Brett Mason

Partner

Atlanta

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Brett is a trial attorney and litigator who defends clients facing complex tort litigation. Her approach bridges the gap between the law and science, helping to protect companies at all stages of litigation.

OVERVIEW

Brett defends clients primarily in the health sciences and tobacco sectors in litigation involving mass tort, personal injury, and wrongful death claims in state and federal courts across the U.S. In an era where civil cases rarely go to trial, she has the distinction of serving as trial counsel or in a trial support role for 20 civil jury trials and one major construction arbitration.

Brett combines a thorough understanding of the scientific underpinnings of a case with courtroom-tested legal strategies to help create an effective defense. She is involved with all aspects of discovery, trial preparation, and trial practice, including taking and defending depositions, motions practice, witness preparation, trial strategy development, and witness examinations at trial. In addition to her experience with national mass tort MDLs involving medical devices and other therapeutic products, Brett has served as trial counsel for a global tobacco manufacturer in trials across the U.S., from Massachusetts to the U.S. Virgin Islands.

Brett is an in-demand speaker, teacher, and writer on a variety of legal topics by several national bar associations, including the American Bar Association, the Defense Research Institute (DRI) and the Association of Corporate Counsel. She presents on a variety of topics, including amendments to Federal Rule of Evidence 702 at the ABA's Current Events in Business Litigation Conference, and teaching an interactive webinar on cross-examination of expert witnesses.

Brett is also gaining experience in the new and ever-changing area of generative AI, particularly as it affects her clients and the practice of law. As the vice chair of DRI's AI Task Force, she provides thought leadership and proactive assessment of the law to help her clients face new challenges brought by the use of AI across industries. She hosts "The Good Bot," a comprehensive podcast series that delves into the intersection of AI, health care, and the impact of the law on the advancement of technology in this area.

Brett actively maintains a pro bono practice that focuses on advancing social justice. She represented a Guatemalan woman seeking removal protection under the Convention Against Torture initiative in the Third Circuit Court of Appeals, resulting in a successful appeal and a reversal of the Board of Immigration Appeal's ruling for her removal from the U.S. In 2022, she led a team of attorneys to successfully defend a prominent rabbi in Atlanta's Jewish community against claims related to his advisory role to synagogue members which also led to a

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successful result — the rabbi was dismissed from the matter entirely.

