



Michelle M. Bufano

Partner

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Michelle Bufano is a Partner in the Firm's Litigation department. She has represented major pharmaceutical and medical device companies in complex products liability and mass tort litigation for over 15 years, including class actions, multi-district litigations and coordinated proceedings in state courts. She has represented clients in litigations involving prescription and over-the-counter drugs, as well as a wide range of medical devices, including catheters, feeding tubes, as well as hip and knee implants.

Recently, Ms. Bufano successfully assisted a client by reducing a 7,600-case mass tort litigation to approximately 4,000 cases through dispositive motion practice. She also served as a core member of the national litigation team and counsel of record for all cases in that litigation.

In addition, Ms. Bufano has significant experience in complex commercial litigation, having represented clients in a variety of breach of contract contexts and other business disputes. Ms. Bufano also counsels clients on regulatory issues, including those relating to food products that are subject to the jurisdiction of the U.S. Food and Drug Administration.

Following law school, she served as a law clerk to the Honorable Martin L. Greenberg in New Jersey Superior Court.

Education

- Seton Hall University School of Law (J.D., 1997)
 - Member, *Seton Hall Law Review*
- Wellesley College (B.A., *cum laude*, 1993)

Admissions

- U.S. District Court, District of New Jersey
- New York
- New Jersey

Professional Activities

MEMBERSHIPS: American Bar Association; New Jersey State Bar Association; Morris County Bar Association; The Foundation of the International Association of Defense Counsel (Member); Defense Research Institute (Drug and Medical Device Committee, Young Lawyers Committee); New Jersey Civil Justice Institute (Legal Advisory Board); *Law Journal NewsProduct Liability Law & StrategyNewsletter* (Member, Board of Editors); National Trial

Patterson Belknap

Advocacy College, University of Virginia School of Law (Graduate, 2001); William J. Brennan, Jr. Inn of Court (Graduate, 1999-2001)

HONORS: Recognized in *New Jersey Super Lawyers* in the area of Class Action/Mass Torts; Previously selected for the *New Jersey Law Journal's* "40 Under 40" series

Speaking Engagements

- Co-Presenter, "Deposition Toolkit," America Bar Association's 2019 Environmental & Energy, Mass Torts and Products Liability Committees' Joint CLE Seminar (January 11, 2019)
- Co-Presenter, "Predicting Risk and Examining the Intersection of Traditional Principles of Product Liability Laws with Digital Health and 3D Printing," American Conference Institute's 23rd Annual Conference on Drug & Medical Device Litigation (November 29, 2018)
- Co-Presenter, "Products Liability and the Internet of Things," Bloomberg Webinar (September 13, 2018)
- Co-Presenter, "NJ Supreme Court: Landmark Decision on Standards for Expert Testimony," New Jersey Civil Justice Institute Policy Teleforum (August 1, 2018)
- Presenter, "Revisiting the Role of the Learned Intermediary Doctrine," New Jersey Defense Association & Association of Corporate Counsel New Jersey's 2016 *Products Liability Seminar: Something for Everyone - A Look at Hot Products Topics in the Early 21st Century* (September 23, 2016)

Publications

- "What New Calif. Law Means For Connected Medical Devices," *Law360* (October 5, 2018)
- "'Accutane' Appeal Presents Opportunity for NJ to Adopt 'Daubert'," *New Jersey Law Journal* (December 11, 2017)
- "NJ Supreme Court Takes Us Back in Time on Tort Statute of Limitations," *New Jersey Law Journal* (February 20, 2017)
- "Product Liability & Toxic Tort Litigation: Recent 'Reglan' Decision Chips Away at Preemption," *New Jersey Law Journal* (December 12, 2016)
- "The Foreign Plaintiff Problem," Bloomberg BNA's *Product Safety & Liability Reporter* (December 5, 2016)
- "Getting Serious About Senseless Claims," *New Jersey Law Journal* (December 9, 2015)
- "New Limitations on The Discovery Rule in Products Liability Cases," *New Jersey Law Journal* (December 17, 2012)
- "Irreconcilable Differences in Prescription Drug Liability Cases," *New Jersey Law Journal* (December 12, 2011)
- "Applying the Doctrine of Forum Non Conveniens to Out-of-State Plaintiffs in Mass Tort Cases," *New Jersey Law Journal* (November 22, 2012)
- "The Importance of the Early Disposition of Baseless Claims in New Jersey Products Liability Mass Tort Litigation," *New Jersey Lawyer* (August 2011)
- "Practice Tip: Keys to Successful Negotiation of Clinical Trial Agreements," *LJN's Product Liability Law & Strategy* (December 2009)
- "Avoiding Dysfunctional Litigation," *LJN's Product Liability Law & Strategy* (April 2009)
- "Fight For Your Right To Ex Parte," *New Jersey Law Journal* (December 8, 2009)
- "Medical Device Manufacturers Can Breathe Easier," *New Jersey Law Journal* (December 15, 2008)
- "Hope at Last for Drug Manufacturers Sued in NJ?" *Law360* (November 24, 2008)
- "The Learned Intermediary Doctrine," *LJN's Product Liability Law & Strategy* (August 2008)
- "The Foreign Plaintiff," *New Jersey Law Journal* (December 17, 2007)

In the Media

BioCentury, [Supreme Court May Reset FDA-State Power Balance](#) (January 11, 2019)

Law.com, [Critical Mass: SCOTUS Looks at Preemption in Drug Labeling Case. Plus, Fee Dispute Roils Hip Implant MDL](#) (January 9, 2018)

Law360, [FDA Understood Proposed Fosamax Warnings, Justices Told](#) (January 7, 2019)

The Pink Sheet, [Product Liability Defense Favored By Industry Appears To Have Supreme Court Support](#) (January 7, 2019)

BioWorld, [SCOTUS mulls drug company responsibility when FDA says no to label change](#) (January 7, 2019)

Bloomberg Law, [Merck, U.S. to Tell Justices FDA Action Bars Fosamax Suits](#) (January 3, 2019)

Law360, [Product Liability Cases To Watch In 2019](#) (January 1, 2019)

Law360, [Top Product Liability Cases Of 2018](#) (December 13, 2018)

Law360, [Accutane Ruling Raises Bar For Garden State Labeling Claims](#) (October 5, 2018)

Stat News, [Once again, a New Jersey court gives pharma a boost in lawsuits filed by consumers](#) (October 4, 2018)

Bloomberg Law, [Hoffmann-LaRoche Wins N.J. Accutane Warning Appeal](#) (October 3, 2018)

Law360, [NJ Accutane Ruling Raises Bar For Expert Witnesses](#) (August 2, 2018)