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Q&A With Duane Morris' Sharon Caffrey

Law360, New York (June 30, 2009) -- Sharon L. Caffrey is a partner with Duane Morris LLP in the firm's Philadelphia office and is co-head of the products liability and toxic torts division of the firm's trial practice group. She concentrates her practice in the areas of mass tort, products liability and toxic tort litigation.

Caffrey has significant trial experience, including extensive experience as MDL counsel in both asbestos and PPA litigation. Her extensive trial experience also includes trying dozens of cases to verdict.

Q: What is the most challenging case you've worked on, and why?

A: The most challenging cases I work on are the friction asbestos cases.

The cases have a strong scientific defense, but juries enter the courtrooms with a pre-existing belief that all asbestos in all products, regardless of fiber type or the way the products are used, cause disease. It is challenging to work to overcome those pre-existing beliefs.

I recently tried a case in which the plaintiff had about equal amounts of time in two jobs, one as an automotive mechanic and the other in the U.S. Navy.

Plaintiffs persuasively argued to the jury that both sources of exposure were causative because "all asbestos is equal."

However, the scientific evidence clearly shows that the two exposures are vastly different in their ability to cause disease

Q: What accomplishment as an attorney are you most proud of?

A: My greatest accomplishment as a lawyer has been representing the same client for over 12 years.

In today's market I take that as a testament of my client's belief in me and my responsiveness to their needs, and willingness to take on whatever challenges they present to me, regardless of the difficulty.

Q: What aspects of law in your practice area are in need of reform, and why?

A: Courts need to apply Daubert and Frye to preclude experts from giving unsound opinions and to be more willing to grant summary judgment.

Too often courts are reticent to make difficult decisions and put a plaintiff out of court, yet every injury or illness is not the result of another's negligence. The cost to corporations is extraordinary.

Q: Where do you see the next wave of cases in your practice area coming from?

A: Changes resulting from the Consumer Product Safety Improvement Act are going to heighten awareness of potential toxic exposures from a vast variety of consumer products.

The potential toxic tort claims arising from the CPSIA could rival the asbestos litigation in the number of claims and the impact on court dockets if products are determined to cause injury.

We are already seeing the impact with the "Chinese drywall" litigation.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: This is a tough question because I work with so many amazing lawyers. However, if I had to pick just one person it would be Sam Tarry from McGuire Woods.

He has an amazing understanding of cancer causation, science in theory versus the courtroom and a great courtroom demeanor. If I am in a courtroom battle and could have co-counsel of my choice, it would be Sam.

In the past few years we have worked together on two Frye challenges and one trial, as well as some expert development. Every time we work together I learn something new. In addition, he is a truly nice person.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: To be successful as a product liability and toxic tort lawyer two qualities are important to distinguish yourself from the pack.

You have to have a willingness to dig into the science involved in the products you are defending and then be able to present the science in a way a jury can understand.

I spend at least 2-3 hours a week reviewing new scientific literature, checking out government Web sites for topic updates and evaluating how any new developments or scientific findings will impact my clients' cases.

Having a love of trial and expert deposition work is important as well. My practice area is not one meant for those who like to stay in their offices.