



Brian N. Johnson

Founding Shareholder

Contact:

Phone: 612.305.7505

Email: bjohnson@nilanjohnson.com

Biography

Brian, a founding shareholder of the firm, has been practicing law for over 35 years. With all of his experience trying cases to juries (over 50 jury trials to verdict), there are almost no problems which Brian has not solved. He's best at finding the client's most beneficial legal position and utilizing creative methods—like accident reconstructions, mock jury exercises, and demonstrative trial exhibits—to persuade juries towards a favorable verdict.

Brian is incredibly responsive in returning all client communications. He takes the time to learn about and understand the industries that his clients live in, and uses that information to be a tenacious advocate. All in all, Brian's clients view him as a "problem solver," not a "problem creator."

When not representing clients, you can find Brian at his little log cabin in northern Minnesota, or playing the electric bass and acoustic bass guitars professionally in two cover bands.

Key Practice Experience

- Ski areas and their summer activity counterparts (partner with MN Ski Areas Association)
- National trial counsel for heater, boiler and pool equipment manufacturers including carbon monoxide, fires, explosions, burns, scalds and wrongful death
- Recreational products and powersports product liability defense on ATVs, side by sides, personal watercraft, snowmobiles, motorcycles and motocross, helmets, bicycles and several others
- Water park and amusement area defense
- Foodborne illness and defense of tainted food claims as regional trial counsel
- Unmanned Aircraft Systems (UAS/Drones) regulatory compliance, risk analysis and avoidance, and litigation
- Consumer product defense on personal injuries, fires, chemical exposures and burns
- Industrial product defense on presses, aerial devices, benders, paper mill products, laminators, packaging, docks, lifts, electrical equipment, gas valves, farm equipment and several others

Education

William Mitchell College of Law, J.D., *magna cum laude*, 1981

University of Minnesota, B.A.

Bar Admissions

Minnesota State Courts

U.S. District Court for the District of Minnesota

U.S. Court of Appeals, 8th Circuit

Pro Hac Vice Admission in 30 states

- Transportation and trucking defense
- Commercial litigation

Key Industry Experience

- Swimming Pool Industry
- Heater & Boiler Industry
- Recreational Products and Powersports Industry
- Foodborne Illness
- Sporting Goods Industry
- Unmanned Aircraft Systems (UAS/Drones)
- Transportation and Trucking Industry
- Industrial and Agricultural Machinery Industry

Jury Trials to Verdict

- *Altimorano*, personal injury from pipe bending machine
 - *Bechtold*, personal injury from skiing
 - *Bluhm*, FELA claim of personal injury against railroad
 - *Bowes*, premises liability case of personal injury
 - *Clarkson*, personal injury from explosion
 - *Curl*, personal injury from electrical shock
 - *Dansky*, property damage from fire
 - *Deering*, personal injury on alpine slide
 - *Erlich*, commercial claim on failure of smoke detectors
 - *Evans*, property damage from fire
 - *Felbush*, personal injury from industrial power press
 - *Feldman*, personal injury from auto accident
 - *First State Bank of St. Paul*, commercial claim
 - *Foust*, brain injury on transportation case
 - *Fredrickson*, personal injury from electrical explosion
 - *General Motors*, property damage from fire
 - *Graham*, personal injury from forklift vehicle accident on loading dock
 - *Hammes*, personal injury from motorcycle crash
 - *Jarvis*, personal injury from fire
 - *Johnson*, premises liability claim of brain injury
 - *Jones*, personal injury from fire
-
- *Kalumis*, personal injury on auto product liability
 - *Lewis*, personal injury from skiing
 - *Lipstein*, property damage from fire
 - *Marvin Windows*, commercial litigation
 - *Mayer*, personal injury from bicycle pedal failure
 - *Monson*, property damage on professional liability
 - *Mortenson*, personal injury from chemical explosion
 - *Orozco*, personal injury from pipe bending machine
 - *Pineda*, personal injury from chemical explosion
 - *Ricke*, personal injury on alpine slide
 - *Rodriguez*, personal injury from industrial power press
 - *Rogers*, personal injury and property damage from electrical explosion
 - *Rosedale Mall*, personal injury and property damage from electrical explosion
 - *Running*, fraud in settlement of personal injury case
 - *Savickas*, wrongful death from carbon monoxide
 - *Second Season*, property damage from building collapse
 - *Splay*, property damage and warranty breach on manufactured home
 - *Stapelfeld*, property damage from fire
 - *Svoboda*, property damage from fire
 - *Thompson*, personal injury on laminator

