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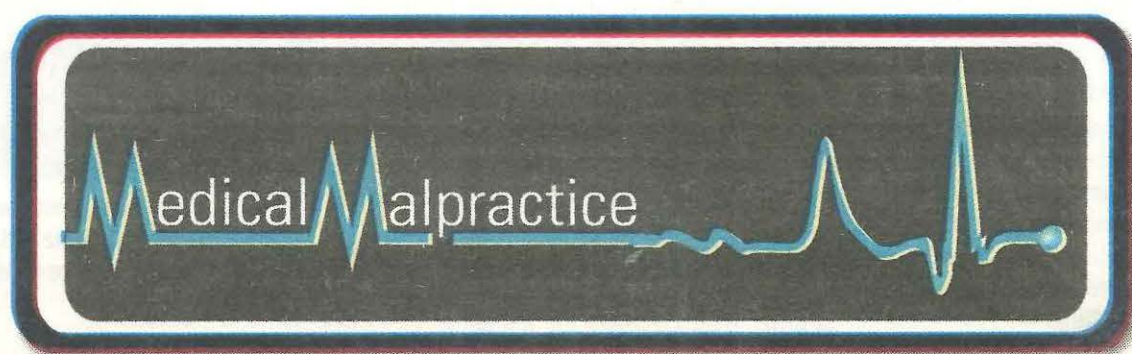
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Special Report



BAD MEDICINE?

Houston Plaintiffs Lawyer **Zoe Littlepage** Takes on Drug Makers

by JENNY BURG

Scott H. Peters, who heads his family's century-old law firm in Council Bluffs, Iowa, has just finished preparations for the arrival of Houston litigator Zoe Littlepage and her trial team. "We've got a house rented here in Council Bluffs, and they've got their trucks coming up the first part of next week," he says. "They're moving in lock, stock and barrel."

Peters is local counsel on one of Littlepage's many fen-phen cases. Along with the three young lawyers that make up the "& Associates" part of the firm, Littlepage, 33, is coming to the county seat of Pottawattamie County this week with two SUVs packed with audio-visual equipment, laptops, copiers, printers, scanners and cell phones.

The house that will serve as trial HQ has been furnished. The larder is stocked. The cable TV is on. Voir dire begins April 17, and Peters expects Littlepage to try the case the same way she has dealt with everything else so far — by herself.

"She's taken most of the depositions, done most of the preparations of our experts and has taken the depositions of their experts. I have really done absolutely nothing," Peters says somewhat

apologetically.

But he stops short of likening Littlepage to a steamroller. "She just works her butt off," he says.

And in her line of work, as the head of a small plaintiffs firm challenging Big Business — and as a woman trying to make it in a notoriously old boy's town — she has to.

"I gave birth on Friday [to second son, Jordan] and went back to work on Sunday afternoon," she says. "The luxury of time doesn't apply to me."

The primary focus of Littlepage & Associates is drug law — representing people injured or killed allegedly due to

prescription medications. She believes her firm was the first in the country to bring a suit against the makers of diabetes drug Rezulin, filed just one day after the drug was pulled from the market. She also has already settled a case against Duract, even though the anti-inflammatory has been off the market just less than two years. Among her pending cases are claims against the manufacturers of the oral antibiotic Trovan, Posicor, a heart medicine, and Propulsid, a treatment for nighttime heartburn. [See "Houston Counsel Sue Painkiller Maker Over Alleged Side Effects," Texas Lawyer, Feb. 19, 2000, page 1.]

This work pits her against giant pharmaceutical manufacturers like



Zoe Littlepage fronts her firm, which includes associates [left to right] Tim Weltin, Chetna Gosain and Joshua Brockman.

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Bristol-Meyers Squibb, American Home Products and Warner-Lambert. In turn, these Goliaths bring in legal teams from such firms as Kansas City-based Shook, Hardy & Bacon, Washington, D.C.-based Arnold & Porter and Houston-based Vinson & Elkins.

But Littlepage says she never gets intimidated — even when opposing counsel mistakes her for a secretary or a judge finds it difficult to “deal” with a woman. She says she just thinks about what her clients have endured. This week, she will be thinking about a Council Bluffs woman whose use of fen-phen in 1996 and 1997 allegedly led to heart valve replacement surgery, a subsequent stroke, partial paralysis and exposure to blood tainted with the Creutzfeldt-Jakob virus, better known as “mad cow” disease.

“It’s a big case for a wonderful woman,” says Littlepage.

A Roundabout Route

Born in Trinidad, Littlepage grew up in Barbados, where her family had run a sugar cane plantation for generations. Educated in England and Massachusetts, she landed in Houston for college and earned a triple major in English, psychology and German from Rice University.

