

## PROFILES IN LAW

## 'More Fists Than You': Miami Lawyer Dan Dolan Punches Above His Weight Class

by Raychel Lean

The story of Miami attorney Dan Dolan has a recurring theme: His cases expand beyond a single client to the countless people who never had to call him because of a life-changing brain injury, loss of a limb, or death of a child or spouse.

That's because the co-founder of Dolan Dobrinsky Rosenblum Bluestein steps in to reverse engineer a tragedy, asking: "Why did this happen?"

"Whether it's a bad driver, a bad doctor, a bad product or



When Dolan Dobrinsky Rosenblum Bluestein co-founder Dan Dolan isn't litigating, he's likely breath-hold spearfishing in the Bahamas or serving as a trustee to St. Thomas University.

### DANIEL "DAN" DOLAN

**Born:** March 1969, Miami

**Education:** Boston University, Florida State University, B.A. 1991; St. Thomas University, J.D. 1996.

**Experience:** Founding partner, Dolan Dobrinsky Rosenblum Bluestein, 2015-present; Partner, Dolan Law, 2005-2015; Haggard & Parks, 2001-2005; George Hartz & Lundeen, 1996-2001; Certified legal intern, Miami-Dade County Public Defender's Office, 1995.

a bad landowner, all of those people in these horrible situations," Dolan said.

In Dolan's experience, it could be the 7-year-old attacked by a cougar during a friend's ill-conceived birthday party entertainment. It could be the family of a two young

Cuban immigrants who were looking for work in the Midwest when they were killed by an elderly truck driver asleep at the wheel. Or it could be the 45-year-old man who went to the emergency room after a stroke, but became a paraplegic because he didn't get the right medication in time.

Those cases caused an animal trainer to lose her license, a trucking company to change the way it did business, and provided resources and physical therapy for a man who sends Dolan a video of him taking another step every year.

The point: to avoid a repeat of these accidents.

This year, Dolan's "crucible" case concluded after eight years of litigation involving multiple law firms, two judges and various trips to the appellate court triggering new law. The products liability lawsuit accused Kidde Fire Trainers Inc., the largest manufacturer of firefighting equipment, of defectively designing equipment that left Miami-Dade County firefighter Lt. Kevin McCrea with horrific burns.

Kidde's propane-fed training device suddenly ignited in November 2011 while being assembled for a demonstration in Doral. Dolan argued it happened because of instruction manual and training inadequacies, and because the gas connectors were all the same type and size, making the device prone to misconnection of its propane gas lines.

But the pressure was on, as it was the first time the product had ever been the subject of a lawsuit. The defendant

denied liability, arguing that improper use had led to McCrea's burns.

"When you're the first plaintiff against a product, these companies bring every possible resource to defend their product," Dolan said. "Because once their product is proven to be dangerous and defective, it opens the floodgates for anybody else that's been hurt."

The case settled confidentially the day before jury selection, and resulted in Kidde redesigning its training device and instruction manuals.

"The folks that were affected by this product are our first responders: the ones that run to the danger, the ones that we rely on, particularly today, to be our frontline protectors," Dolan said. "And no one else is going to get burned by this product the way that this poor man was."

Most clients come to Dolan during the worst experience of their lives, so that's precisely why he says he can't get engrossed in their struggle.

"At some point in time, you're going to be talking to strangers about this event for the first time," Dolan said. "And if you're too close to it that you can't tell the story in a somewhat dispassionate way, you'll never be able to convince strangers of

your position. You can get too close to the sun."

## **'TURN AND RUN OR ACCEPT THE REALITY'**

Dolan was raised in Miami, and, like many attorneys in the making, was a natural born arguer.

"When you're younger, it just means that you're maybe a little sassy and you want to always argue with your parents," Dolan said. "But as that skill was honed, probably with a lot of slaps across the face, I think I finally realized that it could be used in a more strategic and positive way to convince folks of the benefits of one position or another."

A mock trial in a junior high political science class did the rest of the work as Dolan argued for state rights in a colonial era and about how to organize the U.S.

But after undergraduate school, Dolan was anxious to get working — and eyeing a role with his father, who ran one of the southeast's most well-known contracting companies. So the pair struck a deal.

"He was very concerned that if I started to work and had a little money in my pocket I wouldn't follow this desire I had to go to law school," Dolan said.

“So he made me sign a contract that said after 18 months I was fired.”

Thankfully, Dolan had a place at St. Thomas University after that firing. He went on to become an intern for the Miami-Dade Public Defender’s Office, and while still a student, tried dozens of jury trials with “insurmountable odds.”

“It really informed and shaped the empathy that I hope I’ve brought into the civil practice, because you really are against an overwhelming force when you represent an indigent defendant in this country,” Dolan said. “You quickly identify what your fear is, and I think it either makes you turn and run, or accept the reality that you have no choice but to be relentlessly passionate about winning.”

### **‘A THING I’LL NEVER FORGET’**

Dolan’s next stop was an insurance defense firm, where the managing partner made a habit of telling him, “I’m not going back to trial tomorrow. Don’t screw it up.”

“Again, you’re afraid. You’re human,” Dolan said. “But you quickly either turn that into a fear of losing so you don’t lose, or you probably ought to pick something else to do.”

It was at that firm that Dolan represented heart surgeon Michael DeBakey, famous for pioneering an artificial heart design and a cardiothoracic surgery. DeBakey was involved in a business deal with major military arms contractor Raytheon Co. at the time, and alleged it had taken his ideas for telemedicine — before it was commonplace.

For Dolan and his sole co-counsel, that meant challenging Raytheon and its nine seasoned attorneys in Delaware Chancery Court.

That primed Dolan to strike out on his own for a decade. He litigated across the U.S. as a small team, versus a contingent of insurance defense lawyers, and learned what it meant to be efficient.

“If you simply punch back at the same cadence, they’ve got more fists than you,” Dolan said. “You’ve got to learn how to be more efficient in the way that you prosecute your cases, because there’s no way to keep up with the same pace as the other side.”

Having worked with Dolan on many cases, Coral Gables attorney Jeffrey R. Davis knows him as someone too fearless to care about popular opinion, and who treats “the busboy

who brings his water to the table and the mightiest Supreme Court judge” the same way.

But Davis said one memory best sums up Dolan’s dedication to clients.

It was the day after Dolan’s father, and best friend, had died suddenly, when Davis was flummoxed to cross paths with Dolan at court. He was there for a critical hearing on the admissibility of an expert days before a trial for a man left disabled by a stroke, because moving the hearing would have delayed the trial.

“He didn’t even look like himself,” Davis said. “He was white as a ghost, he was stunned, but he somehow, some way, pulled it together, argued the motion and won the motion. It was a thing I’ll never forget.”

When Dolan isn’t litigating, he’s likely breath-hold spearfishing in the Bahamas or serving as a trustee to St. Thomas University. He’s also membership chair for the Miami chapter of the American Board of Trial Advocates, putting him in line to be its future president.

**Raychel Lean reports on South Florida litigation for the Daily Business Review. Send an email to [rlean@alm.com](mailto:rlean@alm.com), or follow her on Twitter via [@raychellean](https://twitter.com/@raychellean).**