



TOXIC SUBSTANCES AND OTHER TORTS

BY DESIGN

Our attorneys manage chemical exposure and product liability cases and projects on a national basis. We devote a significant portion of our litigation practice to serving as regional and national counsel for numerous manufacturing clients, including major brand names.

Barnes & Thornburg's skilled litigators and trial lawyers have experience in defending claims involving a wide range of chemical substances in all types of cases, including environmental contamination, product-related mass torts and putative class actions, individual personal injury claims, property damage claims and crop loss cases. We have defended chemical manufacturers in all 50 states and have experience in state and federal trial and appellate courts across the country.

A Result-Driven Approach

Results for clients in product liability and toxic tort litigation include an array of favorable legal rulings, including rulings excluding medical causation and technical experts under Daubert and Frye on a variety of alleged health effects from a "toxic" exposure to other product liability claims.

Our litigators understand the medicine and science involved in complex chemical product liability litigation and have extensive experience working with expert witnesses from multiple disciplines to forge focused and deliberate trial themes. We have represented Dow AgroSciences LLC, The Dow Chemical Company, Georgia Pacific Corporation, 3M Corporation, Trinity Homes and Valspar Corporation in toxic tort and chemical product liability litigation pending throughout the U.S .

In addition to favorable rulings excluding purported expert testimony, we have also obtained favorable rulings on various dispositive motions

Why Barnes & Thornburg?

Finding new ways to help clients identify solutions and new business opportunities, across industries, is at our core. We are, at times, more than lawyers, we are advisers bringing new ideas to light. We understand what keeps you up at night and work collaboratively to find practical and creative solutions, at the heart of business.

RELATED PRACTICES

Drug and Medical Device

Litigation

Product Liability and Mass Torts

involving sophisticated issues of substantive state law.

A Tailored Approach

Our litigators and trial lawyers are aware of the diverse substantive state product liability law, evidentiary doctrines, and procedural rules that differ markedly among various jurisdictions. Accordingly, the cost effective defense of toxic tort suits includes applying jurisdiction-specific rules to assess the potential early elimination of claims and issues that fail at the pleading stage. By narrowing the claims and issues that may properly be asserted in the first instance, the scope of discovery that the client must endure or undertake may be narrowed in equal measure.

Then, tailored discovery can be directed to the elements of the remaining claims to determine what a plaintiff must prove, but cannot; and into the elements of the client's affirmative defenses to determine what a plaintiff must disprove, but cannot. In that fashion, early and potentially dispositive motion practice objectives can be identified and promptly proposed. And, should such early motion practice not prove successful, the issues remaining for further discovery and trial are clearly identified.

A Scientifically Informed Approach

ThemeVision, Barnes & Thornburg's in-house jury research and settlement analysis service, supports our litigators and trial lawyers. Their team of social-science Ph.Ds and other professionals provide litigation consulting services aimed at reducing the risks and uncertainties of litigation by informing case strategies with empirical data and social-scientific analyses. The toxic tort litigation teams have worked with ThemeVision to conduct mock hearings and bench trials, focus group research, jury simulation research, community attitude surveys, demonstrative exhibit development testing and theme development in high-stakes toxic tort cases across the country.

Where the decision is made to proceed to trial, we can provide empirically based, case-specific guidance regarding which themes, exhibits, and issues to emphasize to achieve the greatest persuasive impact on the jury. Where appropriate, we also can provide empirically based guidance during the jury selection process. Additionally, a nurse medical analyst supports our litigation efforts.

A Cost-Effective and Communicative Approach

We take special pride not only in the results we have achieved for our clients, but also in the cost at which those results were delivered. Our experience and expertise have resulted in significant savings to our clients over many years, driven by the concept that each project begins with the end in mind. In addition, we work hard to create a seamless integration between all members of our teams and in-house counsel, focusing on transparent and open relationships.

Practice Leaders



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