

Robert G. Devine

Partner

Chair, Litigation Department and Catastrophic and Excess Liability Group

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As a trial lawyer for more than 30 years, Robert Devine has been preparing for and trying cases in multiple jurisdictions, achieving maximum results – whether it’s obtaining a settlement or verdict – across all of his practices. Bob concentrates his practice in the areas of catastrophic loss matters, construction litigation, employment law, commercial litigation, professional liability, products liability, premises liability, transportation law and dram shop liability. He frequently handles cases involving product recalls. Bob represents both insured and self-insured entities. He also serves as regional and local counsel for manufacturers, trucking companies, general contractors, retail convenience food markets and other commercial enterprises.

He is looked to by major excess carriers to try some of their most difficult and largest exposure matters pending in the region.

As Chair of the Litigation Department, Bob manages over 70 attorneys in six offices where the White and Williams commitment to excellence in providing optimal results in a cost-effective manner is carried forward into every one of the departments’ lawyers’ practices. In addition, Bob is a member of the firm’s Executive and Partner Compensation Committees. As Chair of the Catastrophic and Excess Liability Group, the focus is maintained on fully and completely preparing matters for trial, at any retention point along the life cycle of the file, which permits the rather unique service of trial lawyers bringing additional levels of analysis, trial strategy and courtroom trial technique to be realized.

Representative Matters

- Obtained summary judgment in a legal malpractice action against a law firm in which over \$10 million had been at issue in an underlying telecommunications commercial litigation matter; *Communications Network International, Ltd. v. Mullineaux* (Superior Court of PA)
- Successfully obtained emergency relief from Supreme Court of Pennsylvania staying major jury trial set to begin the next day in suit involving claims brought by the driver of a commercial vehicle who crashed and suffered quadriplegia. Argued the trial must be stayed because the Fair Share Act requires all co-defendants be tried at one time, and another co-defendant’s appeal of denial of summary judgment – arguing that it was immune from

Practice Areas

Catastrophic/Excess Liability
Construction and Surety
Commercial Litigation
Litigation
Labor and Employment
Product Liability
Professional Liability
Transportation

Bar and Court Admissions

New Jersey
New York
Pennsylvania
U.S. Court of Appeals for the Third Circuit
U.S. District Court for the District of New Jersey
U.S. District Court for the Eastern District of New York
U.S. District Court for the Southern District of New York
U.S. District Court for the Eastern District of Pennsylvania
U.S. District Court for the Middle District of Pennsylvania
U.S. District Court for the Western District of Pennsylvania
U.S. Supreme Court

Education

Rutgers University School of Law, JD, *cum laude*, 1986
Rider College, BA, *magna cum laude*, 1983

suit – was still pending (Court of Common Pleas, Philadelphia County)

- Obtained a unanimous defense jury verdict on behalf of a regional material handling service and supply company after a six-week trial involving wrongful death and survival claims. Plaintiff alleged damages arising from negligent maintenance of a pallet truck involved in a warehouse accident. Retained as lead counsel shortly before initial trial date with a demand at \$15 million (Superior Court of N.J., Camden County)
- Represented an international engineering/construction services company in a construction site accident case where an ironworker alleged traumatic brain injury after being struck by a knuckle boom crane. Retained ten days before trial with a \$10 million demand. Filed five motions *in limine*, retained and served five expert reports (lifecare, economics, vocational, life expectancy and liability) and joined subcontractor employer for contractual indemnity all within ten days. Case settled for \$1.5 million (partially structured and less than half economic damages) after four days of trial (Superior Ct. of N.J., Middlesex County)
- Represented international sporting goods manufacturer in a product liability action involving a youth baseball aluminum bat which allegedly permitted dangerous batted ball speeds. The Plaintiff was a 12-year-old male pitcher hit in the chest with a batted ball causing commotio cordis (extremely rare condition whereby heart stops) and subsequent catastrophic brain injury. Settled on the eve of trial after mediation and mock trial (Superior Court of New Jersey, Passaic County)
- Commercial trucking accident which rendered plaintiff wheelchair bound; retained as lead counsel five days before trial commenced; case settled for \$2.9 million after three days of jury selection; eve of trial demand was \$4.9 million (Superior Court of NJ, Bergen County)
- Fatal bus accident involving a two-year-old pedestrian girl; retained as co-counsel at conclusion of discovery; settled on eve of trial for \$2.65 million (Superior Court of NJ, Middlesex County)
- Commercial premises/products liability claim brought by delivery driver alleging infectious process from food waste caused total disability; retained during discovery; settled during trial for \$8.85 million (Superior Court of NJ, Middlesex County)
- Products liability case involving residential furniture retailer/manufacturer which arose from death of three-year-old female; retained as lead counsel after discovery; settled at mediation for \$2.3 million (Court of Common Pleas, Philadelphia County)

