

Rising Star: Covington & Burling's Phyllis Jones

By **Juan Carlos Rodriguez**

Law360, New York (April 25, 2014, 2:55 PM ET) -- Covington & Burling LLP's Phyllis Jones has taken on big responsibilities in a variety of high-stakes pharmaceutical product liability litigation, successfully representing giants including Eli Lilly and Co. and Hoffmann-La Roche Inc., which has earned her a place on Law360's list of top product liability attorneys under 40.

The 33-year-old 2014 Rising Star is currently working on a slew of suits, including one class action, involving Lilly's Cymbalta antidepressant, and she recently won a big victory in one of the personal injury cases in which an Iraq war veteran alleged the drug caused neurological side effects.

"This was a case where the plaintiff was very sympathetic," Jones said. "He'd served his country honorably, had a terrible accident while he was serving and he had a lot of physical effects as a result of that injury."

She said she was able to develop a record that established that the plaintiff's injuries probably had more to do with what he was experiencing than with anything resulting from his Cymbalta use.

Most of the cases allege that Lilly didn't sufficiently warn of the risk of possible discontinuation symptoms, or symptoms that can occur when a patient comes off the medicine. Jones said that with most antidepressants, if a patient stops taking the medicine abruptly, certain symptoms may develop, and companies that make such products always warn about them.

"There are warnings, but the plaintiffs in these cases claim they weren't sufficiently robust in the case of Cymbalta," she said.

Jones said she had found luck arguing that a doctor either independently understood a risk, or that a doctor had seen the label but wouldn't have made a different decision in the presence of some slight revision.

"That argument can be a very useful tool for pharmaceutical companies that are facing failure-to-warn suits, particularly in an environment where I think it's become increasingly hard to win summary judgment on clean adequacy grounds," Jones said.

Robert "Mike" Brock, chair of Covington's product liability and mass torts practice, said he had worked with Jones on litigation involving Boehringer Ingelheim GmbH's blood thinner Pradaxa.

"I think Phyllis is a very gifted lawyer," Brock said. "She is very talented in terms of her presentation skills. In my view, she's one of these people that, whether she's working with clients or in an adversarial situation in court, exudes credibility."

He said Jones had a lot of responsibility in managing a very important work stream in the Pradaxa litigation, mainly working with the medical experts.

"The project she's managing is one of the biggest in the litigation," he said. "The client has a lot of confidence in the work that she does, the decisions that she makes, the judgment she uses in terms of decision-making."

In addition to the Cymbalta and Pradaxa litigation, Jones has been representing Hoffmann-LaRoche in litigation over its acne medication Accutane, from deposing plaintiffs' doctors to arguing motions in court.

Jones said that since she started at Covington, she's been fortunate to work with lawyers who made sure she had a chance to develop her capacity for responsibility and made themselves available for advice and suggestions when she needed it.

"I've been encouraged to really push myself in terms of doing new things, and been given a lot of support in terms of learning how to do them," she said.

Jones said the firm was a great place to be a young lawyer because of its "exceptional" senior lawyers, whom attorneys like Jones can watch and work with.

"I think having that exposure is invaluable," she said.

Meanwhile, Jones has also carved out a niche in the pro bono world doing criminal defense.

"There are very nice opportunities for lawyers at the firm to get stand-up trial experience, including getting it very early," she said. "I have a personal interest in it because I feel pretty strongly that everyone's entitled to a defense and when someone's charged with a crime, the government's charges really need to be put to a pretty high standard of proof."

--Editing by Elizabeth Bowen.