REPRESENTATIVE MATTERS

- *Be Our Guest Investments, LLC, v. Piedmont Park Conservancy, Inc.*, No. 2020-CV-334447 (Fulton County Superior Court) (2025) – Trial counsel for the Piedmont Park Conservancy in a contract / construction dispute with a former tenant. The jury found that the plaintiff breached the lease agreement and awarded the Conservancy compensatory damages and attorneys' fees.
- *King v. DePuy Orthopaedics, Inc., et al.*, No. CV-23-00196-PHX-SMB (D. Ariz.) (2024) – Trial support counsel for DePuy Orthopaedics and Johnson & Johnson in hip implant case. Secured a complete defense verdict.
- *Ahmed v. Johnson & Johnson Health Care Systems, Inc. et al.*, No. 1:22-cv-190 (S.D. Ala.) (2024) – Trial support counsel for DePuy Orthopaedics and Johnson & Johnson in a hip implant case. Secured complete defense verdict.
- *Benestad, et al v. Ethicon, Inc., et al.*, No. 0:20-cv-60496 (S.D.Fla.) (2023) – Trial support counsel for Ethicon and Johnson & Johnson in a pelvic mesh case remanded from the MDL proceedings. The plaintiff sought more than $10 million in damages. Secured a complete defense verdict.
- *Dandy v. Ethicon Women's Health and Urology, et al.*, No. 3:20-CV-00431 (D.N.J.) (2023) – Trial support counsel for Ethicon and Johnson & Johnson in a pelvic mesh case remanded from the MDL proceedings. The plaintiff sought more than $10 million in damages. Secured a complete defense verdict.
- *Johnson v. BioSense Webster, Inc.*, No. 19-CV-35 (Eau Claire County, Wis. Cir.) (2023) – Trial support counsel for BioSense Webster, Inc., a subsidiary of Johnson & Johnson, in a catastrophic injury case involving a patient who developed a stroke following a cardiac ablation procedure. Claims against our client resolved mid-trial.
- *Terri Freeman, et al v. Ethicon, Inc., et al.*, No. 2:20-cv-10661-CBM (C.D.CA) (2022) – Trial support counsel for Ethicon and Johnson & Johnson in a pelvic mesh case remanded from the MDL proceedings. The plaintiffs requested $50 million during closing arguments. Secured a complete defense verdict.
- *Delancy v. R.J. Reynolds Tobacco Company*, No. 2008-CA-000067 (Martin County, FL) (2019) – Trial counsel for R.J. Reynolds in a wrongful death case for a long-time smoker's cancer death. The plaintiff sought more than $3 million in compensatory damages as well as punitive damages. Secured a complete defense verdict.
- *Collar v. R.J. Reynolds Tobacco Company*, No. 312011CA000115 (Indian River County, FL) (2019) – Trial counsel for R.J. Reynolds in a personal injury case for a long-time smoker's alleged smoking-related illness. Trial ended in mistrial.
- *Duignan v. R.J. Reynolds Tobacco Company*, No. 13-010978-CI (St. Petersburg, FL) (2018) – Trial counsel for R.J. Reynolds in a personal injury case for a long-time smoker's alleged smoking-related illness. Trial ended in mistrial.
- *Brown v. R.J. Reynolds Tobacco Company*, S. Ct. Civ. No. 2019-0049 (U.S.V.I.) (2018) – Trial counsel for R.J. Reynolds in a wrongful death case for a long-time smoker's cancer death. Large majority of verdict overturned by the Supreme Court of the Virgin Islands in 2022.
- *Gerald v. R.J. Reynolds Tobacco Company*, S. Ct. Civ. No. 2019-0050 (U.S.V.I.) (2018) – Trial counsel for R.J. Reynolds in a wrongful death case for a long-time smoker's cancer death. Large majority of verdict overturned by the Supreme Court of the Virgin Islands in 2022.
- *Kelsey v. R.J. Reynolds*, No. 2007 33215 CICI (Volusia County, FL) (2018) – Trial counsel for R.J. Reynolds in a wrongful death case for a long-time smoker's cancer death. The plaintiff sought more than $20 million in compensatory damages as well as punitive damages. Secured a complete defense verdict.
- Obtained favorable defense verdicts for a global medical device manufacturer as supporting trial counsel in five trials.
- Represented a global pharmaceutical company in ongoing product liability matters arising out of recalled knee injections, including obtaining a favorable defense result on summary judgment.
- Served as counsel for a pelvic mesh manufacturer defending various product liability matters upon remand from an MDL.
- Represented a global medical device manufacturer in a matter involving a neurostimulator device.
- Successfully defended multiple wrongful death claims arising out of alleged negligence by one of Georgia's

largest hospital systems.

AWARDS

- *LMG Life Sciences:* U.S. Rising Star – Litigation & Enforcement (2025)
- DRI G. Duffield Smith Outstanding Publication Award (2025)
- DRI Richard H. Krochock Award (2024)
- *Legal 500 United States* for Product Liability Litigation (2023-2024)
- *Benchmark Litigation*: “40 & Under List” in Georgia (2024-2025)
- Georgia State University Alumni Association: 40 Under 40 Class of 2022
- *Best Lawyers in America*®: Product Liability Litigation – Defendants (2023-2027); Commercial Litigation (2023)
- *Best Lawyers in America®: Ones to Watch*: Commercial Litigation (2021, 2022)
- *Georgia Super Lawyers* “Rising Star” (2018-2020)
- DRI Young Lawyers Committee Award Rookie of the Year (2016)