- *Zion United Methodist Church*, property damage from fire
- *Zumberg*, property damage from electricity

Recognitions and Honors

- Selection by peers into American College of Trial Lawyers, 2002 to present
- Selection by peers into American Board of Trial Advocates, 2004 to present
- Certified Civil Trial Specialist by the State of Minnesota, 1988 to present
- Academy of Certified Civil Trial Specialists, 1988 to present
- Trial Attorneys of America, 2009 to present
- Selection by peers in Minnesota *Super Lawyers*, 1994 to present

Publications and Presentations

- Employee Safety and Employment COVID Considerations for Ski Areas, Midwest Ski Areas Association Annual Meeting Webinar, August 2020
- Defenses in Sports Litigation and Dealing with Millennial Jurors, ASDA, Big Sky, MT, March 2020
- Update on Minnesota Law Impacting Ski Areas, Minnesota Ski Areas Association, St Paul, MN, January 2020
- Minnesota Legal Landscape for 2020, Minnesota Ski Areas Association, Powder Ridge Ski Area Minnesota, November 2019
- Judicial Interpretation of Assumption of Risk Defenses and “The Tale of Three Amici,” Association of Ski Defense Attorneys, Lake Louise, Canada, March 2019
- Legal Update and Mock Deposition Exercises, Midwest Ski Areas Association Terrain Park Summit, Dresser WI, February 2019
- Future Risk Management in Light of Changing Case Law, Minnesota Ski Areas Association, Roseville MN, February 2019
- The 2018 Safe Sports Act Overview and Application, Minnesota Ski Areas Association, Taylors Falls MN, October 2018
- Communication Challenges and the Return to the Office, ALFA Regional Client Seminar, Minneapolis MN, August 2018
- Ski Area Risk Management, Terrain Parks and Ski Industry Legal Update, National Ski Areas Assn and Midwest Ski Areas Assn, Boyne Mountain, Michigan, August 2018
- Hamilton – A Hip Hop Lesson in Old School Communication (real life perspective on how to connect with employees, clients, and customers in a meaningful way that will endure the next wave of innovation), ALFA 2018 International Client Seminar, Scottsdale AZ, March 2018
- Deposition Training For Management, MN Ski Areas Association, Biwabik and Taylor’s Falls MN, October 2017
- Jury Selection Techniques, Dakota County Constitution Day, Hastings, MN, September 2017
- Media Message Control, Risk Management and Industry Legal Update, Midwest Ski Areas Association, Devil’s Head Resort, Wisconsin, August 2017
- “Disaster Proofing,” (risk management for commercial drone operations) *Drone360*, July/August 2017 (co-authored with Sheila Kerwin)
- The Ethics of Influencing the Internet in Anticipation of Juror Misconduct, Association of Ski Defense Attorneys Annual Meeting, Park City, Utah, March 2017
- Trying a Case to the Millennial Juror: Can it be done with 140 Characters or less? ALFA International 2017 International Client Seminar, Miami Florida, March 2017
- Midwest Terrain Park Summit and Risk Management Techniques, Midwest Ski Areas Association, Granite Peak Ski Area, Wausau Wisconsin, February 2017
- “Are Drone Operators Prepared for the Risks?“, *Directions Magazine*, November 2016
- Shaping the Internet in Anticipation of Juror Misconduct, Claims and Litigation Management Alliance, Dallas Texas, November 2016
- Risk Management, Litigation Update, Drones and Americans with Disabilities Litigation, Minnesota Ski Areas Association, Biwabik and Taylors Falls Minnesota, October 2016
- Risk Management For Commercial Drone Operations, The InterDrone International Drone Conference and Exposition, Las Vegas, Nevada, September 2016
- Compliance with New Small Drone Rules is Only One Aspect of Robust Risk Management Program for Commercial Drone Operations, *Industry Today*, August 2016

