

Biography



Sheila L. Birnbaum

Partner

Skadden, Arps, Slate, Meagher & Flom LLP

Complex Mass Tort Litigation, Products Liability, Toxic Torts and Insurance Law

As head of Skadden's Complex Mass Tort and Insurance Group, Sheila L. Birnbaum practices primarily in the areas of products liability, toxic torts and insurance coverage litigation. Prior to becoming a Skadden, Arps partner, Ms. Birnbaum served as counsel to the firm while she was a professor of law and associate dean at New York University School of Law.

Ms. Birnbaum represents corporations in complex mass tort and insurance litigation. Most recently, she secured a historic victory for State Farm Mutual Automobile Insurance Company, when the U.S. Supreme Court reversed a \$145 million punitive damages award against the company as unconstitutionally excessive. *The New York Times* reported that the Court's decision has been hailed as "a major victory in the long-running effort to shield corporate defendants from unconstrained jury awards." *The Wall Street Journal* characterized the decision as "a big win for business interests concerned about ballooning legal judgments," and the *Washington Post* described it as "a big win for corporate America."

Ms. Birnbaum was national counsel or lead defense counsel for numerous *Fortune* 500 companies in some of the largest and most complicated tort cases in the country. She was national counsel for Dow Corning Corporation in the breast implant litigation, for Aventis Crop Science in several class actions and multidistrict litigation arising out of biogenetic corn and for Thompson-Delco in the over-the-counter drug "PPA" litigation. She was lead for Copley Pharmaceutical Inc. in the Albuterol class action that was tried in Cheyenne, Wyoming, and lead counsel for American Stores, Inc. in a class action involving 200,000 claimants and more than 2,000 opt-out cases stemming from salmonella contamination of milk in the Midwest. In federal district court in Alabama, she defended a chemical manufacturing company in 9,000 consolidated DDT exposure cases, which were resolved as a class action settlement. Ms. Birnbaum represented Georgia Pacific Corporation in a class action involving nearly one million people claiming damages arising from the discharge of contaminants into the New Orleans public water system.

Ms. Birnbaum has represented Anheuser-Busch Companies, Inc. nationwide in tort litigation involving alcoholic beverages. She has represented Medtronic, Inc. successfully in a number of class actions involving medical devices. She was national counsel for defendants involved in asbestos litigation. Ms. Birnbaum is

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Education

LL.B., New York University School of Law, 1965

M.A., Hunter College, 1962

B.A., Hunter College, 1960
(*cum laude*; Phi Beta Kappa)

Professional Experience

Associate Dean of the Graduate Division (1982 - 1984), Professor of Law (1978 - 1984), and Adjunct Professor of Law (1984 - present), New York University School of Law

Professor of Law, Fordham University School of Law (1972 - 1978)

Associations/Affiliations

Member, Judicial Conference Advisory Committee on Rules and Civil Procedure, U.S. Supreme Court, appointed by Chief Justice Rehnquist (1997 - 2004)

Chair, Commission on Fiduciary Appointments, appointed by Chief Justice Kaye (2000 - present)

Executive Director, Second Circuit Task Force for Racial, Ethnic and Gender Fairness (1994 - 1997)

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also national coordinating counsel for several other major corporations in the areas of drugs, medical devices, building products, heavy machinery, cordless telephones and chemical substances.

Ms. Birnbaum has argued many significant appeals in appellate courts throughout the country. In the U.S. Supreme Court, she successfully argued the case of *Buckley v. Metro North*, a landmark case involving medical monitoring. She successfully represented an insurer in the New York Court of Appeals on the issue of whether a punitive damage verdict awarded in another state was insurable under New York law. She also represented Chrysler Corporation before the Florida Supreme Court in a case involving the standard of proof necessary to establish liability for punitive damages. Ms. Birnbaum represented FMC Corporation in an appeal in New York that resulted in a reversal and new trial of a \$5 million punitive damage award arising out of a construction accident. She has appeared on behalf of major corporations and industries as *amicus curiae* in significant products liability and insurance cases.

She has lectured extensively across the country and has authored numerous law review articles. She is co-author of the *Practitioner's Guide to Litigating Insurance Coverage Actions*. Ms. Birnbaum has also written a regular column on New York practice in the *New York Law Journal*, as well as a column on products liability in *The National Law Journal*.

Ms. Birnbaum has received the Margaret Brent Women Lawyers of Achievement Award from the American Bar Association, the John L. McCloy Memorial Award from the Fund for Modern Courts, and the Law and Society Award from the New York Lawyers for the Public Interest. She is also the recipient of the New York University Law Alumni Award for outstanding achievement in the legal profession, the George A. Katz Torch of Learning Award, and the Milton S. Gould Award for Outstanding Appellate Advocacy. Ms. Birnbaum was honored with the Louis D. Brandeis Award by the American Jewish Congress and an award from Touro Law School for achieving the highest standards of professional excellence. She is a member of the Hunter College Hall of Fame.

Ms. Birnbaum was selected by *The National Law Journal* as one of the 100 most outstanding members of the legal profession, and, more recently, she was profiled as one of the three outstanding lawyers of the year. She also has been named by *Fortune* as one of the 50 most powerful women in American business, and by *Crain's New York Business* as one of the 75 most influential women in business.

Associations/Affiliation (continued)

Member, Second Circuit Committee on the Improvement of Civil Litigation (1986 - 1988)

Member, House of Delegates (1997 - 1998), Special Committee on the Future of the Legal Profession (1996 - 1997), Council of the Section of Torts and Insurance Practice (1982 - 1986), American Bar Association

Chair, New York State Advisory Committee on Civil Practice (1981 - 1986)

Member, New York State Judicial Commission on Minorities, appointed by Judge Sol Wachtler, Chief Judge of the New York Court of Appeals (1988 - 1991)

Member of Council, American Law Institute (1989 - present)

Member, Advisory Committee to the Restatement of the Law of Product Liability and the Complex Litigation Project

First President and Founding Member, Judges and Lawyers Breast Cancer Alert

President, New York Women's Bar Association (1974 - 1975)

Vice President (1987), Association of the Bar of the City of New York