

Sharla J. Frost

Partner

sharla.frost@tuckerellis.com



education

Baylor Law School (J.D.), 1987;
Leon Jaworski Scholarship
Southeastern Oklahoma State
University (B.A.), *with honors*,
1984; Parsons Scholar

services

Mass Tort & Product Liability
Medical & Pharmaceutical Liability
Bankruptcy
Insurance
Construction

Sharla J. Frost has more than 30 years of experience defending clients in complex, multiparty product liability trials in state and federal courts around the United States. She has successfully defended clients in high-risk cases, serving as first chair trial counsel in more than 60 jury trials.

Having served on national trial teams for clients involved in asbestos, silica, talc, and pharmaceutical liability litigation, Sharla tries cases all across the country, working closely with local counsel in jurisdictions outside of her own licensing. She has been admitted as trial counsel *pro hac vice* in California, Florida, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Nevada, New Jersey, New York, Oregon, Rhode Island, South Carolina, and Washington.

In addition to this work, she handles product liability matters in industries including roofing, construction, chemical, pharmaceutical, and medical products, and has served as an agreed mediator for highly contested toxic exposure matters. She serves as an expert witness in select cases involving legal fees and indemnity issues arising from product liability disputes.

Former president of Litigation Counsel of America, Sharla is also admitted to membership in the American Board of Trial Advocates. She seeks to improve the professional standing of women lawyers and entrepreneurs through her work with bar associations, law schools and colleges, and community organizations. She speaks and writes extensively on topics including the jury system, the need for strong business networks for young lawyers, and issues of particular

interest to women lawyers such as career strategy and business development.

Ranked in *Chambers USA 2020* for her work in Product Liability & Mass Torts (Nationwide), Sharla is widely praised for her work handling toxic tort litigation, including disputes arising from asbestos exposure. Sources agree that "she understands the asbestos world inside and out." *Chambers USA 2020* also includes Sharla in its Product Liability: Toxic Torts Spotlight Table (Nationwide) as one of only four lawyers recognized for excellence in defending toxic tort matters, with particular expertise in asbestos liability litigation.

Asbestos Personal Injury

Sharla provides practical, cost-effective strategies in defending personal injury, premises liability, and wrongful death lawsuits relating to asbestos exposure. Over the course of her career, she has obtained nine defense verdicts, including two in living mesothelioma cases. She is well-read on medical and scientific studies and literature relevant to the litigation of state-of-the-art issues in that area.

Industrial Exposure Allegations

Familiar with toxic exposure litigation including asbestos, benzene, lead, chemicals, talc, and welding fumes, Sharla has a stellar reputation for resolving claims relating to workplace exposure allegations.

Pharmaceutical Products Liability

Sharla collaborates closely with clients to establish and incorporate strategies to successfully navigate the stringent regulations related to compliance, labeling, marketing, recalls, and litigation. She uses dialogue, arbitration, mediation, and other forms of alternate dispute resolution to resolve issues, but, whenever necessary, tries cases in state or federal courts throughout the country.

Contested Bankruptcy Litigation

Sharla handles both adversary proceedings and contested bankruptcy matters. She defends motions for relief from stay with the bankruptcy court, contested claims submission, and motions to assume or reject executory contracts.

First-Party Insurance Fraud

Recognizing that insurance fraud is responsible for soaring premium rates, Sharla conducts comprehensive investigations to try to avoid litigation. When litigation becomes necessary, she aggressively defends clients against false claims by insureds involving issues including automobile, property and personal injury, workers' compensation, health insurance, and residential and commercial property claims.

