



JAMES E. HOOPER, JR.

Partner

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James Hooper defends manufacturers in high-stakes and high-profile mass tort litigation. He handles cases ranging from federal multidistrict litigation involving Zolofit birth defect claims to asbestos wrongful death lawsuits, and numerous product liability and commercial disputes in between. Jim is nationally ranked in Chambers USA for product liability and mass torts defense.

"[An] incredible technical mind and ability to jump into an area he's not familiar with."

—Client comment to Chambers USA

EDUCATION

University of Michigan Law School, J.D., 1992, *magna cum laude*, *Michigan Law Review*, Associate Editor and Executive Note Editor

United States Military Academy, West Point, B.S., 1984, Physics

GOVERNMENT SERVICE

Law Clerk to The Honorable J.L. Edmondson, United States Court of Appeals for the Eleventh Circuit

United States Army
Captain

OTHER EXPERIENCE

King & Spalding (Atlanta)

ADMISSIONS

Colorado
Georgia (Inactive)

HIGHLIGHTS

- Serving as lead national trial counsel to a major U.S. distributor of vaping products in federal multidistrict litigation in California. WTO is liaison counsel to all of the distributor defendants in the litigation.
- As lead national trial counsel, successfully argued before the U.S. Judicial Panel on Multidistrict Litigation to defeat plaintiffs' attempt create an MDL involving a medical device.
- Developed, presented, and defended multiple defense expert witnesses in the fields of occupational medicine, industrial hygiene, and state-of-the-art scientific knowledge.
- Coordinated asbestos-defense strategies integrating historical and newly developed scientific research in toxicology, epidemiology, analytical chemistry, and particulate analysis and characterization.
- Helped win summary judgment in a federal MDL in Philadelphia to dismiss Zolofit birth defects litigation.
- Helped win summary judgment for Pfizer in Zolofit birth defect case in Philadelphia.
- Won for Pfizer in the first appellate preemption decision involving an antidepressant medication.

INDUSTRIES

- Asbestos
- Consumer Products & Services
- Medical Devices & Pharmaceuticals

PRACTICE AREAS

- Appellate
- Commercial Litigation
- Product Liability
- Personal Injury Defense
- Environmental Litigation
- Mass Torts

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BIOGRAPHY

James Hooper defends manufacturers in high-stakes and high-profile mass tort litigation. He handles cases ranging from federal multidistrict litigation involving Zolofit birth defect claims to asbestos wrongful death lawsuits, and numerous product liability and commercial disputes in between. Jim is nationally ranked in Chambers USA for product liability and mass torts defense.

Jim joined WTO at its inception and became its first elected partner in 1998. Jim is a West Point and Michigan Law School graduate who has spent the past 20 years helping American businesses defend complex, scientifically and technically challenging lawsuits in more than 20 states. He has tried, served as national counsel, and litigated numerous types of lawsuits, ranging from products liability to civil RICO and federal land use. His work most often centers on high-profile, large-exposure, and expert-intensive cases involving challenges to the design, risk and safety profiles, and marketing of pharmaceuticals, medical devices, building materials, and similar products. Jim's cases have resulted in significant and helpful judicial decisions in the areas of expert scientific evidence, product safety warnings, and medical causation.

Jim was elected by his peers to serve as a member of the Pfizer Legal Alliance (PLA) Roundtable, a strategic planning and oversight group for 19 nationally renowned law firms that provide legal services to the world's largest pharmaceutical company. He is listed in *Chambers USA*, *The Legal 500 US*, *International Who's Who of Life Sciences Lawyers*, and *Colorado Super Lawyers*. Jim's clients described him to *Chambers USA* as "very talented in the courtroom, thoughtful and creative."

Jim leads WTO's associate evaluation and training committee, helping to develop the firm's next generation of national caliber trial lawyers.

CASES

- *In re Juul Labs Inc. Marketing, Sales Practices, and Products Liability Litigation* (19-md-02193-WHO, N.D. Cal.) - Serving as lead national trial counsel to a major U.S. distributor of vaping products in federal multidistrict litigation in California. WTO is liaison counsel to all of the distributor defendants in the litigation.
- *In re Gadolinium-Based Products Liability Litigation*, MDL No. 2868 (J.P.M.L. 2018) - As lead national trial counsel to GE Healthcare, successfully argued before the U.S. Judicial Panel on Multidistrict Litigation to defeat plaintiffs' attempt create an MDL involving gadolinium-based contrast agents.
- Developed, presented, and defended multiple defense expert witnesses in the fields of occupational medicine, industrial hygiene, and state-of-the-art scientific knowledge.
- Coordinated asbestos-defense strategies integrating historical and newly developed scientific research in toxicology, epidemiology, analytical chemistry, and particulate analysis and characterization.

