



## Michelle Molinaro Burke

### PARTNER

Livingston

973.549.2550

michelleburke@grsm.com

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### RELATED SERVICES

- Product Liability
- Environmental & Toxic Tort
- Commercial Litigation
- Asbestos & Talc

### OFFICES

- Livingston

### OVERVIEW

Michelle Molinaro Burke is a trial lawyer, seasoned litigator and risk manager who understands that in today's business climate, clients demand practical and cost-effective solutions to litigation. She strives to understand her clients' long-term business goals and partners with her clients not only to resolve pending litigation, but to provide forward-thinking solutions with an eye towards diverting future litigation. A practical yet creative problem-solver, Michelle is skilled at seeing the "big picture" from very early on in her cases. Armed with early case development and a keen understanding of the law, Michelle determines the case strategy and designs and executes a streamlined defense plan aimed to posture the case or individual claims for dismissal on summary judgment or advantageous settlement. Although Michelle's goal is to keep her clients out of the courtroom, she is experienced in adeptly and aggressively trying cases, and has obtained favorable results for her clients. Even well before litigation ensues, Michelle's clients frequently draw upon her litigation experience and sharp instincts to assist them in

identifying and developing strategies for minimizing potential risks.

Michelle's clients range from Fortune 500 corporations to small closely held businesses. She routinely counsels clients in the pharmaceutical, cosmetics, chemical, transportation, and industrial and consumer product manufacturing industries, as well as insurance carriers. Michelle handles a wide variety of complex litigation, and has experience serving as national, local and primary defense counsel and managing a large docket of products liability, toxic tort, commercial, and general civil litigation matters.

In addition to her clients, Michelle is also a respected leader among her peers. She is a longtime leader in the American Bar Association Section of Litigation. She was recently elected to serve a three-year term on the Section of Litigation's Council, the Section's governing body. She has previously served as a member of the Membership & Marketing Committee and recently rolled off as Co-Chair of the Products Liability Committee, and she has served in other leadership roles within the Section. Michelle is routinely called upon to lecture on litigation and trial-related topics of interest to lawyers, industry groups, and claims professionals.

## REPRESENTATIVE EXPERIENCE

### Representative Experience

- Served as lead trial counsel in a personal injury case involving a collision between two tractor trailers where the plaintiff alleged significant personal injuries. After a weeklong trial, the jury ultimately found the plaintiff to be 50% at fault for the accident, and awarded a minimal verdict of \$25,000 while declining to award any damages for pain and suffering.
- National coordinating counsel and trial counsel for major elevator manufacturer in defense of asbestos exposure claims.
- Counsel for two major chemical manufacturers, including a Fortune 100 chemical company, in New Jersey asbestos litigation and other product and premises liability matters.
- Counsel to major automobile manufacturer in asbestos and other product liability litigation.
- Defended an engineering/supplier firm in a public works construction project against a product liability and breach of warranty action and obtained a dismissal of several key claims.
- Defended a national restaurant chain against a purported class action alleging consumer fraud due to excessive sodium content of meals.
- Obtained dismissal of several hormone therapy failure-to-warn cases.

## PUBLICATIONS

- Use Your Most Valuable Tool to Winning Dubert Motions—Your Causation Expert, August 13, 2019

- So A Funny Thing Did Happen on the Way to the Forum, The Directions for Personal Jurisdiction Challenges Just Got Easier, Spring 2018
- Making Sure the Correct 30(b)(6) Witness Is Produced in Response to Your Notice, January 31, 2018
- Fifty-State Survey: Toxic Exposure Claims, 2016 Edition

