



Multinational clients turn to trial attorney Michael C. Zogby to litigate and manage risk related to aggregated proceedings, product liability risks, and mass tort claims. Mike is an advocate for clients in the life sciences industry, and he also counsels clients in commercial and consumer disputes, class actions, intellectual property and antitrust challenges, and trade secret violations.

Mike serves as partner-in-charge of Barnes & Thornburg's New Jersey and Philadelphia offices and is Co-Chair of the firm's Trials & Global Disputes practice group. Mike represents major pharmaceutical, medical device, life sciences, biotechnology, consumer products, manufacturing and chemical companies in product liability, mass tort, toxic tort, environmental litigation, and business disputes alleging negligence, failure to warn, strict liability, design and manufacturing defects, fraud, consumer protection, breach of warranty, wrongful death, antitrust, intellectual property, E-Discovery, punitive damages, and trade secrets challenges.

He has received national rankings in Chambers and Partners for Products Liability and Mass Tort USA Nationwide and included as a Leading Lawyer by The Legal 500, where clients recognized Mike's "business savvy" approach and knowing "what clients want and how they want to see it."

Chambers 2023 has indicated that Mike's "approach to complex cases is strategic and well thought out. He is incredibly responsive and truly cares about the case and the client," and one client said "I have nothing but the utmost respect for Mike. He is incredibly diligent and thoughtful and someone whose judgment I trust." Chambers USA 2022 states that Mike "knows the law and the field very well" and "is very thorough and good at anticipating issues. He is also particularly diligent and able." In previous editions, Chambers USA noted, "His attention to detail is great, and he's well respected by peers and the court" and "He is outstanding, and has a great skill set." In addition, his ranking stated: "He is perhaps one of the most diligent people I have ever met. He is responsive, very client-focused, very intelligent and practical – a really nice lawyer to partner with." "He is extremely organized, extremely technical and just a great guy – someone who as a company you are proud to put before a judge."

Michael C. Zogby

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EDUCATION

William & Mary Law School, (J.D.),
William & Mary School of Law, J.D.,
editor in chief of William & Mary
Environmental Law and Policy Review,
Rachel Carson Graduation Award for
Excellence in Environmental Law,
Dean's Award for Commendable Service
to the Law School, Legal Skills Scholar
Graduation Award

Saint Joseph's University, (B.A.), politics
and public administration, cum laude,
John Trainer Award for Political Science
and Community Service

Wharton School, University of
Pennsylvania, leadership and
management certificate

BAR ADMISSIONS

District of Columbia

New Jersey

New York

Pennsylvania

COURT ADMISSIONS

U.S. Court of Appeals for the Third
Circuit

U.S. Court of Appeals for the Federal
Circuit

As trial counsel, Mike works diligently with scientists and other experts to develop persuasive defense arguments for complex litigation. In addition, Mike counsels clients in the U.S., Asia, and Europe on a variety of privacy, security, and e-discovery issues. He coordinates cross-border trial issues and discovery involving multidistrict litigation in highly regulated industries.

Notably, Mike has a broad range of trial and appellate experience in intellectual property and antitrust litigation representing life sciences, pharmaceutical, and other manufacturers in patent infringement, false marking, trade secret, and Robinson-Patman act proceedings.

Mike is a past chair of the product liability and mass tort and pharmaceutical and life sciences groups at an AmLaw 100 firm, and past deputy chair of the product liability and mass tort group and chair of the health and life sciences industry litigation team at an AmLaw 50 firm. He chaired the marketing, labeling, and advertising team, the New Jersey mentorship committee, served as a diversity committee sponsor, and worked as a steering committee member on the global Japanese engagement team.

Mike is Co-Chair of the BTMENA talent resource group, which provides mentoring, learning and development opportunities for the firm's Middle Eastern and North African attorneys, staff and allies. He frequently contributes to journals and industry panel discussions on existing and emerging topics in life sciences, trial advocacy, cross-border litigation and product liability law. Mike serves on the faculty of the National Trial Advocacy College at the University of Virginia School of Law, and has lectured on trial ethics and cybersecurity for practitioners at Fordham University School of Law.

Product Liability, Mass Tort Multidistrict, and Aggregated Litigation

Mike has significant experience defending major pharmaceutical, medical device, life sciences, biotechnology and chemical companies in product liability actions filed by consumer and government parties alleging:

- Negligence
- Failure to warn
- Strict liability
- Design and manufacturing defects
- Fraud
- Consumer protection
- False Claims Act

U.S. District Court for the District of New Jersey

U.S. District Court for the Northern District of New York

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Middle District of Pennsylvania

LANGUAGES

English

PRACTICES

Antitrust and Competition Law

Arbitration/Alternative Dispute Resolution

Business Tort Litigation (Tortious Interference)

Commercial Litigation

Consumer Class Action Defense

Contract Litigation

Drug and Medical Device

eDiscovery and Knowledge Management

Environmental Litigation

Environmental, Social and Governance

Food, Drug and Device Law

Japanese Services

Litigation

PFAS and Emerging Contaminants

Product Liability and Mass Torts

Toxic Substances and Other Torts

Trade Secret Litigation

Trade Secrets

Trial and Global Disputes

UCC Litigation

INDUSTRIES

Agriculture and Food

Healthcare

Life Sciences

Manufacturing

- Breach of warranty
- Wrongful death
- Punitive damages

Mike's product experience includes defending prescription medications, over-the-counter products, orthopaedic implants and other medical devices before state and federal courts and in mass tort, class action, attorney general and multidistrict proceedings. He has served as lead, liaison, U.S. discovery, and Japanese discovery counsel in litigations throughout the United States.

