



James J. Freebery

Partner | Wilmington | 302.984.6306
jfreebery@mccarter.com

Pharmaceutical & Medical Device Litigation | Products Liability, Mass Torts & Consumer Class Actions | E-Discovery & Records Management | Government Investigations & White Collar Defense | Class Action & Multidistrict Litigation | Financial Institutions | Business Litigation

A proactive and highly experienced litigator, James Freebery forges long-term relationships with clients who rely on him to favorably resolve their most significant mass tort, product liability, complex commercial and white collar criminal cases litigated in state and federal courts nationwide.

Much of Jim's practice is devoted to serving as national coordinating counsel to multinational pharmaceutical companies in high-stakes mass-tort product liability actions and multi-district litigations. He plays a central, hands-on role responding to clients' needs and directing and implementing overall litigation and trial strategy, including preparing senior executives for testimony. Jim also has extensive experience advising clients on strategic litigation and settlement decisions – as well as litigation avoidance – in commercial matters.

In numerous nationwide litigations, Jim has collaborated with counsel on defense steering committees as lead defensive discovery counsel, appearing in court and managing all aspects of e-discovery. A member of the Sedona Conference® Working Group on Electronic Document Retention and Production, Jim's experience includes management of what was at the time the largest and most compressed e-discovery production effort ever.

An active leader at the firm, Jim served two consecutive terms on the firm's Executive Committee. He currently serves on McCarter's award-winning Women's Initiative and the Diversity and Inclusion Committee, and is excited to be a part of the newly formed McCarter & English Social Justice Project ("MESJP") Task Force. The MESJP will work to attain our firm goals of advancing social justice and structural reform. The Task Force will be charged with strategically deploying the firm's resources to systemically and systematically impact several of the issues that are root causes of widespread racial inequity. We will expand our existing pro bono and community service initiatives to engage attorneys and staff from all offices in this effort, and develop both internal and external programming to deepen our understanding of the pervasive racial inequities in our country, and the consequences of those inequities. Jim also serves on the firm's E-Discovery Committee, Cannabis Working Group, Green Initiative, and Veteran's Initiative.

Before joining the firm, Jim was a Deputy Attorney General in the Criminal Division of the Department of Justice for the State of Delaware, where he prosecuted hundreds of bench and jury trials to verdict, including multiple prosecutions for capital murder.

Representative Matters

Manufacturers—Defense counsel in Delaware asbestos litigation

Defense of numerous manufacturers in asbestos product and premises liability dockets in the State of Delaware.

Fortune and Global 1000 companies—Defense counsel in benzene exposure personal injury litigation

Represented a number of Fortune and Global 1000 companies in personal injury cases involving claims of exposure to benzene, venued in Northern and Southern California.

Multinational pharmaceutical company—Member of the defense steering committee and national discovery counsel in proton-pump inhibitor multi-district litigation

Serving on the defense steering committee and as national discovery counsel to a major multinational pharmaceutical business in ongoing and high-profile litigation alleging a class of heartburn drugs cause chronic kidney disease, renal failure, or other kidney problems. The representation involves over 10,000 cases, and includes appearing in Court and advising on all discovery issues related to *In Re: Proton-Pump Inhibitor Products Liability Litigation*, a multi-district litigation in the U.S. District Court, District of New Jersey, and in numerous state courts across the country.

Multinational pharmaceutical company—Defense steering committee in acid reflux multi-district litigation

Secured an order granting our motion to exclude plaintiffs' expert testimony, and then successfully moved for summary judgment, resulting in the dismissal of all remaining plaintiffs in an MDL involving claims that a pharmaceutical innovator's acid reflux treatment drug caused bone fractures.

Pharmaceutical company—National discovery counsel and trial and leadership team member in antipsychotic medication litigation

Serving as national discovery counsel and a member of the national trial and leadership teams representing a major innovator pharmaceutical company in the defense of over 25,000 claims that an antipsychotic medication causes weight gain, diabetes, and pancreatitis.

Global pharmaceutical company—Defense steering committee in pain pump personal injury litigation

Represented a major innovator pharmaceutical company in the defense of personal injury cases which involved claims that pain pumps cause degeneration of shoulder joint cartilage.

Pharmaceutical company—National coordinating counsel in branded statin litigation

Serving as national coordinating counsel for a major innovator pharmaceutical company in the defense of hundreds of claims that treatment with a widely prescribed branded statin causes diabetes, cardiovascular problems, and liver and kidney problems.

Education

University of Notre Dame Law School, JD, 1996

University of Delaware, BS, *summa cum laude*, 1993

Bar Admissions

Delaware

Court Admissions

U.S. Court of Appeals, Third and Ninth Circuits

U.S. District Court, District of Delaware

Memberships and Certifications

Delaware State Bar Association

Delaware Volunteer Legal Services

St. Thomas More Society

Office of the Child Advocate

Notre Dame Club of Delaware

Delaware Military Academy Football

Elsmere Boxing Club

Kennett-Unionville Titans Youth Football

Thomas McKean High School Football

Recognitions*

The Best Lawyers in America, Product Liability–Defendants, Delaware, 2023 and 2024

* No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. For ranking methodologies, please see [here](#).

Alerts

D.C. Circuit Overturns Lower Court Ruling and Reaffirms the Ability of In-House Counsel to Conduct Internal Investigations, 7.1.2014