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Product Liability

FINALIST

REED SMITH

When pharmaceutical and medical device manufacturers run into headaches, they often call Reed Smith.

The firm's national products liability practice, largely led by California-based partners, represents companies such as Merck, Medtronic and GlaxoSmithKline. Medtronic turned to Reed Smith after it was hit with hundreds of suits alleging problems with off-label use of a bone graft fusion device designed for degenerative disc disease. Reed Smith L.A. attorneys Michael Brown and Lisa Baird have shut down many of the claims by asserting federal preemption.

Brown also has led the successful defense of C.R. Bard over claims that its implantable blood filters can cause complications.

"The reason you bring a matter of this magnitude to a firm like Reed Smith is be-

cause of their reputation, not only in product liability, but in the subspecialty of mass torts or class action," said Greg Dadika, assistant general counsel of litigation at C.R. Bard Inc.

As a former partner at Reed Smith, Dadika knows the firm well and said that Brown is "probably one of the top five product-liability attorneys in the country."

The Bard device is supposed to prevent complications from recurrent blood clotting. But a class of 13,000 patients implanted with the devices alleged they were at risk for known complications and sought medical monitoring damages.

The cost of medical surveillance for each individual was estimated at \$2,000 per plaintiff, which translates into a \$50 million to \$60 million problem, said Brown. "It goes from zero to about \$50 million with a stroke of the judge's decision," he said.

Reed Smith worked up a sample of class representatives' cases and convinced the judge the case wasn't suitable for class treatment. "That was pretty much the death knell for the case," Brown said.

Dadika also praised Reed Smith for being "creative" about the billing arrangements.

"That willingness to operate outside of the normal hourly billing paradigm is attractive," he said.

Merck, maker of the NuvaRing contraceptive, turned to Reed Smith partner Thomas Yoo to defend about 1,500 product-liability claims. The firm also beat back a single-plaintiff claim against drug-maker GlaxoSmithKline over the generic version of its epilepsy and bipolar medicine Lamictal.

—Nathalie Pierrepont