Construction Defect Allegations

Sharla serves a range of clients, including those involved in large commercial and industrial projects, as well as school districts, homeowners associations, and individuals. She has litigated cases involving structural defects, property damage, personal injury, mechanics' liens, and loss caused by delays.

state admissions

- Texas (1987)
- Oklahoma (2001)
- Colorado (2002)
- West Virginia (2002)
- Mississippi (2005)
- Supreme Court of Mississippi

federal admissions

- Supreme Court of the United States
- United States Court of Appeals, Fifth Circuit
- United States District Court, Northern District of Mississippi
- United States District Court, Southern District of Mississippi
- United States District Court, Western District of Oklahoma
- United States District Court, Southern District of Texas
- United States District Court, Western District of Texas
- United States District Court, Eastern District of Texas
- United States District Court, Northern District of Texas
- United States District Court, Southern District of West Virginia

experience

- Obtained defense verdict in pharmaceutical failure to warn case in Connecticut state court (2018)
- Obtained defense verdict as first chair trial counsel for a living mesothelioma talc exposure case in California state court (2017)
- Served as first chair trial counsel for a wrongful death case in Florida federal court, involving alleged injury from aviation engines; case settled after three weeks of trial (2016)
- Served as first chair trial counsel for a living mesothelioma case in Los Angeles, California, involving respiratory protective equipment; case resulted in plaintiff verdict, which is on appeal (2016)
- Served as first chair trial counsel for mesothelioma death case in Cook County, Illinois, involving brake parts; case settled during hearings on motions *in limine* (2015)
- Served as first chair trial counsel for a living mesothelioma case in McClain County, Illinois, involving brake parts; case settled during pretrial hearings (2015)
- Served as first chair trial counsel for mesothelioma case in the Supreme Court of the State of New York, involving building products; case settled during jury selection (2015)
- Served as first chair in peritoneal mesothelioma death case in the United States District Court of Massachusetts, involving spray-on fireproofing product; plaintiff verdict issued, though still favorable for the clients (2014)
- Served as first chair in mesothelioma death case (last remaining defendant) in the United States District Court of Missouri, involving spray-on fireproofing; case settled during jury selection (2014)
- Served as first chair in living mesothelioma case in the Circuit Court of Multnomah County, Oregon, involving building products; case settled during jury selection (2013)
- Obtained defense verdict as first chair in lung cancer death case, involving respiratory equipment, in the Circuit Court of Claiborne County, Mississippi (2013)
- Served as trial counsel for living mesothelioma case in the Supreme Court of the State of New York, involving building products; case settled during jury selection (2013)
- Served as first chair for client in the consolidation of six mesothelioma cases in the Supreme Court of the State of New York, involving building products; case settled after 16 weeks of trial (2012)
- Served as first chair in living mesothelioma matter in the Superior Court of Alameda County, California, involving building products; case settled after jury selection (2012)

- Served as first chair in wrongful death case in the Jefferson Circuit Court, Division Eleven (11) of Louisville, Kentucky, involving building products; case settled during jury selection (2012)
- Served as first chair in living mesothelioma matter in the Superior Court of Washington for Snohomish County, involving auto-dealer premise liability; case settled during first week of trial (2012)
- Served as first chair for client in the consolidation of 11 mesothelioma cases in the Supreme Court of the State of New York, involving building products; case settled after six weeks of trial (2011)
- Served as senior trial counsel in case involving alleged breach of employment contract and fraud in the inducement to sales contract in Harris County, Texas; case disposed of by successful motion for summary judgment; plaintiff's appeal dismissed by the 14th Court of Appeals (2011)
- Obtained defense verdict as first chair in pleural mesothelioma death case, involving building products, in the State Court of Forsyth County, Georgia (2011)
- Served as first chair for client in the consolidation of seven mesothelioma cases in the Supreme Court of the State of New York, involving building products; case settled after five weeks of trial (2011)
- Served as lead trial counsel in mesothelioma death case in the United States District Court Southern District of New York, involving building products; case settled after motions *in limine* (2011)
- Served as first-chair trial lawyer in silicosis/lung cancer death case in the Circuit Court of the Second Judicial District of Jones County, Mississippi; case settled during *voir dire* (2010)
- Served as senior trial counsel in alleged breach of contract for the provision of personal care at an assisted living facility and medical malpractice in the 190th Judicial District of Harris County, Texas; case decided in favor of defendant on basis of motion for summary judgment; appealed in the Court of Appeals, Fourteenth District of Texas; verdict affirmed (2010)
- Served as first-chair trial lawyer in a mesothelioma case in the Superior Court of California for the County of Los Angeles; case settled during jury selection (2010)
- Served as first chair for parent company in a contested bankruptcy confirmation in the United States Bankruptcy Court Southern District of New York (2009)
- Obtained defense verdict as first chair in living mesothelioma, household exposure case in Metcalfe County, Louisville, Kentucky (2007)
- Obtained defense verdict as first chair in deceased mesothelioma case in Los Angeles County, California (2006)
- Served as first chair in living mesothelioma case in Los Angeles County, California; case settled during trial (2006)
- Served as first chair for client among multiple living asbestosis claimants in Ector County, Texas; case settled during trial (2005)
- Obtained defense verdict as first chair in living asbestosis case in Harris County, Texas (2005)
- Served as first chair in two living asbestosis cases in Gregg County, Texas; obtained defense verdict for the first case; plaintiff verdict for the second case: \$100,000 with no punitive damages (2005)
- Obtained defense verdict as first chair in living asbestosis case in Harris County, Texas (2005)
- Served as first chair in living mesothelioma case in Jefferson County, Texas; case settled after jury selection (2004)
- Served as first chair in deceased lung cancer case in the Supreme Court of the State of New York, New York City; case settled during trial (2003)

