



Diane Fleming Averell

Principal

Morristown, NJ | Philadelphia, PA

T: (973) 889-4150

E: DFAverell@pbnlaw.com

Diane Averell is a member of the firm's Management Committee. Diane strives to serve the best interests of her clients by understanding their specific business, vision, and strategic goals. She works to understand the business environment behind the case in order to define what will constitute a “win” for her clients. Armed with this insight, Diane is a fearless advocate and works tirelessly to defend her clients while respecting their business objectives.

Diane has handled business-to-business disputes and defended personal injury claims on behalf of publicly traded companies, privately held corporations, and family-owned enterprises. She has significant experience defending corporations in wide-ranging industries as national, regional, and local counsel in asbestos and other toxic tort related litigation in jurisdictions across the U.S. Diane also manages and litigates a wide variety of transportation matters involving passenger and commercial vehicles. She served as national coordinating litigation counsel to a global manufacturer of advanced engineered solutions and services for transportation, logistics, and distribution industries. Representing manufacturing companies, Diane has defended product liability claims related to prescription and over-the-counter drugs, industrial chemicals and minerals, petroleum products, automotive parts, trucking equipment, industrial machinery, construction equipment, power tools, and tobacco products. Although she handles all aspects of complex litigation, her passion is working with toxicologists, epidemiologists, and physicians to defend her clients' products on the issues of general and specific causation. Diane has tackled medical and scientific literature related to a wide range of human cancers (bladder, liver, kidney, prostate, breast, ovarian, uterine, lung, leukemia and non-Hodgkin's lymphoma) as well as stroke and cardiac disease. The culmination of her careful research and preparation is the strategic and surgical depositions of the plaintiffs and their experts, always with an eye towards summary judgment or eliminating the claims remaining for trial.

Recognitions

No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. For ranking methodologies, please see [here](#).

- BTI Client Service All-Stars (2020 and 2022)
- *The Best Lawyers in America*® – Mass Tort Litigation / Class Actions - Defendants (2020-2025); Product Liability Litigation - Defendants (2020-2025)
- New Jersey Super Lawyers® (2016-2024)
- New Jersey Rising Stars® (2009,2010, and 2013)

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- *New Jersey Law Journal* - 40 Under 40 (2011)

Memberships

- Foundation Board Member, International Association of Defense Counsel, February 2021 - present.
- Member, International Association of Defense Counsel, May 2014 - present.
- Defense Research Institute, National Director, 2019 - 2022.
- Defense Research Institute, Toxic Tort and Environmental Law Committee, Chair of Marketing for 2014 - 2016 Seminars.
- Defense Research Institute, Women in the Law Committee, 2010 to present. Chair of the Committee 2017 - present; Vice Chair of the Committee 2015 - 2017; Chair of 2015 Women in the Law Seminar; Vice Chair of the 2014 Seminar; Chair of Marketing for the 2013 Seminar; Vice-Chair of Marketing for 2012 Seminar; Networking Chair for Seminars in 2009 - 2011.
- Defense Research Institute, Center for Law and Public Policy, Member of the Issues and Advocacy Committee, 2013 - 2015.
- Defense Research Institute, Vice Chair of the Partnering with Industry Groups Task Force, 2013 - 2015.
- E. I. du Pont de Nemours & Company Primary Law Firm Network - Litigation Principal, New Jersey; Member of Marketing and Referral Committee. DuPont Women Lawyers Network; Co-Chair of Marketing and Referral Committee.

News

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- 26 Porzio Attorneys Recognized in *The Best Lawyers in America*® 2025 Edition; 6 Listed as *Best Lawyers: Ones to Watch*®, 8/15/2024
- 18 Porzio Attorneys Named to 2024 New Jersey Super Lawyers® and Rising Stars® Lists, 3/25/2024
- 27 Porzio Attorneys Recognized in *The Best Lawyers in America*®; *Best Lawyers: Ones to Watch*®, 8/17/2023
- Twenty Porzio Attorneys Recognized in 2023 New Jersey Super Lawyers and Rising Stars Lists, 5/11/2023
- 24 Porzio Attorneys Recognized in *The Best Lawyers*® in America, 2023 Edition, 8/18/2022
- 22 Porzio Attorneys Selected for Inclusion on 2022 New Jersey Super Lawyers List, 4/06/2022
- Porzio Continues Expansion With Philadelphia Office Opening, 4/01/2022
- Diane Fleming Averell Named to the BTI Client Service All-Stars 2022, 2/10/2022
- Congratulations To The 23 Porzio Attorneys Recognized In *Best Lawyers*® In America, 2022, 8/19/2021
- Diane F. Averell and Eric L. Probst Named to 2020 BTI Client Service All-Stars, 12/09/2020

