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Omaha NE 68144-3267  
ddomina@dominalaw.com

**Professional Practice:**

Trial Practice Exclusively.

- Over 325 Jury Trials  
Largest Verdict \$1.267 Billion
- Over 220 Appellate Decisions
- Two Constitutional Impeachment Trials
- Nine of Nine Homicide Acquittals

**Practice Emphasis:**

Persuasion. Trial is a specialty. Many Lawyers talk about Trial, but few do it. Trial practice is *not just talk*.

**Argued:**

220 + cases in State and Federal Appellate Courts  
325+ cases to approximately 13,000 jury veniremen

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**Professional Credentials**

Juris Doctor With Distinction, University of Nebraska at Lincoln. 1972.

Licensure	State Bar of Michigan	# P59800
	New York State Bar Assn	Reg # on Request
	Nebraska State Bar Assn	# 11043
	The Missouri Bar	# 24687
	US Supreme Court	
	US Courts of Appeals 6 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> .	& Fed Circuits
	US Federal Claims Court	
	US Tax Court	

Diplomat American Board of Trial Advocates

**Publications & Major Contributions**

**2011**

Domina, David A., and Real Dan, Book Chapter, Appellate Practice & Procedure, Appellate Practice Council, (ABA Books 2011)(release: Spring)

Domina, David A., and Brian E. Jorde, "Trial: The Real Alternative Dispute Resolution Method! (ABOTA, *Voir Dire* Magazine, Winter 2011)

Counsel, *Terry v Tyson Farms*, Petition for Writ of Certiorari from U S Supreme Court to U S Court of Appeals, Sixth Circuit

## **2010**

Domina, David A. and C. Robert Taylor, Final Comments on GIPSA Proposed Rules, Report Prepared for U S Department of Agriculture for Official Comment on Competition In Livestock Industry (Invited by Org Competitive Markets. Submitted to USDA Nov.2010)

C. Robert Taylor and David A. Domina, Restoring Economic Health to Contract Poultry Production, Report prepared for the Joint U.S. Department of Justice, U.S. Department of Agriculture Workshop on Competition Issues in the Livestock Industry, August 25, 2010. (Taylor Invited Speaker, Normal AL May 2010)

Domina, David A., and C. Robert Taylor, Restoring Economic Health to Beef Markets, Report prepared for the Joint U.S. Department of Justice, U.S. Department of Agriculture Workshop on Competition Issues in the Poultry Industry, May 13, 2010. (Domina invited speaker, Ft. Collins, CO, August 27, 2010)

Domina, David A., and C. Robert Taylor, "The Debilitating Effects of Concentration in Markets Affecting Agriculture," *Drake Agricultural Law Journal*, Vol. 15(1), Spring 2010, 61:108.

Domina, David A. and Brian E. Jorde, "Trial: The Real Alternative Dispute Resolution Method", Invited Publication, Nebraska Ass'n Trial Attorneys (Oct 2010)(Oral Publication by Mr. Jorde Supplemented Publication)

Domina, David A., "Issues in Case Selection: How to Choose, Not Just be Chosen By, Clients: A Plaintiff Lawyer's Perspective", Invited Publication, Nebraska Bar Ass'n (Oct 2010)(Oral Presentation Supplemented Publication)

Domina, David A. & Real, Daniel L., *The Insider's Guide to the Nebraska Appellate Courts*, American Bar Association Appellate Practice Compendium (ABA Publishing 2010)

Domina, David A., Keynote Address (Invited) Market Structure & Fair Competition, Montana Cattlemen's Ass'n (Lewistown MT Dec 2010)

Domina, David A., Keynote Address (Invited), What is Really in the GIPSA Rules, Kansas Cattlemen's Ass'n (Great Bend KS (Nov 2010)

Domina, David A, & Brian E. Jorde (Invited Presentation), What are the Proposed Fair Competition Rules & How Do They Work?, Independent Cattlemen of Nebraska (North Platte NE Oct 2010)

## **2009**

Domina, David A., Electronic Markets: Essential for Fair Competition at the Marketplace, Invited Comments (USDA Dec 2009)

Domina, David A., and C. Robert Taylor, "The Debilitating Effects of Concentration in Markets Affecting Agriculture," Organization for Competitive Markets Special Competition Committee Report, (September 2009)

Domina, David A., Speaker & Model Oral Advocate, American Bar Association (ABA) Appellate Conference (Chicago IL, May 2009)

Domina, David A., Sell Your Product, Not Next Guy's, *Nebraska Farmer*, (April 2009)

