

Matt Bush



Matt Bush of Kirkland & Ellis LLP is helping Johnson & Johnson defend against multidistrict litigation alleging that its baby powder caused cancer and defended Dow Chemical in a soil contamination case, earning him a spot among the product liability law practitioners under age 40 honored by Law360 as Rising Stars.

“One thing I really like about products liability is that it’s almost like a whodunit with the lawyers being the detectives. In most product liability cases, there’s no dispute that somebody was hurt, but there’s the question of what caused that harm and why.”

The biggest case of his career:

Estimated to make up as much as 15% of the entire federal docket, the biggest case of Bush’s career is the ongoing talc MDL against Johnson & Johnson over claims its baby powder caused consumers’ cancer.

Bush, who helps lead the national coordinating counsel team for J&J in the MDL, said the “mind-bogglingly” large case is the heftiest in the country with more than 67,000 claims still pending.

“It is this sprawling, complex sort of beast,” he said, and it is challenging “trying to manage and handle all this going on in so many different courts

with so many different cases, and at the same time across all these different jurisdictions with different procedural rules and different substantive law.”

Bush said managing the different facets of the case is like looking at a chess board, but his team has managed to generate several notable recent wins for their client, including seven defense verdicts and two hung juries, while only giving up two plaintiffs’ verdicts, with one of those a relatively modest \$250,000 award.

In addition to helping manage nationwide defense strategy for J&J, Bush argues high-stakes motions dealing with expert opinions and qualifications, and also handles

posttrial motions and appellate briefs, according to Kirkland.

The most interesting case he’s worked on recently:

Bush said he has been working on a disqualification issue in the talc MDL involving a former outside counsel for J&J who switched sides and started his own mass torts resolution company working with plaintiffs’ counsel against J&J.

Bush argued in three cases in Pennsylvania, Illinois and Florida that the plaintiffs’ attorney should be disqualified from the respective cases for having worked with the former J&J attorney.

"In all three cases, the court disqualified the other side or revoked their pro hac application," he said. "Courts have now said that was an ethical violation for the opposing counsel to collaborate with our former lawyer against J&J."

During an evidentiary hearing for the Florida case, Bush said he had to conduct a direct examination of his own client, Erik Haas, who is the worldwide head of litigation at J&J.

"It was a unique experience to be able to put up my own client on direct and have him present testimony directly to the court," he said. "And then on the flip side, I did a cross-examination of our opposing counsel, which is I just think a unique and rare experience."

He added, "A lot of times you're thinking during arguments, boy, I wish I could get our opposing counsel on the stand and ask him a few questions, and this was an opportunity to actually do that."

His proudest moment as an attorney:

Bush said his proudest moment was defending Dow Chemical Co. against MDR Hotels at a September 2025 bench trial over claims that an abandoned oil well operated by Dow in the 1940s and 1950s allegedly caused contaminated soil at the hotel site.

"When you're a defendant, you just have to show that the other side hasn't met their burden," he said. "So we showed that not only did this hotel company not demonstrate that our client caused the problems they were experiencing, but we affirmatively proved that it was actually the plaintiff

and their own contractors that caused the problem."

The case was significant for Bush because it was his first time serving as first chair litigator at trial, and it turned out to be a blowout win for his client, as the judge ruled in Dow's favor on three different grounds.

"The judge ruled not only had they failed to prove causation, but that the contractor's own conduct was a superseding, intervening cause, so we actually flipped the script and proved the case against the other side," he said. "Having done this as my first time as first chair, doing opening statements, closing, cross-examining the witnesses, and then getting that win was a really proud moment for me."

Why he's a product liability attorney:

Bush said there are two reasons he likes doing what he does: He enjoys the mystery of defending product liability cases and figuring out why someone was injured, and the practice offers opportunities for younger attorneys like him.

"One thing I really like about products liability is that it's almost like a whodunit with the lawyers being the detectives," he said. "In most product liability cases, there's no dispute that somebody

was hurt, but there's the question of what caused that harm and why."

Digging into the facts of the case interests Bush, he said, as do the scientific aspects of any given case.

"I really like being almost like a scientific detective and going through the medical records and the various facts and just figuring out what was really the cause of this person's harm," he said.

In addition, because of the sprawling nature of many of the cases, junior attorneys get the opportunity to gain firsthand knowledge by taking depositions, arguing motions, examining witnesses at trial and helping prepare opening statements.

"Those things really happen in the product liability world, and you get those opportunities much younger than I think you otherwise would," he said. "So I really like the overall ability to learn how to be a litigator and to learn from my mentors and the other more senior lawyers at the firm who are just so skilled at what they do."

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