



James R. M. Hemmings

Partner

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James Hemmings has the unique experience of having represented clients as both outside and in-house counsel.

James has litigated a variety of matters at all levels of state and federal courts and has extensive experience counseling clients on methods of preventing, avoiding, and cabining risk. He appreciates the need for tailored solutions that effectively and efficiently manage issues, whether in litigation or otherwise, and cares deeply about providing practical advice responsive to each client's specific situation and the particularity of each matter.

In adversarial proceedings, James has represented clients from a variety of sectors, including pharmaceutical and medical device companies, consumer and industrial product manufacturers, industrial chemical suppliers, and national universities. He has managed or participated on litigation teams in mass tort proceedings, multi-district litigation, class actions, multi-plaintiff actions, and single plaintiff actions relating to product liability and other tort, consumer fraud, insurance, antitrust, RICO, and breach of contract. As the chief litigation counsel for a global consumer goods conglomerate, James served as principal litigator for the company and its divisions, working hand-in-hand with stakeholders throughout the company to manage claims and litigation globally, across legal subject matter.

James recognizes that getting to know a client's business means understanding the people who make the business run, the ways and means of the business's commercial strategies from end to end, and the sometimes competing interests that affect day-to-day operations. He has experience counseling business units, senior management, and others on measures to insulate against risk. As both outside and in-house counsel, he has worked with clients to minimize product liability risk, improve product warnings and marketing, and conduct internal investigations. While serving as in-house counsel, James played a key role in a variety of strategic initiatives, particularly in the areas of product safety, environmental health and safety, and insurance.

Education

- University of Iowa College of Law (J.D., with distinction, 2003); Iowa Law Review; Iowa National Moot Court Team; Moot Court Board, Chair
- The University of Chicago (M.A. in Middle East Studies, 2000)
- University of Virginia (B.A. in Foreign Affairs and Middle East Studies, 1998)

State Admissions

- Illinois, 2005
- Missouri, 2003
- Kansas, 2004
- Wisconsin, 2013

Federal Admissions

- United States Court of Appeals, Tenth Circuit
- United States District Court, Northern District of Illinois
- United States District Court, District of Kansas
- United States District Court, Western District of Missouri

Service Areas

- Business Litigation
- Class Action Litigation
- Consumer Product Safety
- Mass Tort & Product Liability
- Life Sciences Litigation
- Fire Litigation
- Educational Institutions
- Health & Life Sciences

Industries Represented

- Clinical Trials
- Colleges & Universities
- Consumer Products
- Medical Devices
- Pharmaceutical & Medicine

Experience

BUSINESS LITIGATION

- Has served as national coordinating counsel for claims and litigation asserted against and by a diversified consumer goods company in the United States and Canada
- Participated in prosecution of a breach of contract action and defended against contract claims on behalf of a veterinary products manufacturer relating to supply chain failures
- Represented a specialty chemical company in declaratory judgment actions against a logistics provider and multiple insurance companies regarding the interpretation of contract and insurance policy provisions

REGULATORY LITIGATION AND PROCEEDINGS

- Directed the defense of a consumer goods company against Consumer Product Safety Commission claims that the company failed to report information concerning an alleged defect and that it sold recalled product
- Represented a pipeline company in state regulatory proceedings concerning pipeline maintenance

PRODUCT LIABILITY LITIGATION

- Assisted in the defense of a pharmaceutical company in state and federal mass tort proceedings relating to the use of a statin medication; achieved summary judgment of dozens of plaintiffs' actions and the exclusion of dozens of experts through motion practice
- Assisted in the defense of a pharmaceutical company in state and federal mass tort proceedings relating to the use of a birth control medication; co-led the team that drafted all motions in limine and participated on the team that defeated each of the hundreds of privilege challenges raised by plaintiffs
- Co-led the team that identified and developed experts on behalf of a medical device company in multi-plaintiff proceedings involving alleged injury associated with cardiac leads
- Obtained summary judgment on behalf of a pharmaceutical company in a case involving alleged kidney injury as a result of statin medication use; judge excluded three experts in rendering the decision to dismiss the case
- Defeated class certification and achieved summary judgment in an economic loss claim alleging the failure of a medication to provide any health benefit

CONSUMER CLASS ACTION AND OTHER TORT LITIGATION

- Directed the defense of multiple consumer fraud claims alleging misleading marketing of electronic pest repeller products
- Obtained summary judgment on behalf of a medical device company accused of influencing the decision-making of a surgeon by paying the surgeon an honorarium to present the plaintiff's case at a company-sponsored CME event and invasion of privacy for failing to obtain consent from the plaintiff to show her case
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Persuaded plaintiffs to walk away from a claim accusing a national university faculty member who served as chair of a clinical trial cooperative of negligence in the development and dissemination of a large-scale, multi-center clinical trial

RISK COUNSELING AND ADVICE

- Counseled consumer product company on processes affecting product safety and obligations under the Consumer Product Safety Act and Consumer Product Safety Improvement Act and assisted the company through the reporting process and multiple recalls
- Advised a fast food company in connection with the recall of certain food ingredients
- Assisted multiple clients in evaluating the sufficiency of insurance coverage for purposes of insurance renewal and acquisition due diligence

Publications & Events

SPEAKING ENGAGEMENTS

- “Recent Decisions Relating to Front-Loading Plaintiff Discovery in Mass Tort Litigation,” IADC Webinar (September 2017)
- “Corporate Compliance in View of Recent Trends in the DOJ, FTC, and CPSC Enforcement Authority,” 2016 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2016)
- “Reporting Requirements in the U.S. and Canada,” AHAM 12th Bi-Annual Product Safety & Liability Conference, Arlington, Virginia (September 2016)

PUBLICATIONS

- *Scheuerman v. Nestlé Healthcare Nutrition, Inc.*, listed in *Top 20 Food and Drug Cases, 2012 & Cases to Watch, 2013*, The Food and Drug Law Institute (FDLI) (2013)
- *Graco, Inc. v. PMC Global, Inc.*, listed in *Top 20 Food and Drug Cases, 2011 & Cases to Watch, 2012*, The Food and Drug Law Institute (FDLI) (2012)
- “*Ready v. United/Goedecke Services, Inc.*: A Defense Perspective,” *Bench and Bar*, Illinois State Bar Association (February 2009)

In the Community

- Defense Research Institute
- International Association of Defense Counsel
 - » Product Liability Committee, Vice Chair