Domina, David A., How To Protect Your Forward Price, *Nebraska Farmer*, (March 2009)

Domina, David A., Keynote Speaker: Organization for Competitive Markets (OCM) Annual Convention, St. Louis, MO (August 2009)

Domina, David A., Model Appellant's Brief, American Bar Association, Appellate Conference (2009)

Domina, David A., Proving Unfair Business Practices in Court, Am Ag Law Institute, Williamsburg VA (2009)

## **2008**

Domina, David A., *What Is the Bailout Bill?* The Emergency Economic Stabilization Act of 2008, *Nebraska Lawyer*, (Nov-Dec 2008)

Domina, David A., Cited in *Forbes* Magazine, January 7, 2008

Domina, David A., Invited Speaker, Nebraska Judicial Resources Commission Conference (Lincoln NE 2008)

Domina, David A., Invited Keynote Speaker, Citizens for Rural Schools, in connection with *Koch et al. v. Freeholder Board* (December 2008)

Domina, David A., Invited Sermon, Public Service and Church Lives, Methodist Conference (Omaha NE February 2008)

Domina, David A., Defense of Ancient Acts: Trial of Persons Accused of War Crimes in WW II (Military Channel 2008)

Domina, David A., Defense of Ancient Acts: Trial of Persons Accused of War Crimes in WW II (History Channel 2008)

## 2007

Counsel, *Raisin Valley Farms et v USDA*, Petition for Writ of Certiorari from U S Supreme Court to U S Court of Appeals, Federal Circuit

Domina, David A., Speaker, Creighton Law School, Appellate Advocacy, ( March 2007)

Domina, David A., Invited Speaker, Litigation Symposium for CFOs, (Birmingham, MI Jan 2007)

Domina, David A., Invited Speaker, Nebraska Appellate Judges Seminar (February 2007)

Domina, David A., Invited Sermon, First United Methodist Church (Omaha NE February 2007)

Domina, David A. Invited Speaker, Nebraska Judicial Networking Coalition Feb 2007)

Domina, David A., Invited Speaker, Knox County [NE] Partnership Dinner

Recognized as Leading Lawyer in *Chambers USA*, by legal publisher “Chambers & Partners”

## 2006

Domina, David A., Trial Counsel to Nebraska Legislature in Prosecution of Articles of Impeachment Against Constitutional State Officer. Result: 1<sup>st</sup> Impeachment Conviction Since 1871. 1<sup>st</sup> conviction ever in trial before any state or federal court sitting as a Court of Impeachment.

Domina, David A., Selected Appellate Counsel: Nebraska’s Oldest Charitable Foundation, Founded by Former US Senator, founder of State’s Largest Newspaper.

Domina, David A., Appellate Counsel: Precedent – establishing cases involving corporate stock transfer restrictions, tort of outrage, prosecutorial immunity challenge, & attack on statute imposing “sales tax” on telephone service.

Domina, David A., Lessons as Counsel for Creditors of A Huge Cattle Rustler, Independent Cattlemen of Nebraska (October, 2006)

Domina, David A. Effective Oral Argument: Thoughts on Appellate Advocacy, *The Nebraska Lawyer*, April 2006. p 40-42.

Domina, David A., Chapter Author, *The Abundance of Our Faith: Award-winning Sermons on Giving Plus Suggestions for Group Discussion* (Skinner House 2006)

Domina, David A., *The Trial Judge's Role in Nebraska Appellate Jurisdiction* Neb Judges, in Convention, 2006 (Invited Written and Oral Presentation to All State Judges)

Domina, David A., *Final Orders. Nebraska's Quagmire*, NSBA Continuing Legal Ed, Lincoln, NE, (March 2006)

## 2005

Domina, David A., Invited Appellate Counsel, *Amicus Curiae* Group of Organizations with Membership totaling more than 50 million Americans, *R-Calf USA v. USDA*, U.S. Court of Appeals, 9<sup>th</sup> Cir. (2005).

Domina, David A., Changing Methods for Changing Clients and Times, Nebraska Association of Trial Attorneys, 2005.

Domina, David A., Trial Counsel, Five 2005 cases involving jury verdicts in excess of \$1 million.

Domina, David A., 2005 Trial Counsel, complex claims resolving matters in excess of \$200 million in U.S. Bankruptcy Court.

