



## Adam W. Green

Shareholder

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Adam Green serves as national counsel in products liability, toxic exposure, and water treatment-related matters. He chairs the Firm's Global Water Treatment and Legionella Group, where he serves as the national subject matter resource for Legionella and water treatment-related matters.

Mr. Green manages relationships with clients on a national scale and has served as lead counsel in more than 35 states and as strategic counsel for an international clientele. He was recently named national counsel for a global insurer's Water Treatment and Production Program.

He has received the ASSE 12080 Legionella Water Safety and Management Specialist Certification for competencies in environmental testing, risk assessment, water safety and management programs, mitigation and remediation methods, construction and renovation, and case investigation. He is believed to be the only lawyer in the country who has received this designation.

### Representative Matters

#### Legionella and Legionnaire's Disease

- Defended Legionella outbreaks in Mississippi, Ohio, Texas, Louisiana, Illinois, California, and others, including the first reported Legionella action against a chemical water treater, from the trial court through the United States Fifth Circuit Court of Appeals.
- Defended the first reported Legionella wrongful death case against a chemical water treater, from the trial court through the United States Fifth Circuit Court of Appeals.
- Lead counsel in defense of Legionellosis and Legionnaire's Disease cases involving wrongful death and personal injuries incident to sepsis and acute multiple organ failure, including lung and renal issues.
- Successfully examined experts in the fields of epidemiology, public health, mechanical engineering, water chemistry and microbiology regarding issues of exposure, prevention, and control.
- Provided knowledge of guidance documents relevant to Legionella for nosocomial and non-nosocomial exposures.
- Successfully examined state public health officials regarding Legionella outbreaks, causation, control, testing, treatment, and remediation.
- Provided intimate knowledge of the history and development of ASHRAE 188P and ASHRAE 188.
- Conducted extensive work with world-renowned experts in the fields of infectious disease, pulmonology, water chemistry, cooling systems, microbiology, industrial hygiene, chemical engineering, mechanical engineering, and public health.
- Provided knowledge and experience with public health authorities, including the Centers for Disease Control and Prevention (CDC).
- Provided extensive knowledge and familiarity with guidance documents from the Cooling Tower Institute (CTI), Association of Water Technology (AWT), the Centers for Disease Control and Prevention (CDC), and World Health Organization (WHO).

#### Water Technology and Water Treatment

- Defense of multi-million-dollar construction claims arising from corrosion-related failures of mechanical equipment and condenser water systems.

- Consulted and defended disputes relating to a litany of failure modes and causes, including operational errors, design issues, improper commissioning and passivation, inadequate cycling, over-firing, inadequate hydraulic balancing, improper layup, inadequate water flow, dead legs, and stagnation.
- Secured complete dismissal and an award of attorney's fees in corrosion-based failures of system water piping in HVAC, process cooling, and fire water systems.
- Lead counsel in successful defense of claims arising from failures incident to caustic gouging, flame impingement, erosion corrosion, improper material selection, and lack of legacy knowledge.
- Served as counsel in construction litigation involving personal injuries and wrongful death claims, including defense of alleged OSHA, NIOSH, and ANSI violations; risk management assessment; delay claims; indemnification disputes; and premises defects.
- Defended complex disputes, including contractual indemnity claims involving general contractors, HVAC mechanical subcontractors, architects, engineers, pipe suppliers, building maintenance, and water treaters.
- Authored and negotiated performance-based and health-based water treatment service agreements.
- Consulted about and defended issues incident to lead contamination and E. coli bacteria.
- Lead counsel in non-disclosure and non-solicitation disputes.
- Authored and represented parties in non-competition disputes.

### **Cooling Technology and Corrosion Science**

- National defense of the catastrophic failure of condenser water systems and mechanical equipment.
- Lead counsel in cooling technology cases involving the catastrophic failure of condenser water systems and mechanical equipment.
- Lead counsel in matters relating to industrial and commercial cooling through open- and closed-loop systems, large- and small-bore condenser water pipes, boiler water, and heat exchangers.
- Obtained outright dismissal and an award of attorney's fees after serving as lead counsel in multi-million-dollar claims incident to chemical water treatment.

