



# Michael J. Zukowski

Partner

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Michael is a seasoned trial lawyer whose practice spans complex commercial litigation, construction matters, insurance coverage disputes, product liability claims and toxic torts.

He has broad experience before state and federal courts and a keen understanding of mass tort and product liability, serving as both national and trial counsel for clients facing thousands of claims pending in nearly every state in the United States. In addition to overseeing litigation and the conduct of trials in underlying cases, he has developed and coordinated defense strategies at the national level, along with the activities of local trial counsel throughout the country.

As trial counsel, he has represented clients in trials pending in a number of jurisdictions, including New York, California and Pennsylvania.

Michael's litigation experience extends to construction and engineering industries. He has represented domestic and foreign corporations in international arbitration proceedings as well as federal and state court proceedings. Clients also look to Michael for guidance on multimillion-dollar industrial projects, including steel, offshore oil and gas and airport construction. He also provides counsel on insurance coverage for construction industry claims under builders risk policies and commercial general liability policies.

## Services

- Litigation
- Construction
- Manufacturing
- Product Liability & Mass Torts
- National Coordinating Counsel

## Before Fox Rothschild

Prior to joining Fox Rothschild, Michael was a partner in the Litigation Group of a global law firm, where he served as the Mass Tort Practice Group coordinator.

## Beyond Fox Rothschild

In his pro bono work, Michael represents individuals in civil rights claims before the federal courts.

## Bar Admissions

- Pennsylvania

## Court Admissions

- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Western District of Pennsylvania

## Education

- University of Pittsburgh School of Law (J.D., *cum laude*, 1999)
- American University (B.A., *cum laude*, 1996)

## Memberships

- Allegheny County Bar Association
- American Bar Association
- Pennsylvania Bar Association

# Mass Tort and Product Liability

Michael has done extensive work representing major companies against national mass tort and product liability claims, including toxic torts. Working on behalf of businesses facing thousands of claims pending in multiple states, Michael coordinates a strategic, efficient and effective response. He oversees litigation on a national level and the conduct of trials in underlying cases, working with local, outside and in-house counsel to protect clients' vital interests in alignment with their business objectives.

In the past several years alone, Michael and his team have overseen the resolution of thousands of mass product liability claims arising in federal and state jurisdictions throughout the United States. At any given time, the team is managing over 15,000 cases nationwide. He also assists clients with less than 10 claims in their inventory that may not have the volume, but experience the same litigation risks. These include cases being presented in some of the country's most challenging venues (e.g. New York, California, Illinois and Pennsylvania).

He understands the substantial business and litigation risks associated with these cases and the importance of employing a focused, multidisciplinary approach to their resolution that brings together legal, financial, marketing, public and government relations and risk communications management.

His experience in evaluating and resolving mass claims in multiple jurisdictions is based in large part on his daily, ongoing activities in the following areas:

- Recommending and establishing pre-trial and trial structures designed to resolve contested issues, manage costs and position claims favorably for ultimate resolution
- Compiling an archive of detailed research, intensive motions practice and assessments concerning each state's laws on product liability and the availability and calculation of compensatory, special and punitive damages for product liability claims
- Anticipating plaintiffs' new theories of imposing liability or damages risk and developing proactive and innovative countermeasures to manage liability risk and settlement outcomes
- Interacting with a growing number of trial courts and diverse juries, and evaluating and assessing the trial judges' predilections
- Conducting voir dire along with supporting jury research consultants
- Creating and maintaining computerized databases and analytical tools with direct client access for the recording, tracking and reporting of claims data and settlement values or trends
- Managing relationships with, and expectations and demands of, a capable, highly competitive, politically connected and entrepreneurial group of coordinated plaintiffs' lawyers
- Evaluating individual and consolidated plaintiffs' liability and damages claims

- Closely coordinating and managing claims and settlement information with insurer claims personnel
- Developing settlement agreements and claims administration or management structures to accomplish complete and final resolutions within the varying parameters of governing law
- Estimating, forecasting and modeling the short- and long-term financial implications and outcomes of potential settlement scenarios over time

In service of his clients' business objectives, Michael works closely with attorneys in other legal disciplines across the firm's nationwide network of offices, leveraging their multi-faceted perspectives to develop, maintain and implement a comprehensive settlement strategy in connection with the fluid and dynamic workings of a national portfolio of mass product liability claims.