

Trial Pros: McCarter & English's Michael Kelly

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Michael P. Kelly

Michael Kelly is chairman of McCarter & English LLP. He has litigated high-profile cases nationally in both state and federal courts, including commercial and other civil disputes, shareholder suits, toxic torts, product liability, environmental, antitrust, Hatch Waxman and other intellectual property cases. He has brought more than 300 of these cases to trial and argued appeals, including over 20 cases before the Delaware Supreme Court. Kelly is a fellow of the American College of Trial Lawyers.

Early in his career he was general counsel of the Resins Group at Hercules Inc., after serving as the company's chief environmental litigator.

Q: What's the most interesting trial you've worked on and why?

A: The one in my past that comes to mind is my most recent jury trial, *Stange v. Janssen*, which was a pharmaceutical sector products liability case in Pennsylvania state court in Philadelphia. The case lasted two months, and some of the witnesses testified for literally days on end. But I believe that a case that is set for trial in January will supplant that case. *United States v. Wilmington Trust* has me scratching my head. In my 33 years of trying cases, I have never seen so much made of so little. And I don't consider myself naive, but this has been a real eye-opener as to the broad discretion that prosecutors enjoy.