Jessica P. Butkera

MARYLAND (METROPOLITAN D.C.)



Jessica P. Butkera is a partner in the firm's Maryland (Metropolitan D.C.) office. Her general litigation practice includes product liability, general & premises liability, professional liability, employment law, construction, motor vehicle/motor carrier and environmental toxic tort matters. Ms. Butkera also has extensive experience in defending professional negligence claims.

With her broad litigation experience and numerous accomplishments – she has tried nine jury trials and dozens of bench trials and obtained summary judgment seven times – Ms. Butkera handles complex lawsuits in Maryland and the District of Columbia for a wide range of clients in various industries including commercial properties, property management, hospitality, manufacturers, retail, amusement parks, stadiums, construction, automobile and trucking. She has extensive experience in all phases of litigation and works with her clients from the claim stage and onset of litigation through trial or settlement, coordinating their legal strategy, personally overseeing site and product inspections and managing all aspects of discovery, depositions, experts, motions, mediation, and trial.

Ms. Butkera is admitted to practice in Maryland and the District of Columbia, as well as the U.S. District Court for the District of Maryland and the U.S. District Court for the District of Columbia.

She is an active member of many legal and professional organizations, including the Maryland State Bar Association, Bar Association of Baltimore City, and the District of Columbia Bar and has served on the Board of Trustees of the Baltimore Bar Foundation since 2016. She is also a member of Maryland Defense Counsel, Inc. and the National Association of Professional Women.

Ms. Butkera maintains an AV-Preeminent rating from Martindale-Hubbell. She was named to the Maryland *Super Lawyers list* in 2022 and 2023 after being listed as a *Rising Star* annually since 2013. From 2018 to 2020, Ms. Butkera was selected to *America's Top 100 Civil Defense Litigators* and *Top 100 High Stakes Litigators* for Maryland. In 2016, she was selected by The National Trial Lawyers for its *Top 40 Under 40* list.

She received her B.A., *cum laude*, from The George Washington University in 2002 and her J.D. from the University of Maryland School of Law in 2007. While in law school, Ms. Butkera won the National Championship of the National Trial Competition and was an editor and published author of the *Maryland Law Review*. Immediately following law school, she clerked for the Hon. Audrey J.S. Carrion in the Circuit Court of Baltimore City, Maryland.

Publications

"Maryland Adopts Daubert Standard," (Author), CLM Magazine News and Updates, October 2020

"Marijuana Odor Not Sufficient for Search of Person," (Author), CLM Magazine News and Updates, September 2020

"Sending Smoke Signals: What You Need to Know About Electronic Cigarettes, and Why They Are the Next Mass Tort," (Author), CLM Magazine, November 2019

"Outbreak of Severe Pulmonary Disease Linked to E-Cigarette Use: The Makings of a Mass Tort?" (Co-Author), American Bar Association Mass Torts Litigation Newsletter – Winter 2020, October 24, 2019

"FDA Focuses on Youth E-Cigarette Use as Juul Comes Under Fire in Civil Litigation" (Co-Author), DRI Toxic Torts and Environmental Law Newsletter, Vol. 21, Issue 3, December 14, 2018

"Evidence Must Show What is Fact and What is Just Opinion" (Co-Author), American Bar

Association Mass Torts Litigation Practice Point, September 4, 2018
"Taking and Defending Corporate Representative Depositions: A Primer" The Maryland Litigator, June 2018
"When the Vapors Clear — Potential Toxic Tort Litigation from E-Cigarettes," The Baltimore Barrister, May 2017 (updated and republished in the American Bar Association Toxic Torts and Environmental Law Newsletter, Winter 2018; and the DRI Toxic Torts and Environmental Law Newsletter, Vol. 20, Issue 3, Fall 2017)
"Maryland Employers Lose Again: The Maryland Court of Appeals' Interpretations of the Workers Compensation Act and Other Relevant Statutes," Maryland Law Review, 2006

Presentations

"Applying the Rules of Evidence: What Every Attorney Needs to Know" (Presenter), National Business Institute Seminar, Rockville, Maryland, October 25, 2019
"Advanced Uninsured/Underinsured Motorist Law," National Business Institute, Timonium, MD, September 27, 2018
Panelist, The University of Maryland School of Law, Judicial Clerkship Panel, 2011, 2013
Panelist, The University of Maryland School of Law, Small Firm Panel, 2009

Webinars

"The Use of E-Cigarettes: Recent Updates from the CDC and Pending Litigation" (Presenter), GS Toxic Tort and Environmental Law Webinar, December 19, 2019
"The Evolution and Epidemic of E-Cigarettes" (Co-Presenter), GS Toxic Tort and Environmental Law Webinar, February 21, 2019

Podcasts

Contributor, "Vape Pens: Toxic Time Bombs?," Timely Notice, September 24, 2019

PRACTICE AREAS

- D&O Litigation
- Long Term HealthCare Litigation
- Medical Malpractice
- Professional Liability & Licensure
- Employment & Discrimination
- Product Liability
- General & Premises Liability
- Construction
- Motor Vehicle
- Motor Carrier
- Mass Tort Litigation
- Environmental Law

REPRESENTATIVE MATTERS

Premises Liability

Following a two-week trial, successfully obtained a defense verdict in Baltimore City for a contractor of a professional sports stadium in a premises liability matter
Following a one-week trial, successfully obtained a defense verdict for a restaurant in a premises liability matter
Successfully obtained a defense verdict in Baltimore City for a local, professional sports team in a premises liability and negligent security case
Obtained summary judgment in the United States District Court for the District of Maryland for a music venue in a civil

sexual assault/premises liability/negligent security case
Obtained summary judgment in Howard County for a hotel chain in a premises liability case

Construction

Obtained judgment as a matter of law (a/k/a directed verdict) against a prominent New York real estate development firm four days into a $2.3m lead abatement construction dispute in the Circuit Court for Baltimore County
Obtained summary judgment in the Superior Court of the District of Columbia in a construction premises liability case

Automobiles and Trucking

Obtained summary judgment in an automobile accident defense matter
Secured a directed verdict on behalf of an insured driver in a multi-vehicle collision

Medical Malpractice

Secured a dismissal in a medical malpractice case on the basis that the Plaintiff had not complied with the Health Claims statute by first filing in the Health Claims Alternative Dispute Resolution Office (HCADRO)
Successfully obtained a defense verdict for a hospital in a medical-malpractice informed consent case
Following a one-week trial, successfully obtained a defense verdict for a hospital in a medical-malpractice emergency medicine and abdominal surgery matter

Miscellaneous Litigation

Recovered a client's defense costs and fees after successfully utilizing a Rule 68 Offer of Judgment in Superior Court in the District of Columbia, obtaining a jury verdict that was less than the client's pre-trial written settlement offer
Obtained summary judgment in Alleghany County in a civil lawsuit brought against a water and wastewater utility company
Obtained summary judgment in the Circuit Court for Talbot County on behalf of a leading mortgage financer in a negligence and conversion case
Obtained summary judgment in the Circuit Court for Baltimore City on behalf of a landlord in dispute with a tenant regarding the City's Housing Code and MD's CDCA and PCA

EDUCATION

The George Washington University (B.A., *cum laude*, 2002)

University of Maryland School of Law (J.D., 2007)

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