### **Mass Actions and Multidistrict Litigation**

- Successfully defended mass actions on a national scale.
- Secured dismissals of national mass action products liability litigations.
- Secured outright denial of national multidistrict litigation (MDL) from the Texas Supreme Court.
- Prevailed in *forum non conveniens* dismissals for nationwide docket of claims filed in Texas and Nevada.
- Secured outright denial of national mass actions from the Nevada Supreme Court.
- Prevailed in securing venue transfers of multicounty mass actions, thus defeating improper aggregation of claims.

### **Products Liability**

- Secured a complete defense judgment in Idaho and Michigan based on the nuanced application of the Economic Loss Rule.
- Successfully defended products liability mass actions with hundreds of claims in more than 35 states, with landmark victories in the Nevada Supreme Court and the Texas Supreme Court, including the defense of a \$25 million California class action.
- Successfully defended more than 300 products liability actions on a national scale.
- Achieved a full defense decision in products liability arbitration proceedings.
- Represented a consumer products manufacturer in a complex product liability matter wherein statutory indemnity rights were contested and secured.
- Provided counsel in products cases involving standards from the American Society for Testing of Materials (ASTM), the International Association of Plumbing and Mechanical Officials (IAPMO), and National Science Foundation (NSF).

## Toxic Tort

- Successfully defended exposure-induced wrongful death and serious personal injury claims incident to bacteria, pesticides, urethanes, polymers, biocides, asbestos, and others.
- Lead counsel in defense of claims of chemically induced diseases incident to exposures to urethanes, polymers, ethers, and biocides against national chemical manufacturer.
- Defended Amyotrophic Lateral Sclerosis matters.
- Lead counsel in defense of global pesticide and fumigant manufacturer in exposure fatalities resulting from restricted use pesticides.
- Lead counsel in full defense of gluteraldehyde exposure-induced Spasmodic Dysphonia and Dysphagia.
- Lead counsel in full defense of exposure-induced Thrombotic Thrombocytopenic Purpura.
- Defended national product, premises, employer, equipment, and respiratory protection defendants in complex asbestos, benzene, and silica litigation.
- Defended employers, premises owners, and product manufacturers against personal injury and wrongful death claims arising from chemical and dust exposures.
- Defended pharmaceutical manufacturer from claims of personal injuries resulting from ingestion-based injuries and death.

## Transportation

- Successfully represented railroad carrier in claims involving derailments and services failures arising from rail defects.
- Defended mass tort action arising from acrylamide release from container cars.
- Defended railroad crossing fatalities and crossing closure actions.
- Defendant Federal Employers Liability Act disputes.
- Lead counsel in defense of personal injuries claims incident to rail cars.
- Defended aviation company in litigation involving multiple-fatality plane crash involving allegations of pilot error, mechanical failure, negligent maintenance, and failure to secure cargo.

## Fire-Related Loss

- Lead counsel in products liability fire cases involving various standards under the American Society for Testing of Materials (ASTM) and the National Fire Protection Association (NFPA).
- Lead counsel in catastrophic fire loss involving flame-retardant insulation.
- Lead counsel in catastrophic fire loss from a candle, resulting in complete dismissal and award of indemnity.
- Obtained dismissal of claims arising from a catastrophic fire loss claim in the subrogation context following engagement of experts focused on accelerant patterns and flame-retardant capabilities.

## Real Estate

- Successfully tried a real estate agency dispute against a national realty firm involving breach of fiduciary duties, failure to disclosure, fraud, and violations of the Texas DTPA.
- Lead counsel for real estate brokers and agents involving fee disputes.
- Lead counsel for landlord-tenant disputes.
- Successfully defended municipality involving property rights, including water runoff, drainage, land elevations, trespass, and adverse possession.



