA Seminar, 2017