



T. Sky Woodward

Profile

In her complex civil litigation practice, Ms. Woodward represents real estate and financial service industry clients in indoor environmental quality and commercial litigation; manufacturing clients in mass tort product liability and toxic tort cases and emerging environmental matters; and other businesses in environmental, toxic tort, and commercial litigation matters. Through extranet technology and a focus on litigation prevention, Ms. Woodward serves as national environmental counsel for an NMHC Top 50 owner and manager of multifamily real estate properties. She also represents the interests of firearm owners and the industry in constitutional challenges to local and state regulations, including as counsel to 891 state legislators and elected officials on their *amici curiae* brief to the United States Supreme Court in *Otis McDonald v. City of Chicago*, 561 U.S. ____ 2010 (incorporation of the Second Amendment right to keep and bear arms, through the Fourteenth Amendment, to the citizens of the States).

Ms. Woodward is listed in Maryland Super Lawyers for Product Liability Defense Litigation and one of Maryland's Top 25 Women Lawyers, "Best Lawyers in America" for Product Liability and Mass Tort Litigation; is AV-rated by Martindale-Hubbell, was named by the Baltimore Business Journal as a "40 Under 40" business leader, a "Legal Elite" by Smart CEO Magazine, and as one of Maryland's "Leaders in the Law" by The Daily Record. In 2010, she was inducted as a Litigation Counsel of America Fellow, an invitation only trial lawyer honor society. And in 2011, she was named one of "Maryland's Top 100 Women," for her contributions to the legal profession, business and civic communities, and mentoring.

Ms. Woodward is an experienced and strategic-thinking litigator, adept at efficiently and effectively managing complex, multi-party cases, and developing and excluding experts in emerging toxic tort, product liability, and environmental matters. She has defended businesses in cases involving mold, asbestos, tobacco, 1,1,1-TCE, food additives (diacetyl), carbon monoxide, industrial products and fuel oil, as well as environmental and occupational exposures to a wide variety of chemicals and substances.

Ms. Woodward is a proven leader, and she uses her leadership skills to advance the interests of her clients. As President of Maryland Defense Counsel, Inc. (MDC), the statewide organization of trial lawyers who devote their practices to defending civil litigants, Ms. Woodward led the private bar's participation in the Maryland Judiciary's Advanced Science & Technology Adjudication Resources (ASTAR) in-state programs designed to prepare judges to be effective managers and adjudicators of cases involving scientific evidence and issues. Because of Ms. Woodward's efforts to educate MDC's members about ASTAR, MDC was named the "State and Local Defense Organization of the Year" in 2007 by the Defense Research Institute (DRI).

Areas of Practice

Toxic Torts /
Product Liability /
Environmental Law
Premises Liability /
Mass Torts/Industry-
wide Litigation /
Real Estate /
Class Actions /
Risk Management /
Commercial Litigation

Practice Group

Product Liability
Litigation

Contact Information

Baltimore, MD office
(410) 545-5823 (phone)
(410) 694-0145 (fax)
swoodward@wcsr.com



Professional Activities

Maryland State Bar Association (MSBA); District of Columbia Bar Association; California State Bar Association; Baltimore City Bar Association; Baltimore County Bar Association; Maryland Defense Counsel, Inc.; National Multi Housing Council (NMHC), Advisory Committee Member; Commercial Real Estate Women (CREW) – Baltimore; Women Lawyers Alliance; Council on Litigation Management; Republican National Lawyers Association; Federalist Society.

DRI: Annual Meeting Steering Committee (2010); Strategic Planning Committee (2010); Public Policy Committee (2009, 2010); Products Liability Committee: Food Law Specialized Litigation Group (SLG) Chair (2009-2011)/Vice-Chair (2007-2009), 2009 Products Liability Seminar Planning Committee and Speaker, 2008 Food Liability Seminar Planning Committee; Toxic Tort & Environmental Law Committee (TTEL): Indoor Air Quality SLG Chair (2006-2008), 2006 TTEL Seminar Speaker, 2009 Annual Meeting TTEL Committee Meeting CLE Speaker; Women in the Law Committee: At-Large Steering Committee (2010), 2009 Sharing Success Women’s Seminar Planning Committee and Speaker; Annual Meeting Women’s Networking Event Chair (2004, 2005 and 2006); Worker’s Compensation Committee Meeting CLE Speaker, Annual Meeting (2005); Young Lawyers Committee: Steering Committee (2000-2002), National Pro Bono Project Chair (2000-2001), State and Local Defense Organization Subcommittee Chair (1998-1999); Diversity Committee.