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- Porzio Principal Diane Averell Elected a National Director of DRI, 10/28/2019
- Congratulations To The 23 Porzio Attorneys Recognized In Best Lawyers In America, 2020, 8/15/2019
- Diane Averell Recognized in NJBiz Best Fifty Women in Business, 2/19/2018
- Diane Averell Appointed as Chair of the DRI Women in the Law Committee, 10/07/2017
- Sharing Success: Principal Diane Averell Interviewed by DRI, 5/16/2017
- Porzio's Litigation Practice Profiled by New Jersey Law Journal, 11/15/2016

Articles

- Defending "Serial Litigation": How to Develop and Implement a Plan to Coordinate Legal Strategy and Minimize Legal Spend, April 2022
- Defending 'Serial Litigation': How to Coordinate Strategy and Minimize Legal Spend, 4/08/2021
- Reimagining Togetherness During the Pandemic, 9/17/2020
- A Case Study in Diversity: STRATEGIC ALLIANCES, 9/04/2019
- So A Funny Thing Did Happen on the Way to the Forum, The Directions for Personal Jurisdiction Challenges Just Got Easier, Spring 2018
- Tooley's Trail of Trepidation: The Impact of the Tooley Decision on Asbestos-Related Claims against Employers, 3/01/2016
- Location, Location, Location: Drafting Enforceable Forum-Selection Clauses under Atlantic Marine, 2/01/2015

Events

- Protecting Your Employees and the Workplace: Minimize Their Internet Footprint and Reduce Identity Theft, 1/31/2024
- Porzio's Seventh Annual Ethics & Eggs, 12/07/2023
- Porzio's Women's Initiative Network's Ethics & Eggs Seminar 2021, 12/09/2021
- Porzio Business Owners Symposium Series: Managing Strategic Partnerships/Joint Ventures, 4/07/2017
- Porzio Attorneys to Present at NBI's Advanced Employment Law Seminar, 12/07/2016
- Porzio Business Owners Symposium Series: Changes Affecting Business Utilization of Independent Contractors, 4/15/2016

Speaking Engagements

- "Practical Steps for Improving Your Organization's Diversity, Equity, Inclusion, and Belonging Initiatives," Porzio's Seventh Annual Ethics & Eggs CLE Seminar, 12/07/2023

