



## Justin E. Rice

### Partner

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Justin Rice is a trial lawyer who enjoys cases involving complex scientific, technical, and legal issues.

He primarily practices in the areas of products liability and business litigation.

Justin has successfully defended medical, pharmaceutical, and industrial companies in products liability and personal injury lawsuits, and physicians and healthcare providers against allegations of malpractice. He represents banks and financial services companies in cases involving securities, investment suitability, contracts, and the administration of trusts.

Justin worked on the trial team that earned a complete defense verdict in an MDL bellwether trial involving transvaginal mesh. He also developed a successful strategy to exclude plaintiff's medical and regulatory experts on the issue of general causation in litigation alleging that the client's drug caused interstitial lung disease. Justin has developed and defended expert testimony in fields such as biomaterials, pathology, pulmonary toxicity, and biostatistics. He has also led successful dispositive motion and briefing teams, and obtained the early resolution and dismissal of several pharmaceutical and medical device cases.

Prior to his legal career, Justin worked in copyright for Warner/Chappell Music in Los Angeles, where he supervised the company's mechanical licensing department. Outside the practice of law, Justin most enjoys spending time with his wife and three young children. He is also a drummer, photographer, and active volunteer in his local church.

### Education

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- Case Western Reserve University School of Law (J.D., 2006); The Internet Law Journal, Editor
- University of Southern California (B.S., cum laude, 1998)

### **State Admissions**

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- Ohio, 2006

### **Federal Admissions**

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- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

### **Service Areas**

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- Life Sciences Litigation
- Business Litigation
- Financial Services
- Medical Malpractice Litigation
- Health & Life Sciences

## Experience

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### REPRESENTATIVE DECISIONS

- Obtained exclusion of Plaintiff's pathologist and infectious disease experts under *Daubert*, and successfully defended defense experts against Plaintiff's *Daubert* challenge (E.D. Mo. 2016)
- Obtained exclusion of several opinions offered by Plaintiffs' experts under *Daubert* in MDL involving various synthetic mesh medical devices (S.D. W. Va. 2016)
- Obtained summary judgment for medical device company in four MDL bellwether cases on statute of repose/limitations grounds in cases involving injuries allegedly caused by transvaginal mesh (M.D. Ga. 2013)
- Successfully opposed motions to vacate transfer of hundreds of cases to MDL involving hip implant device (J.P.M.L. 2012-2014)
- Won motion to dismiss pharmaceutical manufacturer in lawsuit alleging personal injuries from diabetes medication (N.D. Ohio 2012)
- Won motion for attorneys' fees in securities and breach of contract action (D. Ariz. 2011)
- Won motion to dismiss financial services company in lawsuit alleging violations of federal and state securities laws (D. Ariz. 2010)

### REPRESENTATIVE TRIALS

- Member of trial team that obtained complete defense verdict in two-week jury trial in MDL bellwether case involving transvaginal mesh (M.D. Ga. 2013)
- Obtained complete defense verdict as first chair trial counsel in bench trial involving the terms of a residential lease (Lakewood Mun. Ct. 2011)

### REPRESENTATIVE CASES

- Obtained the exclusion of Plaintiff's medical and regulatory experts' testimony under *Daubert*, resulting in summary judgment for pharmaceutical manufacturer in case involving alleged injuries from prescription biologic (N.D. Ohio 2014)

## Publications & Events

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### SPEAKING ENGAGEMENTS

- “How to Become Indispensable: An Interactive In-House Panel,” Moderator, DRI Drug and Medical Device Seminar, Chicago, Illinois (May 2016)
- “Don’t Let Juror Misconduct Lead to Mistrial or Lawyer Misconduct,” DRI Product Liability Conference, New Orleans, Louisiana (February 2016)
- “Outside the Lines: Strategies for Handling Jury Issues Outside the Traditional Courtroom,” DRI Annual Meeting, San Francisco, California (October 2014)

### PUBLICATIONS

- “[Subtle Writing: Winning Even If You Lose](#),” DRI’s *Raising the Bar* (June 2016)
- “Ten Steps to Ensure the Efficient Discovery of Pertinent Medical Records,” *The Legal Secretary* (May 2015); DRI’s *Raising the Bar* (February 2015)
- “[Finding the Bad Juror: Don’t Let Juror Misconduct Lead to Mistrial or Lawyer Misconduct](#),” *For the Defense* – DRI (April 2015)
- “[Daubert – An Outline of Key Principles and Questions for Expert Witness Depositions](#),” *The Whisper* – DRI (November 2013)
- “[Best Practices for Serving as Local Counsel: A Young Lawyer’s Opportunity](#),” *The Whisper* – DRI (June 2012)

### Honors

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- Ohio Super Lawyers Rising Stars® (2010, 2015, 2016)

### In the Community

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- Defense Research Institute
  - » Young Lawyers Committee
    - » Drug & Medical Device Committee, Liaison
    - » Civility and Professionalism Subcommittee, Past Chair
  - » Drug & Medical Device Committee
- Cleveland Metropolitan Bar Association
- Legal Aid Society of Cleveland, Time Well Spent Honor Society