



## Leslie A. Benitez

### OF COUNSEL

Austin

512.391.0197

[lbenitez@grsm.com](mailto:lbenitez@grsm.com)

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### RELATED SERVICES

- Pharmaceutical & Medical Device
- Appellate
- Asbestos & Talc
- Product Liability
- Healthcare

### OFFICES

- Austin

### OVERVIEW

Leslie Benitez represents clients in statewide and national litigation. She has spent over 30 years representing pharmaceutical companies in a wide variety of products liability litigation and mass torts around the nation. She has acted as national coordinating counsel on legal issues in nationwide mass tort litigations as well as working seamlessly with national coordinating counsel in prescription drug mass torts, including one litigation involving diet drugs for over 10 years. She also has handled individual products liability cases for a diverse range of products that includes prescription and over-the-counter drugs, talc used in cosmetic products, cosmetics, child safety seats, farm equipment, automobiles and their components, and has defended healthcare liability claims against healthcare facilities. She has extensive motion and appellate experience in product liability and tort cases involving chemical and toxic exposures, and has coordinated legal defenses of her clients at trial and on appeal. She has argued in the U.S. Supreme Court,

U.S. Courts of Appeal, and Texas appeals courts. She is well known as a legal strategist in complex motion practice and error preservation in litigation and at trials.

Prior to entering private practice, Leslie served as General Counsel to the Governor of Texas. She also served as Assistant Attorney General for the State of Texas, where she was Chief of the Law Enforcement Division. She also served as a Briefing and Research Attorney for the Texas Court of Criminal Appeals.

## REPRESENTATIVE EXPERIENCE

- Leslie has decades of experience in mass tort litigation, which has included the defense of prescription drugs, vaccines, contraceptives, weight loss medications, gastro-intestinal drugs, diabetes medications, cosmetics/perfume, talcum powder, and many other drugs and personal care products in cases involving alleged toxic exposures.
- She has handled and argued appeals in the U.S. Supreme Court, and federal and state appeals courts..
- Leslie has been a key legal strategist in positioning legal defenses in nationwide litigations, including coordinating complex motion practice, trial record preservation, and appellate strategies in cases throughout the United States.
- She has taught and lectured on strategies for error preservation at all stages of trial.
- Leslie has acted as appellate counsel at trial for many product manufacturer defendants in order to position the cases for appeal, and planning and executing appellate strategy at trial.
- She has directed and overseen teams handling mass tort motion practice, including pretrial motions, *Daubert* challenges to the reliability of scientific evidence, and summary judgment motions.
- She has handled, as well as overseen and directed post-judgment motion practice, including subsequent appeals.
- She planned and implemented the removal to federal court of thousands of cases, establishing fraudulent joinder of improper parties in order to preserve her clients' interests in federal forums.

## Representative wins include:

- Argued and won a 6-3 decision in the United States Supreme Court involving federal constitutional due process issues. *McKaskle v. Wiggins*, 465 U.S. 168(1984).
- Led client's appellate team in obtaining decision from a state Supreme Court rejecting forum shopping in ATRA designated "Judicial Hellhole" in a case involving allegations of toxic exposure to cosmetic products.
- Argued and won decision in Texas Court of Appeals that prescription drug manufacturers have no legal duty to indemnify prescribing physicians in suits by patients alleging injury from drug use. *Hadley v. Wyeth Labs., Inc.*, 287 S.W.3d 847 (Tex. App. 2009, writ denied).

- Argued and won decision in Texas Court of Appeals expanding Learned Intermediary Doctrine, and reversing a failure-to-warn judgment against pharmaceutical manufacturer. *Wyeth-Ayerst Labs. Co. v. Medrano*, 28 S.W.3d 87 (Tex. App. 2000).
- Obtained multiple rulings from courts rejecting “innovator liability” claims against branded prescription drug manufacturer. *E.g., Finnicum v. Wyeth, Inc.*, 708 F. Supp. 2d 616 (E.D. Tex. 2010).
- Obtained summary judgment for raw materials supplier in mass tort product liability suit involving plaintiff’s use of a finished product containing the raw material. *Coordination Proceeding Special Title Rule 3.550 v. Johnson & Johnson*, 2017 Cal. Super. LEXIS 8450 (August 9, 2017).
- Upheld judgment for tractor manufacturer, defeating “failure to recall” claims based on manufacturer’s updated safety protections in later models. *Dion v. Ford Motor Co.*, 804 S.W.2d 302 (Tex. App. 1991)
- Argued and won multiple appeals in United States Court of Appeals for the Fifth Circuit on behalf of the State of Texas, 1980-1984.

## CREDENTIALS

### Admissions

- Texas
- U.S. District Court, Northern, Southern, Eastern and Western Districts of Texas
- U.S. District Court, Eastern and Western Districts of Oklahoma
- U.S. Court of Appeals, Third, Fifth, Ninth, and Tenth Circuits
- U.S. Supreme Court

### Memberships

- DRI-The Voice of the Defense Bar
- DRI-The Voice of the Defense Bar, Drug & Medical Device Steering Committee

### Community Involvement

The University of Texas School of Law Alumni Association, former Executive Committee Member; Co-chair, Law School Class of 1977 Alumni.

### Education

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

### Honors

- Top Rated Lawyer-AV® Preeminent™, Martindale-Hubbell
- *Super Lawyers®* distinction in the fields of Personal Injury Defense: Products and Appellate (2006-2012, 2014-2018)

- *Best Lawyers in America*® distinction in Appellate Practice (2009-2025)