



Carl D. Smallwood

Partner | Columbus Office

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Mr. Smallwood is a partner in the Vorys Columbus office and a member of the litigation group. He represents clients in litigation, arbitration and mediation of employment-related injury, wrongful termination and toxic exposure disputes. He appears throughout Ohio on behalf of self-insured and state-funded employers in the defense of intentional tort and retaliatory discharge litigation arising under the Ohio Workers' Compensation Act and serves as trial counsel to several companies defending asbestos products liability litigation.

Career highlights include:

- Substantial jury trial experience in accounting negligence actions, medical malpractice actions and claims for workplace injury/toxic exposure
- Defending and obtaining a summary judgment, upheld on appeal, in a product liability action arising from an alleged in utero chemical/solvent workplace exposure resulting in complex chromosomal rearrangement/birth defects in a pregnant employee's offspring. See *Kerns v. Hobart Brothers Company*, (2nd Dist. 2008) No. 2007 CA-32, 2008-Ohio-2242, app. den. 2008-Ohio-5273.
- Defending and obtaining summary judgment in a claim of chemical exposure to N-hexane and methyl ethyl ketone (MEK) allegedly causing polyneuropathy and organic brain disease
- Substantial litigation experience in toxic tort matters, with particular skill in explaining complex scientific issues to judges and juries and in challenging dubious methodologies under *Daubert* (see *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993) and *Valentine v. Conrad*, 110 Ohio St. 3d 42 (2006))
- Familiarity with many of the statistical and modeling approaches used by litigation experts and experienced in identifying flawed assumptions that may underlie such analyses

Practice Areas

Labor and Employment
Litigation

Industries

Manufacturing
Restaurants, Food, and Beverage
Retail
Transportation and Logistics

Education

The Ohio State University Michael
E. Moritz College of Law, J.D.,
1980
The Ohio State University, B.S.,
1977

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- Taking and defending numerous expert depositions and managing expert teams evaluating complex issues of medical causation, ventilation engineering, industrial hygiene, exposure assessment, hazard communication, and computer modeling

Mr. Smallwood is a member of the American Bar Association, the Ohio State Bar Association, the Columbus Bar Association, and the John Mercer Langston Bar Association.

Mr. Smallwood is a frequent speaker to clients and trade associations on matters involving employment-related injury litigation and diversity and inclusion in the legal profession.

Mr. Smallwood received his J.D. from The Ohio State University Michael E. Moritz College of Law and his B.S. from The Ohio State University where he was Beta Gamma Sigma.

Professional and Community Activities

Law & Leadership Institute LLC, President, 2009-2012

Gladden Community House, Board of Directors, 2009-present

National Conference of Bar Presidents, Executive Council, 2006-2009, 2010-present; Treasurer, 2011-present

Managing Partners' Diversity Initiative Advisory Committee, Chair, 2007-2009; Member, 2001-2010

American Bar Association, House of Delegates, 2002-2006

Metropolitan Bar Caucus, President, 2004-2005; Executive Committee, 2001-2006

American Bar Association, Standing Committee on Bar Activities and Services, 2004-2006

American Bar Association Bar Leadership Institute, past faculty member and moderator

Columbus Bar Association, President, 2000-2001; Board of Governors, 1994-2002

The Ohio State University Alumni Advisory Council, 2010-present

The Ohio State University Michael E. Moritz College of Law Black Law Alumni Society, President, 1996

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The Ohio State University Michael E. Moritz College of Law Alumni Association, President, 1997-98

The Ohio State University Moritz College of Law National Council, 1998–2008

Ohio State Bar Association, Council of Delegates, 1993–present, Litigation Section Board of Governors, 2000-2003

The Ohio State University, Moritz College of Law, Adjunct Professor in Trial Advocacy, 1998-1999

Columbus Bar Foundation, Fellow since 1990

Central Ohio Association of Civil Trial Attorneys, President, 1986-1987

Honors and Awards

The Best Lawyers in America, Mass Tort Litigation/Class Actions - Defendants, 2012

The Best Lawyers in America, Product Liability Litigation - Defendants, 2012

Columbus CEO, Top Lawyers in Columbus, 2010-2012

Distinguished Service Award, The Ohio State University, 2010

Columbus Bar Association Award for Promoting Diversity within the Legal Profession, 2010

Ohio Super Lawyers, Civil Litigation Defense, 2004-2012

Ohio Lawyer's Weekly Lawyer of the Year, 2001

The Ohio State University Alumni Association, Inc. Josephine Failer Award, 1994; Heinlen Award, 2003

Columbus Urban League, Award of Excellence, 2001

Capital University Law School Black Alumni Association, David D. White Award, 2001

Events

2012 Martin Luther King, Jr. Celebration-Generational Conversation

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Bar and Court Admissions

Ohio

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio