GOLDBERGSEGALLA



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Manhattan
White Plains
Albany

PRACTICES

Product Liability

Management and Professional Liability

Commercial Litigation and Arbitration

Toxic Tort

Legionnaires' Disease

INDUSTRIES

Life Sciences

Health Care

Long-Term Care

Michael D. Shalhoub

PARTNER

EXPERIENCE

Michael D. Shalhoub is a proven trial lawyer who focuses his practice on product liability and medical malpractice defense for the medical device and pharmaceutical industries. In his more than 30 years of experience, he has resolved hundreds of cases at the trial stage and achieved numerous defense verdicts. His experience includes cases involving product liability as well as medical malpractice, business and commercial disputes, insurance coverage, construction accidents, and general liability. Mike's practice extends throughout New York State, and he has been admitted pro hac vice in more than a dozen other jurisdictions.

Mike co-chairs Goldberg Segalla's Life Sciences practice group and is a nationally recognized authority on product liability defense, medical device litigation, and trial technique. He is the former chair of the International Federation of Defense and Corporate Counsel's Product Liability Section and its Drug, Medical Device, and Biotechnology Section. Mike is also a past member of the Board of Directors of the 22,000-plus-member Defense Research Institute and a past chair of DRI's Medical Liability and Health Care Law Committee. He has written and lectured for national audiences on emerging trends in drug and medical device litigation, *Daubert* preclusion of scientific expert testimony, and other legal topics.

EXPERIENCE HIGHLIGHTS

Medical Liability

In the area of medical liability, Mike has defended many types of health care malpractice actions including pharmacy malpractice, dentist malpractice, medical malpractice, physical therapy malpractice, long-term care and nursing malpractice, as well as licensing and disciplinary actions for health care providers. The specialties of his clients and cases range from anesthesiology to urology and from catastrophic loss to minor cases. He has also represented a number of major hospitals in medical malpractice cases as self-insured entities.

Product Liability

Mike brings to each matter exceptional scientific and technical understanding developed through his experience handling dozens of complex, high-exposure product liability cases across the country. He has defended manufacturers that span the full spectrum of health-related and personal care products, ranging from medical laser components, anesthesia machines, CPAP machines, eye care products, and joint implants to denture cream, hair care products, hospital and home care safety devices, asbestos, and mobility aids. He is integrally involved in the firm's role as science counsel for a major product manufacturer in the dental adhesive cream federal multidistrict litigation. Mike's recent work also includes representing a vehicle manufacturer in personal injury cases involving golf cart and ATV rollover accidents.

HONORS & AWARDS

- *Best Lawyers in America*, Commercial Litigation, 2007–23
- *Super Lawyers*, Corporate Counsel Edition

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- New York Metro *Super Lawyers*, 2006–26; Top 25 in Westchester County, 2008–10, 2014–15
- *Best Lawyers in New York*
- Top Attorneys list in the New York Metro Area
- MEDMARC Attorney of the Year, 2001

BACKGROUND

ADMISSIONS

- New York
- U.S. Supreme Court
- U.S. District Courts for the Southern, Eastern, Northern, and Western Districts of New York
- U.S. District Court for the District of Connecticut
- U.S. District Court for the District of Wisconsin

EDUCATION

- St. John's Law School, J.D., 1982
- Fordham University, B.A., 1979

PROFESSIONAL AFFILIATIONS

- Defense Research Institute (DRI)
  - National Member of Board of Directors, 2005–08
  - Medical Liability Committee — Steering Committee: Past Committee Chair, Public Relations Contact – East
  - Annual Meeting Steering Committee, 2005–08
  - Blockbusters/CLE Programming: Chair
  - Medical Liability and Health Care Law Committee: Chair, 2003–05
  - Medical Liability and Health Law Committee Seminar: Co-Program Chair, New Orleans, 2002
  - *Daubert* Compendium: Editorial Board
- Federation of Defense and Corporate Counsel
  - Management, Economics, and Technology Section: Vice-Chair
  - Litigation Management College: Faculty member
  - Drug, Device, and Biotechnology Section: Past Chair, 2005–06
  - Product Liability Section: Past Chair
  - Medical Malpractice Section: Past Vice Chair
  - Nominating Committee, 2004
  - State Representative
- Claims and Litigation Management Alliance (CLM)
- Sports and Fitness Industry Association (SFIA)
- Former member, New York State Medical Defense Bar Association
- Eastchester Bar Association
- New York State Bar Association, Trial Lawyers Section, Internet Coordinating Committee: Past Chair

