

Rising Star: King & Spalding's Julia Zousmer

By **Gianna Ferrarin**

Law360 (August 7, 2024, 2:02 PM EDT) -- Julia Zousmer of King & Spalding LLP helped Boehringer Ingelheim nix roughly 50,000 claims by plaintiffs and an entire cohort of experts in multidistrict litigation over its heartburn medication Zantac, earning her a spot among life sciences attorneys under age 40 honored by Law360 as Rising Stars.

Her biggest case:

Zousmer's work defending Boehringer against claims that Zantac causes various forms of cancer is still ongoing, but the mass tort attorney said she has already notched a few career highlights through her work in Zantac litigation spread across federal and state courts.

In Florida, for example, where multidistrict litigation against Boehringer and a host of other Zantac manufacturers was consolidated, a federal judge handed a sweeping win to Zousmer and the rest of her team in late 2022, issuing a 341-page ruling siding with the defense's argument that plaintiffs' general causation experts did not meet the necessary criteria under the Daubert standard.

At the time of that ruling, the MDL encompassed roughly 50,000 claims involving five cancers.

"It was a very complicated MDL for many reasons, including the number of defendants, the number of different types of cancers alleged and also the different types of claims," Zousmer said.

"Thinking about how what you do in one jurisdiction affects the other jurisdictions and getting to look at different legal issues all the time with so much happening jurisdiction to jurisdiction was just really exciting and really fun to be a part of," she added.

Zousmer has also seen early success representing Boehringer as it faces similar claims in state court.

2024

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**RISING
STAR**



Julia Zosmer

King & Spalding

Age: 38

Home base: Chicago

Position: Partner

Law school: Fordham
University School of Law

First job after law school:
Associate at Hughes Hubbard
& Reed

In May, for example, a jury in Cook County, Illinois, found that Zantac was not responsible for a woman's colon cancer, ruling for Boehringer and GlaxoSmithKline in the first of hundreds of such cases expected to go to trial.

"That was an amazing team effort with a true client partner and the right result, and just a really great first trial win in really important litigation in a difficult jurisdiction," Zousmer said. "It was really satisfying. We were really proud of that."

Another notable cases she's worked on:

Zousmer reflected on her early experiences with product liability litigation, pointing to her work on six trial teams that defended Merck in MDLs over its osteoporosis medication Fosamax in the early 2010s. At the time, she was an associate at Hughes Hubbard & Reed LLP.

"Seeing how everything played out at trial with these amazing teams — some of the best in the business — informed my ability to better handle the workup of a case from inception, because I could see how it would play out at trial," Zousmer said.

"That case sort of has opened all doors for me in my career," she added. "I met different people at different firms who I'm still great friends with, great clients and just — it is the reason that I started to love product liability litigation."

Why she's a life sciences attorney:

Zousmer highlighted the level of strategy and investment involved in life sciences and product liability cases that span jurisdictions, saying this is one of the reasons she loves working in this area.

"These are cases that go on for many years, and you really get to become an expert in them," Zousmer said.

"We're in the trial trenches for months at a time in hotels, working at trial sites," she added. "And there is really this feeling of being invested in the outcome, in the litigation and continuing to get better and improve and apply what you've learned."

Zousmer said she is particularly motivated by the incentive to resolve litigation as efficiently as possible, noting that she has been "fortunate" to work with clients and on litigation involving products she believes in.

"Sometimes litigation spirals into huge MDLs and huge litigation involving these products that really are safe and that I really do believe in, and I believe are good products that help the community and help people live normal lives," Zousmer said.

How will product liability and life sciences litigation change in the next 10 years?

The pharmaceutical and medical device industry, Zousmer said, is experiencing a "sea change" regarding the types of products involved in mass tort litigation.

Historically, this litigation has involved prescription products with smaller pools of users — an area Zousmer said is conducive to specific causation defenses due to the availability of pharmacy records.

Today, however, the industry has seen an increase in litigation involving over-the-counter products, creating the potential for huge plaintiff pools due to the lack of proof of use.

"A lot of people don't save their receipts from Walgreens or CVS when they're buying baby powder or Zantac or Tylenol or whatever the case may be," Zousmer said. "And I think that is a big change to the litigation and has led to these more massive MDLs that we've seen in recent years."

--As told to Gianna Ferrarin. Editing by Michael Watanabe.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2024 Rising Stars winners after reviewing nearly 1,200 submissions. Attorneys had to be under 40 as of April 30, 2024, to be eligible for this year's award. This interview has been edited and condensed.

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