



ELLIS & WINTERS LLP

J. Donald Cowan, Jr.

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Education

J.D., WAKE FOREST UNIVERSITY, WINSTON-SALEM, NORTH CAROLINA, 1968

Honors: With Honors

B.A., WAKE FOREST UNIVERSITY, WINSTON-SALEM, NORTH CAROLINA, 1965

Practice Areas



Don Cowan no longer practices law, but we were privileged to have him as our partner from 2008 to 2012.

Don Cowan earned a reputation as a highly regarded and unusually diverse trial lawyer whose practice maintained a special emphasis on commercial cases, intellectual property, products liability and medical products. His experience includes a wide variety of jury cases in state and federal courts in North Carolina and other jurisdictions.

Mr. Cowan is a past president of the North Carolina Bar Association and previously served as an Adjunct Professor of Trial Practice at Duke University School of Law. He also served on the Criminal Justice Act panel for the Middle District of North Carolina and was often appointed as trial counsel. In addition, Mr. Cowan regularly lectured to North Carolina state trial judges on trial practice and evidence. He presented a seminar paper to the American College of Trial Lawyers annual meeting on *Daubert* and Federal Rule of Evidence 702 issues, lectured annually to North Carolina Fellows of the American College of Trial Lawyers on federal cases involving federal procedure and evidence, and presented a focus group mock trial of a product liability case at annual meetings of both the Defense Research Institute and the Product Liability Advisory Council.

Mr. Cowan received the 2014 Judge John J. Parker award, the highest award bestowed by the North Carolina Bar Association. In addition, the North Carolina Bar Association's Litigation Section honored Mr. Cowan as the second recipient of the prestigious Advocate's Award, which was created to recognize "superstars" of the Litigation Section and legal profession. He is also a former member of the American Bar Association House of Delegates and a former president of Legal Services of North Carolina.

Mr. Cowan earned his undergraduate degree from Wake Forest University (B.A., 1965) and his law degree from Wake Forest University School of Law (J.D., 1968). He has served multiple terms on the Wake Forest University Board of Trustees and as president of the Wake Forest Law Alumni Association.

Awards and Honors

- *The Best Lawyers in America*®, Antitrust, Bet-the-Company Litigation, Commercial Litigation, Mass Tort Litigation, Personal Injury Litigation, and Product Liability Litigation (1994-2012)
 - Greensboro Product Liability "Lawyer of the Year" (2009)
 - Greensboro Appellate Practice "Lawyer of the Year" (2012)
 - Greensboro Bet-the-Company Litigation "Lawyer of the Year" (2012)
- *Chambers USA: America's Leading Lawyers for Business*®, "Leader in the Field" for Commercial Litigation (2005-2012)
- *Benchmark Litigation*, "Local Litigation Star" (2009-2012)
- Appointed by North Carolina Governor Mike Easley to the State Judicial Council
- *North Carolina Association of Defense Attorneys'* 2006 Award for Professional Excellence

for being “truly outstanding in exemplifying sustained, excellent service to defendants, to the Bar, and to the community”

- *Business North Carolina's* "Legal Elite," Patent Law, Antitrust, Litigation (2003-2012)
 - Hall of Fame in (2010) Named to Legal Elite for patents, 2003; antitrust, 2004-2009; and litigation, 2004-2006, 2008; also named Legal Elite top litigation attorney for 2009
- North Carolina *Super Lawyers* Magazine, Business Litigation (2006-2012)
 - “Top 10” Attorneys in North Carolina in 2006, 2007, 2010, and 2011
- 2008 Greensboro Bar Association Pro Bono Award for representation of five death penalty cases
- Peer Review Rating of AV® in Martindale-Hubbell

Experience

Mr. Cowan has represented Fortune 500 companies in class action, antitrust cases, while at the same time representing criminal defendants charged with capital crimes. Mr. Cowan has tried a wide variety of cases in state and federal courts including:

Trials to a Jury Verdict Cases:

- *Rhone Poulenc v. Monsanto and DeKalb* -- Patent infringement case tried to jury verdict in United States District Court for the Middle District of North Carolina
- *Pack v. Pike Electric* -- Defamation case tried to jury verdict in North Carolina state court
- *Central Heating and Air Conditioning v. Lee Construction Company* -- Breach of federal construction contract case tried to jury verdict in United States District Court for the Eastern District of North Carolina
- *State of North Carolina v. Kenneth Boyd and State of North Carolina v. Antone Johnson* -- Two death penalty cases tried to jury verdict in North Carolina state court
- *United States v. Allen*, 159 F. 3d 832 (4th Cir. 1998) -- Federal criminal drug case in which Mr. Cowan served in defense as the trial and appellate counsel
- *Brown v. Lee*, 319 F. 3d 162 (4th Cir. 2003)

Medical Device and Pharmaceutical Products Cases:

National trial and coordinating counsel, Panacryl Suture multi-district litigation; trial counsel for Sofamor Danek in multi-district litigation cases involving back screws; trial counsel for Medeva and Fisons Pharmaceutical in fen/phen multi-district litigation cases; trial counsel for Sulzer Orthopedics in hip implant litigation; trial counsel for Wyeth in thimerosal-containing-vaccine litigation.

Trademark Litigation

Trial and appellate counsel for *Pinehurst Resorts, Resorts of Pinehurst, Inc. v. Pinehurst National Corp.*, 238 F. 3d 414 (4th Cir. 2000) (Text in 2000 WL 1690286) and *Resorts of Pinehurst v. Pinehurst National Corp.*, 148 F. 3d 417 (4th Cir. 1998)

Antitrust Litigation

Trial counsel for major tobacco manufacturer, *DeLoach v. Phillip Morris*, 206 F.R.D. 551 (M.D.N.C. 2001)