

**James T. Smith | Partner**

Business Litigation

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## CO-CHAIR, PHILADELPHIA OFFICE

James T. Smith has more than 35 years of experience in complex commercial litigation, products liability, and white collar criminal defense, nationwide. He serves both corporate and individual clients in a wide variety of industries including technology, transportation, healthcare, aerospace, and defense, in disputes involving fraud and abuse, intellectual property, corporate governance, government and internal investigations, white collar criminal defense, and breach of contract and related claims, and many other areas. Jim formerly served for eight years as chair of Blank Rome's Litigation Department, overseeing more than 250 attorneys across nine practice groups and 14 offices. Prior to that, Jim was the Practice Group Leader for the Commercial Litigation group for six years.

Jim served as a law clerk to the Honorable Genevieve Blatt of the Commonwealth Court of Pennsylvania.

For more than a decade, *Chambers USA* has recognized Jim as a leader in general commercial litigation, noting recently that he is considered to be a "fantastic litigator." Some of the sources quoted in *Chambers* said:

**2018** He is able to "strategically think ahead and figure out the best route to that solution better than anyone I have ever met."

**2017** "He is brilliant, super well-prepared and relentless," reports one impressed source, who also singles out Smith's "client-oriented" approach.

**2016** "He is as smart as can be—the most strategic thinker I've met in my life."

## Select Engagements

- Publicly traded cosmetics manufacturer. Jim and his team at the Firm are part of the client's national "talc trial team" and are assigned ovarian cancer and mesothelioma cases throughout the country.
- Publicly traded medical device manufacturer. Jim and his team at the Firm work on a series of high-profile, high-exposure cases for the medical device manufacturer involving wrongful death claims by plaintiffs whose decedents died after spine surgeons injected a bone cement into the vertebrae during spinal surgery. The plaintiffs contend that the company promoted the bone cement for off-label use in the spine. These civil cases are challenging, complicated, and receive national attention. Prior to the filing of the civil suits, Jim represented the client in criminal and administrative proceedings relating to the alleged off-label promotion.
- Two highly respected psychologists engaged as contractors by the Central Intelligence Agency following 9/11 attacks to develop enhanced interrogation techniques for high value detainees captured in foreign countries. Three foreign nationals filed suit in the US District Court for the Eastern District of Washington for alleged violations of the Alien Tort Statute. Favorable settlement in August 2017.
- Majority owner of a sports team—in an action brought by his sister to recover in excess of a billion dollars arising from a buy-out of family interests. Settlement in February 2018. Jim continues to represent the family enterprise in other ancillary trust litigation and a variety of other matters.
- Private equity fund—recover in excess of \$50 million of investors' funds that were lost due to negligence by auditors who failed to detect the ongoing fraud in annual audits. Case settled against auditors in May 2017.
- Publicly traded commercial lender—\$250 million lender liability claim and related bankruptcy proceeding. One-week trial resulted in dismissal of Debtor's case by Bankruptcy Court, finding that case was filed in bad faith.
- Publicly traded video game manufacturer—secured summary judgment against plaintiffs in a \$600 million claim involving theories about alleged effects of violent video games.
- Publicly traded defense contractor—negotiated highly favorable resolution of criminal and civil fraud prosecution.
- Publicly traded branding company—jury awarded approximately \$45 million in compensatory damages and five million dollars in punitive damages following a three-month jury trial involving breach of contract, fiduciary duty, trademark infringement, conversion, and other claims.
- Transportation systems service provider—awarded \$30 million in a six-week arbitration involving claims that shareholders of a newly acquired Texas company misrepresented its financial condition.
- Financial services software provider—bankruptcy litigation arising from the acquisition of a business solutions provider for \$825 million; the financial services software company was ultimately declared the successful bidder and the transaction closed successfully.
- Aerospace and defense company—three-month jury trial involving breach of contract, fraud, and other claims against a Texas company and other

companies, resulted in a nine-million-dollar award for our client.

- Food-processing company—class-action claims involving toxic-tort exposure to children while *in utero*, in which plaintiffs ultimately withdrew complaint. Trial court subsequently sanctioned plaintiffs' counsel for one million dollars in fees and costs.
- Defense company—arbitration where claimant sought \$175 million in damages for breach of contract and related claims; claimant was awarded nothing.
- Publicly-traded major defense contractor—obtained multimillion-dollar jury verdict for claims including theft of intellectual property.
- Individual victim of severe personal injury—secured jury verdict in excess of \$20 million.

## Admissions

- Pennsylvania
- New Jersey
- Supreme Court of the United States
- United States Court of Appeals for the Third Circuit
- U.S. District Court - Eastern District of Pennsylvania
- U.S. District Court - New Jersey
- Supreme Court of New Jersey
- Supreme Court of Pennsylvania
- U.S. District Court - Middle District of Pennsylvania
- United States Court of Appeals for the Second Circuit

## Education

- Temple University, BA, magna cum laude Phi Beta Kappa
- Temple University Beasley School of Law, JD

## Recognitions

- Litigation: General Commercial Law, listed in *Chambers USA*
- AV Preeminent®, listed in Martindale-Hubbell®
- 2006–2020, Commercial Litigation in Philadelphia, listed in *Best Lawyers in America*©
- 2004, 2006–2019, “Pennsylvania Super Lawyer” in Business Litigation, listed in *Super Lawyers*©