



*What is your next move?*

Complex Dispute Resolution Practice



In times of crisis, companies can't afford a one-size-fits-all approach. Dickstein Shapiro's Complex Dispute Resolution Practice develops creative, tailored solutions for our clients' most complex issues.

## OVERVIEW

Dickstein Shapiro's Complex Dispute Resolution (CDR) Practice assists clients in developing and implementing creative, cost-effective resolution plans in matters ranging from prominent mass tort and large multistate commercial litigation to more circumscribed projects, such as those designed to forestall or limit litigation, maximize funding sources, or resolve a single important case through mediation or other means.

Our CDR attorneys have years of experience handling sensitive matters. One of the group's leaders served as Deputy Special Master for the September 11th Victim Compensation Fund of 2001 and was responsible for the overall design and implementation of the program, which distributed more than \$7 billion to victims and their families. In addition, several attorneys have served as court-appointed neutrals responsible for negotiating and implementing complex settlements, including the Agent Orange product liability litigation and mass asbestos cases.

By developing creative solutions to mass tort problems, we have negotiated

the resolution of disputes involving more than one million claims and potential exposure of several billions of dollars. For example, our attorneys devised the class resolution of the Dow Corning breast implant litigation, played instrumental roles in a number of asbestos bankruptcy cases involving untested issues of law, and developed a blind funding approach crucial to the settlement of complex class litigation against the pharmaceutical industry.

## CAPABILITIES

### Complex settlements

- Acted as national settlement counsel for three of the major pharmaceutical defendants (and as litigation counsel for one of the companies) in the Average Wholesale Price (AWP) litigation. The so-called AWP cases involved scores of false claims and unfair trade practices lawsuits across the country against nearly the entire U.S. pharmaceutical industry. The lawsuits included nationwide and statewide class actions, *qui tam* suits, state attorneys general actions, and Department of Justice investigations and civil actions.

## DICKSTEINSHAPIRO<sub>LLP</sub>

For additional information,  
please contact:

**Deborah E. Greenspan**  
(202) 420-3100  
greenspand@dicksteinshapiro.com

**Peter W. Morgan**  
(202) 420-2287  
morganp@dicksteinshapiro.com



Dickstein Shapiro has represented DuPont on a variety of complex, first impression, and “bet your company” matters.

Their creativity and strategic vision are awesome,  
and their commitment is 24/7.

**Thomas L. Sager**

**Senior Vice President and General Counsel**

**E.I. du Pont de Nemours and Company**

- Served as national settlement counsel for both Dow Corning and Baxter Healthcare (and coverage counsel for Baxter) in silicone gel breast implant litigation, one of the largest mass torts cases in U.S. history, as well as counsel and company representative for Dow Corning throughout its Chapter 11 bankruptcy case. The firm was also selected to implement and enforce Dow Corning’s Chapter 11 plan of reorganization.
- Represented AT&T (as settlement, litigation, and insurance coverage counsel) in the negotiation, design, and implementation of dozens of complex statewide class settlements—praised as a model by the presiding multidistrict judge—in landowner litigation challenging AT&T’s right to operate its fiber-optic cable network across the country.
- Represented Armstrong World Industries, Kaiser Aluminum, and Pfizer Inc in the evaluation of asbestos-related claims, analysis of future claims, development of expert testimony, and negotiation of future claims resolution through a Chapter 11 device.

### **Risk analysis**

Our attorneys developed strategies for managing risks associated with some of the most prominent complex litigation of the last several decades, involving asbestos, silica, breast implants, energy markets, bulk vitamins, natural latex rubber gloves, synthetic rubber, tobacco, mold, pharmaceutical pricing, and government contracts. For example, they designed and executed a strategy for DuPont to respond to a bellwether public nuisance suit by the Rhode Island Attorney General in connection with lead paint.

### **Interdisciplinary global resolutions**

We have developed a range of interdisciplinary solutions for corporate clients confronting mass tort problems. These resolutions often involve a unique blend of traditional and nontraditional means to limit risks and secure funding from third-party sources.

### **International arbitration**

Our CDR Practice arbitrates disputes worldwide for energy, pharmaceutical, telecommunications, and medical

device companies; government contractors; professional firms; real estate ventures; and other international clients before the London Court of International Arbitration, the International Chamber of Commerce, the Singapore International Arbitration Center, the AAA International Centre for Dispute Resolution, and other international forums.

### **Mediation/Alternative Dispute Resolution (ADR)**

- Advised companies on how to establish targeted ADR systems to reduce litigation costs and exposure, and analyzed litigation portfolios and individual cases for potential ADR.
- Represented corporations and individuals (such as Spider-Man creator Stan Lee) in private mediations.
- Advised companies interested in maximizing ADR possibilities in their commercial and other contracts and through internal early case evaluation procedures.

About the Firm

**Dickstein Shapiro LLP**, founded in 1953, is internationally recognized for its work with clients, from start-ups to *Fortune* 500 corporations. The firm provides strategic counsel and develops multidisciplinary legal solutions by leveraging its core strengths—litigation, regulatory, transactions, and advocacy—to successfully advance clients' business interests.

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