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- Association of the Bar of the City of New York, Products Liability Committee, Restatement Third Sub-Committee: Past Chair

COMMUNITY INVOLVEMENT

- Ardsley Curling Club: Past President
- Leewood Golf Club: Former Board of Governors member
- Brant Lake Association: Board of Directors, Past Member
- US Curling: Member, Governance/Nominating Committee, Past Ethics Committee Chair

TRAINING AND CERTIFICATIONS

- Arbitrator, New York State Bar Association

PUBLICATIONS & EVENTS

PUBLICATIONS

- CLM National: May 2021," *CLM Magazine, May 7, 2021*
- "Viewpoint: Federal and State Civil Immunity from COVID-19 Lawsuits" (Co-Author), *Claims Journal*, September 8, 2020
- "A Year in Review: The Highs and Lows of the Cannabis Industry in 2018" (Co-Author), *Claims Journal*, November 13, 2018
- "Post-Trial Motions" (Co-Author), *Preparing for and Trying the Civil Lawsuit, 2d Ed.*, 2016 Rev., New York State Bar Association
- "'Weight of the Evidence' Approach: A Backdoor Attempt to Undermine the Court's *Daubert* Gatekeeping Obligation" (Co-Author), *For the Defense*, Defense Research Institute, September 2014
- Profiled in "And The Defense Wins," DRI, May 28, 2014
- "Wireless Devices and Mobile Apps: FDA Speaks" (Co-Author), DRI *Medlaw Update*, February 28, 2014
- Quoted in "Medical App Guidance May as Well be Mandatory," *Wall Street Journal Morning Risk Report*, October 31, 2013
- "FDA Guidance on Wireless Devices: What You Need To Know" (Co-Author), *Medical Device + Diagnostic Industry*, September 30, 2013
- Quoted in "Are You Twittering or Frittering?" *Property Casualty 360*, February 2010
- "To Tweet or Not to Tweet, Understanding the Synergy Among Social Media" (Co-Author), December 29, 2009
- Interviewed in "Move to Crack Down on Expert Witnesses," *National Law Journal*, December 19, 2005
- "Post Trial Motions," *Trial of the Civil Lawsuit*, New York State Bar Association, 2004
- "Excluding Expert Testimony in Medical Malpractice Litigation," DRI *For The Defense*, October 2003
- "Ephedra-Based Dietary Supplement Products and Issues For Product Sellers," *MIM Reporter*, October 2003
- "Expert's Concept: Has It Been Subjected to Peer Review and Publication" (Co-Author), DRI Defense Library *Daubert* Series, Fall 2002
- "Remedies Available — or Unavailable — When Product in Liability Action Has Been Spoliated," <em">Products Liability Law & Strategy, August 2001

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- "The Learned Intermediary Doctrine in the Age of Direct to Consumer Advertising," DRI *For The Defense*, March 2000
- "When Products Liability Collides With Medical Malpractice: Dealing With Competing Interests," *Metropolitan Corporate Counsel*, January 2000
- Course materials and lecture at DRI's Annual Meeting on Combined Medical Malpractice and Medical Device Lawsuits, New York, 1999
- "Where is the Product and What Do We Do Now?" *Products Liability Law & Strategy*
- "Potential Waiver of Quality Assurance Privilege and Sentinel Event Reporting," DRI *For The Defense*, August 1998
- "Managed Care Liability and the Effect of ERISA Preemption," DRI *Modern Health Care Defense Issues*, 1997

