

## Product Liability MVP: Simmons Hanly Conroy's Jayne Conroy

By **Andrew Strickler**

*Law360, New York (December 19, 2016, 5:02 PM EST)* -- Jayne Conroy of Simmons Hanly Conroy turned a setback in a major medical device litigation into a pair of bellwether victories this year, landing her among Law360's 2016 Product Liability MVPs.

Conroy, a co-founder of the mass tort powerhouse, is a frequent member of multidistrict litigation leadership and has successfully pressed high-profile cases against Volkswagen and Syngenta, among many others.

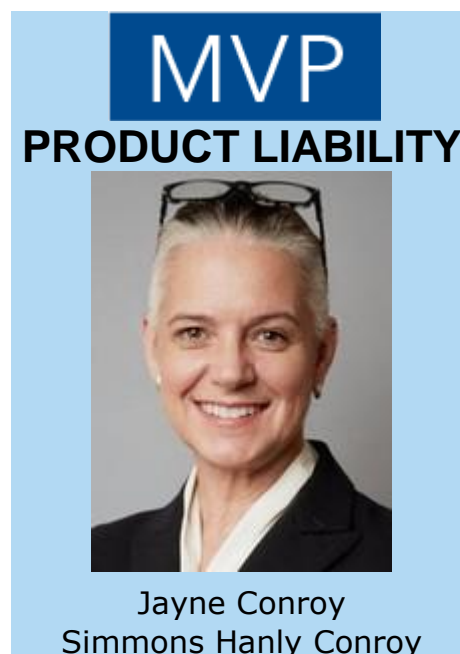
This year proved to be exceptional for Conroy and the pharmaceutical products liability arena. As a member of the plaintiff's executive committee and trial team, Conroy helped secure a \$502 million verdict in March on behalf of five plaintiffs who sued Johnson & Johnson and DePuy Orthopaedics, the manufacturer of the Pinnacle metal-on-metal hip replacement.

The result of that 37-day trial in Texas was particularly remarkable because the first bellwether trial held in 2014 went in favor of DePuy and Johnson & Johnson on all counts.

The decision to make the second bellwether a multiplaintiff case meant significant new discovery work and complications for the trial team, but ultimately paid off with a massive verdict that included \$360 million in punitive damages.

"We believed it was the best way to get a more representative cross-section among almost 9,000 plaintiffs," Conroy said. "With five people, it was easy for the jury to see that all had experienced the same toxic reaction to the metal hip, and it wasn't the result of some medical malpractice or other disease process."

After a subsequent bellwether this fall involving six plaintiffs, jurors needed less than a day to come to a \$1.04 billion verdict against J&J and DePuy for a negligent design and failures to warn doctors of the risks of the implants.



Looking ahead to an inevitable appeal by J&J, Conroy's team also chose in the second trial not to include in evidence some damaging marketing documents the defense felt were prejudicial.

"This time, we actually sanitized evidence, which said to J&J that even when we don't use that prejudicial information, we still won and got twice as much," she said. Yet another bellwether is scheduled for next year.

A Texas federal judge slashed the verdict from the second bellwether trial to about \$150 million, citing caps on punitive damages under state law.

Over the last decade, Conroy has been named to more plaintiffs' steering or executive committees than any other female attorney in the country, according to the firm, and helped negotiate billion-dollar plus global settlements in the Toyota unintended acceleration MDL and the Yaz-Yasmin birth control litigations.

Other settlements of tens or hundreds of millions of dollars were for families and victims of the Sept. 11 attacks and in a Catholic institutions sex abuse case.

Her recent appointments include a position on the plaintiffs' steering committee in the Volkswagen emissions scandal, and a lead role negotiating an initial settlement — estimated at \$14.7 billion — on behalf of non-Volkswagen dealerships.

Conroy is also on the plaintiffs' executive committee for the Syngenta AG corn litigation, which includes hundreds of suits filed against Syngenta for the economic impact of alleged contamination from genetically modified corn.

Conroy, along with fellow named partner Paul Hanly, were also retained last fall by New York legislators to represent Suffolk County against pharmaceutical companies for aggressive marketing of highly addictive opiates.

The case, still in early stages, poses "a fairly novel theory that associates economic damages suffered by the county with the drug companies, and increased costs for things like police departments and health programs," she said. "But it makes perfect sense and I'm confident it will be ultimately be successful."

--Editing by Jill Coffey.