

Philadelphia's Mass Torts Team Leader Says She Expects a Busy Program in the Years to Come

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Judge Abbe Fletman of the Philadelphia Court of Common Pleas said she's expecting a busy few years ahead in the court's mass torts program.

Fletman, who recently entered her second year as team leader of one of the country's most active mass tort hubs, said a new slate of products litigation is likely to generate a substantial volume of cases in the Complex Litigation Center docket.

For now, the court is in a moment of transition between larger-scale litigation. The vena cava and Risperdal cases that generated the bulk of the program's inventory in recent years are winding down, while three recently certified mass torts are just getting started.

Compared to previous years, 2022 has been slow for mass tort case filings. According to court data, only 241 mass tort cases were filed between Jan. 1 and Aug. 2, averaging to around 34 filings a month. That number is significantly lower than in the prior four years, where the monthly average ranged between 103 (2021) and 166 (2019).

Fletman said the dip is a result of the maturing life cycles of the vena cava and Risperdal litigation, which are both in the resolution process. The three new mass torts are still in their early stages and have yet to involve a huge quantity of filings, but Fletman said, "I think my staff and I are going to be quite busy in the coming years."

The new programs—involving the weed killer Roundup, chemical compound paraquat and antacid Zantac—were all certified in May or June, bringing the court’s total number of active mass torts programs to 11. Prior to that, Philadelphia’s most recently certified mass tort consolidated abuse allegations against Glenn Mills Schools in June 2020, according to a spokesperson for the First Judicial District.

As was the case with the broader court system, the Complex Litigation Center suffered slowdowns from the pandemic, said Fletman. And like the rest of the court, said Fletman, her priorities have largely centered on getting cases ready for trial.

She said she shares in the court leadership’s philosophy that “scheduling cases for trial and standing firm on trial dates is the best way to have cases resolved.”

Fletman took over as team leaders of the Complex Litigation Center’s mass torts, non-jury and arbitration appeals programs in July 2021 after shadowing her predecessor, Judge Arnold New, for several months. Fletman said she had previously served as a criminal judge, civil trial judge and motions judge since her election to the court in 2015.

“I inherited a really well-run program, so there really haven’t been a lot of wholesale changes,” said Fletman. “Most of the changes and adjustments have been more COVID-related than anything else,” she said.

Mass torts attorneys said cases have begun to see more trial dates and resolutions since the pandemic slump, though Fletman said few mass torts trials have actually taken place. She said, with the exception of an asbestos verdict, cases so far have settled before the trials actually occur.

In an early August interview, **Kline & Specter’s Thomas Kline** said the push to schedule trials contributed to the resolution of approximately 5,000 Risperdal cases shortly after Fletman became team leader.

“One of her first orders of business was to list a grouping of cases, not just one for trial, and that, in my view, was a significant and instrumental factor in our eventual success for our clients and the resolution of larger numbers of cases,” said Kline.

Kline was previously plaintiffs liaison counsel in the Risperdal litigation and now serves as lead attorney in the Roundup litigation alongside Feldman & Pinto’s Rosemary Pinto. Pinto is also plaintiffs liaison counsel in the Risperdal and vena cava matters.

Pinto said in an interview in early August that she has observed the mass torts program becoming more efficient under each new team leader. According to Pinto, "It's working exactly as it should in terms of the utilization of trials to enable the parties to come together to value the cases for resolution."