## Professional Honors & Activities

- ASSE 12080 Legionella Water Safety and Management Specialist Certification
- Member – Association of Water Technologies
- Member – Cooling Technology Institute
- Listed in *The Best Lawyers in America*® for Mass Tort Litigation/Class Actions – Defendants (2023, 2024) and Product Liability Litigation - Defendants (2024)
- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell (2006 – 2023)
- Houston's Top Lawyers, *H Texas Magazine* (2011 – 2022)

- America's Most Honored Professionals Award (2016)
- Texas' Top-Rated Lawyers, *Legal Leaders* (2014) – Construction Law, Products Liability, Commercial Litigation
- Faculty – Environmental Risk Strategies Institute, University of Houston (2011)
- Former Faculty – International Institute of Environmental Risk Management, Texas State University
- Presenter – Product Liability & Emerging Toxic Torts, University of Houston (2011)
- Keynote Speaker – "Legal Perspectives in Occupational Medicine," University of Texas School of Public Health (2010)
- Instructor – Nanotechnology, I2ERM (Summer 2008)
- Instructor – Product Liability & Emerging Toxic Torts, I2ERM (Spring 2008)
- Instructor – Vapor Intrusion: A Volatile Legal Horizon (Winter 2006)
- Instructor – Mold Litigation: Insurance Claims, Construction Defects and Personal Injuries (Spring 2005)
- Environmental Risk Manager Certification (2005)



## Publications

- "EPA Issues New Proposed PFA Drinking Water Regulations" (March 2023)
- "Protecting Stagnant Water Systems from Water Related Deterioration," with Bob Cunningham of International Water Consultants and John Muller, IAPMO, Association of Water Technologies (September 2022)
- "Continuous Maintenance: A Status Update on Legionella Regulations," with Bob Cunningham of International Water Consultants and John Muller, IAPMO, Association of Water Technologies (September 2022)
- "A Status on Legionella Regulations," with Bob Cunningham of International Water Consultants and Christoph Lohr, IAPMO, and Matthew Kim, Baker Donelson, Cooling Technology Institute (February 2022)
- "Planning to Fail – Comprehensive Water Treatment Specifications are a Must!," with Robert J. Cunningham, International Water Consultants (February 2020); *Cooling Technology Institute Journal* (Winter 2022)
- "How a Shared Responsibility Agreement Can Improve Cooling Water Treatment and Address Liability Concerns," *The AWT Analyst*, Volume 28, Number 1 (Winter 2021)
- "Improving Cooling Water Treatment Performance and Vendor Liability Concerns through the Implementation of a Shared Responsibility Management Agreement," with Kenneth Soeder, CWT, Jamestown Technologies Division; John D. Caloritis, CWT, The Metro Group, Inc.; Michael J. Highum, CPCU, McGowan Insurance Group; and Garret Garcia, Masters Company, Inc. (October 2020)
- "Shutdowns & Stagnant Water: Impact of Coronavirus on Building Owners," republished in *National Engineer* (March 24, 2020)
- "Coronavirus: Impact on Water Treatment," republished in *National Engineer* (March 20, 2020)
- "Cybersecurity and Cooling Technology: What You Need to Know," *Cooling Technology Institute Journal* with Aldo Leiva (Winter 2020)
- "A Landmark Legionella Lawsuit: A Case Study Highlighting the Legal, Mechanical and Microbiological Factors," *Cooling Technology Institute Journal* with Bob Cunningham and Amy Champagne (Winter 2019)
- "System Failures Unrelated to Water Chemistry," *Cooling Technology Institute Journal* with Pat Guccione, Vol. 40, No. 1 (Winter 2019)
- "The Rest of the Story: You Have Treated Your Cooling Tower – What Can Go Wrong?," *Cooling Technology Institute Journal* with Robert J. Cunningham, TP19-16 (Summer 2019)
- "It's Not Me, It's You: System Failures Unrelated to Water Chemistry," with Pat Guccione, Cooling Technology Institute (2017); *The AWT Analyst*, Volume 25 Number 4 (Fall 2018)

