



# Erica A. Clausen

Associate

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**“Pragmatic and solution-oriented advice is an integral part of my approach to advising clients. Communication and active listening are fundamental as an advocate. My relentless spirit is a reflection of my background as a D1 athlete.”**

Erica Clausen’s practice focuses on a hybrid of dispute resolution for private and public entities, including eminent domain, public records, and real estate. She also has broad familiarity with various types of complex civil litigation. Erica has a diverse experience representing local, national, and international clients in complicated and often high-profile disputes in state and federal court.

With her roots in sports, Erica is passionate about her work in the sports and entertainment industry, and specifically prioritizes ways she can support community efforts to empower the next generation of women athletes and leaders.

Additionally, Erica supports Oregon transit authorities, municipalities, utilities, and school districts in their efforts to acquire land through the use of eminent domain. She advises clients on the initial precondemnation process and, if necessary, proceeding with condemnation.

During law school, Erica was a litigation staff member and developed a wealth of knowledge in managing complex litigation, problem-solving with attorneys and staff, and building relationships with clients. Erica’s background also includes externships at law firms in Tokyo, Japan, and Perth, Australia, both of which have enriched her awareness of international legal dynamics and cultures. In 2010, Erica worked as an intern for U.S. Senator Ron Wyden.

## Professional Activities

- Multnomah Bar Association, Member
- Oregon Women Lawyers, Member
- Oregon State Bar, Member
- Federal Bar Association, Member
- Women’s Affinity Group, Miller Nash
  - Lead, 2023-present

## Education

J.D., Lewis & Clark Law School, 2017

- Notes and Comments Editor, *Lewis & Clark Law Review*

B.A., University of Iowa, with honors, political science, international studies, 2010

- President’s List
- Dean’s List

## Bar Admissions

Oregon, 2017

## Civic Activities

- Campaign for Equal Justice, Board Member, 2022-present
- Women in Sport & Event, Board Member, 2022-present

## Representative Experience

### Litigation & Dispute Resolution

- **Major builder's risk insurance recovery for new Oregon data center.** Successful litigation and mediated resolution of a project owner's \$8 million claim against its builder's risk insurance carriers following two explosions and fires during the construction of a 250,000 sq. ft. data center in Washington County, Oregon. The builder's risk insurers' untimely and unreasonable claims adjustment resulted in zero payment to the project owner prior to Miller Nash's involvement. Litigation involved extensive discovery of electronically stored information and depositions, in addition to summary judgment briefing and other motions. With the assistance of a mediator, the vast majority of the owner's losses were recovered.
- Successfully challenged the National Women's Soccer League's minimum age rule in U.S. District Court as an illegal boycott in violation of federal antitrust law on behalf of 15-year-old professional soccer player Olivia Moultrie. Trial team obtained a temporary restraining order and a preliminary injunction in this landmark case, prohibiting the NWSL and its teams from boycotting Moultrie due to her age. Achievements also included securing favorable rulings on significant questions arising out of federal antitrust and labor law, including that the NWSL and its teams did not constitute a "single entity" for antitrust purposes and that Moultrie's claim was not precluded by federal labor statutes and did not interfere with ongoing collective bargaining between the NWSL and the NWSL Players Association. Case culminated in the negotiation of a settlement ensuring Moultrie's right to continue playing in the NWSL, subject to the provisions of any final collective bargaining agreement.
- Acting on behalf of both the condemning authority and property owner, Erica has litigated more than a dozen Oregon condemnation actions.
- Successfully negotiated and contested the U.S. Customs and Border Patrol's seizure of product imported by clients in the cannabis industry.
- Represented 70 investors who collectively lost nearly \$100 million in the Aequitas Ponzi scheme. Obtained favorable settlements with third-party professionals in state court litigation and private arbitration, resulting in a gross recovery exceeding our clients' investment losses.

## Publications

- "Chapter 23: Scope of Discovery and E-Discovery," Oregon State Bar, *Oregon Civil Pleading & Litigation 2020 Edition*, coauthor (2020)
- "Chapter 26: Cyber Insurance," Oregon State Bar BarBooks™, *Insurance Law in Oregon 2020 Edition*, coauthor (May 2020)
- "Cultivating the Benefit of § 501(r)(3): § 501(r)(3) Requirements for Nonprofit Hospitals," *20 Lewis & Clark L. Rev.* 1025, coauthor (Oct. 2016)

## Presentations

- "Developing the Legal Landscape of Women's Sports," University of Oregon School of Law, Sport and Entertainment Law Forum, panelist (Nov. 2023)
- "Advanced Litigation Series: Discovery Tools and Strategies," Multnomah Bar Association, Young Lawyers Section CLE (May 2023)
- "Professionalism Orientation Fall 2020," Lewis & Clark Law School, discussion leader (Aug. 2020)
- "Enforcement of US Maritime Liens "Created" in Foreign Jurisdictions," Washington State Bar, Current Issues in Maritime Law 2018 CLE seminar (May 2018)

## Recognition & Honors

- Selected for inclusion in *Best Lawyers: Ones to Watch*® (Portland, OR)
  - Litigation—Construction, 2024-present
  - Litigation—Real Estate, 2024-present
  - Litigation—Securities, 2024-present
  - Commercial Litigation, 2022-present
- Selected for inclusion as an Oregon Super Lawyer—Rising Star, 2022-present
- Served as a contributing author in the Oregon State Bar’s *Oregon Civil Pleading and Litigation* publication that received the “Award of Outstanding Achievement” in the “Best Publication Category” awarded by the Association for Continuing Legal Education.

## Personal Activities

Erica seizes every opportunity to get outside, whether for a hike, run, or water activity. As a lifelong soccer player, and former D1 student-athlete, she can also be found lacing up the boots for an indoor game on occasion. One of her true passions is traveling, where she enjoys absorbing the local culture by appreciating art museums and local cuisine.