

Brett N. Tishler

Partner

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Brett approaches cases from all angles to find creative and effective methods of resolution. He examines each case with the expectation it will go to trial and is therefore always fully prepared.

OVERVIEW

Brett Tishler, a partner in White and Williams' Workers' Compensation Subrogation practice, practices exclusively in the field of workers' compensation subrogation throughout the United States. He represents a variety of major insurance carriers and individual claimants to secure recoveries in cases involving complex product liability, negligence, construction accidents, and premises liability litigation. In addition to recovering past paid liens, Brett often helps to negotiate global settlements to close future workers' compensation benefits.

Brett is known for approaching cases from all angles to find creative and effective solutions for lien recoveries. While Brett's primary goal is to resolve cases efficiently and cost-effectively, he is nonetheless always fully prepared to go to trial, if necessary. Brett is committed to achieving the best results for his clients and handles all aspects of litigation, including client counseling, initial case assessment, discovery, motions/oral argument, trial and settlement.

Outside the courtroom, Brett frequently meets with insurance companies and employers to discuss various issues involving workplace accident and injury investigations. These activities include training presentations, identifying workers' compensation subrogation issues and exploring all avenues of recovery. Brett also frequently lectures for the National Association of Subrogation Professionals (NASP) at their Spring and Annual conferences, as well as webinars.

If you would like to submit a new workers' compensation subrogation referral assignment, please [click here](#).

PRACTICES

Subrogation
Workers' Compensation Subrogation

BAR AND COURT ADMISSIONS

Pennsylvania
New Jersey
U.S. District Court for the Eastern District of Pennsylvania
U.S. District Court for the Middle District of Pennsylvania
U.S. District Court for the Western District of Pennsylvania
U.S. District Court for the District of New Jersey
U.S. District Court for the Northern District of Illinois
U.S. Court of Appeals for the Eighth Circuit

EDUCATION

Widener University School of Law, JD, 2006
Temple University, BA, 2003



RECOGNITION AND INVOLVEMENT

Brett was selected in a survey of his peers as a Pennsylvania "Rising Star" by *Super Lawyers* from 2015 – 2021.

Since 2007, Brett has served as an arbitrator for both the Philadelphia Court of Common Pleas and Eastern District of Pennsylvania.

REPRESENTATIVE MATTERS

Million Dollar Lien Recovery in 1% Strict Contributory Negligence State (Alabama)

Million Dollar Lien Recovery in 1% Strict Contributory Negligence State (Alabama)

White and Williams Partner Brett Tishler recently made a \$1,000,000 lien recovery for a client in an aluminum smelting explosion accident, that resulted in horrific burns and the ultimate death of the worker. The matter was venued in a difficult, 1% contributory negligence jurisdiction. Intervening on behalf of the client, Brett aggressively pursued the client's lien, obtaining a 100% lien recovery. During the litigation, Brett coordinated all elements of the litigation, with plaintiff's counsel, the employer and the target defendants.

\$725,000 Lien Recovery in 1% Strict Contributory Negligence State (North Carolina)

White and Williams Partner Brett Tishler recently made a \$725,000 lien recovery for a client in an flash fire case involving industrial cleaning chemicals, which resulted in significant burn injuries to two workers. The matter was venued in a difficult, 1% contributory negligence jurisdiction. In NC, 1% contributory negligence also extends to the employer, where such a finding potentially waives the carrier's lien in its entirety. Because of this rule, Brett entered the litigation not only to pursue the lien recovery, but also to defend the employer against allegations of negligence to protect against the 1% rule and potential waiver of the lien.

\$500,000 Lien Recovery and Extinguishment of Multi-Million Dollar Future Exposure/Future Credit (Illinois)

White and Williams Partner Brett Tishler negotiated a \$500,000 lien recovery, in addition to extinguishing a multi-million dollar future exposure in a motor vehicle accident claim involving paraplegic injuries to the worker. This settlement is significant because of multiple factors, including the carrier receiving both a significant lien recovery on past paid claims, in addition to being able to extinguish a multi-million dollar future exposure faced with limited third-party liability insurance.

Confidential Seven Figure Settlement and 100% Lien Reimbursement (Pennsylvania)

White and Williams Partner Brett Tishler negotiated a confidential seven figure settlement and 100% lien reimbursement in a case against an agricultural manufacturer for injuries involving an arm amputation while operating 40 year old farm equipment.

Confidential Settlement and 100% Lien Recovery (Louisiana)

White and Williams Partner Brett Tishler negotiated a confidential seven figure settlement and 100% lien reimbursement in a mower rollover fatality case, arguing the mower was defectively designed and lacked adequate warnings.