After a year at Emory University School of Law in Atlanta, Littlepage decided she preferred Texas. She transferred to the University of Houston Law Center, where she graduated in 1990. While at UH, she built an impressive résumé: *Houston Law Review* editorial staff, Order of the Coif, Order of the Barons, a Vinson & Elkins clerkship. It was so good, in fact, that she says no plaintiffs firm would touch her.

She says she was recruited by every major defense firm in the city and even got a job offer from Baker Botts, but résumé after résumé sent to local plaintiffs firms yielded nothing. So she took a job at Fulbright & Jaworski.

Her big break came a year later when her UH trial advocacy professor coaxed her over to his small plaintiffs firm, Mandell & Wright.

“She was the best trial advocacy student we ever had,” recalls Steve Vaughan, now director of the firm.

In two years, she was named partner.

At Mandell & Wright, Littlepage’s primary focus

became silicone gel breast implant litigation. She continued to focus on implants after a rocky departure from the firm, starting Ravkind & Littlepage with Mandell & Wright managing partner Sidney Ravkind. From there, she says, it was a natural progression to fen-phen, where she gained her first experiences with drug litigation and found her niche.

“Once you go through a full discovery process, you kind of get a feel for what type of animal tests they do, what kind of trials they do. And after I’d done one or two of these massive document requests, I thought not too many firms do this type of work,” she says.

Spying opportunity, she seized it and charged ahead.

She and Ravkind parted ways in 1999 — a mutual decision according to both Littlepage and Ravkind — and she opened Littlepage & Associates in a renovated circa-1906 house on Westheimer Road.

Littlepage says she goes out of her way to foster a family atmosphere. Not only do she and her lawyers bunk down in the same house or apartment while in trial, but the entire firm meets for a hot lunch every day, prepared and delivered by Littlepage’s housekeeper.

Although the group lunch makes noontime errands nearly impossible, associate Tim Weltin confirms it is among the many warm fuzzies at the firm.

“It’s like a family here where you get to pick the members,” he says.

When she’s not fostering the firm’s feel-good atmosphere, Littlepage is pure business. To attract clients, she offers free advice in various disease-related chat rooms on the Internet, and she has just developed her own Web site, www.littlepagelaw.com.

And if tenacity is any indication of success in the courtroom, all bets should be on Littlepage.

Lawyers who have argued cases against her agree that she is an aggressive advocate for her clients.

“She can be very difficult to work with because she is someone who takes her cases very seriously,” says one lawyer who has faced Littlepage in both breast implant and fen-phen cases.

Littlepage is aware of her reputation, but offers no apologies.

“I think [these cases are] a violation of the fundamental trust people have in the medical system,” she says. “It boils my blood.”

Littlepage also makes sure she understands her cases backward and forward before she takes on a client. Thorough investigation is essential, she says, because fighting an uphill causation battle could bankrupt her firm. She says the war chest she amassed from the proceeds of her implant cases allows her to pump an average of \$600,000 to \$700,000 into each case.

Connie Storey, a Las Vegas woman who contacted Littlepage about a suit against Duract for her husband’s liver damage, says Littlepage was very open about how her firm works.

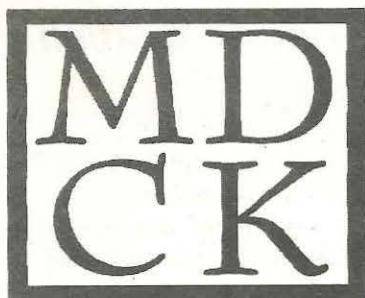
“She has a guy who can tell whether the liver damage was caused by Duract, and she was really up-front about how, if he couldn’t conclusively say Duract caused it, she would bid us a fond farewell,” says Storey. “She’s only interested in cases that were strong — she’s not going to piddlydink around.”

Storey says she respects Littlepage as a businesswoman, which made it easier to accept Littlepage’s 45 percent contingent fee.

Elaine Shaw, a Charlottesville, Va., woman who hired Littlepage to sue the manufacturer of Rezulin over the liver-failure death of her mother also was initially taken aback by the fee. [See “The Ticker,” *Texas Lawyer*, March 27, 2000, page 2.]

But Shaw says she signed because Littlepage seemed to understand her case, had experts already on retainer with Rezulin experience and always returned calls and e-mails. Littlepage also granted Shaw’s wish to publicize her mother’s story. Shaw says she has since appeared on the CBS Evening News with Dan Rather, Fox News and was written about in a March 28 *New York Times* article.

Although the two had never before met in person, Shaw says Littlepage flew up to Charlottesville for the Dan Rather interview — and held her hand. □



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