

J. MICHAEL KUNSCH



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Biography

J. Michael Kunsch serves on the Firm's Management Committee. He is an AV Preeminent-rated attorney who practices in all state and federal courts in Pennsylvania and New Jersey, with a primary focus in the defense of complex litigation involving product liability, general liability, transportation and commercial disputes. He has argued successfully before various appellate courts, including the Third Circuit Court of Appeals, the Superior Court of Pennsylvania and Superior Court of New Jersey Appellate Division.

Mr. Kunsch represents and is consulted by manufacturers and retailers of industrial, commercial, and consumer products, with a particular emphasis in defending personal injury and property damage matters involving ladders and climbing equipment, power tools, household appliances, gas-fired appliances, fire sprinkler systems, recreational products and tractor-trailer components. He has extensive experience defending fire and explosion litigation and catastrophic burn cases.

Mr. Kunsch defends general liability matters for concert promoters, entertainment venues, security companies, apartment complex owners, retailers and restaurants. He also has significant experience defending transportation claims involving fatalities and serious injuries. His litigation practice includes defending commercial clients in matters involving breach of contract, consumer protection and consumer finance laws, and class actions.

Mr. Kunsch coordinates expert retention, preservation of evidence and field investigations on emergent claims for several clients. He also counsels clients on issues related to e-discovery and document retention policies.

Mr. Kunsch was recognized in 2006 as a Pennsylvania Super Lawyer - Rising Star ® and has been recognized from 2011 - 2020 as a Pennsylvania Super Lawyer®. He serves as a Director on the USLAW Board of Directors, having previously served on the USLAW Board from 2010-2014, and

served two terms as Chair of the USLAW Complex Tort and Product liability Practice Group. He has lectured on product liability issues and is a member of the Defense Research Institute Product Liability Committee.

Education

University of Arizona — B.A. Psychology, cum laude, Phi Beta Kappa, 1988

Villanova University School of Law — J.D., 1991

Bar Admission

- Pennsylvania — 1991
- New Jersey — 1991
- United States Supreme Court — 2015
- U.S. Court of Appeals for the Third Circuit — 1992
- U.S. District Court for the Eastern District of Pennsylvania — 1992
- U.S. District Court for the Middle District of Pennsylvania — 1995
- U.S. District Court for the Western District of Pennsylvania — 2004
- U.S. District Court for the District of New Jersey — 1992

Significant Reported Decisions

- *Petrucelli v. Bohringer & Ratzinger*, 46 F.3d 1298 (3rd Cir. 1995)
- *Hamilton v. Emerson Electric Co.*, 133 F. Supp. 2d 360 (M.D. Pa. 2001)
- *Booth v. Black & Decker, Inc.*, 166 F. Supp. 2d 215 (E.D. Pa. 2001)
- *Nesbitt v. Sears, Roebuck and Co.*, 415 F. Supp. 2d 530 (E.D. Pa. 2005)
- *Fluke v. CashCall, Inc.*, 2009 WL 1437593 (E.D. Pa. May 21, 2009)
- *Durkin v. Paccar, Inc.*, 2010 WL 176851 (E.D. Pa. Jan. 19, 2010)
- *Durkin v. Paccar, Inc.*, 2010 WL 4117110 (D.N.J. Oct. 19, 2010)
- *Shektor v. Louisville Ladder, Inc.*, 2012 WL 5052577 (M.D. Pa. Oct. 18, 2012)
- *Jackson v. Louisville Ladder, Inc.*, 2014 WL 460849 (M.D. Pa. Feb. 5, 2014), *aff'd*, 586 Fed.Appx. 882 (3rd Cir. 2014), *cert. denied*, 135 S.Ct. 1504 (2015)

Recent Speaking Engagements

Compliance with Standards: A Barrier to Product Liability Actions?, Wood Machinery Manufacturers of America ANSI Compliance Workshop, Philadelphia, Pennsylvania

Assembling the Rapid Response Team: Early Investigation Strategies for Preparing a Successful Defense, USLAW Client Conference, Tucson, Arizona

Spoilation: Still Crazy After All These Years, Defense Research Institute Product Liability Conference, Phoenix, Arizona

Enforcement of Arbitration Agreements Under the Federal Arbitration Act, USLAW Client Conference, Chicago, Illinois

Supply Chain Risks and the Foreign Supplier, USLAW Client Conference, Dana Point, California

Lifting the Fog: Defending Against Punitive Damage Claims, USLAW Client Conference, San Francisco, California

Risk Management in the Retail World: How to Avoid the Pitfalls, USLAW Client Conference, San Antonio, Texas

Maintaining Attorney Client and Work Product Privileges Over Investigative Materials: An Inexact Science, USLAW Client Conference, Rancho Palos Verdes, California

Internal Investigations in Product Liability Claims, USLAW Client Conference, Colorado Springs, Colorado

Effective Use of Exemplar Tools at Deposition and Trial, Defense Research Institute Product Liability Conference, San Diego, California

Reserve or Not to Reserve, USLAW Retail & Hospitality Exchange, Chicago, Illinois

Just Saying "No": The Success and Perils of Believing in Your Product and How That Can Affect Litigation, USLAW Client Conference, Washington, DC

Combatting National Discovery Requests in the Retail and Hospitality Industry, USLAW Retail & Hospitality Exchange, New Orleans, Louisiana

Protecting the Privilege, USLAW Worldwide Virtual Retreat