



Terry E. Johnson

Attorney

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Terry Johnson is a Shareholder and Chair of the firm's Professional Liability Section. Terry has tried hundreds of cases to a verdict in matters ranging from complex legal malpractice cases to major construction defect disputes to major personal injury actions. He has had an impact in the development of Wisconsin law through appellate work in a wide spectrum of areas. Representative matters and examples of reported appellate decisions are listed below.

Terry was asked to serve by the Chief Justice of the Wisconsin Supreme Court on the Office of Lawyer Regulation ("OLR") Procedure Review Committee. The recommendations of that Committee were adopted in July 2020. Terry participated in a subsequent training program on the new procedures for referees.

Terry has also repeatedly participated in training sessions for judges on civil procedure issues at the annual Wisconsin Office of Judicial Education's Civil Law Seminar.

Areas of Practice

- Professional Liability
- Class Actions
- Commercial and Business Litigation
- Litigation and Risk Management
- Dispute Resolution

Education

- University of Wisconsin, J.D., *cum laude*, 1975
- University of Wisconsin-Milwaukee, B.A., *cum laude*, 1972

Bar Admissions

- Wisconsin
- U.S. District Court, Eastern and Western Districts of Wisconsin, Northern District of Illinois
- U.S. Court of Appeals, 7th Circuit
- U.S. Supreme Court

Representative Matters

Representative matters include:

- One of two lead counsel in an action brought by a partial quadriplegic against over 60 defendants for injuries sustained as a result of a fire which resulted in a defense verdict after 11 ½ weeks of trial.
- Successful defense after a multi-week trial of an architectural and engineering firm against multiple malpractice claims relating to the design of a large downtown Milwaukee office building allegedly causing over \$10 million in repairs.
- Successful defense at trial of a trucking company against a claim by a police officer who sustained serious head injuries when the squad car collided with a semi while traveling at high speed with all emergency lights on.
- Successful defense at trial of a major Madison law firm against allegations of malpractice in pursuit of an age discrimination claim by a business executive.
- Successful defense after a multi-week trial of a Wisconsin judge against claims of legal malpractice arising from an investment in a client's businesses while the judge was in private practice.
- Successful defense at trial of a major Madison law firm against allegations of malpractice in representation of a client concerning cell phone contracts, allegedly causing millions of dollars in damages.

- Successful defense at trial of an attorney accused of having caused the client's loss of a franchise for a major automobile manufacturer.
- Successful defense after a multi-week trial of a major Madison law firm against allegations that negligent advice had caused business owners to incur over \$40 million in tax liability.
- Successful defense at trial of a major Wisconsin plaintiff's personal injury firm against claims of negligence in the handling of a medical malpractice case.
- After multi-week trial, obtained multi-million dollar verdict against large manufacturer for bad faith failure to report dealership claims to excess carrier client as required by manuscript policy.

Examples of reported appellate decisions include:

- *Tank Transport v. Duffy*, establishing the basis for application of the higher expert standard of care for attorneys.
- *Shannon v. Shannon*, determined that substantive provisions of insurance policy contracts cannot be waived.
- *State Farm v. Ford Motor Co.*, extended the economic loss doctrine to consumer transactions for the first time.
- *General Accident v. Schoendorf & Sorgi* and *Seltrecht v. Bremer*, establishing the rule by which liability is determined where successive law firms negligently serve the same client.
- *Kriefall v. Sizzler*, determining the rights and limits on rights to recover for indemnity and equitable subrogation arising out of an e coli outbreak that was caused by the sale of adulterated meat and destroyed the business of a local restaurant.
- *Krier, et al v. Vilione, et al.*, affirmation of summary judgment in favor of defendants dismissing claims based upon inadequacy of expert testimony in an accounting malpractice case.
- *Markwardt, et al. v. Zurich American Insurance Company, et al.*, appropriateness and validity of agreement between attorney and departing associate for division of fees on contingent fee cases taken by departing associate.
- *Rainbow Country Rentals and Retail, Inc. v. Ameritech Publishing, Inc.*, reversal of prior Wisconsin Supreme Court authority holding that Ameritech Publishing's damage limitation was unenforceable on public policy grounds.
- *DeWitt, Porter, Huggett, Schumacher & Morgan, S.C. v. Kovalic, et al.*, appropriateness of refusal of trial court to bifurcate trial involving fee claim, fee collection issues, malpractice action, and reasonableness of award of attorney's fees in favor of firm.
- *Schaefer v. Riegelman*, affirming dismissal of action due to failure of out of state counsel to have complaint signed properly by licensed Wisconsin attorney.

Professional and Civic Associations

- Wisconsin Defense Counsel
- American Board of Trial Advocates
- State Bar of Wisconsin

Honors and Accomplishments

- *The Best Lawyers in America*®[®], Bet-the-Company Litigation (2015-2026), Commercial Litigation (2013-2026), Personal Injury Litigation - Defendants (2011-2026), Legal Malpractice Law - Defendants (2025-2026), Medical Malpractice Law - Defendants (2025-2026)
- Best Lawyers® Personal Injury Litigation - Defendants "Lawyer of the Year", Milwaukee (2012, 2015, 2019)
- "Top 25: Milwaukee Super Lawyers®" (2011-2012, 2014-2020)
- "Top 50: Wisconsin Super Lawyers®" (2005-2006, 2008-2009, 2011-2020)
- Wisconsin Super Lawyers® (2005-2025)