



MITCHELL K. MORRIS

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Mitch is a member of Butler Snow's litigation department and practices within the Products, Catastrophic and Industrial Litigation and Commercial Litigation groups. He regularly represents clients in high-exposure traumatic injury, wrongful death, intentional tort, environmental, pharmaceutical and complex commercial matters, and has served as national punitive damages counsel to a Fortune 250 transportation company. Mitch also devotes a significant part of his practice to combatting fraud and abuse in mass and class actions. Mitch represents clients nationally, and has appeared in state or federal courts in Virginia, Maryland, North Carolina, West Virginia, Kentucky, Georgia, Florida, Mississippi, Missouri, New York, and California.

PRACTICE AREAS AND INDUSTRY TEAMS

- Products, Catastrophic & Industrial Litigation
- Commercial Litigation
- Tort, Transportation & Specialized Litigation
- Class Actions
- Business Torts and Unfair Competition
- Financial Services Litigation
- Environmental
- Appellate and Written Advocacy
- Toxic Torts, Asbestos and Silica Litigation

EXPERIENCE

- Representation of medical device maker, including obtaining full summary judgment, in personal injury actions arising from pelvic mesh products.
- Representation of major pharmaceutical company in wrongful death/survival action alleging minor developed Steven-Johnson syndrome as a result of over-the-counter children's medication. Following two rounds of motions to dismiss, Plaintiff voluntarily dismissed case with prejudice.
- Representation of leading pharmaceutical company in wrongful death case arising from oral contraceptive.
- Representation of maker of contrast injector medical device in wrongful death case.
- Representation of insurance broker in negligence and breach of fiduciary suits against independent producers alleging improper writing of policies.

- Representation of Class I railroad in civil RICO, fraud, and conspiracy action against lawyers and doctor for prosecution of fraudulent asbestos claims. The company prevailed on all claims at trial, see *CSX Transp., Inc. v. Peirce*, 974 F. Supp. 2d 927 (N.D. W. Va. 2013), and, following litigation against one defendant for fraudulent transfers, ultimately recovered \$7.3 million.
- Representation of industrial products company in civil RICO litigation against personal injury lawyers for misrepresentation and concealment of evidence in mesothelioma litigation, including successful defense of federal declaratory judgment action seeking to block claims.
- Representation of Class I railroad, including as punitive damages counsel, in high-exposure traumatic injury, wrongful death, and class/mass actions arising from grade crossing, trespasser, and derailment-related accidents.
- Representation of Class I railroad in mass asbestos litigation resulting in the dismissal of over 1,400 claims.
- Representation as lead trial counsel for corporate and individual defendants in action alleging false arrest, intentional infliction of emotion distress, and punitive damages.
- Representation, including as trial counsel, of leading pork producer in nuisance litigation.
- Representation of defendants in state and federal class actions and multidistrict litigation relating to plaintiff attorney misconduct.
- Representation of food packaging component supplier in international arbitration and federal litigation arising from large-scale food safety recall.
- Representation of national flooring supplier in multidistrict litigation concerning Chinese manufactured laminate flooring.
- Representation of power tool distributor in connection with product liability claims.
- Representation of Class I railroad in action against commercial truck driver for damages arising from grade crossing accident and ensuing derailment and explosion.
- Representation of contractor before Federal Railroad Administration in connection with civil penalty recommendation arising from high-profile crude oil train derailment.
- Advisor to transportation companies in connection with NTSB investigations relating to catastrophic accidents and explosions.
- Representation of transportation and consumer product companies in breach of contract, indemnity, and declaratory judgment actions.
- Negotiation of supply agreements for food packaging component supplier.
- Representation of autonomous vehicle system manufacturer in personal injury product liability action.

