

Rising Star: Shook Hardy's Brent Dwerlkotte

By Jessica Corso

Law360 (June 6, 2022, 2:02 PM EDT) -- Shook Hardy & Bacon LLP partner Brent Dwerlkotte has played a role in successfully resolving high-dollar tort litigation and in helping defend one of the must-watch product liability cases of 2022, earning him a spot among the environmental attorneys under age 40 honored as Law360 Rising Stars.

HIS BIGGEST CASE:

Dwerlkotte said the biggest case of his career so far is one that he is currently working on in federal court in South Carolina.

There he is helping to oversee nearly 500 cases brought against 3M, DuPont and other manufacturers of firefighting foam, also called aqueous film forming foam, which plaintiffs allege contaminated drinking water.

Dwerlkotte is a member of the defendants' coordinating counsel in the multidistrict litigation, which Law360 has cited as one of the must-watch product liability cases of 2022.

"One of the things that makes this MDL so complex and interesting is the various types of cases that are included: personal injury, medical monitoring, personal property, state sovereignty cases and water utility cases," Dwerlkotte said. "So you really have the whole gamut of types of actions you can have all in one MDL."

One of the water utility cases he is overseeing in the MDL is slated to go to trial in March, he said.

OTHER NOTABLE CASES:

Shook named Dwerlkotte as a partner at the firm in March 2020, and he has been busy over the past two years, winning a number of court victories for his clients.

Last July, he successfully secured summary judgment on a \$2

2022



Brent Dwerlkotte
Shook Hardy

Age: 37

Home base: Kansas City, Missouri

Position: Partner

Law school: University of Missouri – Kansas City School of Law

First job after law school: Law clerk to U.S. District Judge Scott Wright of the Western District of Missouri

billion bad-faith claim brought against his client, Zurich American Insurance.

Zurich was sued by Fluor Corp., which was seeking coverage for lead contamination suits. A Missouri federal judge threw out the company's bad-faith claim against the insurer on the first day of trial. Dwerlkotte served as co-lead and trial counsel for Zurich on the case.

In February, he helped win the voluntary dismissal of a proposed class action against his client, Florida Crystals Corp., and others in the sugar industry accused of contaminating South Florida neighborhoods during pre-harvest sugar cane burning.

In March, he was co-lead counsel for Monsanto when it signed a \$550 million preliminary settlement that is set to end a lawsuit brought by Long Beach, California, and other American municipalities over alleged water contamination.

WHAT MOTIVATES HIM:

Dwerlkotte said he gravitated towards environmental and mass tort law as a young attorney because he found the work challenging.

The plaintiffs side is usually "very smart and talented and well-financed," and regulations change "almost on a daily, weekly, monthly basis," he said.

"What you knew last month may not even be all that relevant for what happens this next month," he said. "So you're having to keep up to speed on a lot of different things, not just nationwide but at a state level."

HIS PROUDEST MOMENT:

When he isn't working on high-dollar-value cases, Dwerlkotte spends his working hours as pro bono counsel for prisoners in civil rights cases. He said those cases represent some of the proudest moments he's had as an attorney.

He first started taking on those cases as a way of getting trial experience, but now he tells young attorneys that taking on prisoner rights cases is a way to show people who feel disheartened by the justice system that there are those willing to help.

He said one of his early clients even said he was going to get a tattoo of Dwerlkotte's face on his arm — though he isn't sure if the client followed through.

"He was so excited that somebody actually took the time to work on his case and put a lot of time into his case," Dwerlkotte said. "He couldn't believe somebody would actually do that."

ON THE FUTURE OF HIS PRACTICE:

Environmental regulations are changing on a "nearly weekly basis" at both the federal and state levels, Dwerlkotte said.

The constantly evolving state of regulations coupled with deep-pocketed plaintiffs attorneys means the country will likely continue to see an uptick in environmental and mass tort litigation, Dwerlkotte said.

— *As told to Jessica Corso*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2022 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of April 30, 2022, to be eligible for this year's award. This interview has been edited and condensed.

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