

Sheila Birnbaum

Mediator / Arbitrator / Independent Panelist

Sheila is joining Phillips ADR after a 45-year career litigating complex product liability, class actions, mass tort MDLs, and insurance coverage cases.

As one of the country's preeminent defense lawyers, Sheila has served as national counsel or lead counsel for numerous Fortune 500 companies. She has led the Product Liability and Mass Torts groups at Skadden, Quinn Emanuel, and Dechert, earning recognition from Courts, clients, and even adversaries for her outstanding leadership and dispute resolution skills.

As national co-counsel for Purdue Pharma in thousands of federal and state lawsuits brought by state attorneys general, cities, municipalities, third-party payers, and others, Sheila helped negotiate unique resolutions of the claims, establishing settlement funds that would be used to treat individuals addicted to opioids.

After serving as the court-appointed Mediator in federal court to resolve the claims of 92 families of victims of the 2001 World Trade Center terrorist attack, Judge Hellerstein (SDNY) extolled Sheila's efforts, noting that "without her patience, skill, empathy and persistence, [the \$500 million] settlement would not have been achieved." Thereafter, Attorney General Holder appointed Sheila to serve as Special Master of the reactivated September 11th Victim Compensation Fund, which was to address the claims of first responders and others who claimed injuries associated with the 9/11 attacks. In making the appointment, General Holder stated that "Sheila Birnbaum brings extensive experience, credibility, and unique insight to this important role." Over the five years of her tenure as Special Master, Sheila designed the Fund's framework and oversaw the distribution of nearly \$2 billion.

Sheila has argued – and won – three cases in the United States Supreme Court, including the landmark decision in *State Farm Mutual Automobile Insurance Company*, where the Supreme Court reversed a \$145 million punitive damage award, finding it unconstitutionally excessive. This decision established the current framework by which courts analyze the permissible limits of punitive damage awards. Sheila also won a unanimous victory in *Warger v. Shauers*, resolving a longstanding split in the Circuit courts over the application of Federal Rule of Evidence 606(b), which generally prohibits testimony of jurors about statements made during deliberations when the testimony is offered in an inquiry into the validity of a verdict. *Buckley v. Metro North*, a landmark case involving claims for medical monitoring and for the risk of future injury was also successfully argued by Sheila.

Before turning to private practice, Sheila enjoyed an active career as an academic, becoming the first tenured woman professor at Fordham University Law School. Thereafter, Sheila was a Professor of Law at New York University School of Law, where she also served as the school's Associate Dean.



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Sheila is consistently ranked as a leading lawyer by many legal publications. In the *National Law Journal*, for example, Sheila has been cited multiple times as one of the “100 most outstanding members of the legal profession.” In the corporate media, *Fortune* named Sheila one of the 50 most powerful women in American business; and *Chambers USA* described Sheila not only as a “star individual” in the area of product liability, but as the “queen of mass torts” and “a powerhouse” and a “go to lawyer.” *Crains’ New York Business* noted that she is one of the 25 most influential women in New York business.

Sheila has received numerous other honors, including 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.