

# THE AMERICAN LAWYER

## Covington's Products Liability Team Credits Success to 'Being Homegrown'

By Vivienne Serret

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### What You Need to Know

- Covington was named The American Lawyer's specialty Litigation Department of the Year for products liability at the Industry Awards earlier this year for its work on behalf of Mead Johnson and other clients.
- The firm has also served as lead counsel for Meta in mass litigation over social media and mental health.
- Covington has won the award three other times in recent years.

When Mead Johnson was hit with a \$6 billion suit that sought to link the company's milk-based infant formula to a life-threatening disease affecting premature infants, Phyllis Jones and her Covington & Burling colleagues were part of a trial team that succeeded in persuading jurors to return a complete defense verdict following four hours of deliberations.

Jones—who handled voir dire, opening statement and closing argument for Mead Johnson in the case tried in Missouri state court—said in an interview that when the firm litigates such cases, lawyers are careful to acknowledge the



Photo: Diego M. Radzinski/ALM

**(l-r) Phyllis Jones, Mike Imbroscio, Paul Schmidt, and David Sneed, partners with Covington & Burling.**

humanity and sympathetic nature attached to the plaintiff's side.

"We are always very mindful of the fact that when people hear the descriptions of some of the situations that the plaintiffs we are confronting have gone through, that people will naturally be sympathetic, and we don't ever ask anybody to put that to the side," said Jones, who cochairs the firm's products liability and mass torts practice. "We really try to focus as much as we can while acknowledging those human realities on the science and the medicine that informs the

decision that the jury ultimately has to make, or that a court has to make.”

Covington was named The American Lawyer’s specialty Litigation Department of the Year for products liability at the Industry Awards earlier this year for its work on behalf of Mead Johnson and other clients. Covington is a repeat winner in the products liability subcategory, having also won the biennial award in 2023, 2019 and 2015.

The firm’s current products liability work also includes serving as lead counsel for Meta in mass litigation claiming excessive exposure to Meta’s platforms has increased risk of suicide, eating disorders and other mental health issues. The firm has secured two early wins on behalf of Meta, such as convincing a federal judge to narrow the plaintiffs’ claims.

In these and other cases, the firm has found success by relying on teams of attorneys that it has cultivated internally.

“[Being homegrown] is pretty unusual in an age where most firms try to build practices by buying lawyers and filling in pieces around them,” said Paul Schmidt, a partner at the firm. “Successfully or unsuccessfully, we’ve done that almost entirely homegrown.”

One illustration of this focus on building breadth internally: As many as nine lawyers have had stand-up roles in major mass tort

trials within the last two years, according to the firm.

But Covington doesn’t work alone, either, and its success in collaborating with other law firms on defense work is part of the brand, according to partner Michael X. Imbroscio.

“In almost all of our litigations, we’re either working with other firms for the same client in a virtual firm environment, just given the size of the litigations that we do, or we’re working with other leading firms who are representing codefendants in the same litigation that we do,” Imbroscio said. “What stands out for Covington is our ability to work seamlessly and without friction across all of those models. That’s sort of been our brand from the very beginning, and I think it flows directly from our culture. We treat each other really well. We treat our codefendants’ counsel and our cocounsel very well [and] with respect, and that’s what leads to the best results for our clients.”

In a separate interview, litigation practice chair John Hall also spoke on these points: “We aren’t known as a firm with the sharpest of elbows.”

“It is increasingly true in the world of litigation that companies will spread the risk a little bit [by] hiring more than one law firm. I think we have a reputation of working well with other law firms,” Hall said.