



## Thomas P. Bernier

Partner

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Assistant(s): Mallie J. Cookus



Biography

Thomas Bernier is a partner and trial attorney in DeHay & Elliston's Toxic Tort and Environmental Practice Groups and serves as the firm's National Legionnaires' Disease Litigation Coordinating Counsel. He is certified as a water safety and management specialist by American Society of Sanitary Engineers (ASSE) and is the first and likely only attorney in the country defending Legionnaires' disease claims holding this certification. With more than four decades of experience successfully defending complex and high-profile civil and criminal cases in the state and federal courts throughout Maryland and Washington, D.C., and in other parts of the country, he focuses his civil practice on the defense of toxic tort actions against companies in a wide range of industries, with particular concentration on claims alleging exposure to Legionella, asbestos, lead paint, carbon monoxide, and mold. Tom also has extensive experience defending personal injury, premises liability, and product liability. He is a frequent author and presenter on personal injury defense and other topics in his areas of concentration. For additional information on DeHay & Elliston's Legionnaires' disease defense practice, go to: <http://Legionnairesdefense.com>

Further demonstrating his trial prowess and litigation capabilities, Tom has litigated hundreds of serious criminal cases over the past 40-plus years, including two capital cases. He is the author of Defending Allegations of Sexual Child Abuse in Maryland, an original treatise published in 2004 that highlights a subspecialty of his criminal practice and is used by the District Court of Maryland in the training of District Court Commissioners. Tom has been asked to testify before the House and Senate Judiciary Committees of the Maryland General Assembly on matters of criminal law and evidence, and he has counseled the writing staff of NBC's Law and Order: Special Victims Unit on the perspective of a defense attorney in a sex crimes case and on technical accuracy of potential script ideas.

Working pro bono on the ABA "Death Penalty Project," Tom obtained a life-without-parole verdict in death penalty resentencing jury trial in Miller County, Arkansas as part of a three-lawyer defense team.

In January 2024, Tom completed the Maryland State Bar Association's mediation training course required to mediate cases for the circuit and district courts of Maryland and has expanded his practice to include mediation services. With 40 years of litigation experience practice –17 representing plaintiffs and 23 representing defendants – he has developed a unique understanding of both the plaintiff and defense perspectives in contested cases. Because he has tried over a hundred jury trials to verdict, Tom also fully appreciates the costs and uncertainty of taking a case to verdict. He has participated in hundreds of mediations and evaluated and settled thousands of cases. Additionally, decades of experience litigating complex, multidefendant cases has also imparted Tom with the skill to navigate the myriad contribution and indemnity issues inherent in cross-and third-party claims between joint tortfeasors. Tom has been appointed by Circuit Court for Baltimore County as a Court approved mediator. He is available for both in-person and virtual [mediation sessions](#).

Bar Admissions

Maryland  
District of Columbia  
U.S. District Court for the District of Maryland  
U.S. District Court for the District of Columbia  
U.S. Court of Appeals for the Fourth Circuit

Education

University of Baltimore School of Law, J.D.,  
University of Notre Dame, B.A.,

Associations & Memberships

Maryland State Bar Association  
District of Columbia Bar Association  
Maryland Program for Mediator Excellence (MPME)

Honors

Martindale-Hubbell Peer Judicial and Review Rating:  
AV Preeminent; Top-Rated Lawyer in Mass Torts  
(2014-16) and Insurance Law (2014-16)

Best Lawyers in America  
- Lawyer of the Year (Baltimore), 2018, 2020  
- Product Liability Litigation - Defendants, 2016-24  
- Insurance Litigation, 2016-24

Expert Network Distinguished© Lawyer  
Top 100 Trial Lawyers in Maryland, American  
Academy of Trial Attorneys  
Maryland Super Lawyers, 2014-24  
Selected for Rue Ratings' "Best Attorneys of  
America"  
Top 100 Litigation Lawyers in Maryland, American  
Society of Legal Advocates

Community

Chief Hearing Officer, Baltimore Department of  
Human Resources Civil Service Commission (2006-  
2018)  
Peer Review Committee Member, Attorney  
Grievance Commission of Maryland  
Mentor, University of Baltimore School of Law  
Mentor Program  
Running coach for 2012 Olympic pentathlon  
competitor  
Member, Board of Trustees Oldfields School

Practices

General Negligence  
Premises Liability  
Products Liability  
Toxic Torts