Memberships

American Bar Association
New Jersey Bar Association
Pennsylvania Association of Trial Lawyers of America
Pennsylvania Bar Association
Philadelphia Association of Defense Counsel
Philadelphia Bar Association
Trial Attorneys of New Jersey

- Commercial motor vehicle accident case which rendered 40-year-old father catastrophically brain-injured; retained as lead counsel after discovery; settled on eve of trial for approximately \$10.6 million (Court of Common Pleas, Philadelphia County)
- Premises liability case in which a 30-year-old plaintiff medical student suffered debilitating spinal injuries; retained as lead counsel after discovery and one-month prior to trial; high-low agreement secured during trial resulted in \$18 million settlement after three-week jury trial verdict for \$85 million (Court of Common Pleas, Philadelphia County)
- Construction site fatal accident where construction worker killed from fall down elevator shaft; retained as lead counsel after discovery; settled on eve of trial in excess of \$4 million (Court of Common Pleas, Philadelphia County)
- Products liability case involving commercial refrigeration equipment discharging refrigerant damaging material inventory of stored product; retained as lead counsel during discovery; trial demand was \$26 million; jury verdict of \$5 million (Court of Common Pleas, Philadelphia County)
- Fatal commercial trucking accident involving plaintiff physician and a nationwide trucking company; retained as co-counsel near the conclusion of discovery; settled for \$1.75 million, below the excess carrier's layer of coverage (Superior Ct. of NJ, Essex County)
- Commercial trucking accident case in which the plaintiff college student lost his leg due to a head-on accident; retained after discovery; pre-trial settlement of \$2.9 million (Superior Ct. of Delaware, Kent County)
- Products liability case involving nationwide retailer and garage door opener manufacturer where four-year-old plaintiff was rendered a spastic quadriplegic when she was trapped beneath a garage door; retained as co-counsel; pre-trial settlement of \$4 million with \$2.2 million structured (U.S. District Court for the Western District of PA)
- Premises liability case involving a catastrophically brain-injured and permanently disfigured 12-year-old boy; retained as lead counsel for resort shortly before trial; case settled three days into trial for approximately \$4.8 million (Court of Common Pleas, Lehigh County, PA)
- Products liability case involving industrial manufacturer of packaging equipment which allegedly caused 29-year-old forklift operator spinal injuries rendering her wheelchair-bound; retained as lead counsel and settled on first day of trial for \$700,000 (Court of Common Pleas, Westmoreland County, PA)
- Products liability case involving manufacturer of cherry picker in which plaintiff electrician alleged permanent disability due to electrocution; retained during expert discovery as lead counsel; settled at mediation for \$3 million, below excess coverage (Court of Common Pleas, Allegheny County, PA)
- Products liability case involving handgun manufacturer in which 8-year-old plaintiff was shot in head by 15-year-old resulting in significant head and brain injuries; retained as co-counsel after discovery; settled on eve of trial for \$1.3 million (Court of Common Pleas, Philadelphia County)
- Products liability case involving a vehicle dealer which arose from passenger van rollover causing four deaths and seven injuries; retained as lead counsel after discovery; settled after multiple mediation sessions below the excess carrier's layer of coverage (Court of Common Pleas, Philadelphia County)
- Products liability case involving nationwide manufacturer of an underground propane tank which allegedly leaked causing a home to explode, killing a 32-year-old father of two; retained as co-counsel; settled during the first day of trial for \$9 million (Court of Common Pleas, Philadelphia County)

Recognition & Involvement

Bob has been AV® Preeminent™ rated by the Martindale-Hubbell rating system. Bob was recently selected by his peers for inclusion in *The Best Lawyers in America* 2021 list in the practice area of Litigation - Insurance.

Bob was involved in the community serving as coach for youth soccer, baseball and basketball for more than 15 years.

In the News

Best Lawyers® Recognizes 43 White and Williams Lawyers
August 20, 2020

13th Annual Coverage College Hosts Over 400 Insurance Professionals
November 1, 2019

Best Lawyers® Recognizes 29 White and Williams Lawyers
August 15, 2019

Eleven Lawyers Admitted to the U.S. District Court for the Eastern District of Pennsylvania
June 14, 2019

12th Annual Coverage College Features Current Trends and State of the Insurance Claims Industry
October 23, 2018

Coverage College Celebrates Its 10th Anniversary
September 22, 2016

Gary Biehn Presents Company of the Year Award at World Trade Centers Day Awards and Celebration
May 10, 2016

The Ninth Annual Coverage College Features True-to-Life Case Study
October 8, 2015