International Privacy, Security, and E-Discovery

Multinational clients value Mike's deep experience handling cross-border e-discovery issues. He advises on the EU's General Data Protection Regulations (GDPR), Japan's Act on the Protection of Personal Information, and other foreign privacy laws. He counsels clients on discovery issues, document and data preservation requirements, proportionality considerations, and privilege protections. He also partners with business units to respond to trial and discovery issues expediently and efficiently.

Intellectual Property and Antitrust Litigation

Mike has a broad range of trial and appellate experience representing pharmaceutical and life sciences companies in patent infringement, Robinson-Patman Act, false marking, trade secret, intellectual property, and antitrust actions in federal courts and multidistrict proceedings.

Complex Commercial Litigation

Mike has defended large law and accounting firms in professional liability actions, and hospitals and health care organizations in tortious interference, unfair competition, civil conspiracy, and ERISA litigation before courts and administrative agencies. He has also represented corporate clients in business disputes, commercial, employment, insurance coverage, environmental, and real estate litigation matters.

Professional and Community Involvement

Board of directors member, Product Liability Advisory Council (PLAC)

Member, Products Liability Advisory Council (PLAC) Membership Committee

Member, Product Liability Advisory Council (PLAC) Case Selection Committee

Member, International Association of Defense Counsel (IADC)

Member, IADC Intellectual Property Committee 2022 Conference Planning

Committee

Board member, Trial Attorneys of America

Board of trustees member, Trial Attorneys of New Jersey

Member, New Jersey Civil Justice Institute Advisory Board

Co-Chair, American Bar Association (ABA) Mass Torts Litigation
Pharmaceutical, and Medical Device Committee

Organizer, ABA Biotech, Pharma, and Medical Device Conference

Board of directors member, National Arab American Bar Association

Member, American Task Force on Lebanon (ATFL)

Appointed member, New Jersey State Bar Association Class Actions
Special Committee

Appointed member of Antitrust Special Committee, New Jersey State Bar
Association Antitrust Special Committee

Appointed member, New Jersey State Bar Association Equity
Jurisprudence Committee

Faculty member, National Trial Advocacy College at the University of
Virginia School of Law

Lecturer, Fordham University School of Law in trial ethics and
cybersecurity

Board of trustees member, Tri-County Scholarship Fund

Organizer, Tri-County Scholarship Fund Lawyers for Tri-County Awards
Event

Member, Sedona Conference Working Group 6 Drafting and
Brainstorming Committee (Commentary on Proportionality in Cross-Border
Discovery and Investigations)

Member, Sedona Conference E-Discovery Working Group 1 and Mass
Torts and Punitive Damages Working Group 8 Commentary

Member, George Washington School of Law James F. Humphries
Complex Litigation Center Discovery Proportionality Model Working Group

Member, Law360 Product Liability Advisory Board

Former member, Law360 Life Sciences Editorial Advisory Board

Member, Rabiej Litigation Law Center Board

Member, Life Sciences PA

Member, Health Institute of New Jersey

Member, Morris County Chamber of Commerce

Member, New Jersey Supreme Court's District V Ethics Committee

Master, William J. Brennan Jr.-Arthur Vanderbilt Inn of Court

Member, BioNJ Legal, Compliance & Regulatory Advisory Committee

Member, Third Circuit Bar Association

Member and speaker, Defense Research Institute

Member, Association of the Federal Bar of New Jersey

Member, William & Mary School of Law Alumni Ambassador and Reunion Committee

Member, Saint Joseph's University Law Alumni Society

Past board member, Morristown American Little League Baseball

Eagle Scout, Boy Scouts of America

Honors

Business Today Top 10 Influential Product Liability Lawyer Defending New Jersey's Industries, 2023

Chambers USA Nationwide Product Liability and Mass Torts, 2020-23

Chambers USA New Jersey Product Liability and Mass Torts, 2022-23

LMG Life Sciences Leading Life Sciences Lawyer, 2020-22

LMG Life Sciences Life Science Star, 2022-23

The Legal 500, Leading Lawyer in Product Liability; Mass Tort and Class Action-Defense: Pharmaceuticals; and Medical Devices, 2022-23

New Jersey Law Journal Mentor Award, 2021

NJBiz Leaders in Law, 2021

Benchmark Litigation Top Litigator Under 40, 2017; Under 40 Hot List, 2016; Future Star, 2014-22

Law360 Trial Pro, 2016

Legal Intelligencer 40 Under 40, 2014

New Jersey Law Journal New Leaders of the Bar, 2014