



Frederick W. Rom

“Fred”

Profile

Fred Rom has more than 30 years of experience as a product liability litigator. He focuses his practice on handling and managing high exposure, high profile cases within the following areas:

- Life sciences, including the pharmaceutical, medical device and biologic sectors, and organizations involved in clinical trials
- Emergency response incidents including catastrophic industrial explosions/fires and releases of hazardous materials and toxic chemicals causing property damage and personal injury
- Automotive, forklift and heavy equipment
- Propane and natural gas equipment and systems
- Building products (including personal injury claims for mold exposure)

Fred has served as defense liaison counsel in federal multidistrict litigation (MDL), and as national and regional counsel for various clients. He has successfully tried significant exposure cases, including wrongful death, quadriplegia, brain trauma, and limb amputation, in state and federal courts. With substantial experience defending mass tort and putative class actions, and coordinating and arguing appeals in a variety of jurisdictions, Fred has seen the litigation landscape from different angles – he knows when and how to draw on this experience to deliver successful results for his clients, given their unique circumstances. His wide breadth of experience led to Fred being selected to testify before The North Carolina House of Representatives on the merits of pending tort reform legislation in 2011.

An elected member of the [Product Liability Advisory Council](#) (PLAC) and International Association of Defense Council (IADC), who has been invited to join the [Litigation Counsel of America](#) (LCA), Fred is consistently ranked among the top speakers on clinical trial litigation, response and handling of catastrophic incidents and toxic releases, and other product liability topics covered at industry and continuing legal education conferences. Fred has also been selected as a North Carolina Super Lawyer, 2006-present (Product Liability and Mass Tort/Class Action) and a Best Lawyer in America (Product Liability), 2007-present. Fred was selected to the 2011 Chambers USA, America’s Leading Lawyers for Business in the category of Litigation.

Areas of Practice

Civil Litigation
Product Liability
Life Sciences
Pharmaceuticals
Emergency Response
Medical Devices
Toxic Torts
Construction Litigation

Contact Information

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Fred's representation of clients includes:

Pharmaceutical, Medical Device, Biologics (Including Clinical Trials)

- Defense of prescription drugs including antidepressants, cholesterol lowering drugs, anti-psychotics, thimerosal (including proposed national class action), diet drugs, macular degeneration, PPA, diabetes medication and migraine headache medication
- Defense of sponsors of clinical trials on novel claims including alleged defective design in exclusionary/inclusionary criteria; ethical issues associated with use of placebos in trials; fiduciary duty issues; conflict of interest of investigators; expert selection and work up
- Defense of medical devices including: putative class actions in North Carolina and South Carolina involving defibrillators, allograft tissue, pain pumps, pedicle screw, and powerized wheelchairs
- Selection to national trial team for cholesterol lowering drug
- Advice to various clients about the conduct and design of clinical trials, and Clinical Trial Agreements

Explosions and Fires (Emergency Response), Gas Equipment

- Defense of claims, including claims actions arising from various industrial explosions/fires and chemical releases, including ones with multiple deaths, dozens of personal injuries, extensive property damage and evacuation of thousands of individuals; including defense of putative class action claims
- National counsel for propane gas equipment manufacturer for product liability claims
- Coordination of corporate response to toxic releases including response to state and federal authorities, interaction with State Attorney General's offices regarding possible criminal charges, coordination of internal investigation, and coordinating strategic response

Motor Vehicle, Heavy Machinery and Forklift

- Defense of hundreds of product liability cases for motor vehicle manufacturers (including domestic, Japanese and European) on a variety of claims including: crashworthiness (including serving on regional counsel team for post collision fuel fed fires for more than 10 years); seat back design; airbag non-deployment; side impact; roof crush; unintended acceleration; brake failure, rollover; steering particles; tie-rod design
- Defense of heavy construction equipment and material handling equipment, including forklifts, for various manufacturers (domestic and Japanese) for claims involving rollover protection, operator restraint, lateral stability, and back-up alarms

Construction Building Products

- Member of national counsel team for coordination of defense of EIFS exterior cladding (so-called synthetic stucco siding), including coordination of federal MDL litigation
- Developed and coordinated defense to personal injury claims allegedly due to mold exposure including nationwide expert identification and work up
- Coordinated and argued against state wide EIFS class action certification based on consumer fraud, misrepresentation and product liability claims

