

## ***Zoe Littlepage: A Career of Winning Verdicts and Sending Messages to Corporate Boardrooms***

By Kerry Curry

(Feb. 27, 2015) – Famed Houston Trial Lawyer Joe Jamail once said that attorneys who are not emotionally involved in their cases are not giving their clients their best efforts. Jamail would be proud of Zoe Littlepage.



For more than 25 years, the Houston attorney has been involved in some of the biggest and most complex disputes with medical device makers and pharmaceutical companies. She's taken scores of cases to trial and won hundreds of millions of dollars for her clients.

Earlier this month the American Bar Association's Tort Trial and Insurance Practice Section honored Littlepage with its prestigious Pursuit of Justice Award, which recognizes lawyers and judges who excel in providing access to justice for all.

Littlepage is perhaps best known for serving as the lead counsel for the hormone therapy multidistrict litigation, where she was the MDL court's ambassador on behalf of more than 10,000 claimants. She took over a dozen cases to trial, resulting in more than \$260 million being awarded to her clients.

A 1990 graduate of the University of Houston Law Center, Littlepage also gained acclaim among mass tort lawyers for successfully settling hundreds of cases involving the diet drug Fen-Phen which was removed from the market in 1997.

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Defense and plaintiffs lawyers say Littlepage has demonstrated an ability to secure punitive damage awards for her clients during an era in which the Texas Legislature and state courts have severely restricted the instances in which victims are eligible to receive punitive damage from large companies. "It is one of the things I'm proudest of - our pursuit of actual payment of punitive awards," she said. "I think that sets a oath for other lawyers to follow if you get a good appellate decision, laying out a good standard and affirming a good punitive damage award. That is really important for the people who come behind you. There is a pathway now that you can rely on."

Born in Trinidad and raised in Barbados, Littlepage left the Caribbean as a teenager to attend boarding schools in England and Massachusetts. She obtained her bachelor's degree from Rice University in 1987 with a triple major in English, psychology and German. She graduated with honors at the University of Houston, where she served on the Houston Law Review.

Little page started her legal career on the defensive side, joining Fulbright & Jaworski (now Norton Rose Fulbright) straight out of law school.

After a year, she jumped to the now-defunct Mandell & Wright in 1991, after Steven Vaughan, her trial advocacy professor from the University of Houston, who was at the firm, encouraged her to apply to his small plaintiff's firm. It was then that she got her first taste of medical tort cases with a couple of breast implant cases. Littlepage left Mandell & Wright and started Ravkind & Littlepage, where she tried her first Fen-Phen cases.

She's now with a three-attorney joint venture partnership called Littlepage Booth. Littlepage tries most of her cases with her life partner, Rainey Booth. The firm's other attorney, associate Natasha Ardoin, manages the firm's Houston office.

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Early in her career, Littlepage volunteered with women's groups and spoke to women's organizations. When problems surfaced with breast implants, the issue was very much a woman's issue, but there were few women lawyers involved in mass tort cases, she said. "That got me interested and then I really got hooked with the great combination of complex law, complex medical issues, science issues, discovery issues."

"Unlike other people, I got a chance to do a lot of trials in the mass tort context," Littlepage said. "A lot of lawyers don't like mass tort because they feel like they don't get a lot of trial experience. For some reason, I got a lot of trial opportunities and ended up trying several cases a year all through my 20-plus years."

In 1996, she took drug maker Wyeth to trial in a pivotal case in Council Bluffs, Iowa, where she single-handedly litigated against more than a dozen Wyeth lawyers until the drug maker settled the case several days into trial. In the wake of that case, Littlepage was able to obtain favorable settlements for all of her Fen-Phen clients.

It's not unusual for Littlepage to spend years and years focusing on one type of pharmaceutical malpractice case. In 2003, she was appointed lead counsel of the plaintiffs steering committee who was overseeing hormone replacement therapy cases. Women taking hormone replacement therapy alleged that the drugs caused them to get breast cancer and said the drug maker never warned patients or doctors of the cancer risks. The litigation lasted nearly 12 years, ending in late 2014. Littlepage took about 15 cases to trial during that time.

Although the cases were all-consuming, she said that time period was among the most impactful of her career.

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"We had an opportunity in hormone therapy to try a number of punitive damage cases, Littlepage said. "Punitive damages are always the red-headed stepchild. Lawyers include them but never expect to actually collect money," she continued. "They never expect the corporation to be punished for their conduct. We felt very strongly that a punitive claim in hormone therapy was a valid claim and that Wyeth deserved to be punished."

Littlepage Booth persevered, winning five affirmative appellate punitive damage decisions, with total verdicts of \$83.2 million that Wyeth (now owned by Pfizer) paid in full. "I felt like we really did punish the company for its conduct and it wasn't just a theoretical claim," she said. Often, such claims get overturned on appeal. "That was a huge accomplishment in my career. I felt like for the first time, we were really walking the walk."

Littlepage said she believes results of that magnitude reach drug company boardrooms around the nation, sparking discussions that hopefully lead to greater patient safety initiatives.

Although she enjoys talking about the wins, the cases she's lost stays with her also. And she's lost a lot. On average, plaintiff lawyers win only 30 to 40 percent of mass tort cases. Littlepage said they won 50 percent of the hormone replacement cases.

"You have courageous women who give you their case, and you go to trial for them, and you may be in trial for two months and then you lose. It is heartbreaking. Those stay with you forever."