



## James J. Freebery

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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 | Sports & Entertainment | NCAA Sports Compliance

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.

Jim also represents higher education institutions in a wide range of matters, including commercial litigation, internal and government investigations, employment, Title IX, and governance counseling.

An active leader at the firm, Jim served two consecutive terms on the firm's Executive Committee. He currently serves on McCarter's Culture & Inclusion Committee. 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

#### University—Athletics litigation

Assisted a university in the successful pre-suit resolution of threatened athletics litigation.

#### Universities—Title IX compliance

Represented universities in proactive Title IX compliance and strategic planning matters.

Various companies—Internal investigations

Led internal investigations for various companies, including investigations related to team and workplace culture and misconduct matters.

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.

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.

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## 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, 2023–2025

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

## **Alerts**

McCarter’s Playing Field: Sports Law Insights, 5.29.2025

McCarter’s Playing Field: Sports Law Insights, 4.2.2025

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