



# 2016 Product Liability MVP

## Mike Brock



Trial veteran Robert C. “Mike” Brock of Kirkland & Ellis LLP heads up the team representing General Motors in the ignition switch defect bellwether trials, the first of which came to an unusual and swift end earlier this year and landed him a place on *Law360*’s Product Liability MVPs of 2016.

The closely watched trial came apart quickly after Oklahoma driver Robert Scheuer dropped his claims that GM was responsible for his Saturn Ion crash after a witness, who heard about the case on the radio, came forward with evidence after the first day of trial that Scheuer had lied about the accident and the resulting financial fallout.

“In the Scheuer case, we saw something that will occasionally happen in a trial but never happens in as dramatic fashion as it happened in Scheuer,” Brock said.

The witness was a real estate agent who had worked with Scheuer on the purchase of a home. After he called a GM hotline, Brock and his team worked hard to establish his claims that Scheuer and his wife — who had alleged they incurred more than

“The first GM bellwether trial win was one of about 60 trial victories scored by Brock, who over 25 years of high-stakes litigation has handled more than 70 trials.”

\$90,000 in costs relating to his crash — had lost the house after submitting faked financial documents.

“One of the dings on his credibility was the detailed examination about the check involved in purchase of home,” Brock said. “At one point he said ‘I don’t remember anything about that month, June, totally blank in July, on medicine at the time.’”

Brock conducted the cross-examination of Scheuer — who had testified that the accident left him so injured he was unable to work for months — and the team worked diligently to unearth evidence, including copies of a check stub for \$441,000 that he had allegedly doctored. Scheuer had apparently texted the check stub to the real estate agent on his house purchase to show he was able to pay for the house he had signed papers to buy in June 2014.

“The significance of that trial is that in any mass tort one of first things that companies do — unless you’re trying to resolve all cases — is you have to demonstrate a willingness to try a case,” Brock said.

The first GM bellwether trial win was one of about 60 trial victories scored

by Brock, who over 25 years of high-stakes litigation has handled more than 70 trials. He's also lead the BP Deepwater Horizon trial team and handled product liability cases for Merck over its Vioxx and Fosamax drugs.

That first win for GM in January was followed by four more. The second trial, which lasted for two weeks in March, had its own share of excitement as two jurors were dismissed for snoozing off. That case involved claims by 2007 Saturn Sky owner Dionne Spain that the ignition-switch design defect caused her January 2014 crash on the Crescent City Connection bridge in New Orleans.

Ultimately, the jury put the blame for her crash on black ice on the bridge, as GM's accident reconstructionists had presented.

“Brock credits the hard work of his team for helping achieve these wins, noting that they can be as young as second-year associates.”

Next came a win in April, followed by the fourth in the first state court ignition case to go to trial, which was secured after the jury took only 45 minutes to reach its verdict.

Brock credits the hard work of his team for helping achieve these wins, noting that they can be as young as second-year associates.

While it can be challenging these days for young lawyers to gain trial experience, he encourages them to seek out any opportunity to attend a trial — and to speak up if they're struck by a new idea or insight.

“I want to hear the views of attorneys on team, even if they're young,” he said. “Some of the best ideas that we develop comes from younger lawyers.”

REPRINTED WITH PERMISSION FROM THE DECEMBER 16, 2016 EDITION OF *LAW360* © 2016 PORTFOLIO MEDIA INC. ALL RIGHTS RESERVED. FURTHER DUPLICATION WITHOUT PERMISSION IS PROHIBITED.