

Product Liability and Mass Tort

**People
Performance
Perspective**



Porzio is an Established Leader in Product Liability, Mass and Toxic Torts

Porzio is an established leader in the product liability defense field, particularly in cases involving mass tort exposures and risks.

For more than 25 years, we have received national, regional and state-wide recognition for representing major corporations as coordinating and/or trial counsel in numerous multi-plaintiff, multi-jurisdictional litigations. We have successfully litigated cases in federal and state courts involving a vast array of products, including pharmaceuticals and medical devices, hazardous substances, building materials, heavy equipment, industrial machinery and consumer products.

As our clients often remark, we bring the highest levels of skill, attention and professionalism to every matter—and scale the human and technological resources of our firm to match the needs of each individual client and the legal strategy of each particular case, whether it involves one plaintiff or many thousands.

Our deep and diverse experience in such cases includes: hiring, supervising and managing local counsel; representing large market-share companies on national defense steering committees in industry-wide litigation; serving

as local counsel; and successfully negotiating joint defense agreements with other manufacturers, suppliers and distributors. We employ cutting-edge technology—from enterprise-based case management software to sophisticated trial presentation software—to enable seamless communications among all parties and to streamline all aspects of litigation, from initial case preparation to discovery and trial.



As evidence of our expertise, over the years our attorneys have played an instrumental role in reshaping substantive law in the following areas: choice-of-law; statutes of limitations and repose; derivative governmental immunities; the corporate separateness doctrine; the sophisticated purchaser, ingredient supplier, and learned intermediary defenses; the duty to warn; and the qualification of expert witnesses. Our lawyers are leaders in many professional associations such as

the American College of Trial Lawyers, the American Board of Trial Advocates, the International Association of Defense Counsel, the American Bar Association, the Defense Research Institute and the Products Liability Advisory Council.

Often we are required to take a multidisciplinary approach to our clients' legal issues. In these instances, our product liability lawyers work

closely with colleagues in other Porzio practice areas. For example, on behalf of our manufacturing clients, we routinely solicit the expertise and experience of colleagues in our insurance coverage and environmental law departments to provide swift, cost-effective advice and solutions. In addition to calling upon our in-house assets, our attorneys also consult with professional engineers and other outside experts when refining case themes and strategies.

Our substantial experience in defending manufacturers, distributors and users of toxic and hazardous substances reflects our ability to successfully defend lawsuits involving complex scientific issues, decades of corporate history, novel theories of causation and sympathetic plaintiffs. In these cases, we have worked with physicians from virtually every discipline to mount persuasive alternative causation defenses.



Similarly, in the pharmaceutical and medical device areas, our product liability lawyers, in tandem with other firm specialists, including an in-house pharmacist and several legal nurse consultants, have defended a wide range of drugs and devices, including antibiotics, antimalarials, antipsychotics, antidepressants, anesthetic agents, breast implants, catheters, diet drugs, ephedra, heart valves, needles, orthopedic prostheses, corneal tissue grafts, medical latex gloves and vaccines.

Importantly, our work in this arena is not limited to product liability and mass tort litigation. Porzio also counsels clients on litigation prevention and loss-control programs that are designed to help them avoid future litigation exposure. We draft warnings for new products, review direct-to-consumer pharmaceutical advertisements, and counsel clients on standards compliance, records retention programs, risk management and whether and how to conduct safety campaigns. We have also been instrumental in working with clients on recall and retrofit campaigns.

We also advise companies on:

- Establishing a product safety committee in response to reports of serious accidents or personal injury claims.
- Preserving confidentiality and applicable privileges.
- Retaining independent experts.
- Inspecting, sampling and testing products.
- Identifying potential product defects and their causes—and the appropriate remedial measures to be taken.

Many firms have product liability departments. Few, however, have followed Porzio's lead in successfully making it the core of their practice.



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