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- Moderator, "Managing a Crisis and Cultivating Inclusion: The Starbucks Story," IADC 2021 Virtual Mid-Year Meeting, February 15-19, 2021.
- Moderator, "Becoming an Active Ally to Black Women: How to Get Involved, Increase Your Diverse Attorneys, and Educate Others About Racial and Social Injustice," IADC Diversity, Equity and Inclusion Committee Panel Discussion, October 8, 2020.
- "Ethical Parameters of Cybersecurity Investigations," Porzio Ethics & Eggs Seminar, Morristown, NJ, November 22, 2019.
- "Stop Pitching and Start Listening: The Key to Building Authentic Relationships," 2019 DRI Annual Meeting, New Orleans, LA, October 16-19, 2019.
- "Women and Diversity Leadership: Building and Sustaining Diversity Excellence," 2019 DRI Managing Partners and Law Firm Leaders Conference, Denver, CO, September 5, 2019.
- Moderator, "A View From The Bench: Ethical Approaches to Litigation and Settlement, Porzio Ethics & Eggs Seminar, Morristown, NJ, November 30, 2018.
- "We're Not (Staying) in Kansas Anymore – Winning The Personal Jurisdiction Challenge", The Trial Network SuperCourse, Laguna Beach, CA, April 21, 2018.
- "Product Liability - 10 Years After *Sinclair v. Merck*," New Jersey Institute for Continuing Legal Education, New Brunswick, NJ, November 29, 2018.
- "Insight Into the Mind of a Trial Lawyer: An International Perspective," IADC Annual Meeting, Quebec, Canada, July 12, 2017.
- "Managing Strategic Partnerships/Joint Ventures," Business Owners Symposium Series, Morristown, NJ, April 7, 2017.
- Panelist, "Corporate Litigation Update," NJ Corporate Counsel Institute, New Brunswick, NJ, February 17, 2017.
- "Preparing for Electronic Discovery in Litigation," National Business Institute, Newark, NJ, December 7, 2016.
- "Social Media Legal Issues for Owners - Take off Your Marketing Hat and Put on Your Owner Hat," Business Owners Symposium Series, Morristown, NJ, June 17, 2016.
- Moderator, "Partnering with Your Clients," 2016 DRI Toxic Tort and Environmental Law Seminar, New Orleans, LA, March 17, 2016.
- "Cyber Security," *The New Jersey Law Journal's* In-House Counsel CLE program, Florham Park, NJ, September 15, 2015.
- Moderator, "The Year In Review: Significant Judicial Decisions And Litigation Trends In Toxic Torts And Environmental Law of 2013," 2014 DRI Toxic Tort and Environmental Law Seminar, New Orleans, LA, February 20, 2014.
- "Don't Waste Our Money: Advice from In-House Attorneys on How to Manage a New Matter in a Shifting Legal Environment," Moderator, 2012 DRI Women in the Law Seminar, Scottsdale, AZ, February 23, 2012.
- "Preparing for the Deposition of Plaintiff's Expert: Getting Behind the CV," Defense Research Institute, New York, NY, May 12, 2005.

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Practices

- Litigation

Area of Focus

- Life Sciences Litigation
- Product Liability
- Toxic and Environmental Tort
- Transportation and Motor Carrier Defense

Industries

- Chemical
- Manufacturing

Industry Focus Areas

- Medical Device

Relevant Experience

- Trial counsel for chemical manufacturer in the defense of product liability claims based on alleged exposure to aromatic amines.
- Science counsel for chemical manufacturer in the defense of product liability claims arising out of alleged exposure to aromatic amines.
- Counsel for two major chemical manufacturers in the New Jersey asbestos litigation, including product and premises liability claims.
- Counsel for petroleum product manufacturers, specialty material manufacturers, and paint manufacturers in the defense of product liability claims arising from alleged exposure to benzene derivatives.
- Lead counsel for flexible packaging manufacturer in commercial litigation.
- Co-counsel for chemical manufacturer in the defense of product liability claims arising out of alleged exposure to dry cleaning solvents.
- Lead counsel for specialty chemical manufacturer in the defense of product liability claims in federal district court for the Western District of New York.
- Lead counsel for air spring manufacturer in the defense of product liability claims filed in Pennsylvania Court of Common Pleas, Philadelphia County.
- Co-counsel for HVAC system manufacturer and a design/installation company in the defense of commercial litigation arising out of alleged breach of contract and defect claims.

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- Co-counsel for power tool manufacturer in the defense of a product liability/subrogation claims related to an alleged defects in an air compressor.
Lead counsel for manufacturer of anti-corrosion products in the defense of product liability claims.
- Co-counsel for major pharmaceutical company in the defense of product liability claims arising out of the ingestion of prescription hormone therapeutics.
- Co-counsel for major pharmaceutical company in the defense of product liability cases arising out of the ingestion of over-the-counter cough/cold medications.
- Co-counsel for major pharmaceutical company in the defense of product liability cases arising out of the ingestion of diet drug medications.
- Co-counsel for tobacco company in the defense of wrongful death/product liability claims filed in Pennsylvania Court of Common Pleas, Philadelphia County.

Bar Admissions

- New Jersey, 2000
- Pennsylvania, 2000

Court Admissions

- United States District Court, Eastern District of Pennsylvania, 2000
- United States District Court, District of New Jersey, 2000

Education

- *Villanova University Charles Widger School of Law*
J.D., 2000
- *Villanova University*
B.A., 1997
cum laude