Trucking accident resulting in death and traumatic brain injury to multiple workers. Litigated four-week trial in North Carolina. Helped secure a favorable verdict resulting in a 100% recovery of the subrogating insurer's \$630,000 worker's compensation lien.

Negotiated settlement in excess of \$1 million in a complex products liability case filed in Pennsylvania Federal Court against an agricultural manufacturer for injuries involving an arm amputation while operating 40-year old farm equipment.

Motor vehicle accident resulting in paraplegia to worker. Resulted in significant settlement, including 100% lien reimbursement.

Industrial baking equipment design defect and warnings case, with burn and amputation injuries against foreign manufacturer. Obtained seven figure recovery and 100% lien reimbursement.

Commercial riding lawnmower rollover design defect and warnings case resulting in a worker fatality. Obtained substantial confidential settlement and 100% lien reimbursement.

Crane collapse negligence case resulting in catastrophic personal injuries. Obtained significant personal injury recovery and lien reimbursement in 1% strict contributory jurisdiction.

IN THE NEWS

White and Williams Announces Lawyer Promotions, Four Attorneys Promoted to Partner and One Attorney Promoted to Counsel
For Immediate Release
1.5.23

White and Williams Lawyers Recognized as Super Lawyers and Rising Stars
11.1.21

Congratulations 2020 DE, MA, NY and PA Super Lawyers and Rising Stars
11.5.20

White and Williams Announces Lawyer Promotions
Two Lawyers Elected to Partnership and Eight Associates Promoted to Counsel
1.2.20

Congratulations 2019 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
10.17.19

Congratulations 2018 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
10.18.18

Congratulations 2017 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
11.11.17

Congratulations 2016 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
10.18.16

Congratulations 2015 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
10.21.15

EVENTS

Let's "Take 5" and Talk About a "Pay Day": The Ethics Involved When Lien Waivers, Compromises, and Other Global Settlement Techniques Collide

2024 NASP Spring Conference, 3.22.24

Workers' Compensation Subrogation Jeopardy

2023 NASP Annual Conference, 11.6.23

Oh Sh*%! Don't Be Fooled – OSHA has Little to do With Preventing Your Recovery in a Third-Party Product Liability Claim

2023 NASP Spring Conference, 2.17.23

Trench Collapses: Unearthing the Secrets to Investigate, Evaluate and Pursue Workers' Compensation Subrogation Recoveries in Excavation and Trench Collapses

2022 NASP Annual Conference, 11.8.22

Teamwork Makes the Dream Work! Tips for Carriers, Employers, Injured Workers and Counsel Cooperating to Maximize Workers' Compensation Subrogation Recoveries

2022 NASP Annual Conference, 11.8.22

Where Am I and How Did I Get Here? Determining Which State's Law Applies to Your Workers' Compensation Subrogation Recovery!

National Association of Subrogation Professionals Webinar, 8.9.22

Leadership Ethics: Confronting Ethical Issue Case Studies Involving the Worker, Employer, and Carrier in Lien Recovery Litigation

National Association of Subrogation Professionals, 2022 Spring Hybrid Conference, 3.17.22

Zoom® Your Way to Lien Recoveries! How Technology Can Efficiently and Cost Effectively Generate Successful Results

2021 National Association of Subrogation Professionals Spring Conference, 3.25.21

State Specific Subrogation Coast to Coast (Part 1 and 2)

National Association of Subrogation Professionals Annual Conference, 11.17.20

Don't Lose Your Head! Or Arm, Leg, or Other Body Parts: How Workers' Compensation Subrogation Professionals Can Still Obtain Lien Recoveries Despite Worker Error (Part 1)

2020 National Association of Subrogation Professionals Spring Conference Webinar, 4.24.20

Don't Lose Your Head! Or Arm, Leg, or Other Body Parts: How Workers' Compensation Subrogation Professionals Can Still Obtain Lien Recoveries Despite Worker Error (Part 2)

2020 National Association of Subrogation Professionals Spring Conference Webinar, 4.24.20

Workers' Compensation Subrogation Federal Civil Practice – Tips and Real Case Study

National Association of Subrogation Professionals, Annual Conference (Washington, DC), 10.28.19

Necessary Evil or Blessing in Disguise? How Working With Claimant's Counsel Can Avoid Potential Reimbursement Hazards and Maximize Your Lien Recovery

NASP Annual Conference, Orlando, FL, 11.12.18



PUBLICATIONS

The Right of Workers' Compensation Reimbursement is Alive and Well in Indiana

The Subrogation Strategist, 10.1.21

In New Jersey, Workers' Compensation Liens Are No Longer Subject to the Verbal Threshold

The Subrogation Strategist, 1.25.19

