

Shook Hardy Wiends Largest Product Liability Group

By **Greg Ryan**

Law360, New York (February 10, 2012, 10:56 PM ET) -- Shook Hardy & Bacon LLP hit the national scene a half-century ago as a top-flight defender of companies' products, and it maintains that status today as the home of the largest collection of product liability attorneys in the legal landscape.

At 294 attorneys, the firm's product liability team outnumbers its next-closest competitor by more than a hundred, according to the Law360 Product Liability 100. Bowman and Brooke LLP, at No. 2, employs 176 practitioners in the field, while Reed Smith LLP comes in third at 166 product liability attorneys.

Following the top three are Womble Carlyle Sandridge & Rice PLLC, with 131 attorneys practicing in the arena, and Brown & James PC and Cozen O'Connor, with 110 product liability attorneys each.

Of the firms that participated in Law360's survey, Brown & James had the highest concentration of product liability attorneys, with 97 percent devoted to the practice area. Bowman and Brooke finished a fraction of a percentage point behind the leader, as it too punched in at 97 percent. Rounding out the top three most concentrated firms is Wheeler Trigg O'Donnell LLP, where 71 percent of the attorneys practice product liability.

Shook Hardy & Bacon LLP: 294 Attorneys

Shook Hardy's roots in product liability work stretch back to the first smoking health case filed in the U.S. in 1960, according to firm chair John Murphy. Philip Morris International Inc. hired the firm to defend it in that suit, which took place in Shook Hardy's home of Kansas City, Mo. From that point forward, the firm crisscrossed the country in defense of the tobacco giant, which is still a client today.

"We've basically been involved in product liability litigation since there has been product liability litigation," Murphy said.

Today, the firm's product liability attorneys are organized into several practice areas, including pharmaceutical and medical device, tort, and global product liability.

They represent big-name clients such as Philip Morris, Pfizer Inc., Bayer AG, Coca-Cola Co. and DuPont Co. Shook Hardy followed up on a banner year in 2010, when it rolled off a series of victories for Philip Morris in the so-called Engle progeny litigation in Florida, with another major Engle win over a longtime smoker who alleged the company's cigarettes were defective.

The firm has also stepped into the upswell of recent litigation over companies' marketing of products' health benefits, defending Coca-Cola and its Vitamin Water drink in six class actions in the U.S. and three in Canada, Murphy said.

Shook Hardy has established offices in litigation hotbeds such as Texas, Florida and California, but its clients benefit from its presence in Kansas City, where the firm can perform document work at a lower rate than it could in other parts of the country, according to Murphy.

The product liability attorneys can also rely on the firm's 100-plus analysts with advanced degrees in health, medicine and other scientific and technical areas for help on cases.

"I suspect we've been there and done that with just about every issue that can come up in a product liability case," Murphy said.

Murphy could foresee the product liability team expanding into South America and Asia, particularly China, as overseas companies looking to enter the U.S. market will need advice on how to contend with American product liability law, he said.

Bowman and Brooke LLP: 176 Attorneys

Bowman and Brooke proves that a firm need not be a dozen-practice behemoth to succeed in the product liability arena: The attorneys there who do not practice product liability could fit comfortably inside one of its automotive clients' minivans.

Nearly every one of the firm's attorneys lends his or her hands to defending Toyota Motor Corp., Ford Motor Co., Nissan Motor Co. Ltd., Yamaha Motor Corp., Riddell Inc. and others in product liability matters.

They are involved in some of the highest-stakes actions taking place in the U.S., including the unintended acceleration litigation against Toyota and nationwide suits against Yamaha over its allegedly defective Rhino off-road vehicles. The firm is undefeated in Rhino cases that have gone to trial, including one suit in Ohio in which the plaintiffs sought \$20 million in damages.

While automotive defense has been a touchstone of the firm since its inception, it has moved steadily into other areas. Bowman and Brooke are representing helmet maker Riddell in class actions brought by former professional football players over the long-term effects of concussions. Some of those suits were consolidated in Pennsylvania in January.

Bowman and Brooke opened offices in Dallas and Austin, Texas, in 2011 in order to better handle the substantial amount of litigation faced by clients in the state. The locations also afforded the firm to further enter the growing medical device and pharmaceutical arena. The two Texas offices, along with the Minneapolis office, now handle much of the firm's health-industry work.

"Our strategic plan is to grow as our clients need us and in the places they need us," said executive managing partner Vincent Galvin Jr.

The firm has ramped up quickly in the past half-decade. Only four years ago it had just 97 product liability attorneys, and in 2010 alone it picked up 32 product liability practitioners, a jump its two founders — Richard A. Bowman and Jeffrey R. Brooke, who are still with the firm — may have had difficulty envisioning when they split off from Gray Plant Mooty in 1985.

“We're happy we've gotten to the point, as other midsize firms have, that companies are willing to come to us for bet-the-company litigation,” Galvin said.

Reed Smith LLP: 166 Attorneys

Reed Smith's product liability team makes up only a tenth of the firm's manpower, but its representation of clients such as Merck & Co. Inc., GlaxoSmithKline PLC, Medtronic Inc. and Pfizer Inc. shines as brightly as any of the global giant's accomplishments.

The firm keeps busy counseling many of the world's largest pharmaceutical companies and medical device manufacturers. Among its highest-profile gigs are its representation of Merck in the multidistrict litigation over the contraceptive NuvaRing and of C.R. Bard Inc. in the multidistrict litigation over Composix Kugel surgical mesh patches. Bard won the first bellwether case in the Kugel mesh MDL, and plaintiffs' counsel have since settled many of the 4,000 cases over the product.

The group's successes are not limited to the health arena, either. Reed Smith was able to secure a major victory for client Cirrus Design Corp. in May when a federal jury found the airplane manufacturer was not at fault for the plane crash that killed New York Yankees pitcher Cory Lidle and his co-pilot. It also represents automotive parts company Johnson Controls Inc. in complex litigation across the U.S. and Canada.

Los Angeles-based partner Michael K. Brown credits the group's geographic diversity as a significant part of its success. Reed Smith's offices in Los Angeles, New York, Philadelphia and San Francisco house the most product liability attorneys, Brown said, though the team's presence stretches as far away as Hong Kong.

The practice group was transformed in 2003, when Reed Smith combined with San Francisco firm Crosby Heafey Roach & May and added roughly 200 attorneys to its roster, including Brown. The new team members brought decades of experience representing pharmaceutical companies and medical device makers in tort cases, and the move quickly established Reed Smith as a bicoastal product liability powerhouse.

The firm augmented the group when it subsumed Chicago firm Sachnoff & Weaver Ltd. in 2007 and added a stable of attorneys from Edwards Angell Palmer & Dodge LLP for its New York office in 2008.

“We look strategically for people or groups who will make an impact,” Brown said. “We're looking less for an individual to fill one niche or role.”

The group may look to grow more into aviation in the coming years. The group is also poised to grow its practice internationally, should countries change their laws to invite more tort suits, according to Brown.

Brown said that the experience of the group's attorneys was equally as important as the group's size. Some of its leaders have been trying cases since the 1970s, an asset that allows them to both coordinate massive, nationwide litigation and to stand tall in the courtroom come bellwether time.

“I don't think there's any other group in the country that has done this as long as we have and as well as we have,” he said.

--Editing by Andrew Park.