Admitted to the bars of Maryland, 1992; California, 1995; and the District of Columbia, 1998. Admitted to practice before the Supreme Court of the United States, U.S. Court of Appeals for the Fourth Circuit, U.S. District Court for the District of Maryland, U.S. District Courts for the Northern, Central, Eastern and Southern Districts of California, and U.S. District Court for the District of Columbia.

Professional Achievements

“Maryland’s Top 100 Women” Award, *The Daily Record*, 2011.

Legal Elite” Smart CEO Magazine, 2011.

Maryland Super Lawyers, Product Liability Defense Litigation, 2010, 2011.

Maryland Top 25 Women Lawyers, Maryland Super Lawyers, 2010.

Fellow, Litigation Counsel of America (invitation only honorary trial lawyer society), 2010.

Advisory Board, Women Lawyers Alliance, 2009–present.

“Leadership in Law” Award, *The Daily Record*, November 2008.

“Best Lawyers in America,” Products Liability 2009, 2010, 2011; Mass Tort Litigation 2011.

Who's Who Among Law Professionals, Montclair Publishing (2010/2011 ed.)

Honorary Chair, Awards of Excellence Event, Thurgood Marshall College Fund, Baltimore, Maryland, April 2009.

Judicial Appointments Committee (At-Large), MSBA, 2008–present.

Maryland Attorney Grievance Commission, Peer Review Panel Member (2005-present).

Finding Justice: A History of Women Lawyers in Maryland book project, Member, Development Committee (2006-present).

“40 Under 40” Award, Baltimore Business Journal, September 2004.

A-V Rated and Bar Registry of Preeminent Women Lawyers, Martindale-Hubbell.

Maryland Bar Foundation, Life Fellow, Inducted June 2005.

Baltimore Bar Foundation, Life Fellow, Inducted June 2008.

Exceptional Performance Citation, DRI, June 2006.

President, Maryland Defense Counsel, Inc., June 2005-06; MDC Board of Directors 1998-2007.

President, Board of Directors, Downtown Baltimore Child Care, Inc. (DBCC), November 2004-2006; Member, DBCC Board of Directors 2000-2007.

Maryland State Task Force on Universal Preschool Education, Appointed by Gov. Robert L. Ehrlich, Jr., 2006-present.

Maryland State Advisory Council on Early Childhood Care and Education, Appointed by Gov. Martin O'Malley, 2008-present.

National Foundation for Judicial Excellence, 2011 Annual Conference Planning Committee.

Guest Commentator, “Square Off,” WMAR-TV, Channel 2 (Baltimore, Maryland), 2009-present.

Lawyers for Ehrlich, 2006, 2010.

General Counsel, Maryland Republican Party, 2007.

Election Day Operations Counsel, Michael Steele for Maryland, 2006.

Election Day Operations Legal Team, McCain-Palin 2008, Richmond, Virginia.

Judicial Law Clerk, Hon. John F. McAuliffe (ret.), Court of Appeals of Maryland, Annapolis and Rockville, Maryland (1992-1993).

Judicial Law Intern, Hon. Robert H. Hodges, Jr., United States Court of Federal Claims, Washington, D.C. (1992).

Education

B.A., 1989, University of Oklahoma, President's Leadership Scholar; J.D., 1992, George Washington University Law School.

Prior Legal Experience

Principal and Associate, Miles & Stockbridge P.C., Baltimore, Maryland, 1998-2007; Associate, Haight, Brown & Bonesteel, L.L.P., San Francisco, California, 1994-1998; Judicial Law Clerk to the Honorable John F. McAuliffe (retired), Court of Appeals of Maryland, 1992-1993; Judicial Law Intern to the Honorable Robert H. Hodges, Jr., United States Court of Federal Claims, Washington, D. C., 1992.

Select Reported Cases

[Otis McDonald v. City of Chicago](#), 561 U. S. ____ (2010) (through the Fourteenth Amendment, holding incorporation of the Second Amendment right to keep and bear arms to the citizens of the States; *Amici Curiae* brief on behalf of 891 state legislators and elected officials, urging incorporation).

[Brenda Minner, et al. v. American Mortgage & Guaranty, et al.](#), 791 A.2d 826, 2000 WL 703607 (Del. Super. 2000) (excluding, under [Daubert](#), expert evidence linking office building mold exposure to a wide array of illnesses).

[Montgomery Mutual v. Josephine Chesson, et al.](#), 399 Md. 314, 923 A.2d 939 (2007) (remanding for a [Frye](#) hearing on admissibility of expert testimony diagnosing building occupants with “Sick Building Syndrome” and biotoxin-associated illness).

Publications

“Green Expectations: New Risks for Manufacturers Take Root,” DRI, *For The Defense*, December 2009.

Punitive Damages: A State-by-State Compendium, DRI Defense Library Series, Maryland Chapter Author and Regional Editor, 2009.

