



Portfolio Media. Inc. | 648 Broadway, Suite 200 | New York, NY 10012 | www.law360.com
Phone: +1 212 537 6331 | Fax: +1 212 537 6371 | customerservice@portfoliomediamedia.com

Q&A With Mayer Brown's Michael Olsen

Law360, New York (June 03, 2009) -- Michael A. Olsen is a partner with Mayer Brown LLP in the firm's Chicago office and co-leader of the firm's mass tort and product liability practice.

In addition to focusing on mass and toxic tort litigation, he represents national and multinational corporations in complex commercial litigation including securities and commodities litigation, bankruptcy, purchase and sale agreement disputes, and general business and commercial litigation.

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

A: I handled a case for a major international restaurant chain that involved a food recall at all of their stores in China, Thailand and Taiwan.

The case presented a wide variety of novel challenges including dealing with real time crisis management issues, addressing situations involving foreign legal questions and government authorities, and pursuing a case against the ingredient supplier which involved witnesses in different locations across the globe.

I had never been involved in a case before, and likely will not be again, where I was told during witness interviews about store managers who closed their stores under threat of imprisonment from police officers. The case involved many difficult but exciting challenges, and overcoming those challenges and achieving an outstanding result for the client was an extremely rewarding experience.

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

The accomplishment I am most proud of is the fact that I have never lost a jury trial. As a trial lawyer, there is nothing that I find more enjoyable than presenting cases to a jury. The fact that I have been fortunate enough to come out on the winning side of every jury verdict

I have taken is an accomplishment that I am very proud of.

Although I must admit that my family did not view the trial I conducted in California over Christmas and the New Year last year as nearly as rewarding an experience as I did, and my 8-year-old daughter has informed me that it will not happen again.

Q: What aspect of product liability law is in need of reform and why?

I think asbestos litigation is desperately in need of reform. While there have been some steps in recent years to improve the abuses that have historically occurred in asbestos litigation (noninjury dockets, state legislative reforms, etc.), there is still work to be done.

For example, timing differences create opportunities to abuse the system and double dip with claims in litigation and against bankrupt entities without real visibility for all of the parties involved, and outdated rules in many jurisdictions that were intended to address first or second generation asbestos defendants need to be reexamined given the differences in the litigation today.

Q: What do you see the next wave of cases in product liability coming from?

I think BPA and phthalates may be the next big wave of product liability cases that hit the system. Both sides of the bar have paid significantly increasing attention to BPA and phthalate claims, and regulatory scrutiny is increasing at both the state and federal level. I think the area may be poised to explode.

Q: Outside of your firm, name one lawyer who impressed you and why?

I am impressed with Tarek Ismail from Goldman Ismail Tomaselli Brennan & Baum. I have had the opportunity to work with Tarek on several occasions. He is driven, creative, hard working and great on his feet. At the same time he delivers great results for his client, he makes it fun for those who are working with or against him.

Q: What advice would you give to a young lawyer interested in practicing product liability law?

I would tell any young lawyer embarking on a career in product liability lawyer two things. First, prepare your cases as if they are going to trial.

Too often, lawyers get to trial and look back at their record through discovery thinking that

they should have handled a particular deponent differently or saved a particular argument for trial. I would advise young lawyers to develop a plan for trying their case early and approach discovery as though they taking steps to execute that plan.

Second, and perhaps more importantly, make sure you like what you're doing. There are a lot of interesting areas of the law. Product liability provides an opportunity to deal with cutting edge science and to get to trial more than most areas of litigation. If that sounds exciting to you, then you should jump in feet first.