- Drone Risk Management and New Regulations Affecting Non-Exempt Employees, Minnesota Ski Areas Association, Wild Mountain, August 2016
- Trial Tips from a Trial Pro, *Law360* and *Law360 Trial*, June 2016
- Putting Your Best Face Forward – Shaping the Internet in Anticipation of Juror Misconduct, ALFA International, Amelia Island Florida, May 2016
- Accident Investigation Procedures for Snow Sports Incidents, Minnesota Ski Areas Association, Buck Hill Ski Area, November 2015
- Drones – What Could Possibly Go Wrong? Legal Liabilities and Regulations Around Drones and Update on 25 Years of Americans With Disabilities Act, Midwest and Minnesota Ski Areas Association, Hyland Hills Ski Area, October, 2015
- Combating Jurors’ Misconduct Using the Internet During Trial, Minnesota Paralegal Association, September 2015
- Cutting Edge Landscape of Safety and Risk Management, and Handling Americans with Disability Claims, Midwest Ski Areas Association, Alpine Valley, Wisconsin, August 2015
- Preservation of Evidence and Avoidance of Spoilation Claims, Sports and Fitness Industry Association, Las Vegas, Nevada, February 2015
- Trial Academy Faculty, Minnesota Defense Lawyers Association Trial Academy, University of Minnesota Law School, January 2015
- Product Liability Law: How It Really Works, University of Minnesota Law School, November 2014
- Minnesota Legal Update on Ski and Snowboard Litigation, Minnesota Ski Areas Association, Elm Creek, Minnesota, November 2014
- How To Be A Good Law Partner, ALFA International Annual Business Meeting, Pasadena, California, October 2014
- Can A Party Ethically Influence the Internet in Anticipation of Juror Misconduct?, Trial Attorneys of America Annual Meeting, Chicago, Illinois, June 2014
- American College of Trial Lawyers National Trial Competition, Judge, University of Minnesota Law School, February 2014
- Liability Issues Facing Ski Areas, Midwest Ski Areas Association Annual Meeting, Alpine Valley, Wisconsin, August 2013
- Trial Academy Faculty, Minnesota Defense Lawyers Association Trial Academy, University of Minnesota Law School, January 2013
- Product Liability Law on Gas Appliances, American Society of Gas Engineers National Conference, June, 2012
- One Firm, Three Verdicts, Ten Days for Nilan Johnson, Minnesota Lawyer, March 2012
- Product Liability Law, William Mitchell College of Law, November 2010
- Ski Defense Litigation: From the Accident Site to the Courtroom, Hamline University School of Law, November 2010
- Minnesota Legal Liability Update, Twin Cities Independent Ski Areas Association, October 2010
- Minnesota Defense Lawyers Association Trial Academy, University of Minnesota Law School, Faculty, January 2010
- Current Issues Affecting Recreational Products Counsel, Defense Research Institute Product Liability Committee, April, 2009
- Minnesota Defense Lawyers Association Trial Academy, University of Minnesota Law School, Faculty, January 2009
- The Rise of Hyper-Specialized Law Firms: Don’t Be Afraid to Scratch a Niche, TechnoLawyer Blog: TechnoFeature, January 2009
- Product Liability Law: A Practitioner’s View, William Mitchell College of Law Presentation, 2008 and 2009
- Overview of Ski and Ski Lift Accidents, MN Ski Area Operators and US Lift Manufacturers, November 2007
- Preparing the Foreign Engineer for Deposition, DRI, February 2007
- Core Values in the Law Firm, Minnesota Lawyer, December 2006
- Electronic Discovery: How to Prevent Creating Bad Evidence in Electronic Data, Webinar for Sporting Goods Manufacturers Assn., November 2005
- Protections on Paper: Allocating Risks Through Contracts, Common Law, Statutes & Checklists, Sporting Goods Manufacturers Assn., January 2005
- Product Inspections & Product Testing: Tips, Issues & Solutions, December 2002
- Life as a Trial Lawyer, William Mitchell College of Law, March 2001