Domina, David A., Guest Lecturer, Independent Courts, Univ of Nebr at Omaha

## 2004

Domina, David A., Lead Trial Counsel, *Pickett v Tyson Fresh Meats, Inc.* (formerly *IBP, Inc.*) US Dist Ct MD AL (tried to verdict - \$1.28 billion)

Domina, David A. Proving Anti-Competitive Conduct in the U.S. Courtroom: The Plaintiff's Argument in *Pickett v Tyson Fresh Meats, Inc.*, *Journal of Agricultural & Food Industrial Organization*: Vol. 2 : Iss. 1, Article 8.

Domina, David A. *Julia is A Federal Juror*. VOIR DIRE (American Board of Trial Advocates Fall 2004) p. 12-23.

Domina, David A. *International Meat Trade Issues* (Salzburg, Austria) Paper & Lecture (Invited Presentation November 2004)

Slowiaczek, John & David A. Domina, The Equitable Distribution of Farms, *Journal of the American Academy of Matrimonial Lawyers*, 18 (2) (2004)

Domina, David A., Defining Competition in US Courtrooms, Invited Presentation to University of Nebraska - Lincoln (Invitation of College of Law & Dept of Agricultural Economics)

Domina, David A., Trial Counsel, Four 2004 cases with verdicts in excess of \$ 1 million.

## 2003

Domina, David A. *Discovery in Complex Cases*, Digilearn Online CLE. Approved NY, MO, TX, CA, etc.

Domina, David A. *Discovery in Complex Dissolution Cases*, Nebraska State Bar Ass'n, October 2003

Domina, David A. *Antitrust: Time to Raise Awareness Among the Bar*, Digilearn Online CLE. approved NY, MO, TX, CA, etc.

Domina, David A. *It's Time for Antitrust To Move West*, Wyoming Trial Lawyers Ass'n, Invited Presentation,( Cody , WY June 2003).

Domina, David A., *Pickett v. IBP, Litigation to Change the Way Cattle are Marketed* Wyoming Livestock Assn. & R-CALF, WY State Fair, ) Douglas, WY, (August 2003)

Domina, David A., *Antitrust Litigation and Livestock Marketing*. Invited Presentation, Livestock Marketing Assn (Ogallala, NE, June 2003)

## 2002

Domina, David A. *It's Time for Antitrust to Come to The Prairie*  
*The Nebraska Lawyer*, December 2002. p 7-12.

Domina, David A., *Antitrust Litigation and the Packers & Stockyards Act of 1921*  
Invited Presentation, Austin TX Atty Conf, (November 2002)

Domina, David A., *Battling Market Concentration in the Courtroom*  
Invited Presentation, Org for Competitive Markets Annual Convention (Omaha NE, August 2002)

Domina, David A., *Leveling the Playing Field. Fair Competition for America's Producers*,  
Invited Presentation, Nebraska Farm Bureau, Humphrey, NE, (March 2002)

Domina, David A., *Litigation and Fair Competition for America's Producers*  
R-CALF (Rural Cattlemen's Action Legal Fund National Convention, Kansas City, MO, (January 2002)

Domina, David A., *Northwest US Cattlemen's Update Livestock Litigation and Developments*, ( Billings, MT, December 2002)

Domina, David A., *Unfair Competition Through Vertical Integration. Unfair Price Competition*, Invited Presentation, Attorney's Conference, Org for Competitive Markets, Austin, TX

Domina, David A., *Litigation to Meet Price Emergencies. Combating Unfair Monopsony Power*, Price Crisis Meeting & Seminar, Org for Competitive Markets R-CALF & Nebraska Cattlemen, Omaha, NE, (May 2002)

Domina, David A., *Litigation to Meet Price Emergencies. Combating Unfair Monopsony Power*, Price Crisis Meeting & Seminar, Organization for Competitive Markets & R-CALF, (Amarillo, TX, June 2002)

Domina, David A., *Litigation to Meet Price Emergencies. Combating Unfair Monopsony Power*, Price Crisis Mtg & Seminar, Org for Competitive Markets & R-CALF, (Memphis, TN, June 2002)

## **2001**

Domina, David A. *Trial of Large Livestock Nuisance Cases; Preventive Practice and Practicalities*. (Invited Presentation, Midwest Pork Producers , Sioux City IA)

Domina, David A., *Voir Dire in an Urban Setting*, Invited Presentation ( NATA, Lincoln NE Sept 2001)

Domina, David A., *New Rules: Expert Witnesses.. Schafersman v Agland Coop, A Summary*, NATA, Omaha NE 2001)

Domina, David A., *The Beginning: Ethical Study, Ethical Practice*, (Invited Presentation), All Class Orientation, University of Nebraska College of Law (Sept 2001)

Domina, David A., *Counsel, Williams v State, Petition for Writ of Certiorari from U S Supreme Court to U S Court of Appeals, Eighth Circuit*