- Served as first chair in living mesothelioma case in Brazoria County, Texas; case settled during trial (2003)
- Served as first chair in living mesothelioma case in Dallas County, Texas; case settled during trial (2003)
- Served as first chair in living household mesothelioma case in Los Angeles County, California; case settled during trial (2002)
- Served as first chair in living mesothelioma case in Galveston, Texas; case settled during trial (2002)
- Served as first chair in case involving five non-malignant asbestos plaintiffs in Galveston, Texas; case settled during trial (2002)
- Served as first chair in living mesothelioma case in Marion County, Indianapolis, Indiana; case settled during trial (2002)
- Obtained defense verdict as first chair in living mesothelioma case in Tarrant County, Texas (2002)
- Served as first chair in case involving seven asbestosis claimants in Holmes County, Mississippi; case settled during trial (2001)
- Served as first chair in a deceased mesothelioma case in the Superior Court of the State of Washington for King County; case non-suited following jury selection (2001)
- Served as first chair in case involving 10 household asbestos exposure claimants and one industrial exposure claimant in Jefferson County, Texas; obtained nine defense verdicts; one award in favor of asbestosis plaintiff; one case settled during jury deliberation (2001)
- Served as co-counsel in a case involving four non-malignant asbestos claimants in Dallas County, Texas; case settled during trial (2001)
- Served as first chair in case involving 22 claimants with various asbestos-related disease allegations in Jefferson County, Texas; plaintiff verdict against all remaining defendants (2001)
- Served as second chair in case involving mesothelioma claimant in Brazoria County, Texas; case settled during trial (2001)
- Served as first chair in deceased lung cancer case in Brazoria County, Texas; plaintiff verdict; however, percentage against client below threshold for joint and several liability; no punitive damages (2000)
- Served as first chair in case involving 20 asbestosis claimants in Harris County, Texas; case dismissed because client filed for bankruptcy (2000)
- Served as first chair in two deceased lung cancer cases in Gregg County, Texas; plaintiff's verdict for one case only (2000)
- Obtained defense verdict as first chair in case involving asbestosis claimant in Travis County, Texas (1999)
- Obtained three defense verdicts as first chair in case involving four asbestosis claimants in Milam County, Texas; no past damages or punitive damages assessed in plaintiff award (1999)
- Served on trial team and conducted the *voir dire* for client in living mesothelioma case in Dallas County, Texas; plaintiff verdict (1999)
- Served as first chair in case involving 16 non-malignant plaintiffs in Lamar County, Texas; case settled after jury selection (1999)
- Served as first chair in case involving asbestos exposure in the Judicial District of Galveston County, Texas; case settled after jury selection (1995)
- Served as first chair in case involving asbestos exposure in Federal District Court, New Orleans, Louisiana; case settled after jury selection (1994)

