

Renee D. Smith



Renee D. Smith of Kirkland & Ellis LLP has helped secure settlements while representing 3M in multidistrict litigation over its Combat Arms Earplugs and defending Juul in litigation over its advertising of vape products, earning her a spot as one of Law360's 2023 Product Liability MVPs.

“As product liability lawyers, we really have a unique, and sometimes, one of the only opportunities to tell our clients’ side of the story and present that full picture. It’s both an opportunity and a great responsibility to get it right.”

Her biggest accomplishments this year:

Smith told Law360 that this year saw three big cases for her — representing 3M, Juul and General Motors — in which she secured wins or settlements that resolved long-running MDLs.

In the 3M MDL, which concerns allegations that its Combat Arms Earplugs were defective and failed to protect the hearing of their users, Smith secured a unanimous defense verdict in one of the

bellwether cases, which helped set the stage for a tentative \$6 billion settlement reached in August.

And in the Juul case, Smith said she had the opportunity to try the first and only trial in the MDL last spring, in a case brought by the Minnesota attorney general, which settled on the eve of closing arguments. Smith told Law360 that this capped off the company's global resolution efforts, which included a \$235 million deal to end youth vaping claims.

Smith's teams also secured victories in cases involving General Motors: one concerning Takata airbags and others over emissions defeat devices. In the airbag case, claims were dismissed after showing that GM's vehicles never had airbag ruptures, while the emissions cases saw dismissals on federal preemption grounds, she said.

“They showcase how different litigation may require different paths to get to what is hopefully the best place for our clients,” she said.

Her biggest challenge this year:

Smith said the biggest challenge this year came when a class action case didn't come out with the verdict she'd hoped, noting that the willingness to try cases and take the attendant risks comes with ups and downs.

"I'm a competitive person, and I'm personally passionate about our cases and our clients, and I become very, very personally involved, which I think lots of us do," she said.

But even with a loss, she said there is something to learn, and this one taught her a lot.

"It's humbling, I think — and my kids enjoy teasing me about it — but it also really did provide a learning experience for me, it helped me sharpen my skills as a lawyer and to accept that sometimes, no matter what you do, things may not come out the way you expected or wanted them to," she said. "I also think we really had an opportunity to persevere and to continue fighting, knowing that a loss is not the end of the story necessarily, including through appeals and opportunities to work with our clients to right the ship in other ways."

Her proudest moment:

Working with what she called remarkable teams and junior attorneys made Smith proud this year, she said, calling them the driving force behind the firm's success.

In the Juul case in particular, she said the team of young women attorneys had the chance to take stand-up roles and "knocked it out of the park," earning compliments from the trial judge.

"It was great for them, it was great for us as a firm, the judge complimented us, and it was great for the client as well," she said.

Why she's a product liability attorney:

Throughout high school and college, Smith said she changed her mind about what she wanted to do on a daily basis, eventually narrowing down her choices to teacher, doctor, mental health professional and lawyer before deciding on the law route.

And while serving as a summer associate at Kirkland, she got to work on litigation regarding breast implants and allegations that they caused autoimmune conditions. Smith said that's when she fell in love with product liability law, as it lets an attorney combine all disciplines — such as science and medicine and human behavior — and even act as a teacher by making that information understandable to an audience of judges and juries.

"Product liability really synergizes all those disciplines, and I just love it," she said. "There's just nothing better."

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What motivates her:

Smith said learning about her clients' products means not just getting to know the companies but also the people involved in developing those products. Getting to vindicate them on the law and facts and getting to be their voice is a major driver for her.

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Her advice for junior attorneys:

Smith told Law360 that there are three major lessons that she would want to impart on younger attorneys to help them find success.

The first is to be both serious and friendly, as while she is a relentless advocate, she has found that courtesies and kindness, including to opponents, benefits both the firm and its clients, and helps foster credibility with both judges and opposition.

Second, she said, is to be human — to remember that product liability cases are about people on both sides, and some of them are injured and truly believe that those injuries were caused by her client’s products.

“I think there’s a way to navigate sensitive issues like that respectfully, and to treat the sensitive, sometimes emotionally charged issues we face in a respectful manner, [which] builds credibility with the courts,” she said.

And lastly, she said junior attorneys should be themselves. While there is a perception that attorneys should be serious and deliberate in their speech, Smith said there’s a way to adjust to your audience and find your unique style.

“There are lots of brilliant, talented attorneys, and finding a unique style can help you get traction with both courts and recognition as somebody who’s interesting, and someone the clients will remember,” she said.

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