



William A. Sherman, II

Partner
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William is the managing partner of Dinsmore's Washington, D.C. office. As a litigator, he brings extensive trial experience to his practice having been involved with the firm's defense of mass tort class action suits with emphasis on product liability defense since joining the firm. William is a member of the Product Liability Advisory Council (PLAC), which is an association of the foremost product liability defense counsel in the United States and abroad. Described as a "trial lawyer," the firm utilizes his vast trial experience in a variety of cases where trial seems likely. As such, he has successfully litigated cases in areas of patent infringement, product liability, ERISA, securities, federal administrative proceedings, construction, automobile warranty, employment discrimination and a variety of complex commercial litigation matters.

Services

- Litigation
- Tort
- Mass Tort
- Class Action
- Product Liability
- Transportation Industry
- Government Contracts

Education

- University of Maryland School of Law (J.D., 1986)
- Morgan State University (B.A., *cum laude*, 1983)
 - Political Science

Bar Admissions

- District of Columbia
- Maryland

- Ohio

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the District of Maryland
- U.S. District Court for the District of Columbia
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Northern District of Ohio

Affiliations/Memberships

- American Bar Association
- D.C. Bar Association
- Ohio State Bar Association
- Maryland Bar Association
- Product Liability Advisory Council (PLAC)
- Council For Court Excellence, Washington, D.C.
- D.C. Early Learning Collaborative, Board of Directors
- Morgan State University Board of Regents

Distinctions

- Peer Review Rated AV in *Martindale-Hubbell*

Experience

Cyber Security Defense Verdict In FTC Administrative Action

Successfully defended LabMD at trial before the FTC Chief Administrative Law Judge. LabMD is the medical laboratory whose data security policies, practices and procedures allegedly violated section 5 of the FTC Act. After a lengthy trial the Administrative Law Judge dismissed the complaint. This is a landmark case because it is the first instance in which the FTC has prosecuted a HIPAA “Covered Entity” for violation of consumer privacy without being joined by HHS. It is also the first instance in which the FTC has been forced to take a case to trial involving data security and privacy. Thus this case established the adjudicatory framework for FTC cyber security administrative trials including the standard of proof and elements required to prove section 5 consumer harm in a cyber security case.

Granted class action certification and achieved settlement

Recently litigated separately filed Securities and ERISA class actions filed on behalf of employee shareholders, we were granted class action certification and achieved multi-million dollar settlement for our client. The company set an internal stock price which did not reflect the value of the stock when the Board of Directors knew the company was being positioned to be sold. When the company was sold for more than twice the stock price set by the Board, the employees who sold their stock during the pendency of the sale were not reimbursed the difference and sued to recover.

Hughes Miller, et al. v. Large Manufacturer of Electrical Power Systems, Products and Devices

Defense of client against product liability and breach of product warranty claim for burn injuries to electrician claiming product defect caused malfunction of electrical transformer during installation. Electrician suffered second and third degree burns on 60% of body. Plaintiff claimed damages well in excess of \$1 million. Case settled for approximately \$100k.

SK Construction v. Municipality

Obtained jury defense verdict in matter involving several million dollars in claims against the owner by the prime contractor based on claims of breach of contract and project design issues which allegedly caused delay.

Successfully defend client against product liability claim

We successfully defended our client, a mattress manufacturer, against a product defect claim. The plaintiff alleged our client sold a defective adjustable base, which caused injury. Product liability claims were dismissed on summary judgment.

Successfully defend client in USAID fund transfer

We successfully defended our client, a financial institution holding USAID grant funds. The federal government filed a multi-million dollar claim against our client and the account holder for allegedly wrongfully transferring funds received from a USAID grant to the account holder. The case resulted in our client not being liable for funds which it had transferred pursuant to a request from the account holder.

Thomas and Marker Construction v. Big Box Retailer

Plaintiff claimed complex construction contract was misleading and did not fairly advise Plaintiff of site existing conditions which increased Plaintiff's costs to build the project.

Publications

July 11, 2018

Paying it Forward

Diversity and the Bar

May 6, 2015

Enforcement Without Regulation: Seven Things That You Should Know About the FTC's Section 5 Authority and Protected Health Information

dri The Voice of the Defense Bar