- Served as first chair in the largest all-issues asbestos trial in the United States with 289 individual claimants in Harris County, Texas; plaintiff verdict; case later overturned on appeal (1990-1991)
- Obtained three defense verdicts as first chair in case involving four asbestosis claimants in Harris County, Texas (1990)
- Served as second chair in construction defect case for roofing product in Harris County, Texas; case settled during jury deliberations (1990)
- Served as first chair in living asbestosis case in Morris County, Texas; plaintiff verdict for \$140,000 (1990)
- Served as first chair in trichloroethane exposure case in Calhoun County, Texas; case settled during jury deliberations (1990)
- Served as second chair in first-party insurance dispute arising from an alleged commercial arson in Harris County, Texas; plaintiff verdict (1989)

publications & events

SPEAKING ENGAGEMENTS

- "Litigation Endgame: Women on the Trial Team," DRI's Defense Lawyers Asbestos Symposium, Boston, Massachusetts (November 2019)
- Women's Entrepreneur Seminar, Guest Speaker, Southeastern Oklahoma State University, Durant, Oklahoma (October 2019)
- "Training the Young Lawyer to Take Depositions," DALs 2019, New Orleans, Louisiana (June 2019)
- "What Will Your Story Be?," Keynote Speaker, Academic Top Ten Percent, McCurtain County, Oklahoma (April 2019)
- "Closing Arguments: Connecting with Your Audience," DRI's Women in the Law Seminar, San Diego, California (January 2019)
- "The Trial Lawyers Symposium," DRI's Defense Lawyers Asbestos Symposium, Austin, Texas (November 2018)
- "Trial Counsel: How They Depend on the Court Reporter from Deposition to Trial and Beyond," National Court Reporters Association Convention & Expo, New Orleans, Louisiana (August 2018)
- Trial Lawyer Panel, Defense Asbestos Litigation Seminar 2018, Nashville, Tennessee (June 2018)
- "Motions, Objections and Preserving the Record," Texas State Bar CLE Series (December 2016)
- "If I Could Pass Along One Important Lesson," 21st Annual Litigators Forum, Women Lawyers Association of Los Angeles, Los Angeles, California (April 2016)
- "Considering Your Audience: How to Package Your Case to Persuade Your Jurors," DRI Asbestos Medicine Seminar, Las Vegas, Nevada (November 2015)
- "Southeastern: You're Here! Now What?," Southeastern Oklahoma State University (September 2015)
- "Cross Examination Tips and Materials to Use to Establish the Liability of the Plaintiff Employer," Defense Asbestos Litigation Seminar (DALs) 2015, Las Vegas, Nevada (June 2015)
- "Mastering the Mass Tort Docket: How to Bring Order to Chaos – Management Models, Special Masters and Consolidated Dockets," DRI Asbestos Medicine Seminar, San Francisco, California (November 2014)
- War Stories, Verdicts & Witness Stories," Panelist, The Defense Asbestos Litigation Seminar: A Practical Guide for Winning Lung Cancer Cases at Trial, Las Vegas, Nevada (June 2014)

