

Asbestos & Toxic Tort

Related Practices

Environmental
Litigation

Related Industries

Automotive, OEM & Supplier
Litigation

Overview

When businesses face bet-the-company asbestos and toxic tort litigation, they need a legal team with more than just knowledge of the laws and experience at trial. At Dykema, we not only have some of the most successful trial lawyers in the nation, but we also know the industries, outside issues, science, experts and courts involved—and how to bring this comprehensive experience together to help our clients win.

- **Excellent Judgment, Respected Leadership.** Our lawyers have substantial nationwide experience countering plaintiffs' claims in asbestos and toxic tort cases covering a wide range of industries and substances. From this work, we have earned a reputation for thought leadership in the field. For example, we were the creators of the “gold standard” model Medicare release agreement and case management order, which is now widely used across the nation. In addition, industry-leading manufacturers and trade groups frequently call upon us to represent their interests on asbestos issues before state legislatures throughout the United States. This experience and thought leadership ensure you receive well-informed and creative approaches to your case strategy.
- **Strong Grounding in Science.** We understand the science behind diseases typically alleged in toxic tort cases, including mesothelioma, cancer, asbestosis, pleural disease, sterility and congenital abnormalities. Armed with this knowledge, we work closely with the country's premier toxic tort experts to develop science-based defense strategies that make a strong impact and are jury-friendly.
- **Top-Notch Processes.** We frequently serve as local, regional and national coordinating counsel, helping clients realize substantial savings in attorneys' fees and hard costs by efficiently managing all aspects of the case from early tracking, benchmarking and assessments through to discovery and trial. We also develop and maintain litigation extranets and databases housing all information key to your case, further helping increase overall case efficiency while reducing costs.

As an extension of your in-house legal team, we know you look to us for more than just top-notch trial preparation and execution. We understand you have business objectives to meet and operational issues to address, and we work tirelessly with you to manage the risks and costs, ease the burdens and prevent the surprises inherent in toxic tort disputes. We tailor litigation strategies that ensure your financial viability is not threatened, and we can work with you to manage and greatly reduce your risk of future litigation. We also provide counsel on legacy asbestos liability risks and successor liability issues associated with potential acquisitions, so you can advance your transactions with a clear picture of the future costs and litigation risks involved.

For exceptional overall representation when you face must-win asbestos and toxic tort litigation, Dykema is your firm of choice.

Representative Clients

Affiliated Homes
Asahi-Kasei Plastics

Asbestos & Toxic Tort (Cont.)

F.L. Smidth
 Ford Motor Company
 General Motors Corporation
 Guardian Industries
 Procter & Gamble
 Sanmina-SCI Corp.
 Santa Fe Corporation
 Wolverine Power Supply Cooperative
 Yuba Heat Transfer

Kone

Experience Matters

- On behalf of global automotive manufacturers we audited defense programs in various “hot bed” jurisdictions, and developed policies and procedures for reducing defense and indemnity/settlement costs. Our recommendations were implemented resulting in more effective and efficient docket management. This resulted in local counsel significantly improving their level of critical analysis, evaluation, differentiation, and ranking of high-exposure trial candidate cases. Using newly developed evaluation and trial reports, local counsel resources were prudently marshaled to appropriate cases. The clients realized substantial savings, while establishing greater predictability, improved risk management, and better results.
- On behalf of Fortune 200 global electronics manufacturer, Sanmina-Sci Corporation, we asserted a successor liability defense extricating the company from an emotionally charged high-exposure birth defect case involving *in utero* exposures to allegedly teratogenic chemicals used in printed circuit board manufacturing.
- Given our Firm’s experience and reputation in nationwide asbestos and toxic tort litigation, our lawyers were selected by the court and peers to jointly develop a model release and settlement agreement addressing Medicare Secondary Payer Statute for use in Michigan asbestos litigation. Working for over a year with the Court and representatives of the Plaintiffs’ bar, we jointly developed a model Medicare release agreement and Case Management Order, which has been adopted by numerous jurisdictions in the U.S. as the “gold standard.” We routinely assist clients with Medicare related issues, ensuring they are properly shielded from potential sanctions and additional exposures.

Publications

"As Ohio Goes, So Goes the Nation? Ohio's Trust Fund Transparency is a National Model"
 Volume 35, Issue 13/April 12, 2013
Westlaw Journal

Speaking Engagements

There is Electricity in the Air, Dykema Automotive Institute
 September 2011

Dykema's Seminar for Outside Counsel Chairman and presenter
 2005-2008