“Maryland Courts to Frye Mold Expert,” *Mealey’s Litigation Report: Mold*, June 2007.

“The GRAS May Not Be Greener: Recent NYC Trans Fat Ban Challenges the GRAS Status of Federally Regulated Food Additives,” DRI, *Product Liability Conference Course Materials*, February 2007.

“Mold: Toxic or Not? Sorting Through the Competing Science to Make the Best Case for Your Client,” DRI, *Toxic Tort and Environmental Law Conference Course Materials*, March 2006.

“Emerging Toxic Tort Litigation: The Complexities of a ‘Sick Building’ Case,” MSBA *Bar Bulletin* (April 2001).

“Sick Buildings: Is the Rising Tide About to Turn?” DRI, *For The Defense*, June 2000.

Speaking Engagements

“Green Acres is the Place to Be: Will ‘Green Buildings’ Become Fertile Ground for Novel Theories of Product Liability,” DRI Product Liability Seminar (Main Program), San Diego, California, April 2009.

“Achieving Critical Mass: How to Turn Few into Many,” DRI Sharing Success: A Seminar for Women Lawyers, Santa Monica, California, March 2009.

“Red Sky in the Morning, Sailor Take Warning – The Storms on the Horizon: Food Additives,” DRI Product Liability Seminar (Main Program), New Orleans, Louisiana, February 2007.

“Legal Roundup,” Property and Risk Management Forum, NMHC, Scottsdale, Arizona, October 2006.

“Mold: Toxic or Not? Sorting Through the Competing Science to Make the Best Case for Your Client,” DRI Toxic Tort and Environmental Law Seminar, Orlando, Florida, March 2006.

“Understanding and Avoiding Mold Claims,” Building Owners and Managers Association (BOMA) Mid-Atlantic Conference, Baltimore, Maryland, April 2006.

“From the Bible to Ballard: Mold Litigation and Legislation,” American Conference of Occupational and Environmental Medicine (ACOEM), Annual Occupational Health Conference, Atlanta, Georgia, May 2003.

Firm Management Responsibilities

Diversity Committee (2008-present): Womble Scholars Subcommittee.

Mobile Technology Committee (2010).

Representative Case Examples

Since 2004, Ms. Woodward has represented a national multifamily residential developer/manager, assisting its property and regional managers in responding to and resolving moisture and mold growth issues at residential properties from Florida to New England. In 2009, she implemented extranet technology to manage the client's environmental risk program. In 2010, she became national environmental counsel for the client, assisting the client in all states where it owns and manages apartment communities. She has assisted the client's employees on a daily basis in addressing resident complaints about moisture or mold, coordinated retention of appropriate environmental consultants and remediation contractors, negotiated early resolution of claims, coordinated and supervised defense counsel in non-Maryland based litigation, and defended the client in litigation. Ms. Woodward also counsels the client on issues related to lead-based paint, asbestos, lead in drinking water, and, the newest indoor environmental "hazard," bed bug infestation.

Ms. Woodward is defending a general contractor as one of six defendants in four personal injury lawsuits brought by school teachers in Fairfax County, Virginia. The teachers allege permanent and disabling personal injuries due to alleged mold exposure in their classrooms after a major renovation project.

Ms. Woodward represented the interests of 891 state elected officials in a friend of the court brief to the United States Supreme Court in the *Otis McDonald v. City of Chicago* case. The state legislators argued for incorporation of the Second Amendment to the states, through the due process clause of the Fourteenth Amendment, to ensure citizens of every state will enjoy the fundamental right to keep and bear arms.

When faced with the threat of a high-profile class action complaint alleging construction defects and misrepresentations related to the sale of multi-million dollar residential condominium units, a prominent Baltimore developer retained Ms. Woodward to coordinate industrial hygiene inspections and negotiate a resolution of the prominent plaintiffs' lawyer/resident's claim.

Ms. Woodward assisted a petroleum recycling and waste management company in negotiating termination of its operating agreement with a foreign steel mill operator in Sparrows Point, Maryland, and securing operating permits from the Maryland Department of the Environment for a new facility in Harford County, Maryland.

Ms. Woodward assists a manufacturer and distributor of educational products in Consumer Product Safety Commission (CPSC) matters.

In a "take home" asbestos exposure case, Ms. Woodward defended a successor-in-interest chemical and agriculture products manufacturer for claims arising out of an elemental phosphorus plant located in Montana. The client was a target defendant in the living mesothelioma case venued in New Castle County Superior Court (Delaware). Ms. Woodward developed evidence demonstrating that the plaintiff's exposure to asbestos was more likely from living near Libby, Montana, a location that has been deemed an "environmental disaster area" due to high levels of

ambient asbestos from prior mining operations. The case resolved favorably for the client prior to trial.

