



## Thomas M. DeMicco

Partner

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With more than 25 years of litigation experience, Tom DeMicco has built a distinguished career defending complex product liability, general liability, and insurance coverage matters in state and federal courts across the United States. He is licensed to practice in New York and New Jersey and is admitted to multiple federal district courts, giving him the jurisdictional reach to coordinate national defense strategies for his clients. Tom joined Wilson Elser in 2001.

### Product Liability

Tom is a leading contributor to Wilson Elser's Product Liability, Prevention & Government Compliance practice and a member of the firm's Life Sciences practice. He defends domestic and foreign manufacturers in product liability lawsuits on a national basis, with a particular focus on claims arising from fires and explosions. His deep understanding of fire investigation methodology—including NFPA 921 standards, Consumer Product Safety Commission regulations, and origin-and-cause analysis—positions him as a trusted resource for both clients and colleagues navigating technically demanding fire-related claims.

Tom has investigated and defended scores of fire cases spanning electrical fires, combustible dust fires, natural and propane gas fires, and incendiary fires. He also brings specialized experience defending manufacturers of battery-powered consumer products against claims alleging burn injuries or property damage caused by lithium-ion batteries. His client roster includes multiple manufacturers of household kitchen appliances and consumer electronics for whom he serves as National Defense Counsel.

Beyond fire litigation, Tom has defended personal injury actions involving a broad range of products, including all-terrain vehicles, pressure cookers, motorcycles, automobiles, commercial vehicles, industrial machinery, building materials, construction equipment, and swimming pools. He is the creator, editor, and a regular contributor to the firm's Product

### Services

- Asia
- Commercial Litigation
- Complex Tort & General Casualty
- Construction
- Italy
- Life Sciences
- Product Liability, Prevention & Government Compliance

Liability Advocate blog ([WEdefendproducts.com](http://WEdefendproducts.com)).

### **General Liability**

Tom's trial experience and technical acumen make him equally effective in complex general liability matters. He concentrates this area of his practice on defending complex negligence and catastrophic loss claims on behalf of commercial property owners, motor vehicle operators, national and regional transportation companies, construction contractors, utility companies, propane suppliers, and retail businesses. The matters he handles involve allegations of premises liability, construction accidents, motor vehicle collisions, property damage, wrongful death, and significant personal injury.

Tom routinely manages cases involving accident reconstruction, fire origin and cause investigations, structural and mechanical failures, utility infrastructure, hazardous materials, and regulatory compliance issues. Clients rely on Tom for strategic, early-stage case evaluation and risk assessment, aggressive discovery practice, expert development and management, dispositive motion practice, mediation and alternative dispute resolution, and trial advocacy. His approach emphasizes thorough factual investigation, command of the technical issues underlying each claim, and the development of defensible, trial-ready case themes designed to position matters for favorable resolution.

### **Insurance Coverage**

Tom's work on the defense side of product liability and general liability claims gives him a practical, litigation-informed perspective that enhances his insurance coverage practice. He represents insurers and corporate policyholders in coverage matters, advising on coverage analysis, policy interpretation, additional insured disputes, contractual indemnification, allocation issues, and defense and indemnity obligations. He has litigated declaratory judgment actions and complex coverage disputes involving commercial general liability, excess and umbrella policies, construction risk coverage, transportation claims, and property damage losses.

His familiarity with the types of claims that give rise to coverage disputes—including fire losses, construction defects, and multi-party catastrophic events—enables him to provide nuanced guidance on the interplay between liability exposure and policy obligations. Over the course of his career, Tom has developed a reputation for disciplined case management, strategic insight, and an ability to navigate high-exposure litigation involving multiple parties, layered insurance programs, and overlapping contractual risk transfer provisions.

### **Education**

- Hofstra University School of Law (J.D., 2001)
- Dowling College (B.B.A., 1998)

### **Bar Admissions**

- New York
- New Jersey

**Court Admissions**

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Michigan

**Professional Affiliations**

- Selected for inclusion in Super Lawyers New York Rising Stars, 2014
- Nassau County Bar Association