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## Heavyweight in the Product Liability World

Shook, Hardy & Bacon L.L.P.

CLOCKWISE FROM LEFT Janet Hickson, Jon Strongman, Walter Cofer, Robert Adams, Charles Eblen

# Midwestern Might

Size and smarts help give Shook Hardy an edge in huge mass torts.

By MP McQueen

SHOOK, HARDY & BACON IS A HEAVYWEIGHT in the product liability world, and its defense wins for Boston Scientific Corp. in pelvic surgical mesh suits, among others, made it a strong contender in our competition.

The Kansas City, Missouri-based firm, which boasts the largest product liability practice in the world, with 319 product liability attorneys as of June 30, is probably best known for defending the tobacco industry, particularly Philip Morris, for which it pioneered national litigation in the 1950s. It continues its defense of Philip Morris as first chair in 27 of the company's 39 *Engle* progeny trials. Shook Hardy has defended 110 active class actions and 135 product liability claims in 25 countries in the last two years.

**SIGNIFICANT CASES:** Shook secured important verdicts in Massachusetts in *Albright v. Boston Scientific* and *Cardenas v. Boston Scientific*. They were among the few decisive victories so far for manufacturers of surgical devices used for treatment of pelvic organ prolapse and other conditions. An estimated 100,000 lawsuits have been filed against seven manufacturers for claims ranging from constant pain to dyspareunia, according to Reuters.

**BIGGEST LOSS:** In May 2015, a Delaware jury found for the plaintiff in *Barba v. Boston Scientific*, a vaginal mesh case. Damages were set at \$100 million, although a state judge reduced the award to \$10 million in October. The company has said that it will appeal.

**WHAT CLIENTS SAY:** "They care about our business, our products and our company," says J.B. Simko, vice president and associate general counsel of Philip Morris International Global Services Inc. "They will fill any role that is required, whether it is lead or support. You don't find that with a lot of firms. They bring a great deal of issue expertise in a number of different areas. It is that dedication and willingness to play any role re-

quired that sets them apart." Michael Epstein, senior litigation counsel at Tyco International, says that Shook Hardy was in the forefront of offer-

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ing his company alternative fee arrangements. "The scope and amount of work they do for us means better work and better value for the legal spend," he says.

**NEW MATTERS:** Shook Hardy is defending GlaxoSmithKline against suits alleging that its anti-nausea medication Zofran can cause birth defects. The firm represents Toyota Motor Sales U.S.A. Inc. in suits stemming from alleged automobile design defects and is national counsel for Johnson & Johnson in litigation involving talc-based products alleged to cause cancer, which now includes nearly 900 plaintiffs.

#### Practice Group Size and Revenue:

Partners 148	Associates 97	Other 74
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Department as Percentage of Firm	66.6%
Percentage of Firm Revenue, 2014	76.3%