

Rising Star: King & Spalding's Robert Friedman

By Joseph Marks

Law360, New York (March 21, 2011) -- Robert Friedman was at the forefront of King & Spalding LLP's defense of GlaxoSmithKline PLC and its embattled antidepressant Paxil in 2010, coordinating defensive discovery across hundreds of suits in state and federal courts, just one of the accomplishments that earned him a spot on Law360's list of five product liability lawyers under 40 to watch.

Friedman, 36, was also on the trial team for a Paxil case in the Philadelphia Court of Common Pleas in 2010, only the second case alleging that Paxil causes birth defects to go to trial. That case was thrown out because the plaintiff, whose child was born with a rare heart defect, could not prove that a doctor, who had since died, had failed to warn her that it was risky to take the antidepressant while pregnant.

Friedman, based in the firm's Atlanta office, was also part of the trial team in the earlier birth defect case, also in the Philadelphia Court of Common Pleas, which ended with a \$2.5 million plaintiffs' verdict in late 2009, a much smaller amount than the plaintiffs had requested.

Friedman represented Merck & Co. Inc. in a raft of threatened litigation over suicide risks connected with its flagship asthma medication Singulair in 2010, and defended the drug company against the first personal injury suit to be filed over the issue.

That case, filed in the U.S. District Court for the Middle District of Florida, was dismissed with prejudice in December after Friedman and other King & Spalding attorneys successfully pushed for scientific evidence to be presented before the sides had engaged in extensive discovery.

Friedman was drawn to product liability practice because of its diversity, he said — not just the range of companies that tend to be involved or the various types of claims made, but also the variety of forums in which product liability lawyers defend their clients.

"This practice gave me the opportunity to handle cases ... from federal courts in large cities like Miami and New York to state courts in small towns like Union Springs, Ala.," Friedman said.

"I like the creativity involved in trying to come up with a way to present your client's side of a dispute to

a group of people who, in some cases, may not be predisposed to agree with you. I like the art of persuasion.”

Friedman grew up in Charleston, S.C., and, while he left the south to attend college at the University of Pennsylvania and law school at Georgetown University, he said he always knew he wanted to practice in the south.

That opportunity came at King & Spalding’s Atlanta office, where he spent a summer as an associate during law school and came to practice in 1999.

“Initially the draw was more trial opportunities,” Friedman said, “and when I got here I found a group of lawyers who spent a lot of time outside the office, going all over the country, taking depositions, going to hearings and arguing motions, just out there on the front lines, which really appealed to me.”

During the past five years, Friedman has developed a niche in e-discovery practices, and is a member of the firm’s e-discovery practice group.

“I was managing discovery, not just for GlaxoSmithKline, but for a number of clients with national bases, and all of these e-discovery issues were coming up,” Friedman said. “We were just starting to deal with this explosion of email and electronic documents and how you protect your client from costly and burdensome discovery in those areas. When I came out of the trenches, I found I’d accumulated a good bit of expertise with issues in mass tort litigation.”

Performing discovery on computers and servers rather than picking through boxes by hand can save time and money for companies, Friedman said, but the sheer volume of electronic documents available for discovery can also lead to huge unforeseen costs without advance planning.

“You have to have scalable procedures so you can be efficient and take advantage of things you’ve already done,” Friedman said. “A lot of what’s key is making the right decision early ... so you can create a library of documents you can go back to and retrieve what you need, 20 percent from this case and 30 percent from this case. You have to think about how you’re going to organize 2 to 3 to 5 million documents on the front end, because if you undertake to review that many documents and characterize and code them, you can only do it once.”

--Editing by John Williams.

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