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Phone: +1 212 537 6331 | Fax: +1 212 537 6371 | customerservice@portfoliomedia.com

Q&A With Robins Kaplan's Jason Pfeiffer

Law360, New York (August 03, 2009) -- Jason W. Pfeiffer is a partner at Robins Kaplan Miller & Ciresi LLP in Minneapolis. He serves as national counsel for product manufacturers and property insurers in litigation arising from industrial fires and explosions, and has litigated some of the country's most tragic and costliest industrial disasters, including the Ford Rouse Powerhouse, West Pharmaceutical, Hayes Lemmerz, Rouse Polymerics and Sterigenics disasters.

Q: What is the most challenging case you've worked on, and why?

A: On May 16, 2002, an explosion at a rubber recycling facility killed five people and injured seven others. We represented a process control manufacturer.

The cases were challenging because of the impact that the disaster had on so many families. In particular, I was moved when hearing the story of a manager who saw smoke coming from the plant roof as he drove away from the plant after he completed his shift. He turned around to help his colleagues, and as he entered the plant, the explosion occurred and killed him. He left young children who were the same ages as my own.

The cases were also challenging because our client did not have an opportunity to participate in the cause and origin investigation. Although some equipment was preserved, other relevant physical evidence was not. To compound the problem, most key documents were destroyed in the explosion and/or subsequent fire. The destruction of physical evidence and documents, coupled with the inability to reasonably recreate the manufacturing process, except through deposition testimony, added an additional layer of complexity.

Fortunately, what began as the most challenging case, became one of the most satisfying after we obtained summary judgment on all claims.

Q: What accomplishment as an attorney are you most proud of?

A: The Minnesota legislature created a special victims' compensation fund to help those who were on the I-35W bridge when it collapsed. Our firm, along with many other Minnesota firms, formed a consortium to represent victims of the bridge collapse on a pro bono basis.

I had the privilege of representing a young man, who fell from the bridge into the Mississippi River in a compact car, before a panel of special masters who dispersed the legislative funds equitably among all victims. The young man suffered debilitating emotional and physical injuries, but after having a complete facial reconstruction and enduring countless hours of physical therapy, he returned to his profession and married the woman he had proposed to just four days before the bridge collapsed.

I am proud that members of the Minnesota bar came together and, collectively, made a difference by (1) helping to convince the Minnesota legislature that bridge victims should be compensated for their losses, if only partially, and (2) obtaining some recovery for people whose lives were changed forever even though they did nothing other than drive across a bridge as most of us do every day.

Q: What aspects of law in your practice area are in need of reform, and why?

A: Although unlikely for many reasons, greater uniformity in the application of strict liability, spoliation and comparative fault principles from state to state would promote interstate commerce and allow product manufacturers to assess and manage risk better.

Q: Where do you see the next wave of cases in your practice area coming from?

A: As economic conditions force companies to cut back on training, maintenance, hazard assessment and personnel, we will see more industrial fires, explosions, and accidents. Workers are being asked to do more and more, which will have unintended and adverse health and safety consequences.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: Dick Ellis is a founding partner at Ellis &Winters in Raleigh, North Carolina. Together, we represented a product manufacturer in litigation arising from a dust explosion that killed six and injured dozens more.

I was impressed with Dick's ability to understand and manage group dynamics among a large defense group, many of whom had adverse interests and conflicting cause and origin theories. I was also impressed with his work ethic, professionalism and ability to stomach vinegar-based barbeque sauce. He epitomizes what young trial lawyers should hope to become.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Find a mentor who will invest in your development, and preferably one with many clients and influence within the firm. Listen to clients and understand their strategic legal and business objectives. Become an indispensable asset on every litigation team by acquiring unmatched knowledge of the facts, technology and/or substantive law.