PRESENTATIONS

- "Legionnaires' Disease," Environment & Emerging Claim Manager Association Annual Conference, Orlando, FL, April 9-11, 2025
- "From the Field to the Courtroom: Choosing (Environmental) Experts Who Bridge Legal and Technical Gaps," Client Presentation, October 29, 2024
- "Legionnaires' Disease: Science, Litigation Risks, and Mitigation Considerations," (Co-Presenter), GS Webinar Series, June 1, 2021
- "The Opioid Crisis: Understanding Present and Future Opioid Exposures (Including, Yes, Environmental)" (Moderator), GS 2019 TTEL Roundup: Glyphosate, Superfund Mega-Sites, and Emerging Problems with the Cannabis Industry and the Opioid Epidemic, New York, NY, May 21, 2019
- "Marijuana Risks on the Horizon," James River/VCU Seminar, Richmond, VA, March 6, 2019
- "Medical Professionals and Legalized Medical Marijuana – Navigating Murky Waters," DRI Marijuana Law Seminar, Chicago, IL, June 16, 2018
- "What's Coming Now and in the Future: A Roundtable Chat on Emerging Issues in Talc, Nanotechnology, and Marijuana," GS Toxic Torts and Environmental Law Seminar, May 23, 2017
- "Seeing Through the Haze of Medical Marijuana-Related Liability" (Co-Presenter), GS Toxic Torts and Environmental Law Seminar, May 23, 2017
- "Risks Associated with Fitness Devices and Apps and Data," SFIA Legal Task Force: Legal and Risk Management Summit, New Orleans, LA, February 1, 2016
- "Doing Business in the United States," Tuscany Life Science Cluster, Florence, Italy June 2015
- "Mobile Medical Apps and the FDA," Medmarc Medical Device Seminar, June 2015
- "Experts: Knowing When and How to Use Them," FDCC Litigation Management College, June 2012–15
- "Social Media and Internet Liability Risks," FDCC Summer Meeting, July 2013
- "FDA and Social Media Advertising," Paper Prepared for MEDMARC Medical Device Seminar, June 2012
- Chair, DRI Rainmaking Seminar, March 2012
- "iPad Apps for the Law Practice," FDCC Summer Meeting, July 2011
- "Efficient Case Handling," FDCC Summer Meeting, July 2010
- "Product Liability Case Law Update," DRI Products Liability Seminar, February 2008
- "The Impact of HIPAA's Privacy Rules on the Discovery of Health Information," Winter Meeting of the Federation of Defense and Corporate Counsel, Hawaii, March 2004
- "The Clients Speak: What They Need and Why They Need It," DRI Medical Liability and

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Health Care Law Seminar, Nevada, March 2004

- "The Second Front: Strategies For Managing Insurance Coverage Issues," Roundtable Discussion at American Conference Institute's Drug & Medical Device Litigation Seminar, New York, December 2003
- "Ephedra Liability Issues for Product Sellers," Pharmacy Liability Sub-Committee of DRI's Medical Liability and Health Care Law Seminar, Nevada, March 2003
- "Trends in Medical Device Litigation: 2002," MEDMARC/Puritan Bennet 15th Annual Medical Device Seminar, British Columbia, June 2002
- "Protect Your Product From Plunder by Plaintiff's Attorneys," MedTech Insight Conference on Investment In Innovation, New York, October 2001
- "Trends in Medical Device Litigation: 2001," MEDMARC/ Puritan Bennet 14th Annual Medical Device Seminar, Nevada, June 2001
- "The Use of the Internet in the Defense of Medical Device Products Liability Lawsuits," MEDMARC/Puritan Bennet 11th Annual Medical Device Seminar, New York, June 1998

WEBINARS

- "Legionnaires' Disease: Science, Litigation Risks and Mitigation Considerations," (Co-Presenter), GS Webinar Series, December 11, 2024
- "Legionnaires' Disease: Science, Litigation Risks, and Mitigation Considerations," (Co-Presenter), GS Webinar Series, March 24, 2021
- "Defending Your Business: How Immunity From COVID-19 Lawsuits Works,"(Co-Presenter), GS Webinar Series, March 10, 2021
- "Legionnaires' Disease: Legal Risks and Claims Management Strategies" (Co-Presenter), May 15, 2020
- Co-Presenter, "Successful Trial Defense in Product Liability Case: Lessons Learned" (Co-Presenter), GS Product Liability Webinar, August 7, 2019
- "Medical Professionals and Legalized Medical Marijuana – Navigating Murky Waters" (Co-Presenter), GS Product Liability Webinar, December 5, 2018
- "To Warn or Not to Warn: When the Science Behind the Hazard is Controversial" (Co-Presenter), MedMarc Risk Management Webinar Series, March 22, 2017
- "Mobile Medical Apps: FDA Regulation and Products Liability Implications," Medmarc Webinar, October 23, 2013