

Linda E. Maichl

Partner



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Practices/Industries

- Pharmaceutical, Medical Device & Mass Tort Litigation
- Appellate Litigation
- Product Liability

Education

University of Cincinnati
(B.B.A., 1984)
University of Cincinnati
(M.B.A., 1988)
University of Cincinnati
College of Law
(J.D., 1989)
Order of the Coif; Articles
Editor, *Law Review* (1988-
89); *Law Review* (1987-88);
American Jurisprudence
Award – Professional
Responsibility; John R. Saylor
Prize - Commercial Paper;
College of Law Merit
Scholarship (1986-87 and
1987-88); Dudley V. Sutphin
Scholarship

Overview

Linda's complex litigation experience includes product liability, medical device and pharmaceutical litigation, insurance coverage issues, antitrust, bankruptcy, securities law, admiralty, and intellectual property. She is also experienced in administrative and federal regulatory and compliance matters, including FDA approval for marketing products and compliance with manufacturing, marketing and advertising regulations.

Experience

- Extensive experience in the areas of drug and medical device defense, toxic tort litigation, and product liability.
- Extensive experience in class action and mass tort litigation involving drugs and medical devices, as well as other products.
- Extensive experience in appellate practice at both the state and federal level.
- Experienced in litigation in the areas of insurance coverage, antitrust, bankruptcy, securities law, admiralty, and intellectual property.
- Experienced in administrative and federal regulatory and compliance matters, including counseling of companies regarding FDA approval for marketing of products and compliance with regulations in manufacturing, marketing, and advertising those products.

Publications

- "Preemption as a Defense in Pharmaceutical Litigation," IADC Newsletter, Drug, Device & Biotech Committee (March 2004)
- "Federal Preemption: An Affirmative Defense in Medical Device and Pharmaceutical Litigation Cases," Course Materials for Mealey's Defense Strategies for Pharmaceutical and Medical Device Litigation Conference (February 2003)
- "Protective Orders in Litigation Involving Sensitive Company Information: It Is Possible to Enforce Them Even After the Litigation is Over," IADC Newsletter, Drug, Device & Biotech Committee (June 2001)
- "The Learned Intermediary Doctrine: A Defense Perspective," Course Materials for Ritalin Litigation Seminar, American Conference Institute, New York City (March 2001)
- "Toxic Tort Law in Ohio," Course Materials, Co-Author with Kim K. Burke and Jonathan P. Saxton, National Business Institute (July 2000)
- "The Jurisdictional Aspects of Litigation Involving International Clients," *Federation of Insurance & Corporate Counsel Quarterly*, Vol. 45, No. 2 (1995)

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Publications (Cont)

- “The Jurisdictional Aspects of Litigation Involving International Clients: Everything You Need to Know About Achieving and Defending Against Jurisdiction, the Hague Convention, Service of Process and Forum Selection Clauses,” FICC Mid-Winter Meeting Course Materials (1993)
- "Joining Foreign Entities as 3d-Party Defendants," *Leader's Products Liability Law and Strategy*, Vol. XI, No. 1 (July 1992)
- Note, "Constitutionality of State Regulations Allowing Withdrawal of Voting Rights of Control Shares in a Tender Offer: CTS Corp. v. Dynamics Corp. of America, 107 S. Ct. 1637 (1987)," *57 Univ. of Cincinnati Law Review* 789 (1988)

Involvement

Professional Affiliations

- American Bar Association (*Business Section, Litigation Section, Administrative Law and Antitrust Sections*)
- Ohio State Bar Association
- Cincinnati Bar Association

Honors & Distinctions

- Named a “State Litigation Star” in Ohio by *Benchmark Litigation* (2017-2022)
- BV Distinguished[®] Peer Review Rated – Martindale-Hubbell[®]

Admissions

- State of Ohio
- U.S. Supreme Court
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Western District of Tennessee