McElroy Deutsch

Michael B. Devins



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Curriculum Vitae

MICHAEL B. DEVINS is Co-Chair of the Firm's Litigation and Insurance Services Practice Group. He concentrates his practice in a variety of civil litigation areas including commercial, pharmaceutical, toxic tort, construction, products liability and premises liability litigation. His practice also consists of White Collar Criminal Defense and Corporate Internal Investigations. He has tried multiple cases to conclusion and has argued cases before the New Jersey Supreme Court and Appellate Division.

Mr. Devins is a former Barrister of the Seton Hall Law Alumni Association Inn of Court and a member of the Association of the Federal Bar of New Jersey and the Essex County Bar Association. He is a fellow of the Litigation Counsel of America.

He is admitted to practice in New Jersey and New York, the United States District Court, District of New Jersey, Southern District of New York and the Third Circuit Court of Appeals.

Mr. Devins is a graduate of the University of Rhode Island and received his Juris Doctor from Seton Hall University School of Law, where he served as member and Associate Editor of the Seton Hall Sport Law Journal. Mr. Devins was selected to present the 1997 Seton Hall Law Student Commencement Speech. From 1997-1998, he served as law clerk to The Honorable Anthony J. Sciuto, New Jersey Superior Court, County of Bergen.

Awards

- Listed in Best Lawyers® (2020-2027) a Woodward/White, Inc. business and partners with U.S. News & World Report, in the areas of Commercial Litigation and Criminal Defense: White-Collar. A description of the standard or methodology on which the accolade is based can be found HERE. (No aspect of the advertisement has been approved by the Supreme Court).
- Listed in Super Lawyers® (2006-2007, 2011), a Thomson Reuters business, in the areas of Civil Litigation: Defense and Criminal Defense: White Collar. A description of the standard or methodology on which the accolade is based can be found HERE (No aspect of the advertisement has been approved by the Supreme Court).
- In 2006, Mr. Devins was named to the *New Jersey Law Journal's* "Top 40 under 40". A description of the standard or methodology on which the accolade is based can be found HERE (No aspect of the advertisement has been approved by the Supreme Court).

Representative Cases

Results may vary depending on your particular facts and legal circumstances

Davis v. Brickman Landscaping, et al., 219 N.J. 395 (2014) (expert testimony required to establish standard of care applicable to fire sprinkler inspectors – standard of care advanced by Plaintiff's expert constituted an inadmissible net opinion).

Hisenaj v. Kuehner, 194 N.J. 6 (2008) (affirming trial counsel's admission of biomechanical engineer's expert testimony where defense expert provided an adequately reliable scientific foundation for opinion).

Herring v. Kettleman's Bagels Deli & Grill, et al., A-2465-15T1, (App. Div. 2017) (affirming grant of summary judgment to defendant where plaintiff relied on an impermissible net opinion of liability expert).

White v. Getty Petroleum Marketing, Inc., et al., A-3398-13T3 (App. Div. 2016) (Appellate Division held no duty of care owed by gas station operator to prevent gang related shooting on property).

Representative Matters

Results may vary depending on your particular facts and legal circumstances

- Achieved pre-trial dismissal of criminal Sherman Act indictment against senior executive of water chemical company. Representation of senior executive included defense in related civil, federal

MDL cases and state *qui tam* matters.

- Successfully defended a senior financial executive in a five-week criminal trial of fraud charges brought by the Department of Justice-Antitrust Division concerning municipal bond bids. Successfully obtained dismissal of the indictment on appeal.
- Defended an orthopedic hip and knee implant manufacturer in an industry-wide investigation by the U.S. Attorney's Office into alleged Anti-Kickback violations arising out of the company's consulting arrangements with healthcare providers. Defense of the investigation favorably concluded with the negotiation of a deferred prosecution agreement.
- Conducted nationwide internal investigations for orthopedic implant manufacturer, including investigations of alleged reportable events under deferred prosecution and corporate integrity agreements.
- Defended retired senior executive of a publicly traded company in class action litigation regarding the alleged fraudulent concealment of asbestos in the company's products for over thirty years. Obtained voluntary dismissal of complaint after extensive motion and appellate practice.
- Represented a dietary supplement manufacturer in challenge of FDA final rule declaring dietary supplements containing ephedrine alkaloids adulterated.

Industries

Corporate
Government (Federal, State & Local)
Insurance
Pharmaceutical, Medical Devices & Life Sciences

Practices

Appellate Practice
Construction
Insurance Coverage
Litigation
Personal Injury Defense
Pharmaceutical, Medical Devices & Life Sciences
Product Liability
White Collar Criminal Defense

Education

University of Rhode Island (B.A. 1990)
Seton Hall Law School (J.D. 1997)

Admissions

State of New Jersey
State of New York
U.S. District Court, District of New Jersey
U.S. District Court, SDNY
U.S. Court of Appeals, 3rd Circuit

Memberships

Essex County Bar Association
Association of the Federal Bar of New Jersey
Fellow, Litigation Counsel of America