

Robert E. Johnston

Partner

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Robert Johnston is an experienced trial lawyer, litigator, and appellate advocate practicing primarily in the areas of pharmaceutical products, toxic tort, and insurance. Reared in Texas, Robert's philosophy and approach to the practice of law harkens back to his southern upbringing and a little Texas pride—hardworking, respectfully demanding of himself and others, and pushing the boundaries with novel strategies that achieve the best outcomes for his clients. With over twenty-six years of experience, Robert has tried cases to verdict or obtained judgment for our clients in courts throughout the U.S. Called upon to solve clients' most challenging problems, Robert often handles high-profile, landmark cases, presenting cutting-edge litigation theories and defenses for some of the largest companies in the country. He also represents smaller companies and individuals with significant matters.

Robert has successfully tried cases defending firm clients against suits alleging injury from exposure to chemicals. Robert led the firm's trial team that obtained the first defense verdict in a case alleging that exposure to ethylene oxide released from a commercial medical device sterilization facility caused cancer. The unanimous verdict followed a month-long trial in state court in Cook County, Illinois, and came on the heels of a substantial plaintiff's verdict only weeks prior in the same court. *Fornek v. Sterigenics*, No. 2018 L 10744, 2018 Ill. Cir. Ct. (Nov. 18, 2022).

Robert has also obtained defense trial verdicts on behalf of the firm's pharmaceutical clients. He served as co-lead counsel on behalf of Novartis Pharmaceuticals Corporation in multiple trials arising out of the Zometa/Aredia MDL, including obtaining a complete defense verdict in *Hogan v. Novartis Pharm. Corp.* (E.D.N.Y.). Robert successfully argued the appeal in that case to the United States Court of Appeals for the Second Circuit. He was previously named Corporate America Legal Elite for Best in Product Liability Litigation in Washington, D.C.

Robert has developed key liability defenses to sweeping allegations of corporate misconduct. He has worked with experts and senior employees to advance those defenses in litigation and at trial. He also has successfully defended class action claims and multidistrict litigations, one of which was the longest-standing MDL in the U.S. at the time. He frequently writes and speaks on the defense of complex litigation.

Robert represents clients in both state and federal courts in actions seeking insurance coverage for environmental liabilities, asbestos-related claims, defamation, errors and omissions by insurance agents, and various other business torts. As co-leader of the firm's Insurance practice, he also counsels clients regarding the pursuit of insurance proceeds under solvent and insolvent schemes of arrangement. He has written and spoken on numerous issues relevant to insurance coverage, including issues of fidelity insurance and coverages available for e-commerce enterprises. He also has experience in government contracts litigation, including *Winstar*-related claims, nuclear-spent-fuel claims, and claims for the taking of property by the government without just compensation. Robert is among a small percentage of American lawyers invited to be a Fellow of the Litigation Counsel of America, a trial lawyer honorary society that recognizes excellence among U.S. litigators and trial counsel.

As an avid trial lawyer and litigator who relishes the pursuit of continued learning, Robert has a knack for uncomplicating the complicated with a remarkable ability to distill the complexities of various sciences and technologies into understandable, bite-sized pieces. Often thought of by his peers as someone who is strategically aggressive, Robert's good nature, desire to teach others, and to engage with clients on a personal level creates intellectually deep and enriching client relationships that extend beyond being a lawyer.

Services

Business Interruption & Commercial Disputes
Class Action Defense
Complex Litigation
Discovery
Federal Claims
Financial Institutions
Government Investigations, White Collar & Civil Defense
Insurance Coverage
Pharmaceutical & Medical Device
Products Liability & Toxic Torts
Risk Mitigation & Management
Transportation

Education

George Washington University Law School (J.D., 1994, *with high honors, Order of the Coif*)
Southern Methodist University (B.A., 1991)

Admissions

District of Columbia
Maryland
Montana
United States Courts of Appeals for the Second, Fourth, Fifth, Sixth, Ninth, and Eleventh Circuits

United States District Courts for the District of Columbia, District of Maryland, District of Montana, and District of Nebraska

United States Court of Federal Claims

Accolades

- *Chambers USA*
 - "Robert Johnston is an excellent lawyer. He is a strong litigator and is very highly regarded. I really like him." — Client
 - "Robert Johnston is a creative and outstanding lawyer. I can't say enough, he was really exceptional." — Third Party
- *Lawdragon* 500 Leading Litigators in America, 2024, 2025
- *Super Lawyers*, Civil Litigation Defense, 2021-2025
- BTI Client Service All-Star, 2020
- AV Preeminent Lawyer by ALM Media and Martindale-Hubbell, 2014-2025
- *Corporate America* Legal Elite for Best in Product Liability Litigation-Washington, DC, 2015
- Litigation Counsel of America, Fellow

Memberships

- Washington Legal Foundation Legal Policy Advisory Board, Member
- DRI Center for Law and Public Policy: Rules Committee, Member; Third-Party Litigation Task Force, Member
- National Association of Railroad Trial Counsel (NARTC)
- NARTC's College of Railroad Trail Advocacy, Faculty Member
- The Sedona Conference
- *The George Washington Law Review*, former Member