- "Failure of Water Handling Systems & Managing the Resulting Liability," *Cooling Technology Institute Journal* with Robert J. Cunningham (Summer 2017)
- "Failure of Building Water Systems: How to Plan for Success and Manage Liability," Bob Cunningham and Adam Green, *Cooling Technology Institute*, TP17-22 (2017), *CTI Journal*, Volume 38, No. 2, pp. 68 – 74 (Summer 2017)
- "A Landmark Legionella Lawsuit: A Case Study Highlighting the Legal, Mechanical and Microbiological Factors," Bob Cunningham and Adam Green, as part of a series with Dr. Janet Stout – *Cooling Technology Institute* (2017)



## Speaking Engagements

- "Legal Consequences of Legionella," Annual Managers Meeting, Las Vegas, Nevada (January 2023)
- "Legal Perspectives in Water Treatment," Annual Meeting, Jacksonville, Florida (December 2022)
- "Protecting Stagnant Water Systems from Water Related Deterioration," with Bob Cunningham of International Water Consultants and John Muller, IAPMO, Association of Water Technologies Convention, Vancouver, Canada (September 2022)
- "Continuous Maintenance: A Status Update on Legionella Regulations," with Bob Cunningham of International Water Consultants and John Muller, IAPMO, Association of Water Technologies Convention, Vancouver, Canada (September 2022)
- "A Status Update on Legionella Regulations," with Bob Cunningham of International Water Consultants and Christoph Lohr, IAPMO, *Cooling Technology Institute Annual Conference*, Houston, Texas (February 2022)
- "What Employers Need to Know When Classifying Works as Independent Contractors," with Karen Smith, Baker Donelson, Association of Water Technologies Convention, Providence, Rhode Island (September 2021)
- "Post-COVID considerations in the Workplace," with Karen Smith, Baker Donelson, Association of Water Technologies Convention, Providence, Rhode Island (September 2021)
- "Legionella Lawsuit Allegations: What They're Saying," Association of Water Technologies Conventions, Providence, Rhode Island (September 2021)
- "Non-Competition Agreements and Executive Order 14036," Association of Water Technologies Convention, Providence, Rhode Island (September 2021)
- "The Future of Water is Now!," AWT Annual Convention, Louisville, Kentucky (October 2020)
- Garratt-Callahan, Addison, Texas (March 2020)
- Garratt-Callahan, Marietta, Georgia (February 2020)
- "Contract Considerations for Water Treatment," AWT Business Owner's Meeting, Clearwater, Florida (February 2020)
- Garratt-Callahan, Nashville, Tennessee (January 2020)
- "The Standard of Care: How Good Do Treaters Have To Be?," Association of Water Technologies 2019 Annual Convention & Exposition, Palm Springs, California (September 2019)
- "Selling Your Business: Tax, Business and Transactional Issues," Association of Water Technologies 2019 Annual Convention & Exposition, Palm Springs, California (September 2019)
- "Business Succession Planning Begins With Your Organizational Documents," Association of Water Technologies 2019 Annual Convention & Exposition, Palm Springs, California (September 2019)
- Keynote Speaker – "Legionella: Small Bugs, Big Risks," 2019 Suez Northeast Water Technical Seminar, Bethlehem, Pennsylvania (June 18, 2019)
- "Running Your Business: Using Financials To Make Business Decisions and Tax Strategies for Small Businesses," AWT Business Owner's Meeting with Rob Wollfarth, New Orleans, Louisiana (February 21 – 22, 2019)
- "Making the Right Hire," CTI Annual Conference with Karen Smith, New Orleans, Louisiana (February 11 – 14, 2019)
- Panelist – "Ask the Expert," CTI Annual Conference, New Orleans, Louisiana (February 11-14, 2019)