## **2000**

Domina, David A., *Objection! A Powerful Word! Prairie Barrister* (Summer 2000)

Domina, David A., *Keynote Address: Concentrated Markets: Risks to American Security, Competitive Market Conference* ( Kansas City MO, July 2000)

Domina, David A., *Closing Argument – Law & Presentation*, (Lorman, NATA 2000)

Domina, David A., *Medical Examinations – Limitations, Prairie Barrister* (Fall 2000)

Domina, David A., *Focused Trial Practice, Small Firm v Mega Practice* (Univ of NE)

## **1999**

Lead Trial Counsel, 12-week trial, Dispute Among Prominent Michigan Family  
(Circuit Court Oakland County MI)

Domina, David A., Medical Examinations and Rule 35, *Prairie Barrister* (Fall 1999)

Domina, David A., Impeachment of Andrew Johnson, *VOIR DIRE* (ABOTA, Fall 1999)

Domina, David A., Implications of Nebraska's Impeachment Experience for the  
Impeachment of President Clinton, (Invited Presentation) (UNL 1999)

## **1998**

Domina, David A, Lead Trial Counsel, *CenTra v Chandler Ins Co.*, U S Dist Ct MD Okla  
(shareholder derivative action against officers of public company)

Domina, David A., *Opening Statements – Law & Presentation*, (NATA, Lincoln NE)

Domina, David A., *Medical Examinations – Techniques for Combating Abuses*, (NATA,  
Omaha NE)

## **1997**

Domina, David A., *Orientation to the Legal Profession*, Guest, University of Nebraska  
College of Law (Lincoln NE)

Domina, David A., *Ethical Dilemmas in Daily Practice*, Guest, University of Nebraska  
College of Law (Lincoln NE)

Domina, David A. Rule 35 and Medical Examinations. *Prairie Barrister* (Spring 1997)

Domina, David A., How Important Is Trial By Jury? *VOIR DIRE* 4(4) (1997)

Domina, David A. Speaking, Sharing, Acting, Invited Sermon First United Methodist,  
Omaha, NE

## **1996**

Domina, David A., Recipient, Skinner Sermon of Year Award, (Unitarian Univ Ass'n  
Of North America 1996)

Domina, David A., Invited Keynote Sermon, General Assembly (Unitarian Univ  
Ass'n 1997)

Domina, David A., *Trial; A Primer*, Nat't Inst Legal Ed (1996)

Domina, David A., Commercial Transactions & Litigation Risks, *Voice Magazine*  
Midwest Retailers 1996)

Domina, David A. Love, Money & Unitarianism, Series, Invited Sermons  
Unitarian Church, Omaha, NE

## **1995**

Domina, David A., *Closing Argument -- Technique & Sincerity*, (Neb State Bar 1995)

Domina, David A, *Masters in Trial*, American Board of Trial Advocates Kansas City MO)

Domina, David A, Unitarianism & Spirituality: Parallels & Paradoxes, Series of Invited  
Sermons, Second Unitarian Church, Omaha, NE

Domina, David A, The Energy of Action...The Duty of Unitarian Universalism, Invited  
Sermon, Midwest Conference, UUA, Des Moines IA

## **1994**

Domina, David A., *Preventing and Trying Nuisance Claims*, (Sioux City IA)

Domina, David A., *Nuisance Law and Livestock Producer's Risks* Nebraska Cattlemen's  
Assn (Ogallala NE)

Domina, David A., A New Member Looks at the Church, Series of Invited Sermons,  
Multiple Sites, Omaha, NE

## **1993**

Domina, David A., Expert Witness Direct & Cross Examination, (NATA Lincoln NE)

Domina, David A., UCC Issues for Grocers, *Voice* (Midwest Retailers 1993)

Domina, David A., *Jones v Clinton*, Appellate Advocacy, Nat'l Inst Legal Edu & Eighth  
Circuit (1993)

## **1992**

Domina, David A. Selected, University of Nebraska College of Law Representatives –

Decade of the 1970s

Domina, David A., Guest Lecturer, Sociology & the Law, Dana College.

