



Arlene Fickler

Partner

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Arlene Fickler is a partner in the Litigation Services Department and a member of the Firm's class action and appellate practice groups. Her practice concentrates on the litigation of complex commercial and tort cases, including products liability, toxic torts, and consumer protection claims.

Ms. Fickler has been particularly active in litigating the propriety of class certification, both mandatory and voluntary, in federal and state courts throughout the United States. She also has counseled clients with respect to the utilization of class action settlements to resolve large blocks of claims and potential liability. In this context, she has negotiated class action settlements - both fixed fund and claims made - to facilitate global resolution of clients' liabilities. She was a co-reporter for the Manual on Mass Tort Litigation published by the American College of Trial Lawyers.

Representative Matters

Mass Tort Litigation:

- Represented a manufacturer of building products in connection with approximately two dozen class actions filed on behalf of homeowners who complained about deteriorating roofing shingles, and negotiated a claims-made settlement agreement pursuant to which the manufacturer increased modestly the warranty payments due to building owners whose shingles remain covered by the

manufacturer's initial limited warranty.

- Represented various defendants in asbestos-property damage class actions filed on behalf of elementary and secondary schools, colleges and universities, lessors of federal buildings, and hospitals; in connection with the defense of one of those cases, precluded a major insurance company from proceeding with an individual federal court lawsuit seeking over \$110 million for asbestos abatement costs in 18 buildings because it had failed to opt out of a class action that had settled.
- Counseled a manufacturer of swimming pool chemicals in connection with the settlement of class action claims arising from a plant fire that resulted in the evacuation of the surrounding neighborhood.
- Negotiated a claims-made settlement on behalf of a cement plant operator in connection with class action claims brought by a town's residents seeking personal injury and property damages, medical monitoring, and injunctive relief related to emissions from the plant.
- Negotiated a claims-made settlement by a chemical manufacturer in community-wide class action in toxic tort litigation arising from emission of chemicals into the air during manufacturing process.
- Served as special asbestos counsel in Chapter 11 reorganization proceedings of a manufacturer of asbestos-containing products, including trial counsel in asbestos phase of plan confirmation hearing.

Commercial Litigation:

- Served as court appointed counsel to the Receiver in litigation seeking to recover monies lost by investors in a Ponzi scheme. The Receiver's efforts have resulted in claimants recovering at least 31% of their investment.
- Represented one of the entities that coordinate the flow of electricity on the interstate electric grid in a personal injury filed by an employee of one of the entity's transmission company members. On appeal, the entity was held to be immune from liability under its tariff approved by the Federal Energy Regulatory Commission.
- Represented several hedge funds which have been alleged to have violated either federal securities laws or state common law in connection with the short-selling of stock of the plaintiff companies and the preparation of reports that opined that the plaintiff companies' stock was overvalued by the market.
- Represented an anonymous internet poster in a precedent-setting appeal which established the standard in California for when such a poster may be unmasked.

Community and Pro Bono

Ms. Fickler is very active in Philadelphia's Jewish community, where she is currently chair of the Jewish Community Relations Council of Greater Philadelphia, the central community relations and government affairs arm of the Jewish community. Consistent with Jewish teachings and ethics, JCRC is dedicated to

improving inter-group understanding, enhancing a just and pluralistic society in the United States, and serving the needs of the Jewish community, both local and overseas, through community relations, government affairs, social action and advocacy. Because JCRC is one of the key committees of the Jewish Federation of Greater Philadelphia, Ms. Fickler recently became a member of the latter's Board of Directors. She has served on the boards of several of the Federation's constituent agencies. For example, she was Chairman of the Board of Directors of the Jewish Community Centers of Greater Philadelphia and she has been on the boards of the Jewish Publishing Group and HIAS Immigration Services. She also served as President of Temple Beth Zion-Beth Israel. She represented American Jewish Congress and the National Jewish Community Relations Advisory Council in *County of Allegheny v. ACLU*, the United States Supreme Court case involving the display of a crèche and Menorah on public property. For her work in the community, Ms. Fickler was awarded the Jewish Social Policy Action Network's Social Justice Award in 2010.

Ms. Fickler has been a loyal alum of the University of Pennsylvania Law School. She is on the Executive Board of its Center for Ethics and the Rule of Law, a non-partisan interdisciplinary institute dedicated to the preservation and promotion of the rule of law in twenty-first century warfare and national security. She has served on the Law Alumni Society's Board of Managers since 1988 and was its President from 1997 through 1999. In 2001, she was the recipient of the Law School's Alumni Award of Merit.

Education

- University of Pennsylvania Law School, J.D., *cum laude*, 1974
- University of Pennsylvania, B.A., *cum laude*, 1971

Bar Admissions

- Pennsylvania, 1974
- District of Columbia, 1980

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Eastern District of Pennsylvania

- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Eastern District of Michigan

Professional Affiliations

- American Bar Foundation, Fellow
- American Bar Association, Member
- American Law Institute, Member
- Federal Bar Council, Member
- Philadelphia Bar Association, Member; Federal Courts Committee, past Chair
- Pennsylvania Bar Association, Member
- Third Circuit Bar Association, Member
- University of Pennsylvania Law School American Inn of Court, Member
- University of Pennsylvania Law Alumni Society, past President
- University of Pennsylvania Center for Ethics and the Rule of Law, Executive Board Member

Other Distinctions

- Recognized by *The Best Lawyers in America* for Commercial Litigation, 2012-2022
- Listed in *Marquis Who's Who in America*, 1996-present
- Listed in the Bar Register of Preeminent Women Attorneys
- Rated AV® Preeminent by Martindale-Hubbell®
- Jewish Social Policy Action Network's Social Justice Award, 2010
- Noted as Pennsylvania "Super Lawyer," 2004-2006
- University of Pennsylvania Law School's Alumni Award of Merit, 2001
- Jewish Community Centers Association of North America's Esther Leah Ritz Next Generation Leadership Award, 2000
- Philadelphia Jewish Federation's Mrs. Isidore Kohn Young Leadership Award, 1981
- *University of Pennsylvania Law Review*, Comment Editor, 1973-1974

Practices

- Appellate Practice
- Class Action
- Energy & Environmental
- Financial Services Litigation

- Litigation
- Product Liability
- Securities Litigation