



Susan E. Smith

San Francisco Office Managing Principal

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Susan maintains a national litigation practice focused on toxic tort, drinking water contamination, and related insurance coverage.

She defends environmental claims, counsels on environmental regulatory matters, advocates for companies before regulatory authorities and in investigations, and guides clients through incident response and clean up with a focus on minimizing the threat or impact of future litigation.

Susan has more than 20 years of experience defending clients in various industries against claims alleging personal injury as a result of chemical or toxic exposures. She has litigated claims for Legionnaires' disease, chemical burns and inhalation, carbon monoxide poisoning, and exposure to lead, formaldehyde, mold, and other potentially harmful substances. She also advises on related insurance coverage issues and product liability claims.

Her experience includes representing clients facing Legionnaires' disease investigations, claims and lawsuits in more than 20 states. These efforts have resulted in favorable court rulings for her clients, including those affirmed in *Russell v. Call/D, LLC*, 122 A.3d 860 (2015).

Susan is the Managing Principal of Beveridge & Diamond's San Francisco office.

Education

- University of California - Santa Cruz (B.A., *with Honors*, 1993)
- Lewis & Clark (J.D., 1997)

Bar Admissions

- California
- District of Columbia
- Maryland
- Pennsylvania
- Washington

Court Admissions

- U.S. Court of Appeals - D.C. Circuit
- U.S. Court of Appeals – Fourth Circuit
- U.S. District Court - Maryland
- U.S. District Court – Eastern District of Michigan
- U.S. District Court – Western District of Washington

Professional Affiliations

- Maryland Defense Counsel Inc.: Chair, Lead Paint Committee, 2015; Board Member and Co-Chair, Negligence and Insurance Committee, 2008; Co-Founder and Co-Chair, First-Party Bad Faith Litigation Task Force, 2007
- Claims and Litigation Management Alliance, Co-Chair, Maryland/DC Local Chapter, 2012-2014

Community Involvement

For many years, Susan acted as the Site Captain for Project Clean Stream, the largest cleanup event in the Chesapeake Bay region.

Honors & Awards

- *The Legal 500*, recognition in Environmental Litigation (2019-2023)

Representative Matters

Susan's experience includes:

- Obtaining a defense verdict in an environmental contamination case involving medical, scientific, and real estate issues, with damages upward of \$3 million.
- Obtaining a summary judgment order in favor of a defendant being sued on the basis that the plaintiff had allegedly contracted Legionnaires' disease due to negligent management of an apartment building.
- Favorably settling a product liability case involving mold and formaldehyde exposure in a recreational vehicle.
- Winning dismissal of claims against a commercial food establishment in a case involving 23 plaintiffs and their exposure to carbon monoxide, which resulted in permanent brain damage.
- Defending a distributor of industrial safety supplies in a 25-plaintiff case alleging silica and asbestos exposure.

- Defending a national bank in a bystander exposure asbestos case, resulting in favorable resolution.
- Favorably resolving multiple wrongful death and personal injury claims against a property manager stemming from a Legionnaires' disease outbreak at a senior housing project.

Outside the Office

Susan enjoys kayaking in her free time and is happiest when she's in close proximity to the water.

Publications

March 5, 2024

2024 Litigation Look Ahead Series: In Property Takings Cases, Court Must Strike Careful Balancing Act Between Regulating Land Use, Protecting Property Rights

Beveridge & Diamond

February 27, 2024

2024 Litigation Look Ahead Series: Challenges to Administrative Law Judges, Judicial Review Process Could Limit Executive Power

Beveridge & Diamond

February 20, 2024

2024 Litigation Look Ahead Series: Increased Application of Major Questions Doctrine Could Limit Regulatory Authority

Beveridge & Diamond

February 13, 2024

2024 Litigation Look Ahead Series: 40 Years of *Chevron* Deference, Administrative Law Precedent Hangs in the Balance

Beveridge & Diamond

January 31, 2024

CalRecycle Seeks Stakeholder Feedback on Single-Use Packaging EPR Program

Beveridge & Diamond

January 9, 2024

MoCRA Update for Starting the Year Off Right

Beveridge & Diamond

November 16, 2023

MoCRA Enforcement Pushed Six Months

Beveridge & Diamond

October 12, 2023

California's Transformational Single-Use Packaging EPR Law Moves Toward Implementation

Beveridge & Diamond

August 10, 2023

Cosmetic Product Registration and Listing Under MoCRA Comes Closer

Beveridge & Diamond

July 31, 2023

California Employers are not Liable for the Spread of COVID-19 to Household Members

Beveridge & Diamond

January 12, 2023

Environmental Developments to Watch in California in 2023

Beveridge & Diamond

October 27, 2021

5 Takeaways on Crisis Planning & Response from ACC Annual Meeting Presentation

Beveridge & Diamond

Updated August 18, 2021

Ten Environmental Topics to Watch in the New Infrastructure Bill

Beveridge & Diamond

June 16, 2021

Oregon Increases Access to Historical Insurance Assets for Cleanup Liabilities

Beveridge & Diamond

September 17, 2020

EPA Proposes New, More Flexible Clean Water Act Affordability Guidance for Public Utilities

Beveridge & Diamond

March 27, 2020

EPA Policy Provides Enforcement Relief Where Needed Due to Pandemic

Beveridge & Diamond

Updated March 10, 2020

Coronavirus: OSHA Considerations for Employers

Beveridge & Diamond