## PRESENTATIONS

- Featured Presenter, *"Personal Jurisdiction Updates,"* HarrisMartin's New Jersey Asbestos Litigation Conference, June 13, 2022
- Panelist, *"Nuisance Claims: Shield for Neighbors or Sword for Social Justice?,"* 30th Annual Toxic Tort and Environmental Spring CLE Meeting, April 2022
- *"Recent Trends in Product Liability and Complex Litigation,"* New Jersey Civil Justice Institute Fall 2021 Forum, Webinar, October 12, 2021
- *"Defending Nuisance Claims,"* National FETTI Annual Conference, Chicago, IL, September 30, 2021
- *"'Preparation is the Name of the Game' Trial preparation and Jury Selection,"* Hunterdon County Bar Association, Personal Injury Virtual Symposium, March 16, 2021
- *"Yours, Mine and Auers: Agency Deference in 2020,"* ABA Section of Litigation – 2020 Environmental & Energy, Mass Torts, and Products Liability Litigation Committees' Joint CLE Seminar, Snowmass Village, Colorado, January 29-31, 2020
- Panelist, *"The Vaping Injury Crisis: Products Liability & Insurance Coverage Issues for Nicotine and Cannabis Industries,"* ABA webinar, January 9, 2020
- *"Bridging the Gap Between Law School and Practice,"* ABA Section of Litigation Annual Conference, New York, New York, May 3, 2019
- *"Tips for Effectively Dealing with Inside and Outside Clients,"* ABA Section of Litigation Young Advocates, Minority Trial Lawyer, and Ethics & Professionalism Committees Regional CLE Program, Seton Hall University School of Law, Newark, NJ, March 26, 2019
- *"Look Before You Leap: Strategies for Effective Personal Jurisdiction Challenges and Choice of Law Motions,"* New Jersey Defense Association & Association of Corporate Counsel of New Jersey Joint Products Liability Seminar, Newark, NJ, February 1, 2019
- *"A Funny Thing Did Happen on the Way to the Forum: Navigating the New Landscape of Personal Jurisdiction Challenges,"* ABA Section of Litigation – 2019 Environmental & Energy, Mass Torts, and Products Liability Litigation Committees' Joint CLE Seminar, Laguna Beach, CA, January 10-12, 2019
- *"Ethical Considerations for In-House Lawyers Performing Pro Bono Work,"* Ethics & Eggs, Porzio, Bromberg & Newman, P.C., Morristown, NJ, November 30, 2018
- *"SCOTUS 2018: The Impact of the Changing Face of the Nation's Highest Court on Product Liability Cases,"* 2018 Women in Products Liability Regional CLE Program, Washington, DC, October 25, 2018

- *"Minding Your Ys and Zs – Selling Your Case To The Social Media Generations,"* ABA Section of Litigation Annual Conference, San Diego, CA, May 2018
- Moderator, "Business Development: Expanding Your Opportunities Through Mentoring Relationships," ABA Section of Litigation, Consumer Litigation, Minority Trial Lawyers, Young Advocates, February 27, 2018
- *"Recent Developments in Personal Jurisdiction Challenges,"* Ethics & Eggs, Porzio, Bromberg & Newman, P.C., Morristown, NJ, December 1, 2017
- *"Dirty Litigation Tactics: How to Deal with the 'Rambo' Litigator,"* National Business Institute (NBI), Newark, NJ, October 2017
- Panelist, *"Winning Advocacy Techniques at Mediation,"* ABA Section of Litigation, Young Advocates Committee, June 1, 2017
- Moderator, *"Personal Finance for Young Lawyers,"* ABA Section of Litigation Roundtable, Young Advocates Committee, December 1, 2016
- *"Young Advocates Committee – Ask Us Anything,"* ABA Section of Litigation, Young Advocates Committee, November 22, 2016.
- *"From Baby to Briefcase – Managing Work and Life after Returning from Leave,"* ABA Section of Litigation Roundtable, Young Advocates and Woman Advocate Committees, February 26, 2016

## CREDENTIALS

### Admissions

- New Jersey
- New York
- U.S. District Court, District of New Jersey

### Memberships

- American Bar Association, Section of Litigation, Council, 2024-present
- American Bar Association, Section of Litigation, Memberships and Marketing Committee, Member, 2022-2023
- American Bar Association, Section of Litigation, Products Liability Committee, Co-Chair, 2019-2022
- American Bar Association, Section of Litigation, Products Liability Committee, Chair, Chemical and Toxic Tort Subcommittee, 2018-2019
- American Bar Association, Section of Litigation, Young Advocates Committee, Co-Chair, 2016-2019
- Brennan-Vanderbilt Inn of Court, Barrister
- Hunterdon County Bar Association
- Literacy Volunteers of Somerset County, Vice-President and Trustee, 2008-2016

## Education

- Stanford Law School, International Association of Defense Counsel, Trial Academy, 2015
- J.D., Syracuse University College of Law, 2005
- B.A., Economics and Labor Studies, Rutgers University, 2002

## Honors

- *Best Lawyers in America*® distinction in Mass Tort Litigation / Class Actions – Defendants (2020-2025), Personal Injury Litigation – Defendants (2020-2025)\*
- New Jersey *Super Lawyers* “Rising Stars” List, Personal Injury Products: Defense, 2014 – 2020\*

\*No aspect of this advertisement has been approved by the Supreme Court of New Jersey. Prior results do not guarantee a similar outcome.

The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodologies can be found [here](#). A description of the Best Lawyers selection methodologies can be found [here](#).

## Languages

- Italian