Selected Recent Presentations

- “Preparing for and Responding to Catastrophes – From Explosions to Fraud and Beyond”, Research Triangle Area Chapter of the Association of Corporate Counsel, July 2011, Research Triangle Park, NC
- “Preparing for Industrial Catastrophes: The First 24 Hours”, North Carolina CLE, May 2011, Greensboro, NC
- “Subject Injury and Indemnification Issues in Clinical Trials”, MAGI’s Clinical Trial Conference, May 2011, Philadelphia, PA
- “Trials, Torts & Courts: Civil Litigation Arising out of Clinical Trials”, MAGI’s Clinical Trial Conference, October 2010, San Francisco, CA; May 2009, Miami, Florida; October 2008, Las Vegas, NV; May 2008, Arlington, VA; October 2007, San Diego, CA; May 2007, Atlantic, NJ
- Mock Trial of a Clinical Trial Case (with Allan Milstein), MAGI’s Clinical Trial Conference, October 2008, Las Vegas, Nevada; May 2008, Arlington, VA
- “Clinical Trial and Errors”, Annual Meeting of Greater Charlotte Association of Clinical Research Professionals, October 2007, Charlotte, NC
- “Steering Clear of Integrity Problems and Conflicts of Interest in Clinical Trial Research, ACI, 7th National Conference on Managing Legal Risk in Structuring and Conducting Clinical Trials, July 2007, San Francisco, California
- “Trials, Torts & Courts: Civil Litigation Arising Out of Clinical Trials”, SRI’s 17th Clinical Trial Conference, May 2006, Cambridge, Massachusetts; September 2005, San Diego, CA; May 2005, Philadelphia, PA
- Keynote Address: “Litigation Risks in Clinical Trials: Design Issues and Vulnerable Population Subjects”, Center for Business Intelligence, 3rd Annual Seminar on Limiting Exposure to Liability in Clinical Trials, Philadelphia, Pa., December 2005
- “Class Actions in North Carolina - Overview of Class Action Fairness Act of 2005”, North Carolina Association of Defense Attorneys, Greensboro, North Carolina, November, 2005

- Mock Trial demonstrating differing impact of U.S. domestic product standards from international product standards for an international industry material handling equipment group in California, November 2005
- “Product Liability and Negligence Issues in Clinical Trials”, Center for Professional Innovation and Education, Malverne, Pa., June 2004
- “Conflicts of Interest in Clinical Trials”, Center for Professional Innovation and Education, Malverne, Pa., June 2004
- “Pitfalls in Recruiting Subjects for Clinical Trials”, Center for Professional Innovation and Education, Malverne, Pa., June 2004
- “Coordination of Case Handling in Mass Tort Litigation”, North Carolina Association of Defense Attorneys, Raleigh, North Carolina, February 2003

Selected Recent Publications

- Co-Author with Bill Womble, Jr. of the North Carolina Section of the Product Liability Desk Reference, A Fifty-State Compendium, 2011 and 2010 Editions, Aspen Publishers.
- Co-Author with Bill Womble, Jr. of the North Carolina Section of the Tort Law Desk Reference and Business Torts: A Fifty-State Guide, 2011 and 2010 Editions, Aspen Publishers
- “Ignore Product Liability at Your Peril”, published by North Carolina Citizens of Business and Industry, October 2005

Professional Activities

Product Liability Advisory Council
International Association of Defense Council
North Carolina Association of Defense Attorneys (Chair, Product Liability Practice Section, 2004-06)
Propane Gas Defense Association
Defense Research Institute (Vice Chair, Mass Tort and Class Action, Special Litigation Group 2011; North Carolina State liaison 2011)
North Carolina Bar Association
Wake County Bar Association

Bar Memberships: New Jersey (1979); Pennsylvania (1983); North Carolina (1999).

Fred is admitted to practice before the United States District Courts for the Eastern, Middle and Western Districts of North Carolina; United States District Court for District of New Jersey; United States District Courts for Eastern and Middle Districts of Pennsylvania; Third Circuit Court of Appeals; and Fourth Circuit Court of Appeals.

Education

B.A., Economics, cum laude, 1976, Holy Cross College, Phi Beta Kappa, Omicron Delta Epsilon, Member of the College Honors Program, Scholar Athlete Award 1976.

J.D., 1979, Boston College, Editor and Staff, *Uniform Commercial Code Reporter Digest*, 1977-79.

Prior Legal Experience

Summer Associate/Associate, Archer & Greiner, Haddonfield, NJ, 1978-83; Associate, Liebert, Short, Fitzpatrick and Lavin, Philadelphia, PA, 1983-85; Shareholder, Lavin, Coleman, O'Neill, Ricci, Finarelli & Gray, Philadelphia, PA and Mt. Laurel, NJ, 1985-98.