TOP AREAS OF FOCUS

- Business Litigation
- Health Care + Life Sciences
- Litigation + Trial
- Pharmaceutical + Medical Device Litigation + Counseling
- Product Liability

ALL AREAS OF FOCUS

- Artificial Intelligence
- Business Litigation
- Health Care + Life Sciences
- Litigation + Trial
- Pharmaceutical + Medical Device Litigation + Counseling
- Product Liability

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, The American Law Institute
- Past chair, Defense Research Institute (DRI) Young Lawyers Committee (2022-2023)
- Steering committee member, Defense Research Institute (DRI) Drug and Medical Device Committee
- Vice chair, AI Task Force, Defense Research Institute’s (DRI) Center for Law and Public Policy
- Barrister, Lamar Inn of Court
- Member, Lawyers for Civil Justice
- Past member, Board of Directors, Atlanta Symphony Orchestra
- Past chair and member of the leadership committee, BRAVO of the Atlanta Symphony Orchestra
- Georgia Defense Lawyers Association
- Georgia Association of Women Lawyers

EDUCATION AND CERTIFICATIONS

EDUCATION

- Georgia State University College of Law, J.D., *summa cum laude*, 2012
- Emory University, B.A., 2008

BAR ADMISSIONS

- Georgia
- Florida

COURT ADMISSIONS

- Florida Superior Courts
- Court of Appeals of Georgia
- Georgia Superior Courts
- Supreme Court of Georgia
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Middle District of Georgia
- U.S. District Court, Northern District of Georgia
- U.S. District Court, Southern District of Georgia
- U.S. District Court, Southern District of Florida

SPEAKING ENGAGEMENTS

- Speaker, "Improving Case Strategy Analysis with AI," 2026 DRI Annual Meeting, October 22, 2026.
- Speaker, "AI – Review of Recent Case Law," ABA Life Sciences and Product Liability Seminar, October 21, 2026.
- Speaker, DRI's Artificial Intelligence in Defense Practice: Tools, Prompts, Workflows, Implementation, and Governance Seminar, March 9-10, 2026.
- Speaker, "Zoom Depositions: Early Trial Strategy, Offensive and Defensive Positioning, and Improving Technology," 2025 DRI Drug and Medical Device Seminar, May 9, 2025.
- Speaker, "Masters of Trial," ABA 2024 Professional Success Summit, November 7, 2024.
- Speaker, "AI in Drug Development and Medical Devices: Unpacking Liability Risks in the Life Sciences," American Conference Institute's Drug & Medical Device Litigation Conference, December 4, 2024.
- Speaker, "Embracing AI in Senior Living: Use Cases, Legal Considerations, and Benefits," OHCA Annual Convention 2024: The Art of Innovation, September 18, 2024.
- Speaker, "Tips for Adding Value at Trial No Matter Your Role," 2024 DRI Young Lawyers Seminar, June 13, 2024.
- Speaker, "Psychology of a Jury: Voir Dire, Deliberations & Verdict Trends," Atlanta Bar Association – Litigation Section Breakfast Meeting, January 19, 2024.
- Speaker, "How to Make Your iPad Work for You," DRI's Opportunity Calling Series, March 27, 2023.
- Speaker, "Expert Exposé," ABA's Current Events in Business Litigation Conference – What You Need to Know, February 1, 2023.

