

Joshua A. Klarfeld

Partner



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Practices/Industries

- Product Liability
- Pharmaceutical, Medical Device & Mass Tort Litigation
- Complex Business Litigation
- Ethics and Professionalism

Education

Yeshiva University
(B.A., *magna cum laude*,
2002)
Cleveland-Marshall College of
Law
(J.D., *summa cum laude*,
2005)
Cleveland State Law Review,
Editor in Chief (2004-2005)

Overview

Joshua is a litigator who focuses his practice on product liability litigation and other business disputes, primarily in the pharmaceutical and medical device industries. Whether in the context of multidistrict or mass tort litigation or in individual cases, Joshua routinely serves as a member of litigation teams in high-profile cases. Joshua manages all stages of pretrial proceedings, from pleadings and pre-answer motions to discovery and through resolution. He has significant experience defending and examining litigants, corporate representatives, and expert witnesses in various fields, including industry specific standards of care, regulatory affairs, causation, materials science, toxicology, and economic loss. Joshua has briefed and argued dispositive motions and appeals in state and federal courts throughout the country and has conducted mediations in a variety of legal disputes. He also advises clients on recalls in front of federal agencies, including the CPSC and NHTSA. Recognized for his skill, Joshua has been named to the Ohio Super Lawyers list every year since 2014.

Experience

- Defense of medical device (Class I-III, 510(k), PMA) and pharmaceutical manufacturers and distributors (ANDA, NDA, OTC, and monograph) in all phases of litigation, including multidistrict litigation and state-coordinated proceedings.
- Defense of vehicle manufacturers and distributors in alleged design and manufacturing defect cases.
- Representation of a product manufacturer in a commercial dispute arising from an oxygen system that was alleged to have caused catastrophic injuries.
- Representation of a product distributor in a commercial dispute arising from chemical contamination allegedly caused by a product.
- Representation of clients in the skilled-nursing industry in commercial disputes over facility purchases and sales, including disputes arising as a result of COVID-19 related harm.
- Advised manufacturers in recalls, including before the CPSC and NHTSA.
- Advised clients on legal ethics questions including law firm mergers, conflicts of interest, and attorney advertising.

Presentations

- "The Role of Bais Din in Mediation Disputes," H3 Business Halacha Summit (December 2021)
- "Arkaos and You: Contemporary Beth Din Issues," H3 Halacha Summit (December 2019)
- "Medicare Fact or Fiction: A Conversation About Future Medical Expenses & Medicare Set Asides," The Maritime Law Association of the United States and The Iberoamerican Institute of Maritime Law Fall Meeting of the MLA and 18th Congress of the IIDM's Continuing Legal Education and Academic Program (October 2013)

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Presentations (Cont)

- "To Report or Not To Report: I'm Medicare and I Want my Money Back," U.S. Maritime Law Association's Annual Fall Meeting (December 2011)

Publications

- "Lawyer Well-Being: It's an Ethics Issue, Too," *Professionalism Perspectives* (September 2018)
- "A Legislative Response to Shotgun Litigation," *For The Defense* (February 2014)
- "Implications of the New REACH Laws," *Law360* (November 2008)
- "Chazakah: Judaic Law's Non-Adverse Possession," *52 Cleve. St. L. Rev.* 623 (2004-2005)

Involvement

Professional Affiliations

- Cleveland-Marshall College of Law (*Former Adjunct Professor, Legal Writing Department*)

Community Involvement

- VeloSano – cycling event to raise money for cancer research (*Steering Committee 2016-present, Team Leader 2014-2016*)
- Young Israel of Greater Cleveland (*Board of Directors & Executive Committee*)
- Hebrew Academy of Cleveland (*Board of Directors*)

Firm Involvement

- Associate General Counsel

Honors & Distinctions

- Named to The Best Lawyers in America, Product Liability Litigation – Defendants (2021; 2022)
- Named to the Ohio Super Lawyers list (2014-2022)
- Named to the Ohio Super Lawyers Rising Stars list (2011; 2013)
- Named a "Future Star" by *Benchmark Litigation* (2022)
- Ranked a Top 100 Ohio attorney and a Top 50 Cleveland attorney in the Super Lawyers list (2021; 2022)
- Named to Benchmark Litigation's *Under 40 Hot List* (2017-2020)

Admissions

- State of Ohio
- U.S. Supreme Court
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio

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Admissions (Cont)

- U.S. District Court, Northern District of Illinois
- U.S. District Court, Central District of Illinois
- U.S. District Court, Eastern District of Michigan