

Robert M. Dato

Orange County, California
Of Counsel

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Areas of Practice & Industry Specialties

Trade Secrets & Employee Mobility; Products Liability Law; Appellate Law; Litigation



Robert M. Dato primarily represents clients in business litigation and employment matters, with particular emphasis on appeals and related proceedings. Mr. Dato, a Certified Appellate Specialist in California since 1996, has handled more than 400 appellate matters in state and federal courts throughout the United States and served as the national coordinating appellate counsel for two major pharmaceutical manufacturers.

Mr. Dato was previously a senior research attorney to Presiding Justice David G. Sills of the California Court of Appeal in Santa Ana, where he prepared approximately 200 appellate opinions in substantive areas ranging from family law to complex business litigation matters. He also occasionally served as the court's writ attorney, reviewing and making recommendations regarding writ petitions filed with the court.

Mr. Dato is the author of CEB's *Handling Civil Appeals: Action Guide*, a co-author of CEB's *Civil Appellate Practice* treatise, and a contributor to CEB's "Civil Procedure During Trial" treatise. He is currently a member of the Orange County Bar Association's Professionalism and Ethics Committee. He is a past chair of the State Bar's Committee on Administration of Justice and a past chair of the Orange County Bar Association's Appellate Law Section. Mr. Dato is AV Preeminent rated by *Martindale Hubbell*. Mr. Dato was recognized as a 2016 and 2019-2021 Southern California Super Lawyer, as well as a 2013 Top Rated Lawyer in the area of Commercial Litigation by *American Lawyer Media* in conjunction with *Martindale Hubbell*.

Representative Matters

California Supreme Court

- *Jarrow Formulas, Inc. v. LaMarche* 31 Cal.4th 728 (2003)
- *Temple Community Hospital v. Superior Court* 20 Cal.4th 464 (1999)
- *Cedars-Sinai Medical Center v. Superior Court* 18 Cal.4th 1 (1998)

California Court of Appeal

- *R.E. Loans, LLC v. Investors Warranty of America, Inc.* 212 Cal.App.4th 1432 (2013)
- *Doppes v. Bentley Motors, Inc.* 174 Cal.App.4th 967 (2009)
- *Cohn v. Corinthian Colleges, Inc./Angels Baseball LP* 169 Cal.App.4th 523 (2008)

United States Court of Appeals

- *California Scents, Inc. v. Surco Products, Inc.* 406 F.3d 1102 (9th Cir. 2005)
- *Daubert v. Merrell Dow Pharmaceuticals Inc.* 951 F.2d 1128 (9th Cir. 1991)
- *Brock v. Merrell Dow Pharmaceuticals, Inc.* 874 F.2d 307 (5th Cir. 1989)

New York

- *Hymowitz v. Eli Lilly & Co.* 73 N.Y. 2d.487, 541 N.Y. S.2d 941 (1989)

Publications

- Ethically Speaking-Today's Lesson: Don't Conspire Against Your Lawyer, *Orange County Bar Association*, December 1, 2019
- March 2018 Ethically Speaking - Potential Perils of "Litigating on the Courthouse Steps", March 1, 2018

Presentations

- Speaker, "Getting the Right Kind of Attention For Your Law and Motion Brief," Association of Southern California Defense Counsel's 56th Annual Seminar, February 23, 2017
- Speaker, "Second Annual Appellate Conference ," Pincus Profesional Education, January 27, 2017
- Co speaker, "Brave New World: Electronic Briefs and Record on Appeal," Advanced Appellate Seminar in San Francisco, CA, February 25, 2016

Education

Mr. Dato earned his J.D. at the University of San Diego.

Bar Admissions

- California

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals Federal Circuit
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit