



## J. Russell Jackson

### *Partner*

*Skadden, Arps, Slate, Meagher & Flom LLP  
Complex Mass Torts and Insurance Litigation*

J. Russell Jackson defends companies' products and advertising in trial and appellate courts. He represents clients in state and federal class actions and multidistrict litigations involving products liability, mass torts, consumer fraud statutes, public nuisance, unjust enrichment, the Alien Tort Claims Act, climate change and copyright infringement claims. He also handles state attorney general investigations and lawsuits, and he helps companies craft communication plans to explain legal developments to their various stakeholders. Mr. Jackson often counsels clients about legislation, rulemaking and First Amendment issues. He also helps clients implement effective self-regulation of advertising, and he defends clients' ads before independent review boards.

*The Legal 500: United States 2010 Edition* describes Mr. Jackson as a "bright, wonderful lawyer" who gives "clear and concise counsel." He is a member of the American Law Institute and serves as chairman of the New York City Bar Association's Products Liability Committee. He is a popular lecturer and commentator and has written scores of articles about topics of interest in his field. He is a columnist for the *National Law Journal* and hosts his own personal law blog at [www.consumerclassactionsmasstorts.com](http://www.consumerclassactionsmasstorts.com).

Mr. Jackson's clients have included an international brewer, manufacturers of household products, two leading computer manufacturers, an Internet search engine, an appliance manufacturer, a pharmaceutical company, a medical device manufacturer, a mining company, a leading annuity company, two well-known life insurance companies, a telemarketer, an airline, a textbook publisher and two nonprofit standard-setting organizations. Recently he represented the U.S. Chamber of Commerce as an *amicus curiae*.

Mr. Jackson has won a number of class actions, obtaining dismissal on the merits or defeating class certification. For example:

- Working on behalf of more than 15 brewers and distillers, Mr. Jackson 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 class actions sought billions of dollars from alcohol advertisers because underage people illegally bought alcohol from retailers. The Sixth Circuit held that attractive advertising does not interfere with parents' rights and that the criminal acts of their sons and daughters were the legal cause of any injury, not advertising. See *Alston v. Advanced Brands & Importing Co.*, 2007 WL 2032776 (6th Cir. July 17, 2007). Mr. Jackson also

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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)

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  
(Member's Consultative Group member for the following projects: *Principles of the Law of Aggregate Litigation*, *Restatement (Third) Restitution and Unjust Enrichment*, and *Restatement (Third) of Torts: Liability for Physical and Emotional Harm*)

Chair, Products Liability Committee, New York City Bar Association

Editorial Advisory Board, *Product Liability Law360*

Member, Federal Bar Council

Member, American Bar Association Section of Litigation

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won dismissal of another “attractive advertising” class action in two decisions, *Goodwin v. Anheuser-Busch Cos., Inc., et al.*, 2004 WL 3143579 (Cal. Super. – Los Angeles Dec. 13, 2004), and 2005 WL 280330 (Jan. 28, 2005).

- Mr. Jackson briefed and argued *Alleman v. State Farm Life Insurance Co.*, 2007 WL 2681797 (W.D. Pa. Sept. 10, 2007), winning summary judgment and defeating certification of a nationwide class seeking a “non-smoker’s discount” on their juvenile life insurance policies. The trial court refused to use the “reasonable expectations doctrine” to vary the policies’ unambiguous terms. Plaintiffs appealed, and the Third Circuit affirmed the lower court’s decision. 2009 WL 1833604 (3rd Cir. June 26, 2009).
- Mr. Jackson was the principal briefwriter in *Compaq Computer Corporation v. LaPray*, 135 S.W.3d 657 (Tex. 2004), which established a rigorous “cohesiveness” requirement for equitable relief classes and refused to apply the law of the defendant’s residence to a nationwide class, observing that there are too many differences among states’ express warranty laws.
- In *Compaq Computer Corp. v. Albanese*, 153 S.W.3d 254 (Tex. App. – Beaumont 2004), Mr. Jackson won decertification of a nationwide class action seeking a declaration that the defendant’s warranty violated the Magnuson-Moss Warranty Act.

Mr. Jackson also handles appeals that do not involve class actions. For example, in *Stein v. KPMG, LLP*, 486 F.3d 753 (2nd Cir. 2007), he won mandamus relief against a criminal court’s assertion of ancillary jurisdiction over a civil dispute that was subject to an arbitration clause.

### **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

U.S. District Court 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)