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- *In re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation* (E.D. Pa. 2016) - Successfully excluded all of plaintiffs' general causation experts to help Pfizer secure summary judgment in federal Zoloft birth defect MDL.
- *Porter v. Smithkline Beecham* (Phila. Ct. Com. Pl. 2015) - Contributed to summary judgment win for Pfizer in a Zoloft birth defect case in Philadelphia. WTO partner Jim Hooper cross-examined the plaintiffs' only expert to offer live testimony, leading to the exclusion of both of the plaintiffs' experts. This was the second time courts excluded causation experts in Zoloft birth defect litigation. In 2014, Hooper cross-examined three causation experts in federal multidistrict litigation in Philadelphia; all three were barred from offering causation opinions.
- *McNellis v. Pfizer* (3d Cir. 2008) - Won an appeal for Pfizer in a groundbreaking preemption case before the Third Circuit.
- *Taylor v. Solvay Pharmaceuticals* - Obtained voluntary dismissal of claims against Solvay Pharmaceuticals in litigation stemming from the 1999 Columbine High School shooting.
- *Miller v. Pfizer* - Won exclusion of a star expert for the plaintiffs in antidepressant suicide litigation and won summary judgment for Pfizer in federal court in Kansas in a case alleging that the company's antidepressant led to the suicide of a minor.
- *Motus v. Pfizer* - Obtained summary judgment for Pfizer in a case alleging wrongful death, failure to warn, and other claims involving the company's popular antidepressant, and won on appeal in the Ninth Circuit.
- *Smith v. Pfizer* - Won exclusion of a plaintiff's causation experts and summary judgment for Pfizer in federal court in Kansas in a case alleging that the company's antidepressant led to the suicide of an adult male patient.
- *Tebbetts v. Ford* - Won a New Hampshire "no airbag" trial for Ford before getting all no-airbag cases held preempted in *Geier* in the U.S. Supreme Court.

TEACHING POSITIONS

University of Denver Sturm College of Law
Adjunct Professor

REPRESENTATIVE CLIENTS

Georgia-Pacific
Pfizer

BAR & COURT ADMISSIONS

Colorado
Georgia (Inactive)
U.S. District Court, D. Colorado
U.S. District Court, N.D. Georgia
U.S. Supreme Court

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LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Chambers USA

Product Liability - National, 2011-2020

The Best Lawyers in America

Product Liability Litigation, 2014-2020

The Legal 500 United States

Litigation: Product Liability and Mass Tort Defense, 2009-2012, 2015

Colorado Super Lawyers

Personal Injury Defense: Products, 2012-2020

Business Litigation, 2010-2011

Benchmark Litigation

Product Litigation - Colorado, 2016

Commercial Litigation - Colorado, 2014-2015, 2017-2018

Future Star - Colorado, 2011-2013

The International Who's Who of Life Sciences Lawyers, 2008-2017, 2019

The International Who's Who of Product Liability Defense Lawyers, 2016-2017, 2019

Euromoney's Expert Guides - Litigation and Product Liability

Martindale-Hubbell AV[®] Peer Review Rated

Lawyers for Civil Justice

Member

Defense Research Institute

Drug and Medical Device Section

International Association of Defense Counsel

Denver Bar Association

Colorado Bar Association

American Bar Association

Litigation Section

ARTICLES & PRESENTATIONS

Presentations

- "Punitive Damages," presented at 27th Annual Conference of Colorado Defense Lawyers Association (August 20, 2004).
- "Court-Appointed Experts," presented at The Network of Trial Law Firms (March 14, 2002).
- "The Future of Preemption," presented at Defense Research Institute (May 3, 2001).
- "Daubert and Differential Diagnosis," presented at The Network of Trial Law Firms (January 4, 2001).
- "Bright Lines, Dark Deeds: Counting Convictions Under the Armed Career Criminal Act," 89 Mich. L. Rev. 1951 (1991).

PERSONAL INTERESTS

Mountain sports