Coverage College® 2014 Brings Over 600 Students Together for Eighth Annual Insurance Industry Event
October 3, 2014

Coverage College 2011® Brings Over 500 Students Together for Fifth Annual Insurance Industry Event
October 6, 2011

Events

Coverage College 2020
Virtual Platform | Thursday, October 22, 2020 | 9:00 AM – 3:00 PM EDT

COVID-19 Insurance Program
Webinar | 10:00 AM - 3:00 PM | August 11, 2020

Coverage College 2019

October 24, 2019

Practical Implications of the Restatement of the Law of Liability Insurance

12th Annual Coverage College | October 4, 2018

Hot Tips in Civil Trial: Lessons Learned from My Adversary

New Jersey Institute for Continuing Legal Education | September 24, 2016

Mediation Panel

White and Williams Coverage College | September 22, 2016

Twelve Angrier Men (and Women) Reject Your Theory Of The Case: Behind The Looking Glass

White and Williams Coverage College | October 2, 2014

Don't Forget About Us - Mass Tort Insurers Have Rights Too!

White and Williams Coverage College | October 3, 2013

You Passed the Bar, Now What?: How to Succeed in Your First Year As an Attorney and How to Gain Experience in a Down Economy

YLD Bootcamp: Tactics, Tips and Tricks for Law Students and New Lawyers (Philadelphia, PA) | November 16, 2012

Role of Excess Carrier "Associated In" Trial Attorney

White and Williams Coverage College | October 6, 2011

Publications

Fair Cross-Section Concerns Potentially Impacting Pandemic Jury Trials

The Legal Intelligencer | January 8, 2021

Can You Really Be Liable For a Product You Didn't Make? In New Jersey, the Answer is Yes

Product Liability Alert | November 17, 2020

Considering the Juror Pandemic Lens – Seating a Jury

Litigation Alert | August 3, 2020

Remote Trials Can Control Prejudgment Risk

Litigation Alert | July 20, 2020

When Will We See a Resumption of Jury Trials in Philadelphia County?

The Legal Intelligencer | July 10, 2020

Courts Are Ordering Remote Depositions as the COVID-19 Pandemic Continues

Litigation Alert | June 12, 2020

Jury Trials and Mediation in Philadelphia County: Virtually in Person

Litigation Alert | June 9, 2020

Workers Compensation Act Exclusivity Likely Bars Most Employee COVID-19 Claims
Workers' Compensation Alert | May 1, 2020

It Has Started: Supply-Chain, Warehouse and Retail Workers of Essential Businesses Are Filing Suit
Litigation Alert | April 14, 2020

COVID-19 Supply Chain Disruption Now and Later
Industry Today | April 13, 2020

Not Remotely Law as Usual: Don't Settle for Delays – Settle at Remote Mediation
Litigation Alert | April 3, 2020

Supply Chain Disruption – Before the Breach and How Best to Protect
Commercial Litigation Alert | April 3, 2020

Not Remotely Law as Usual: Remote Depositions – The Same But Different
General Litigation Alert | March 31, 2020

Is a Violation of a COVID-19 Order the Basis For Civil Liability?
General Litigation Alert | March 26, 2020

Social Distancing and the Impact on Service of Process Amid the COVID-19 Pandemic
General Litigation Alert | March 26, 2020

New York City Courts Put Lawsuits Under the Child Victims Act on Hold
General Litigation Alert | December 12, 2019

Recent District Court Decision Provides for Molded Verdict to Offset Tax Consequences of Lump-Sum Award
Labor and Employment Alert | July 30, 2018

The Pelvic Mesh Battlegrounds are Set – Fraud and Punitive Damages
Product Liability Alert | April 18, 2013

Summary Of The Third Circuit Court Decision In *Holmes V. Lowe's Home Centers, Inc., et al*
Litigation Alert | April 2010

Cases & Deals

White and Williams Catastrophic Loss Team Achieves Summary Judgment for Pet Retailer
March 26, 2020

White and Williams Secures Dismissal in Legal Malpractice Suit
March 15, 2019

PA Superior Court Affirms Dismissal of Legal Malpractice Action
May 17, 2018

White and Williams Secures Affirmation of Summary Judgment in Catastrophic Personal Injury Case
February 7, 2018

White and Williams Client Prevails in Malpractice Suit
June 6, 2017

White and Williams Obtains Emergency Stay of Major Jury Trial from Supreme Court of Pennsylvania
May 17, 2016

Catastrophic/Excess Loss Team Parachutes In To Obtain Favorable Resolution for Construction Services Company
April 30, 2012

Trial Attorneys Secure Defense Verdict After Six Week Catastrophic Personal Injury/Death Case in Camden County, NJ
February 21, 2012