Jeffrey Eberhard

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Practice Areas

Commercial Liability
Dram Shop

Education

George Washington University, M.P.S., Law Firm Management, 2010

Willamette University College of Law, Certificate in Dispute Resolution, J.D., 1987

University of Oregon, B.S., Finance & Political Science, 1984

Bar Admissions

Oregon
Washington

Certification & Accolades

Member, Oregon State Bar Association

Member, Washington State Bar Association

NITA Master Advocate

Oregon Association of Defense Counsel - Past Board Member

Member, Council on Litigation Management

Managing Director, Black Belt Trial Advocacy Training Program

Oregon Super Lawyers, 2006 - 2025

Best Lawyers in America 2011 - 2024

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ATTORNEYS AT LAW

Expertise Overview

With a career spanning over 30 years, successfully representing a wide range of clients in complex and high profile cases, Managing Partner Jeff Eberhard is a recognizable and reputable force within the industry.

Jeff's practice focuses on civil litigation throughout Oregon and Washington with an emphasis on the defense of complex liability claims, most notably, in dram shop/liquor liability. By successfully defending hundreds of cases, Jeff's expert knowledge of Oregon's Dram Shop Act, and how to defend against it, is unparalleled.

Relevant Cases

In *Deckard v. Bunch* (2016), the most significant liquor liability case decided in the last 20 years – the Oregon Supreme Court cited extensively to Jeff's amicus curiae brief, which detailed more than 35 years of legislative history of Oregon's Dram Shop Act. The court ultimately adopted Jeff's position that the legislature intended the Dram Shop Act to shield commercial alcohol providers from liability, thus rejecting the position of the entire plaintiffs' bar (and the court of appeals) that the Dram Shop Act had created a new, plaintiff-friendly "statutory liability" claim, and bringing much-needed clarity to this area of law.
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In *Shutz v. La Costita III, Inc.* (2019), Jeff took part in an important Supreme Court decision that reaffirmed that restaurants and taverns have immunity for "first party" claims of over-service of alcohol. In 2017, a surprising decision by the Oregon Court of Appeals held that a section of Oregon's liquor liability statute was unconstitutional because it denied a severely injured, intoxicated driver a remedy for her injuries allegedly caused by a social host. When the case was in front of the Oregon Supreme Court, Jeff submitted an amicus curiae brief with a detailed history of the legislative history and its constitutionality. The Court held that the statute does provide for immunity related to the service of alcohol and to the extent the Plaintiff's claims are related to the service of alcohol, they are barred.
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In *Mason v. BCK Corporation* (2018) and *Balzer v. Moore* (2018), Jeff was able to secure summary judgment on all claims against his clients under the complicity doctrine of the Dram Shop Act. In each case, the plaintiff suffered catastrophic injuries after leaving a tavern as a passenger in another patron's vehicle. In both cases, the court ruled in Jeff's client's favor, finding that as a matter of law the plaintiff could not recover when he had substantially contributed to that driver's intoxication – not by buying alcohol, but instead by drinking with the driver at the tavern. The plaintiff in each case appealed to the Oregon Court of Appeals, and in both cases the court affirmed the trial court's decision to grant summary judgment in Jeff's client's favor under the complicity doctrine of the Dram Shop Act.
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In *Shields v. Enterprise Leasing Company* (2007), Jeff established new law in that a self-insured rental car company does have to provide liability insurance to a renter. The Washington Court of Appeals ultimately held in Shields that the Financial Responsibility Act did not require a self-insured rental car company to provide minimum third-party liability coverage. The trial court also properly dismissed the Bad Faith and Consumer Protection Act claims.
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Publications & Thought Leadership

Jeff prepares and delivers a number of presentations on civil litigation and professional liability defense matters for various insurance companies and trade organizations including multiple presentations at the national CLM and PLRB Conferences.

JEFFREY D. EBERHARD 2023 RECOGNIZED BY Best Lawyers

RATED BY Super Lawyers Jeff Eberhard SELECTED IN 2025

Martindale-Hubbell DISTINGUISHED Peer Rated for High Professional Achievement 2020