- “Hot Topics in International Dispute Resolution,” Panelist, DRI International, Amsterdam, Netherlands (May 2014)
- “Mock Trial Closing Statements,” Perrin Asbestos Litigation Conference – A National Overview & Outlook, San Francisco, California (September 2013)
- Bank of America 2nd Annual Roundtable Summit, Panelist, Charlotte, North Carolina, April 8 (April 2013)
- “Seismic Shifts in Consumer Class Action Litigation: Clarity Begets Creativity,” Panelist, Minority Corporate Counsel Association (MCCA) 11th Annual CLE Expo, Chicago, Illinois (March 2012)
- “Succeeding in the Rainmaking World: Strategic and Effective Use of Lawyer Associations,” Co-Panelist, DRI Rainmaking Seminar, Las Vegas, Nevada (March 2012)
- “You’re Only Young Once: Business Development for the Associate Lawyer,” ABA Products Liability, Mass Torts and Environmental Law Committees’ Joint CLE, Hollywood, Florida (January 2012)
- “Asset Freezing Orders,” The Changing Landscape of International Litigation: Hot Topics, DRI Barcelona Conference, Barcelona, Spain (November 2011)
- “Where Has the Litigation Been? Verdicts and Appellate Rulings of 2011,” Panelist, DRI Asbestos Medicine Seminar, Las Vegas, Nevada (November 2011)
- “The Latest Advancement in Asbestos Medicine,” Moderator, Perrin National Asbestos Conference, San Francisco, California (September 2011)
- “Trying an Asbestos Case – How to Get the ‘W’: ‘Defendant –New Client Intake,’” HB Litigation Conference, Philadelphia, Pennsylvania (January 2011)
- “Marketing Your Law Firm in a Difficult Economy,” Houston Bar Association Law Practice Management CLE, Houston, Texas (September 2010)
- “Business ‘101’ for the Female Lawyers,” DRI Sharing Success—A Seminar for Women Lawyers, Scottsdale, Arizona (March 2010)
- “The Art of Law Practice,” Panelist, Women Lawyers’ CLE: Artful Intelligence: Teaching Tools and Techniques for Best Lawyering, Texas Women Lawyers, Houston, Texas (February 2010)
- ABA Chemical Subcommittee Regional Meeting, Panel Member, Chemical Products Liability Regional Workshop, Houston, Texas (September 2009)
- “Pick Me, Pick Me! Marketing in a Difficult Financial Climate,” Panelist, Texas Minority Counsel Program, San Antonio, Texas (September 2009)
- “One Big Happy: Multi-Firm, Multi-Counsel Trial Teams,” Litigation Counsel of America Symposium, Chicago, Illinois (August 2009)
- IADC Trial Academy, Faculty Member, South Texas College of Law, Houston, Texas (January 2009)
- “Women Need Business: A Marketing Primer on Networking and Business Development,” WBEA Educational Committee, Houston, Texas (November 2008)
- “Minority Recruiting: Laterals v. Home Grown Talent; Majority Law Schools v. HBCU’s; Relevancy of Law School Rankings,” Panelist, DRI Diversity Seminar, Chicago, Illinois (June 2008)
- “As Good as It Gets” [a template for a business development plan], Illinois Association of Defense Trial Counsel: What Women Lawyers Want and Need – Seminar, Chicago, Illinois (April 2008)
- “Connect the Dots: How Your Time at Southeastern Provides You the Basis for Lifetime Success,” Southeastern Oklahoma State University Honors Program Spring Symposium, Durant, Oklahoma (March 2008)

- “Venue Issues Part I: The Phenomenon of the ‘Selected Jurisdiction,’” Panelist, Mealey’s Asbestos Medicine Seminar, Beverly Hills, California (March 2008)
- “Negotiating the Profession: Benefits and Burdens of a Woman Lawyer,” Women Law Student Seminar Luncheon, Baylor Law School, Waco, Texas (February 2008)
- “Rainmaking Lessons from a Top Woman Litigator,” SageLaw Marketing.com webinar (November 2007)
- “Client Development for Solo and Small Firm Practices,” The American Association of Nurse Attorneys’ 26th Annual Meeting & Educational Conference, Newport, Rhode Island (November 2007)
- “From the Trenches: Been There Done That,” Panelist, The American Association of Nurse Attorneys’ 26th Annual Meeting & Educational Conference, Newport, Rhode Island (November 2007)
- “Pulmonology for Attorneys,” Mealey’s Medicine for Lawyers Teleconference Series: Pulmonology (January 2007)
- “Women in Products Liability Law,” Moderator, Las Vegas, Nevada (September 2006)
- Andrews Asbestos Litigation Seminar, Conference Co-Chair, San Antonio, Texas (April 2006)
- “Defendant’s Opening Statement,” DRI Preeminent Trial Lawyer Seminar (September/October 2005)
- “Stop, Look and Listen: Rules for Jury Selection,” Andrews Litigation Seminar, New Orleans, Louisiana (April 2005)
- “Issues to Explore in Plaintiff and Co-worker Deposition,” Mealey’s Welding Rod Litigation Conference (March 2005)
- “30 Minute Juries: How to Pick a Jury in a Ridiculously Short Period of Time,” Andrews Litigation Seminar, New Orleans, Louisiana (April 2004)
- “Expert Witnesses: Direct and Cross,” St. Paul Insurance Company Trial Seminar, Baltimore, Maryland (March 2004)
- “Rainmaking: Ending the Drought,” Texas Women Lawyers Association, El Paso, Texas (February 2004)
- “Jury Selection: Contemporary Issues and Techniques,” Asbestos Medicine Seminar, Defense Research Institute, Miami, Florida (November 2003)
- “Effective Techniques in Deposing Co-Workers: Pre-Trial Strategies for Keeping Your Clients Out of Trouble,” Andrews Litigation Seminar, New Orleans, Louisiana (April 2003)