- Speaker, “Technology Is Your Ace in the Hole,” 2023 DRI Women in the Law Seminar, January 24, 2023.
- Panelist, “Effective Techniques for Cross Examination of Expert Witnesses,” DRI Webinar, October 12, 2022.
- Speaker, “What Can and Should Jurors Consider When Awarding Damages?,” Sixteenth Annual Judicial Symposium on Civil Justice Issues, October 10, 2022.
- Panelist, “Scientific and Expert Testimony,” ABA’s Bench & Bar Academy, April 4-5, 2022.
- Panelist, “Mediation Strategies and Perspectives: Insurance, Products Liability, and Commercial Practice,” ABA Business Litigation Conference: Getting Down to Business! Examining Emerging Trends in Business Litigation, March 25, 2022.
- Panelist, “Cross-Examination of the Sympathetic Plaintiff in a Personal Injury Case: Plaintiff and Defense Strategies,” Strafford Webinar, February 2, 2022.
- Speaker, “Litigation by iPad: How to be a Tech Whiz In and Out of the Courtroom,” DRI’s 2021 Product Liability Conference, August 21, 2021.
- Panelist, “In-House Counsel: Protecting Legal Privilege When Working With Outside Public Relations Firms,” Strafford Publications, April 22, 2021.
- Panelist, “Return to ‘Normal:’ Post COVID-19 Considerations for Life Sciences, Pharma, and Health Care Companies,” Association of Corporate Counsel Greater Philadelphia 2021 Virtual In-House Counsel Conference, April 22, 2021.
- Speaker, “Cross-Examination of the Sympathetic Plaintiff in a Personal Injury Case: Plaintiff and Defense Strategies,” Strafford Webinar, May 14, 2020.
- Presenter, “Trial Preparation,” DRI Trial Skills Series, April 2019.
- Presenter, “So You’ve Got to Draft a Cross-Examination for Trial . . . Now What?,” DRI Products Liability Seminar, February 7, 2019.
- Presenter, “The Millennial Invasion of Jury Pools,” DRI Drug and Medical Device Seminar, May 10-11, 2018.
- Presenter, “Introduction to Pharmaceutical and Medical Device Litigation,” Defense Research Institute Webinar, November 10, 2015.
- Presenter, “What’s the Score Now? An Update on Medical Device Preemption,” 23rd Annual Product Liability Seminar, State Bar of Georgia, February 25, 2015.
- Presenter, “State Laws Governing HIV Testing in Correctional Settings,” Annual Public Health Law Conference, October 2013.
- Presenter, “Biobanking, Consent, and Certificates of Confidentiality: Does the ANPRM Muddy the Water?,” The Annual Future of Human Subjects Research Regulation Conference, The Petrie Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School, May 18-19, 2012.

PUBLICATIONS

- Host, *The Good Bot: Artificial Intelligence, Health Care, and the Law* Podcast.
- Podcast, “State AGs’ Continued Focus on Enforcement – With or Without AI Legislation,” *Regulatory Oversight* Podcast*,* September 16, 2025.
- Podcast, “AI in Employment: Navigating the Legal Landscape with Lessons from *I, Robot*,” *Hiring to Firing Podcast*, March 25, 2025.
- Author, “AI-Enabled Medical Device Manufacturers: Are You Prepared for Evolving FDA Oversight?,” *Med Device Online*, November 1, 2024
- Co-author, “States Seek AI Guardrails in Health Care,” *Westlaw Today*, July 9, 2024.
- Co-author, “AI in the Operating Room: Liability Issues for Device Makers,” *Law360*, April 16, 2024.
- Co-author, “New FDA Guidance on AI and Medical Products,” *Troutman Pepper*, April 10, 2024.
- Co-author, “Ga. Appeal Shows Benefits of Questioning Jury Instructions,” *Law360*, November 21, 2023.
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Co-author, “Correcting the Pattern: Pattern Jury Instructions Can Be Challenged,” *Troutman Pepper*, October 25, 2023.