On behalf of a major financial institution client, successfully obtained a temporary restraining order in federal court against departing broker who violated non-solicitation and confidentiality provisions of broker agreement.

Facing a Maryland Department of the Environment civil penalty action demanding tens of millions of dollars as well as injunctive relief after cooperating fully to contain and retrieve over 50,000 gallons of fuel oil in Baltimore's industrial Curtis Bay area, a petroleum terminal owner and operator retained Ms. Woodward to defend MDE's claims. The claim resolved, after expert discovery, for 1% of MDE's initial claim for civil penalties.

An industrial property owner was defended by Ms. Woodward against Amtrak's claims for injunctive relief and multi-million dollars in civil damages for public and private nuisance, where Amtrak alleged that storm water run-off diverted through our client's property undermined Amtrak's rail bed and threatened the safety of its Northeast Corridor passenger and freight service.

A distributor of diacetyl, a naturally-occurring food additive, is being defended by Ms. Woodward in a personal injury action brought by a current industrial worker based at the McCormick Spice facility in Baltimore County, Maryland. Plaintiff's counsel, based in Missouri, has made a national name for himself in achieving multimillion dollar verdicts and settlements for clients in purported "popcorn worker lung" cases. In this case, Ms. Woodward already has prevailed on a motion to transfer venue from Baltimore City, to Baltimore County, Circuit Court, and on a motion to dismiss claims of fraud and civil conspiracy.

Ms. Woodward serves as local counsel for major tobacco companies in "synergy" cases filed by the Law Offices of Peter G. Angelos, in which cigarette defendants have been added to cases against the asbestos manufacturing industry. She previously defended the Council for Tobacco Research in class action (Richardson v. Philip Morris) and cost-recovery (State of Maryland v. Philip Morris) litigation in Maryland.

In one of the earliest "sick building" cases, Ms. Woodward obtained dismissal of class action allegations in a case brought by financial services workers against the commercial landlord and property manager of the building where they worked. In one of the first rulings of the sort in a mold exposure case, under Delaware's Daubert-based expert evidentiary standard, she also prevented plaintiffs' experts from asserting claims of multiple chemical sensitivity, "sick building syndrome," chronic fatigue syndrome, fibromyalgia, neuropsychological and memory impairment, and other permanent, disabling injuries allegedly resulting from "toxic" exposures while working in the building.

In a much-publicized case, State of Maryland and Baltimore County employees sued their office building's owners, managing agents, environmental consultants and remediation contractors for mold and Legionella bacteria-related, permanently disabling personal injuries. The original Baltimore County action was dismissed

without prejudice after Ms. Woodward filed a Lone Pine-type motion on behalf of all defendants to force plaintiffs to establish general causation of their injuries. When 38 plaintiffs re-filed their cases in Baltimore City she succeeded in having the cases transferred back to Baltimore County, where the cases were ultimately dismissed with prejudice for failure to comply with discovery and on summary judgment grounds.

During the height of mold media coverage and case filings nationwide, Ms. Woodward represented a leading national provider of multifamily housing in a class action demanding immediate closure of a high-rise, luxury apartment building on Miami Beach. The building had suffered mold contamination in over 80 percent of the apartments due to construction sequencing errors that resulted in prolonged, elevated humidity throughout the complex. Overnight, she pulled together a multidisciplinary team of industrial hygienists, mechanical engineers, remediation contractors, claims adjusters, and an allergist/immunologist to address environmental issues in the building and avoid a Court-ordered evacuation.

When faced with significant liabilities for long-standing moisture intrusion into one of its buildings in South Carolina, a national not-for-profit service organization retained Ms. Woodward to evaluate the building's defects with a team of mechanical engineers and industrial hygienists and bring cost-recovery actions against responsible parties. She continues to work with this client in responding to indoor environmental quality issues at its properties throughout the United States.

Indoor environmental conditions within a client's commercial office building were alleged to have caused serious personal injuries to numerous employees of the tenant, including a prominent minister. Ms. Woodward assisted the client in retaining industrial hygienists and a highly regarded occupational/environmental physician to evaluate the building and communicate with the occupants. She assisted the client in negotiating a favorable termination of the tenant's lease agreement. In the related workers' compensation matters arising out of the office building, as *amicus curiae* counsel for the National Multi Housing Council ("NMHC") and the National Association of Home Builders ("NAHB"), she obtained a remand from the Maryland Court of Appeals, requiring the trial court to conduct a Frye hearing of the proffered testimony of a notorious mold causation expert as to "biotoxin-associated" illness purportedly attributable to the client's building.