BAR ADMISSIONS

- Virginia, 2005
- U.S. District Courts
 - Virginia: Eastern and Western
- U.S. Court of Appeals
 - 4th Circuit

- U.S. Supreme Court
- U.S. Bankruptcy Court for the Eastern District of Virginia

DISTINCTIONS

- *Best Lawyers in America*®
 - Product Liability Litigation – Defendants, 2021
- *Super Lawyers*®
 - Virginia Rising Stars, Class Action/Mass Torts: Defense, 2013-2020
- *The Legal 500 U.S.*
 - Leading Lawyer, Transport: Rail and Road, Virginia
- Transportation Editorial Board, *Law360*, 2018

ASSOCIATIONS

- Defense Research Institute (DRI)
- Federal Bar Association, Richmond Chapter
 - Former Board Member
- Virginia State Bar

EDUCATION & HONORS

- Washington & Lee University School of Law, J.D., *magna cum laude*, 2005
 - Member, Order of the Coif
- University of Virginia, B.A., History and Foreign Affairs, *with distinction*, 2002

PAPERS, PRESENTATIONS AND PUBLICATIONS

- Presenter, “Defending Punitive Damages Cases and Preventing Runaway Awards: New Approaches,” Strafford CLE Webinar, January 28, 2021.
- Quoted, “No-contact rule: Court rejects proposed looser standard for talking to adversary’s employees,” *Virginia Lawyers Weekly*, January 18, 2021.
- Presenter, “Liability Considerations for Businesses in the COVID-19 Era,” myLawCLE, September 23, 2020.
- Co-Presenter, “COVID-19 Liability Protection Laws and Litigation Update,” 2020 Virtual Annual Meeting, Association of Corporate Counsel, South Carolina Chapter, September 10, 2020.
- Co-Author, “COVID-19 Liability Considerations For Nonmedical Businesses,” *Law360*, July 31, 2020.
- Co-Author, “Product Liability Defenses in the COVID-19 Era,” *DRI The Voice*, Volume 19, Issue 29, July 22, 2020.

- Co-Author, “‘The Government Said I Could’ As A Defense During COVID-19,” *Law360*, June 5, 2020.
- Author, “Is ‘The Government Said I Could’ A Civil Liability Defense?,” *Law360*, October 11, 2019.
- Author, “Justices’ Asbestos Decision Poses Fair Notice Problem,” *Law360*, April 25, 2019.
- Speaker, “Ethical Lessons from *CSX Transportation v. Peirce*,” 2018 Annual Meeting, Association of Transportation Law Professionals, May 2018.
- Presenter, “2018 Transportation Intermediaries Association Capital Ideas Conference & Exhibition,” April 10, 2018.
- Author, “Liability Doesn’t Have To Mean Punitive Damages Too,” *Law360*, August 18, 2017.
- Presenter, “Punitive Damages: Statutes, Case Law & Trends in Insurance & Risk Mitigation Practices,” 2017 ATA Forum for Motor Carrier General Counsel, July 18, 2017.
- Co-Author, “Making ‘Made In USA’ Labels Great Again,” *Law360*, December 2, 2016.
- Author, “Tobacco Trial Sheds Light on Punitive Damages Process,” *Law360*, November 29, 2016.
- Co-Author, “DOT to crack down on hazmat rail shippers,” *Journal of Commerce*, August 17, 2016.
- Co-Author, “The Supreme Court’s Reprehensibility Factors Don’t Work in Product Liability Cases,” *Bloomberg BNA Product Safety & Liability Reporter*, March 2, 2016.
- Speaker, “When Asbestos Litigation Becomes Racketeering,” DRI Asbestos Medicine Seminar, November 8, 2013.
- Speaker, “When the Hunter Becomes the Hunted,” American Association of Railroads 35th Annual General Claims Conference, October 2, 2013.
- Speaker, “Corporations Using Litigation as an Offensive Strategy,” DRI Corporate Counsel Roundtable, January 19, 2013.
- Author, Can the ‘Long-Ago’ Nature of Conduct Bar Punitive Damages — Even for Recent Injuries? *Legal Insights*, February 14, 2017.
- Author, Vehicle Manufacturer Wins Summary Judgment on Keyless Entry System Claims, *Legal Insights*, October 26, 2016.
- Author, Not So Happy Together: Punitive Damages Claim Blocked by First Impression.
- Author, Ruling Highlights Importance of Attacking Punitive Damages When Seeking Summary Judgment, *Legal Insights*, July 25, 2016.
- Author, 10th Circuit Reverses Punitive Damages Against Property Owner Based on Use of “Reputable” Contractor, *Legal Insights*, June 15, 2016.
- Author, Kentucky Supreme Court Affirms Punitive Damages 386 Times Compensatory Damages; Clarifies Vicarious Liability Standards, *Legal Insights*, June 2, 2016.