- "Cybersecurity & Cooling Technology: What You Need to Know," CTI Annual Conference, New Orleans, Louisiana (February 11 – 14, 2019)
- "The Rest of the Story: You Have Treated Your Cooling Tower – What Can Go Wrong?," CTI Annual Conference, New Orleans, Louisiana (February 11 – 14, 2019)
- Panelist – "Best Practices for Water Treatment Program Performance Guidelines – A Long Overdue Update by Industry," CTI Annual Conference, New Orleans, Louisiana (February 11 – 14, 2019)
- "Legionella Risk Mitigation Strategies," American Society of Plumbing Engineers, Atlanta, Georgia (October 2018)
- Panelist – Legionella Panel Discussion, AWT Annual Conference, Orlando, Florida (September 26 – 29, 2018)
- "Non-Competition Agreements," AWT Annual Conference, Orlando, Florida (September 26 – 29, 2018)
- "Making the Right Hire," AWT Annual Conference, Orlando, Florida (September 26 – 29, 2018)
- "It's Not Me, It's You: System Failures Unrelated to Water Chemistry," AWT Annual Conference, Orlando, Florida (September 26 – 29, 2018)
- "Legionella Litigation on the Rise – The Science, Industry Response, Law and Defense Strategies," International Association of Defense Counsel (June 2018)
- "Legionella: Small Bugs, Big Risks," American Society of Plumbing Engineers, Phoenix, Arizona (April 2018)
- "Ask the Expert," Cooling Technology Institute's 2017 Annual Conference, Houston, Texas (February 7, 2018)
- "System Failures Unrelated to Water Treatment Chemistry," with Pat Guccione – Cooling Technology Institute's 2018 Annual Conference, Houston, Texas (February 5, 2018)
- Panelist – "A Landmark Legionella Lawsuit," Water Treatment Panel Discussion, Cooling Technology Institute's 2018 Annual Conference, Houston, Texas (February 5, 2018)
- "Legal Perspectives in Water Treatment and Legionella," ETI Annual Conference, Charleston, South Carolina (November 2017)
- "Failure of Water Handling Systems and Managing the Resulting Liability," Association of Water Technologies Annual Conference with Bob Cunningham, Grand Rapids, Michigan (September 13 – 16, 2017)
- "Failure of Building Water Systems: How to Plan for Success and Manage Liability," Cooling Technology Institute's 2017 Annual Conference, New Orleans, Louisiana (February 2017)
- Panelist – "Legionella Update 2017," Water Treatment Panel Discussion, Cooling Technology Institute's 2017 Annual Conference, New Orleans, Louisiana (February 2017)
- "Ask the Expert," Cooling Technology Institute's 2017 Annual Conference, New Orleans, Louisiana (February 2017)
- 2011 Environmental Risk Management Conference, Texas State University (2011)
- "Products Liability & Emerging Toxic Torts," 2011 Environmental Risk Strategies Conference, University of Houston (2011)
- "Legal Perspectives in Occupational Medicine," 2010 University of Texas School of Public Health, Houston, Texas (2010)
- 2008 Environmental Risk Management, Nanotechnology (Summer 2008)
- "Vapor Intrusion," 2008 Environmental Risk Management Conference, Steamboat Springs, Colorado (2008)



## Webinars

- Puzzled by Legionella Lawsuits?, Wednesday Webinar with Special Pathogens Laboratory (November 2020)
- FFCRA And The New CARES Act: What Do They Mean for Employers and SBA Loans? (March 2020)

- Legal Perspectives for Water Treatment, Magnus (December 2020)
- Legal Perspectives for Water Treatment, WaterTech (December 2019)



## Education

- South Texas College of Law, J.D., 2000
- University of Texas at Austin, B.A., 1996



## Admissions

- Texas, 2000
- U.S. District Court for the Southern District of Texas