- Difficult Lawyers: A Group Exercise Of Problems & Solutions To Tame Mean Lawyers, August 2001
- Effect of the Internet on Product Liability Cases, Minnesota Institute of Legal Education, December 2000
- Demonstrative Evidence: Computer Graphics, Simulations and Reconstructions, Minnesota Institute of Legal Education, March 2000
- Ensnared in the Web: Beware of Internet Booby Traps and E-mail Time Bombs, *Ventures*, March 1999
- Marketing Legal Services: Things Everyone Can Do, May 1999
- The Life of a Case: Our American Litigation Process, St. Thomas University MBA Lectures, 1988-2005
- Trends in Document Production, Minnesota Institute of Legal Education, October 1997
- A Useful Court Ruling for Ski Areas, MSSA Ski Area News, Midwest Ski Areas Association, September 1997
- Risk Management for Ski Area Lift Operators: Avoiding Incidents & Defending Claims, Midwest Ski Area Association, Annual Meeting, Indianhead Ski Area, Bessemer, Michigan, August 1997
- A Manufacturer's Guide to Product Liability Law in Minnesota, Minnesota Department of Labor and Industry, 1992, 1996
- Defending Manufacturers in Electrical Fire Cases, Minnesota Institute of Legal Education, October 1996
- Friends in Document Production in Products Liability Cases, Minnesota Institute of Legal Education, October 1995
- BNA Product Safety & Liability Reporter, January 1995; BNA Toxic Law Reporter, September 1995
- Defending Forum Shopping by Foreign Plaintiffs, Product Liability International, October 199
- Document Retention and Legal Issues Arising After the Sale of a Business, Product Liability International, August 1994
- The Use and Abuse of Experts, Minnesota Institute of Legal Education, October 1992
- Product Liability Prevention and Trial Practice, State of Minnesota, Small Business Assistance Agency, Minneapolis, MN, 1989, 1990, 1991, 1992
- Proposed Rule 26 Changes: The Negative Impact on Corporate Product Liability Defendants, Leader's Product Liability Law & Strategy, BNA Product Safety & Liability Reporter, BNA Toxic Tort Reporter, 1991
- The Statute of Limitations Defenses in Workplace Injuries and Insurance Claims, Minnesota Institute of Legal Education, 1987, 1990
- Minnesota and Federal Trial Practice, Minnesota Legal Assistance Organization, September 1989
- Limitations of Actions and Notice Provisions in First Party Insurance Claims, January 1988
- Nuts and Bolts of Practice in Hennepin & Ramsey Counties, December 1986

Professional Associations

- American College of Trial Lawyers, Fellow
- American Board of Trial Advocates
- Association of Ski Defense Attorneys (ASDA)
 - ◆ Member, Board of Directors
- Trial Attorneys of America
- Products Liability Advisory Committee (PLAC)
- Defense Research Institute, Products (DRI)
- Minnesota Defense Lawyers Association (MDLA)
- Minnesota State Bar Association (MSBA)
- American Bar Association (ABA)
- Sports and Fitness Industry Association, Sports Litigators
- Academy of Certified Trial Lawyers of Minnesota
- ALFA International Global Legal Network

Community Engagement

- American Red Cross Board, Past