- Co-author, “Effective Voir Dire in the Virtual Courtroom,” *For The Defense*, July & August 2023.
- Co-author, “Proposed Amendments to Federal Rule of Evidence 702 Provide Clarification for Courts and Litigants,” *Joint Business Litigation Committee / Cannabis Law & Policy Committee Newsletter*, Spring 2023.
- Podcast, “In House Warrior: Razor Thin – Privilege for Third Parties,” *Corporate Counsel Business Journal,* June 3, 2021.
- Co-author, “Failure to Warn Who? Eleventh Circuit Solidifies Duty to Warn Physicians, Not Plaintiffs,” *DRI: Rx for the Defense*, April 22, 2021.
- Co-author, “Liability Considerations for Manufacturers of Face Masks in the Age of COVID-19,” *The Voice*, July 15, 2020.
- Co-author, “Liability Considerations for Manufacturers of Face Masks Intended for Source Control in the Age of COVID-19,” *Troutman Sanders, June 9, 2020.*
- Co-author, “Guidance for Non-Medical Device Manufacturers to Produce Isolation Gowns,” *Troutman Sanders*, April 22, 2020.
- Co-author, “Considerations for Limiting Liability for Manufacturers and Importers of Masks and PPE During the COVID-19 Crisis,” *Troutman Sanders*, April 9, 2020.
- Author, “*Flowers v. Mississippi*: A *Batson* Guideline for Civil and Criminal Trial Lawyers,” *DRI: The Voice,* July 2019.
- Author, “Adding Value During Jury Selection at Every Level,” *For the Defense*, April 2019.
- Author, “So You’ve Got to Draft a Cross-Examination for Trial—Now What?,” *For the Defense*, March 2019.
- Author, “Who’s on the Hook? The Product Liability Implications of 3D Printing and Patient-Matched Medical Devices,” *DRI: Rx for the Defense*, August 2018.
- Co-author, “Farewell to Extreme Litigation Tourism: A Summer of Personal Jurisdiction Narrowing by the Supreme Court,” *For the Defense*, October 2017.
- Co-author, “Association of HIV Diagnosis Rates and Laws Criminalizing HIV Exposure in the United States,” *AIDS*, June 2017.
- Author, “Keeping Pain and Suffering Out of Wrongful Death Damages,” *DRI: The Voice*, February 22, 2017.
- Co-author, “State Laws Governing HIV Testing in Correctional Settings,” *Journal of Correctional Health Care*, January 2016.
- Co-author, “Certificates of Confidentiality: Protecting Human Subject Research Data in Law and Practice,” 43 J*. L. Med. & Ethics* 594, 2015.
- Co-author, “Novel Claims: How Plaintiffs Are Using Off-Label Promotion of Medical Devices to Avoid Preemption and Dismissal of Their Claims,” *DRI: Rx for the Defense*, March 2015.
- Co-author, “What’s the Score Now? An Update on Medical Device Preemption,” ICLE 23rd Annual Product Liability Seminar, February 25, 2015.
- Co-author, “United States Supreme Court Denies Certiorari to Medtronic,” *IADC Drug, Device, and Biotechnology Newsletter*, July 2014.
- Co-author, “Biobanking, Consent, and Certificates of Confidentiality: Does the ANPRM Muddy the Water?,” *Human Subjects Research Regulation: Perspectives on the Future (Basic Bioethics)*, 2014.
- Co-author, “Biobanking, Consent, and Certificates of Confidentiality: Does the ANPRM Muddy the Water?,” 41 *J. L. Med. & Ethics* 440, 2013.
- Co-author, “Certificates of Confidentiality: Protecting Human Subject Research Data in Law and Practice,” 14 *Minn. J. L. Sci. & Tech.* 11, 2013.
- Co-author, “Certificates of Confidentiality: Legal Counsels’ Experiences With and Perspectives on Legal Demands for Research Data,” *Journal of Empirical Research on Human Research Ethics*, Volume 7, Issue 4, 2012.

MEDIA COMMENTARY

- Mentioned, "Meghan Kelly Does It Again: Defense Verdict in Mesh Suit Is 2nd for Orrick This Year," *New Jersey Law Journal*, May 3, 2023.
- Interviewed, "Manufacturing Masks and Protective Equipment in the Age of COVID-19," Troutman Sanders and Pepper Hamilton COVID-19 Litigation Podcast Series, COVID-19 Resource Center, May 9, 2020.
- Quoted, "Troutman, Smith Gambrell Protect Volunteer PPE-Makers From Legal Liability," *Daily Report*, April 7, 2020.