



LITIGATION DEPARTMENT OF THE YEAR: PRODUCTS LIABILITY

DECHERT



DECHERT TEAM

Sheila Birnbaum and Mark Cheffo, co-chairs of the products liability and mass torts practice

Q&A **What are some of the department's most satisfying successes of the past year and why? It's been a really exciting and successful year.**

Dechert started the year with a huge appellate victory in the U.S. Court of Appeals for the Fourth Circuit for longtime firm client, Pfizer, involving its cholesterol-lowering drug, Lipitor. The Fourth Circuit affirmed the trial court's dismissal of an entire MDL consisting of more than 3,000 cases alleging that Lipitor caused type 2 diabetes. The court agreed with the trial court's determination that the plaintiffs' had not proffered scientifically reliable expert testimony supporting this theory. Dechert also represents Purdue

Pharma as national defense counsel in the opioid litigations, consisting of some 1,300 federal cases aggregated in an MDL in Ohio, and hundreds more cases brought by state attorneys generals, cities, and municipalities. Dechert spearheaded a historic settlement with the state of Oklahoma where the settlement funds will be used to establish one of the largest and most innovative substance use disorder treatment centers in the country. Dechert has also won outright victories for Purdue in Connecticut, North Dakota, and South Dakota, and partial victories in a number of other states. Rounding out the year, Dechert won a significant appellate victory in the Second Circuit for

client State Farm where the court sided with State Farm and rejected plaintiffs' attempt to force the company to pay for property damage caused by shoddy construction materials. The Second Circuit's decision—which correctly recognized that State Farm's policy excluded coverage for damages caused by the use of substandard construction materials—will foreclose many similar cases that had or could have been brought against State Farm.

A prospective client in crisis calls and asks why your team should be retained. What is your answer? The depth and breadth of our PLMT team is unmatched. Plenty of firms have strong leaders, but very few have such a lengthy list of senior lawyers with experience at the highest level—that's unusual and sets Dechert apart. Where we also excel is in being strategic at every turn. From the moment we're hired, even mid-crisis, we think strategically and plan for the long term. Our experience on the PR and media relations side also gives us some sophisticated tools to control the messages that clients need to get out.

What traits do you respect most in opposing firms and lawyers? Above all, we respect people with integrity. We admire those who keep their word. And, despite the contentiousness of the field of law in which we have chosen to work, we are always grateful when others find it in themselves to remain courteous.

What sorts of trends are you seeing in litigation, and what do you think will be the most important

development in the law/legal business that will impact your field in the next 10 years? Dechert occupies a central place in the most prominent trends in product liability—opioid litigation, environmental toxic torts, and talc product claims—and we foresee an increase in this type of collective litigation in which state attorneys general, cities, counties and municipalities bring parallel actions across the country. The public nuisance approach we've seen in the opioid litigation sidesteps traditional defense strategies and raises a whole new set of questions about proximate liability. We're already seeing developments of this kind around access to clean water, where state, city and local government actors are focusing attention—often for the first time—on a whole range of chemicals and fertilizers that have been unregulated for decades.

What is the firm doing to ensure that future generations of litigators are ready to take the helm? Dechert is a high-performance firm with energy and drive, but it's also well-rounded, a certified "Great Place to Work" that's deeply serious about diversity, respects pro bono, promotes the arts, and strives to improve the lives of the people who work here. It's a place where people want to stay. Within PLMT, training and experience are vital factors in our success. Here, junior lawyers are asked to take depositions or argue motions in court, ensuring that everyone on the team accrues the kind of valuable experience that helps them become better lawyers and better leaders.