



J. Russell Jackson

Partner

Skadden, Arps, Slate, Meagher & Flom LLP

Mass Torts and Insurance Litigation

J. Russell Jackson defends companies' products and advertising in state and federal trial and appellate courts. He has argued from Anchorage, Alaska, to Beaumont, Texas, representing clients in a variety of industries, including the beverage, biotech, pharmaceutical, medical device, household appliance, computer, consumer product, life insurance and publishing industries.

The Legal 500: United States 2010 Edition described Mr. Jackson as a "bright, wonderful lawyer" who gives "clear and concise counsel." In 2010, his personal law blog — www.consumerclassactionsmasstorts.com — was an *ABA Journal* "Blawg 100" honoree, one of only six in the torts category.

Mr. Jackson's practice covers class actions, products liability, mass torts, warranties, consumer fraud statutes, RICO, public nuisance, unjust enrichment, the Alien Tort Claims Act and copyright infringement. He also has handled state attorney general investigations. He often helps clients craft communication plans to explain legal developments to their stakeholders, and he counsels clients about legislation and rulemaking. Additionally, he helps them implement effective self-regulation of advertising, defending their ads before independent review boards.

Mr. Jackson won dismissal of three copyright infringement cases in district courts that held, on an issue of first impression, that a stock photo supplier's group copyright registration failed to register the constituent individual works where it did not identify the individual photos' authors and titles. See, e.g., *Muench v. Houghton Mifflin Harcourt Publishing Corp.*, 712 F. Supp. 2d 84 (S.D.N.Y. 2010), *reh'g denied*, 2010 WL 3958841 (S.D.N.Y. Sept. 27, 2010). The Copyright Office had filed *amicus* briefs opposing his position.

Mr. Jackson also has won countless class actions, achieving dismissal on the merits or defeating class certification:

- He wrote the brief in *United Food & Commercial Workers Central Pennsylvania Regional Health & Welfare Fund v. Amgen, Inc.*, 2010 WL 4128490 (9th Cir. Oct. 21, 2010), which affirmed dismissal of a third-party payor's claim based on the defendant's alleged off-label promotion of a medicine. The court held that the plaintiff failed to plead a cognizable RICO claim or proximate cause, and failed to allege its Unfair Competition Law claim with particularity.

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Education

J.D., College of William & Mary, 1990
(Order of the Coif; Co-Editor, *ABA Administrative Law Review*; Staff, *William and Mary Law Review*, "Nondelegation after *Mistretta*: Phoenix or Phaethon?," 31 *WM. & MARY L. REV.* 1047 (1990))

B.A., Southwest Baptist University, 1987
(Valedictorian; second place Pentathlon Award at the 1987 National Individual Events Association Speech Tournament)

Authorships

Columnist, *The National Law Journal*

Associations/Affiliations

Elected Member, American Law Institute

Chair, Products Liability Committee, New York City Bar Association

2010 Editorial Advisory Board, *Product Liability Law360*

Member, Federal Bar Council

Member, American Bar Association Section of Litigation

Bar Admissions

New York

U.S. Supreme Court

U.S. Courts of Appeal for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth and Eleventh Circuits

Biography

J. Russell Jackson

- Working for brewers and distillers, he won dismissals in *Alston v. Advanced Brands & Importing Co.*, 2006 WL 1374514 (E.D. Mich. May 19, 2006) and *Eisenberg v. Anheuser-Busch, Inc.*, 2006 WL 290308 (N.D. Ohio Feb. 2, 2006). These cases sought to make alcohol advertisers pay billions of dollars in compensation for underage drinking. The Sixth Circuit held that attractive advertising does not interfere with parents' rights and that the underage drinkers' criminal acts — not advertising — were the legal cause of any injury. See *Alston v. Advanced Brands & Importing Co.*, 2007 WL 2032776 (6th Cir. July 17, 2007).
- In *Alleman v. State Farm Life Insurance Co.*, 2007 WL 2681797 (W.D. Pa. Sept. 10, 2007), he won summary judgment and defeated certification of a nationwide class that sought to use the "reasonable expectations doctrine" to obtain a "non-smoker's discount" on juvenile life insurance policies. He also won the appeal. 2009 WL 1833604 (3rd Cir. June 26, 2009).
- He successfully briefed *Compaq Computer Corporation v. LaPray*, 135 S.W.3d 657 (Tex. 2004), which established a "cohesiveness" requirement for equitable relief classes and refused to apply the express warranty law of the defendant's residence to a nationwide class.
- And, in *Compaq Computer Corp. v. Albanese*, 153 S.W.3d 254 (Tex. App. — Beaumont 2004), he won decertification of a nationwide class action seeking a declaration that the defendant's warranty violated the Magnuson-Moss Warranty Act.

Bar Admissions (continued)

U.S. District Courts for the District of Colorado, Eastern District of Michigan, Northern, Southern and Western Districts of New York

Professional Experience

Adjunct Professor (Products Liability Course), Brooklyn Law School (2006-2008)

Adjunct Lecturer (Contractual Drafting Seminar), Columbia University School of Law (1999)

Adjunct Professor (Products Liability Course), Fordham University (1996)