

# Sam Outten

Partner

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Sam Outten represents clients in trying complex, high-value cases to verdict across a variety of practice areas including professional malpractice, commercial litigation, product liability, and patent infringement. His appellate experience includes lead briefing responsibility and oral argument. He has been recognized by Chambers USA, SuperLawyers and Best Lawyers in America. He is certified by the American Board of Professional Liability Attorneys for legal malpractice. Mr. Outten is a past President of the South Carolina Chapter of ABOTA, a past President of the South Carolina Defense Trial Attorneys Association, and served on the Board of Directors of DRI. He is also a past Chair of the Professional Liability Committee of IADC, and served as Chair of the Professional Liability Roundtable for two years.

## Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

### Representative Matters

- Represented textile manufacturing company in patent infringement case in which plaintiff alleged that our client infringed a patent it held. The case was tried in federal court in Spartanburg. The jury returned a verdict in favor of our client on all claims. (March 2018)
- Represented pharmaceutical distributor in case against former pharmacy customer in a commercial dispute, primarily involving the sale of controlled substances. The former customer brought claims alleging economic loss resulting from the reduction in controlled substance allocation from our client. Following a week long trial in

## Education

University of South Carolina School of Law,  
JD (1985)

Davidson College, BA, History (1982)

## Admissions

South Carolina

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the District of South  
Carolina

## Practice Areas

[Professional Liability](#)

[Commercial Litigation & Business Torts](#)

[Products Liability - Pharmaceuticals &  
Medical Devices](#)

## Industries

[Manufacturing](#)

[Banking & Financial Services](#)

[Pharmaceuticals & Medical Devices](#)

federal court, the jury returned a verdict for our client on all claims. (July 2016)

- Represented national law firm in potential malpractice claim where a plaintiff alleged the deadline for filing an answer was missed, and a default was entered. Following a hearing, the judge set aside the default, avoiding more than \$12 million in damages alleged against our client. (January 2018)
- Defended regional bank against claims for breach of contract, SCUTPA and defamation brought by homebuilder who alleged that our client wrongfully denied approval of a construction loan. Obtained summary judgment on behalf of client on all claims. (January 2018)
- Defended regional law firm against allegations of malpractice related to a litigation matter handled by the firm in federal court. The district court granted our Motion to Dismiss on the grounds that an adverse party may not sue opposing party's counsel in the underlying litigation because there is no independent duty owed to the plaintiff under those facts. (December 2016)
- Represented regional law firm in legal malpractice case where plaintiffs alleged negligence in handling a commercial real estate transaction. The case was tried, and an order was issued in favor of our client. Plaintiffs appealed and the Court of Appeals in South Carolina affirmed the decision of the trial court. (December 2014)
- Represented a major international petrochemical corporation in a personal injury case, who allegedly used a product manufactured by the company. After two days of trial, the plaintiffs' counsel voluntarily dismissed the company as a defendant after cross-examination of the plaintiff and his coworkers.

## Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- [Benchmark Litigation "Local Litigation Star"](#) - General Commercial, Product Liability (2018, 2019)
- [American Board of Professional Liability Attorneys](#) -- certified in Legal Malpractice (2018)
- [Chambers USA: America's Leading Lawyers for Business](#) - Litigation: General Commercial (2011-2019)

- [South Carolina Super Lawyers](#) (2008-2019)
- [Top 25 Super Lawyers list](#)
- The Legal 500 United States: Product liability and mass tort defense: pharmaceuticals and medical devices (2014)
- [The Best Lawyers in America®](#) – Commercial Litigation, Legal Malpractice Law - Defendants, Product Liability Litigation - Defendants (2007-2019)
- [AV rated by Martindale-Hubbell](#)

## Professional Activities

- American Board of Trial Advocates (1999-present)
  - Past President
  - Treasurer (2010-2011)
  - Board of Directors, S.C. Chapter
  - President, S.C. Chapter (2012)
- South Carolina Defense Trial Attorneys' Association
  - President (2003-2004)
  - Executive Committee (1996-present)
  - State representative to DRI – The Voice of the Defense Bar
- DRI – The Voice of the Defense Bar (1995-present)
  - Regional Director on the Board
  - Professional Negligence Committee
  - Commercial Litigation Committee
  - Trial Tactics Committee
  - Toxic Torts Committee
- International Association of Defense Counsel (1998-present)
  - Faculty Member, IADC Trial Academy (2006)
  - Business Litigation Committee
  - Trial Tactics Committee
  - Professional Liability Committee
    - Chairman (2008-2009)
- Haynsworth/Perry Inn of Court
  - President (2013-)
  - Masters of the Bench
  - Membership Coordinator (formed in 2011)