PUBLICATIONS

- “The Last Word: Closing Argument,” DRI’s *The Voice* (October 2019)
- “Women Rainmakers - Roadmap to Success,” Featured Interview, Defense Research Institute (October 2014)
- “He Had Clients, I Had Credit,” a chapter in *A Cup of Cappuccino for the Entrepreneur’s Spirit* by Jeretta Nord [Entrepreneur Enterprises, LLC] (2009)
- “Diversity from the Women-Owned Law Firm Perspective” (co-authored with Alma Aguirre), *DRI Magazine* (February 2009)
- “Certification as a Women Owned Law Firm: The Benefits and the Burdens,” *ABA Women’s Advocate* (Spring 2008)
- “The Myth of Work-Life Balance: The Professional and Personal Challenge,” *Women Lawyers Journal* (Spring 2008)
- “Working to Achieve Our Shared Goals,” DRI’s *For The Defense* (January 2008)
- “Developing Your Business: Five Cardinal Rules,” *Women Lawyers Journal* (Spring 2007)

- "Finding Friday: The Search for the Perfect Support Staff," *Women Lawyers Journal* (Winter 2007)
- "It's Just dinner: How to Handle the Marketing Dilemma of the Decade," *Women Lawyers Journal* (June 2006)
- "Surviving the First Visit to the Bank," *Women Lawyers Journal* (Spring 2006)

MEDIA

- "Regional Universities Are Ladders to Success," *The Oklahoman* (December 2018)
- "Sharla Frost Shines in the Courtroom and at Historic Fort Towson," *Hugo News* (June 2018)

honors

- Chambers USA
 - Product Liability & Mass Torts (Nationwide) (2017-2020)
 - "Spotlight Table" in Product Liability: Toxic Torts (Nationwide) (2017-2020)
- Martindale-Hubbell®
 - AV Preeminent® Peer Rating
 - Bar Register of Preeminent Women Lawyers (2014)
 - Houston Area Top Rated Lawyer (2013)
- The Best Lawyers in America® (2016-2020)
 - 2018 Houston Lawyer of the Year (Product Liability Litigation – Defendants)
- Texas Super Lawyers® (2005-2019)
- Houston's Top Lawyers, *H-Texas Magazine* (2017)
- Top Lawyers Selected By Their Peers, *H-Texas* magazine (2016)
- Top Lawyer in Houston in Class Action Litigation, *H-Texas* magazine (2014)
- Distinguished Alumni, Southeastern Oklahoma State University (2004)

in the community

- Colorado Bar Association
- Mississippi Bar Association
- Oklahoma Bar Association
- Texas State Bar
- West Virginia Bar Association
- Houston Bar Association
- Houston Bar Foundation Fellow
- Texas Association of Women Lawyers
- Inns of Court, Houston Chapter
- Bar of the United States Supreme Court
- Litigation Counsel of America
 - Order of Veritas
 - President (2010–2011)
- International Association of Defense Counsel

- International Committee (2009–present)
- Trial Techniques and Tactics Committee
- Diversity Committee (2009–present)
- Defense Research Institute
 - DRI Europe Liaison Committee, Vice Chair
 - DRI Women in the Law Committee, At-Large Member
 - DRI R&D Committee
- National Association of Women Lawyers, Committee for the Evaluation of Supreme Court Nominees
- American Board of Trial Advocates
- Southeastern Oklahoma State University Alumni Association
 - Board of Directors (2006–present)
 - Foundation Board (2017–present)
- Fort Towson Homecoming Committee, Fort Towson, Oklahoma, Publicity Director (2008–present)
- Fort Towson Alumni Association Scholarship Committee, Director (2006–2012)
- ReCreate Fort Towson Foundation
 - Board Member (2019–present)