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Women should be among lead lawyers in IUD case, federal judge says

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There are no women lawyers on the proposed plaintiffs executive committee overseeing the Mirena IUD litigation, and that's a problem, considering the nature of the case, a federal judge told counsel Friday at an initial status conference.

The consolidated, multidistrict matter involves more than 50 lawsuits. All claim that the birth control device's label did not adequately warn consumers it could pierce a uterus and travel to other parts of the body, Reuters (http://newsandinsight.thomsonreuters.com/Legal/News/2013/05_-_May/Judge_calls_for_female_lawyers_on_plaintiffs__committee_in_Mirena_MDL/) reports. In April, the U.S. Judicial Panel on Multidistrict Litigation issued a transfer order (http://www.jpml.uscourts.gov/sites/jpml/files/MDL-2434-Initial_Transfer-03-13.pdf) (PDF) that the cases be consolidated in the Southern District of New York.

Prior to the status conference, lawyer Alyson Oliver sent the court a letter, noting that the plaintiffs could benefit from having some women on the executive committee, for both empathy and trial strategy.

Four men asked the court to be appointed to the committee, and U.S. District Judge Cathy Seibel also noted that the group may be too large and urged the lawyers to include some women among the ranks in their leadership. "I think that's important," she said.

Seibel also instructed plaintiffs counsel to bill by task rather than law firm to avoid duplicate fees.

James Ronca, one of the proposed co-lead plaintiff counsel, stated that the group wants a larger "steering committee" to lead litigation, Reuters reported. Partially to help fund the case—each contributes between \$200,000 and \$300,000 up front—and to handle pretrial work.

At least 113 similar actions involving the Mirena IUD are filed in state courts, Reuters reports. The federal plaintiff team expects that their consolidated matter will eventually involve thousands of cases.

The device is sold by Bayer AG. The company maintains that the labels on their intrauterine devices were adequate.

Updated May 21 to include quote from Seibel.



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