



### James M. Brogan

**Partner**

GLOBAL CO-PRACTICE GROUP LEADER, LITIGATION & REGULATORY

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James Brogan's trial practice includes commercial disputes, intellectual property, product liability and toxic torts.

Clients also turn to him for advice on discovery, risk management, loss prevention, litigation training and cost containment. He is often consulted on prophylactic measures involving commercial disputes, product liability and the protection of intellectual property in the context of product liability litigation. Real trial experience and extensive training in the physical and biological sciences provides him with deep insight into the legal, technical and practical aspects of clients' strategies.

James is co-chair of the firm's US Litigation group and a member of DLA Piper's governing Executive Committee, in addition to the firm's Policy Committee.

#### RELATED SERVICES

- Product Liability, Mass Torts and Product Stewardship
- Litigation, Arbitration and Investigations
- Antitrust and Competition

#### EXPERIENCE

At present, James serves multinational companies based in France, Germany, Sweden and the United States as their national discovery, national coordinating, and/or trial counsel in litigation involving commercial disputes, toxic torts, catastrophic injuries arising from the use of products and intellectual property. His experience includes the following:

- Serves as national coordinating and trial counsel for a Swedish multinational outdoor power equipment company, James has tried and is preparing to try matters throughout the United States
- Defending a class action for a multinational automotive component parts manufacturer which has its principle place of business in the Federal Republic of Germany
- Served as national discovery counsel, managing the development and implementation of domestic and non-domestic document retention, legal hold, and recent e-discovery procedures for a multinational automotive component parts manufacturer which has its principle place of business in the Republic of France
- Currently developing and implementing a prophylactic program for administrative, commercial and products liability matters anticipated by a domestic multinational company involved in manufacturing and distribution activities in North and South America, Asia and Europe. The effort includes addressing the impact of regulations of various domestic and foreign state and national level agencies such as or analogues to the CPSC, NHTSA, FDA, EPA, and/or their counterparts in other jurisdictions

- Defended to verdict and/or settlement a number of matters involving the affects (environmental, personal injury and property damage) of various substances, including benzene, diacetyl, MTBE, PCBs and others
- Serves as national coordinating trial counsel for a multinational automotive component manufacturer, which has its principle place of business in the United States
- Defended and/or is defending through appeal non United States based affiliate companies of multinational companies against the exercise of personal jurisdiction over the companies in fifteen different states and in the context of commercial and products liability disputes
- Obtained decisions from Third, Fourth, Sixth, and Tenth Federal Circuit Courts of Appeal favorably affecting refining/marketing and product manufacturing industry wide concerns
- Obtained decision, affirmed by the New York Court of Appeals, reinforcing concept of spoliation.
- Defended to verdict and through appeal alleged copyright infringement matters
- Defended to verdict and through appeal a products liability matter involving catastrophic injuries resulting in Wisconsin Supreme Court decision clarifying products liability law in that state
- Defended to verdict and through appeal anti-trust matters in the Third and Sixth Circuits
- Defended to verdict and through appeal petroleum marketer franchise matters
- Defended to dismissal and through appeal several Petroleum Marketing Practices Act matters
- Served as national coordinating counsel for consumer products and medical devices for a glass products manufacturer
- Obtained a landmark state Supreme Court decision recognizing the lack of personal jurisdiction in California over forced associations outside of their home states, which resulted in reciprocal determinations in other states
- Developed a program for the training of in-house managers
- Developed a program for creation of document portfolios during project and product development

## CREDENTIALS

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### Admissions

- Pennsylvania

### Recognitions

James is a Fellow of the prestigious American College of Trial Lawyers, International Academy of Trial Lawyers and American Bar Association Foundation. The research firm *Legal 500* recognizes him for his product liability and mass tort defense practice. *Legal 500* also notes that clients identify him as "the best outside counsel you could find" and "a phenomenal lawyer' with an 'excellent understanding of technical issues,." In 2017, it reported James as one of 54 attorneys nationwide commended as client service standouts for at least two years in a row, praising client focus, responsiveness, and legal know-how. In 2017, James was selected by his peers as a Pennsylvania Super Lawyer for the thirteenth consecutive year. The *Legal Intelligencer* has repeatedly named him one of Philadelphia's Best Lawyers in its annual guides in two categories--Commercial Litigation and Bet-the-Company Litigation. He is also listed in the *Irish Legal 100* and in *The Best Lawyers in America* for business litigation.

### Education

- J.D., Villanova University School of Law 1981
- B.A., Biological Sciences, Indiana University 1974

### Memberships

- American College of Trial Lawyers
- International Academy of Trial Lawyers
- Product Liability Advisory Council

- The American Ceramic Society
- American Bar Association's Products, General Liability and Consumer Law Committee
- Long Range Planning Committee of the ABA's Tort and Insurance Practice Section (TIPS)
- Philadelphia Bar Association's Compulsory Arbitration Committee

## Civic and Charitable

- Coordinator, DLA Piper's Champion Partnership with Villanova Law School's Pro Bono "Lawyering Together" program
- Chairman, Radnor, Haverford, Marple Sewer Authority; Chairman, Cynwyd Club; Coach, Radnor Youth League; Member, Spofford Lake Association

## Prior Experience

Before entering private practice, James served in the US Army Corps of Engineers. He served in the Judge Advocate General Corps after entering practice.

## INSIGHTS

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### Publications

- "Personal Jurisdiction After *Goodyear* and *McIntyre* One Step Forward; One Step Backward?," *University Of Pennsylvania Journal Of International Law* (2014)

## NEWS

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### MEDIA MENTIONS

- "Want to Advance Diverse Lawyers? Then Share the Credit," *The Legal Intelligencer*, November 16, 2016