



Kenneth J. Ferguson

PARTNER

Austin

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RELATED SERVICES

- Pharmaceutical & Medical Device
- Commercial Litigation
- Consumer Financial Services
- Product Liability
- Employment
- Trial Practice

OFFICES

- Austin
- Albuquerque

OVERVIEW

Ken Ferguson is licensed in Texas and New Mexico and is the Co-Managing Partner of the Austin office. His over three decades of litigation and trial experience include product liability, toxic tort, breach of contract, employment discrimination, and insurance matters in state and federal courts.

Ken's practice focuses on product liability, specifically the representation of product manufacturers in national mass tort litigation. Ken has been involved in developing defense strategies regarding scientific issues involving pharmaceutical products, cosmetic products, and various chemical exposures. He has tried numerous product liability cases to verdict and has extensive experience serving as national settlement counsel involving tens of thousands of claimants. In addition, he has litigated personal injury cases and health care liability matters in Texas state courts. He has also handled a number of cases involving consumer protection statutes, including particularly the New Mexico Unfair Practices Act and the Texas Deceptive Trade Practices Act.

REPRESENTATIVE EXPERIENCE

- Trial counsel for mining company in suits claiming that its product (an ingredient in a cosmetic product) causes ovarian cancer. In particular, the focus was on scientific and epidemiological evidence.
- Presented and cross-examined expert witnesses in Kemp (Daubert) hearing in New Jersey state court in which Plaintiffs' primary epidemiologists were stricken.
- Successfully tried case in federal court in which Plaintiff claimed that air bag chemicals caused her severe brain damage.
- Successfully tried case in very challenging jurisdiction in south Texas in which Plaintiff claimed that air bag chemicals caused his blindness.
- Obtained favorable verdict in case in which Plaintiff claimed that misuse of hair dye by hair salon in major retail store caused her to permanently lose most of her hair.
- Trial counsel for a major pharmaceutical manufacturer in suits involving diet medications.
- National settlement team for major pharmaceutical manufacturer in claims involving diet medications.
- Represented a major pharmaceutical company in an asbestos premises liability case. Trial resulted in a defense verdict.
- Successfully tried five cases involving airbag claims, all of which resulted in defense verdicts.
- Successfully tried cases involving claims that injuries or death resulted from the rollover of a vehicle.
- Successfully tried case involving compensation of CEO of major clothing manufacturer.
- National settlement team for major pharmaceutical manufacturer in suits involving diabetes medication.
- Resolution counsel for major pharmaceutical company in suits involving anti-seizure medications.

CREDENTIALS

Admissions

- Texas
- New Mexico
- U.S. District Court, Northern, Southern, Eastern and Western Districts of Texas
- U.S. District Court, District of New Mexico
- U.S. Court of Appeals, Fifth and Tenth Circuits

Memberships

- DRI-The Voice of the Defense Bar
- Texas Association of Defense Counsel

Education

- J.D., *with honors*, The University of Texas School of Law, 1977
- B.A., *with highest honors*, The University of Texas at Austin, 1974
 - Phi Beta Kappa
 - Phi Kappa Phi

Honors

- *Who's Who Legal Thought Leader: USA*, Life Sciences – Product Liability Defense, 2023
- Top Rated Lawyer-AV® Preeminent™, Martindale-Hubbell
- *Best Lawyers in America*® “Lawyer of the Year,” Product Liability Litigation – Defendants, Austin (2022)
- *Best Lawyers in America*® distinction in Mass Tort Litigation/Class Actions – Defendants (2015-2025), Product Liability Litigation – Defendants (2011-2025), Personal Injury Litigation – Defendants (2011-2025)
- *Who's Who Legal International: Product Liability Defense Lawyers* (2005-2019)
- *Super Lawyers*® distinction in Personal Injury Defense: Products (2006–2012)