



Malcolm S. Brisker
Partner

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Malcolm Brisker is a partner with Goodell DeVries. He concentrates his legal practice in all areas of civil defense litigation, including product liability, construction, and insurance defense. He has extensive experience in the defense of companies in toxic tort litigation involving, among other things, alleged asbestos, mold, and lead paint exposure. He has tried product liability and personal injury cases, both jury and non-jury, throughout Maryland and the District of Columbia. A leader in toxic tort litigation, Malcolm serves on the working group judicial committee for asbestos litigation for the Circuit Court for Baltimore City. He also serves on the steering committee for Asbestos Litigation in the District of Columbia. Malcolm is a member of The Defense Research Institute and Maryland Defense Counsel, Inc.

Malcolm also handles construction matters for product manufacturers, general contractors, and subcontractors involving claims for property damage and personal injuries in both Maryland state and federal courts.

Practice Areas

- Construction Defect
- Product Liability
 - Pharmaceutical and Medical Device Litigation
 - Construction Equipment and Related Litigation
- Toxic Tort and Environmental Litigation
- Commercial and Business Tort Litigation
- General Tort Liability Litigation

Court Admissions

- Maryland
- District of Columbia
- Kentucky
- New Jersey
- Virginia
- West Virginia

- United States District Court for the District of Columbia
- United States District Court for the District of Maryland
- United States District Court for the Eastern District of Virginia
- United States District Court for the Western District of Virginia

Education

- University of Baltimore, School of Law (J.D., *cum laude*, 1999)
- University of Alabama (M.S. Criminal Justice, 1996)
- University of Alabama (B.A., 1995)

Professional Organizations and Committees

- Construction Lawyers Society of America (Charter Fellow)
- The Defense Research Institute (DRI)
- Maryland Defense Counsel, Inc.
- Maryland State Bar Association
- Maryland State Board of Law Examiners, Accommodations Review Committee – Chair (2021-2026)
- Bar Association of Baltimore City

Professional Experience

- Goodell DeVries – Partner (2009-Present); Associate (2002-2008)
- Church Loker & Silver P.A. – Associate (2000-2002)
- The Honorable Joseph H. H. Kaplan, Chief Judge of the Circuit Court for Baltimore City Judicial – Law Clerk (1999-2000)

Representative Matters

REPORTED OPINIONS:

- *Scapa Dryer Fabrics, Inc. v. Saville*, 16 A.3d 159 (Md. 2011)
- *Stanley Martin Companies, Inc. v. Universal Forest Products Shoffner LLC*, 396 F. Supp 2nd 606 (D.Md. 2005)

REPRESENTATIVE MATTERS:

In 2017, Malcolm was trial counsel in a living mesothelioma asbestos trial in the Circuit Court of Maryland for Baltimore City. He represented an interior finish contractor defendant in this multiweek trial. The team obtained a favorable resolution for his client before verdict.

In 2017, Malcolm obtained summary judgment for a manufacturing defendant in a living mesothelioma asbestos case in the Circuit Court of Maryland for Baltimore City. The client was a manufacturer of a product allegedly containing asbestos. He argued that the plaintiffs had failed to prove exposure to the defendant's product and was not a substantial contributing factor in causing the plaintiff's alleged development of mesothelioma, as required under Maryland law. The Court agreed, issuing a four-page unpublished written opinion.

In 2015 Malcolm was lead trial counsel in a living mesothelioma asbestos trial in the Circuit Court of Maryland for Baltimore City. He represented an insulation contractor defendant in this multiweek trial and was able to obtain a favorable resolution for his client before verdict.

In 2008, Malcolm was local counsel in a three-week asbestos trial tried to a verdict in the Circuit Court of Maryland for Baltimore City. That same year, he obtained summary judgment for clients in Maryland and the District of Columbia, including judgment in favor of a third-party defendant in an asbestos mesothelioma case before the Honorable Judith Bartnoff in the Superior Court for the District of Columbia. The third-party defendant was a manufacturer of a product allegedly containing asbestos. The Motion for Summary Judgment argued that the plaintiff had failed to prove that the third-party defendant's product was a substantial contributing factor as required under District of Columbia law. The Court agreed, issuing a five-page unpublished opinion.

In 2005, Malcolm handled a two-week arbitration before the Honorable Richard A. Levie. The case was originally brought in the Superior Court for the District of Columbia, but the parties agreed to binding arbitration with a high/low agreement. The plaintiff, who had been diagnosed with asbestosis and lung cancer, alleged that he had contracted his disease as a result of exposure to asbestos-containing materials sold, distributed and/or manufactured by several defendants.

Publications

- Co-author, ["Maryland Garageman's Liens: What They Cover and How They Are Effectuated."](#) Co-authored by David Shea, Goodell DeVries Blog (May 24, 2024); Republished in LexisNexis Practical Guidance (July 4, 2024)
- Author, ["Asbestos Litigation in the Era of Online Legal Proceedings: A Q&A with Malcolm Brisker."](#) (March 2021)
- Author, ["Trends in Asbestos Litigation: A Q&A with Malcolm Brisker."](#) Goodell DeVries Blog, (October 2020)
- Moderator, "Data and Technology in Asbestos Litigation," National Asbestos Litigation Conference, Perrin Conferences (October 2019)
- Co-author, "No License, No Problem. Maryland's Highest Court Provides New Means of Redress for Unlicensed Subcontractors," Co-authored by George S. Mahaffey Jr., *DRI - The Voice of the Defense Bar Newsletter*
- Author, ["Electronic Filing: Is Your Firm Prepared?"](#) *Law Journal Newsletters* - Legal Tech Newsletter (2004)
- Speaker, "Legal Tech - Technologies Lawyers Should be Using Today"

Honors and Awards

- Best Lawyers in America
 - Baltimore Lawyer of the Year, Mass Tort Litigation/Class Actions — Defendants (2022)
 - Mass Tort Litigation/Class Actions — Defendants (2019-2026)
 - Product Liability Litigation — Defendants (2019-2026)
 - Insurance Law (2021-2026)
- Maryland Super Lawyers
 - Class Action (2024-2025)