



Brophy, Michael D.

Position: Partner

Chair :

Co-Chair :

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Location

Philadelphia, Pennsylvania

Practice Areas

[Product Liability, Fire and Life Sciences](#)

[Professional Liability](#)

[Appellate Advocacy](#)

[General Litigation](#)

Admissions

New York, U.S. District Court for the Southern District of New York, Pennsylvania, U.S. District Court for the State of Pennsylvania, U.S. Supreme Court, U.S. Court of Appeals, Third Circuit



Biography

During the course of his 45-year career, Mike has concentrated his practice in the defense of medical and psychiatric malpractice claims in which he has represented teaching hospitals, attending staff, residents and nurses throughout Philadelphia and southeastern Pennsylvania. Mike also developed an extensive product liability practice, defending automotive and trucking manufacturers as well as playground and agricultural equipment producers. A 4-year appointment as Staff Attorney for the United States Third Circuit Court of Appeals early in Mike's career became the foundation of his interest in appellate advocacy, followed by appearances in multiple state and federal appellate courts as well as the United States Supreme Court. Mike's professional reputation has resulted in "AV" status for 25 years as recognized by his peers, accompanied by "Super Lawyer" status each year from 2010 through 2017. Mike has served as a panel member for multiple Continuing Legal Education seminars and in 2004 had the unique privilege of presenting Grand Rounds at Thomas Jefferson University Hospital on the topic of psychiatric malpractice law. A prolific writer, Mike is the author of a textbook, *Medical Malpractice Depositions* (Juris Publishing 2004), multiple CLE workbooks and a series of articles in his role as Contributing Editor for the "Medical Malpractice Law and Strategy" newsletter. Most recently, Mike collaborated with Judge Daniel Anders of the Philadelphia County Court of Common Pleas in an article addressing the role of alternative dispute resolution to reduce the civil case backlog resulting from the pandemic. Raised near Cooperstown in Otsego County, New York, Mike's family ties and lifelong friendships provide good reason for his regular trips upstate when his schedule permits. A Philadelphia sports fan, Mike follows the Phillies and Eagles in good times and bad.

Education

- Villanova University School of Law, J.D.
- State University of New York, Collage at Oneonta, B.A., magna cum laude

Honors

- Pennsylvania Super Lawyers, 2010-2017
- AV recognition, 25 years (1997-2021)

Representative Matters

- *Jones & Laughlin Steel Corporation v. Pfeifer*, 462 US 523 (1983) (Mike was the principal author of two Amicus briefs filed in support of the petition for writ of certiorari, and subsequently arguing successfully for reversal of a judgment in admiralty which exposed underwriters to enhanced verdicts in personal injury matters)



- Wiley v. General Motors Corp., No. CA 96-1692 (USDC, DC October 1997) (Mistrial ordered on defense motion, based upon discovery of altered videotape evidence presented during trial)
- Colodonato v. Navistar (SDNY 1995) (Directed verdict granted following defense cross-examination of plaintiff's liability expert, in case where settlement demand was never less than 8 figures)
- Moats v. Charter Behavioral Health System, No. 98 – GN – 3951 (Blair County Court of Common Pleas)(Summary judgment granted in wrongful death action filed under Pennsylvania Mental Health Procedures Act)
- Lappin v. General Motors Corporation, (ED PA 1987)(Jury verdict for defendant in admiralty action).
- Commonwealth v. Simmons, 719 A.2d 336 (Pa. Super. Ct. 1998)(trial court imposition of contempt sanction against attorney Brophy, representing Mentor Clinical Care, who refused court order to produce psychiatric treatment records pursuant to subpoena in criminal prosecution, reversed on appeal as appellate court held that confidential communications were protected by the psychotherapist-patient privilege).