**1991**

Domina, David A *Masters in Trial*; Am Bd of Trial Advocates (Omaha NE)

Domina, David A., *Back From the Future & Then Into It*, Series, Invited Sermons,  
Omaha NE

**1989**

Domina, David A *Interviews, Beauty Contests, and Client Counsel Selection*  
(*Small Law Firms Representative*) Am Bar Assn Convention

Domina, David A., Attorneys Dispel Myth of 'Small Town Lawyer.' *The Nebraska*  
*Transcript, Vol 23 Issue 213, Spring 1989.*

*Cutshall Program*, CBS News *60 Minutes* ( August & December)

**1988**

Domina, David A., Comparative Negligence, A Plaintiff's Perspective, (7<sup>th</sup> Jud Dist Annual  
Convention, Invited Paper, Norfolk NE 1988)

Domina, David A., *Disappearance & Defense*, CBS News *60 Minutes*,( 2 segments 1988).

**1987**

Domina, David A., Leadership and the Law, Nebraska Youth Leadership Counsel  
(Invited Presentation 1987)

Domina, David A., Can Economic Development Efforts Make A Difference in  
the Midwest's Smaller Cities? (Norfolk NE 1987)

Domina, David A., What Responsibility: Manufacturing Quality Products that Do  
Not Work As Applied? (Lansing MI 1987).

**1986**

Domina, David A., Candidate, Governor of Nebraska  
(Author, Position Papers:

Infrastructure Improvements, Revitalization of Rural Nebraska, Nebraska Law and Market Fairness, Nebraska Tax Policy: Time for an Overhaul: Nebraska: Priorities for a New Millennium; The Benefits of Consolidating State Law Enforcement Resources; Corrections to Prevent Recidivism, Not Just to Punish; Stopping Meth in Nebraska; Capitalizing on Nebraska's Water Resources)

## **1985**

Domina, David A., Products Liability Trial and Practice, Neb State Bar Cont Legal Education Studies (Lincoln NE 2005).

Domina, David A., Nebraska's Future with Conservation: Can Wind Become A Product? (WIFE, Kearney NE 1985)

## **1984**

Domina, David A., *Trial Demonstration & Techniques* NATA

Domina, David A., Trial Services, Impeachment Proceedings, Attorney General of Nebraska (Nebraska Supreme Court 2004)( Vote: 4: convict; 3 acquit).

## **1983**

Domina, David A., Appointed (Concurrence of Governor & Attorney General), Chief Investigator , Commonwealth Savings Co. Collapse, Investigation of Attorney General of Nebraska, Investigation of Nebraska Investment Guarantee Ass'n)

Domina, David A. & John Miller, *Report to the Citizens of Nebraska on Public Officials & Their Conduct – Failure of Commonwealth Savings* (Delivered to Clerk, NE Legislature, December 2003)

Domina, David A. Investigation, Impeachment, Nebraska Attorney General

**1975-82** *Developments in Nebraska Law – Government, Municipalities Schools, Civil Procedure. Annual Presentations*

**1973-79** Lawyer, Judge Advocate General Corps, United States Army and Army Reserve

**1972-73** Associate Editor, Nebraska Law Review

**1972** *Appellate Review of Workers Compensation Cases, Nebraska Law Review, 1972.*

**1969-72** Member, National Moot Court Team, University of Nebraska

## **Representative Services As Guest Speaker:**

Guest Sermon: UUA General Convention, Washington 1995  
Guest Sermon: UUA Midwest Convention 1996  
Guest Sermons: Numerous Churches

USDOJ/ USDA Ag Market Competition Workshops  
Duke University College of Law  
University of Nebraska Dept of Ag Economics

Creighton University College of Law  
University of Nebraska College of Law  
Kansas Cattlemen's Association

South Dakota Stock Growers Association  
Montana Stock Growers Association  
Nebraska Cattlemen's Association  
Department of Justice & USDA Workshop  
Independent Cattlemen of Nebraska  
R-CALF USA National Conventions

Madera County, California, Chamber of Commerce & Farm Bureau  
Independent Pork Producer Groups  
Organization for Competitive Markets (OCM)  
Central California Raisin Valley Producers

UNL Midwest Pork Conference  
Nebraska Pork Producers  
81-91 Pork Producers  
Affiliated Foods Annual Conferences

National Grocers Association  
Salzburg Austria International Legal Conference  
U.S. Congressional Inquiry Committee  
Concentration in Agricultural Markets

Wyoming Trial Lawyers Association  
Nebraska Trial Lawyers Ass'n  
Nebraska Bar Ass'n  
American Bar Ass'n  
Numerous Veteran's Day & Memorial Day speeches

Volunteer: Death Penalty Defense & *Habeas Corpus*  
Defense of Accused State Legislator  
Defense of Accused Judge  
Defense of Numerous Lawyers in Disciplinary Matters  
Accepted Court Appointment in Highly Public  
Capital and Life Incarceration Defenses  
Numerous Bar Association Activities  
Numerous Churches, Schools, Universities