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Women's Justice Awards
2024

Woman of the Year: Madeleine McDonough

BY RASMUS S. JORGENSEN

Madeleine McDonough's story is one of a woman who began her career as a clinical pharmacist, decided the law was calling her, found a way to use her prior experience and the law to get vital medical products to those who need them, and suddenly found herself leading one of Missouri's largest law firms during a time of heavy expansion.

McDonough, now in her eighth year as chair of Shook, Hardy & Bacon, the Kansas City-based firm with more than 500 attorneys and nearly half a billion dollars in annual revenue, is Missouri Lawyers Media's Woman of the Year.

Starting a career in law despite loving life as a clinical pharmacist was partly a result of having parents who both went to law school, though neither ended up practicing. The idea of becoming a lawyer just never left her, as she wanted to do something where she could advance justice. How to do that, exactly, was another question.

But the Kansas City native lucked out, she said.

"When I decided to go to law school and looked into law firms, the number one law firm, really, in the world, for pharmaceutical litigation was Shook, Hardy & Bacon based in Kansas City, which I did not know until I began the research," she said. "Then I thought, 'Wow, I could actually potentially practice law in the pharmaceutical space in my hometown with a great firm known specifically for that.'"

Fighting for pharmaceuticals

She could. McDonough, who would eventually chair Shook's pharmaceutical and medical device practice, became a strategic counselor to clients in those industries and became particularly involved in defending such firms in mass torts and multi-district litigation. Her pharmaceutical background helped her every day, enabling her to speak with her clients' medical officers, statisticians, pharmacokineticists and biologists in their own language.

It allowed her to move quickly, find better expert witnesses and translate complex ideas to juries and judges. Her knowledge of the field may also be part of what made her so passionate about defending pharmaceutical companies, which she described as a personal quest.

"A lot of the MDLs that I've been involved with have involved really important pharmaceutical products that have a great medical and societal need, and they were being challenged on unfair grounds," she said. "So sometimes, it meant the world to me to be able to explain to a court — whether it was in a brief or in an oral argument or in some other hearing — the value of a particular pharmaceutical product and how important it is and how the allegations that might have been made about that product were not true."

She looks back now to some of those successes and can say that she helped keep life-changing and life-saving medical products on the market. For instance, she and other Shook attorneys won summary judgment, affirmed on appeal, in federal court that ended 430 cases involved in a years-long MDL over the drug Zofran, which prevents nausea and vomiting and can help people undergoing chemotherapy, radiation or surgery. It had not received approval for use in pregnant women, but doctors had for years prescribed it to them off-label to help with morning sickness. The plaintiffs claimed Shook's client had failed to provide the FDA with relevant scientific evidence needed to warn pregnant women of potential congenital disabilities.

Drawn-out litigation is, of course, not what pharmaceutical companies need when they're trying to get medicine to their customers and run a business. But when companies are ready to stand up for their products rather than settle, so is McDonough.

"There is a cottage industry of people who will file lawsuits, hoping to get a large settlement and not have the company fight. And that happens, a lot of times, just because of the press of business and the time and opportunity cost of having to litigate things that are not true, results sometimes in settlements that are quite profitable for attorneys who bring, frankly, frivolous litigation," she said. "It is actually an honor to find companies who will fight on behalf of their products, and I was able to do that many, many times."

Good corporate citizens

McDonough has since replaced her leadership role in that practice area with a role as co-chair of the environmental, social and governance practice, an area she says is growing in importance to the firm's clients. More than half of requests for representation include questions about what the firm can offer in ESG.

"A lot of what I focus on is the social license to do business," she said. "That does have environmental, sustainability, governance and diversity, equity and inclusion aspects to it. And those are things that have always been very important to me. So I enjoy, and I think I've become fluent in, various conversations relating to those aspects of doing business."

The range of ESG work is broad, ranging from DEI training, over crisis management to toxic tort litigation. But the bottom line, McDonough said, is helping companies navigate that wide range to help them be good corporate citizens.

Leading the firm

John Murphy had been chair of Shook, Hardy & Bacon for the majority of McDonough's time with the firm when he stepped down at the end of 2016. For McDonough, taking on his role was not something she had planned on, despite serving in other leadership roles before then.

"Various people asked me, 'Would you consider running in an election to become the chair of the firm?' And that's really when it struck me that maybe that would be helpful," she said.

She had a pretty good case. For about a decade at that time, McDonough had split her time between the firm's Kansas City and Washington, D.C., offices. She had served on the executive committee for a decade, too. And she was chair of one practice area and co-chair of another. In other words, she was experienced and highly successful, and she was well-known beyond just a single location or practice area.

Shortly after the election, she received an email from an exclusive group that she was about to join on Jan. 1, 2017: Women who chair large law firms.

"And there were only nine or so in the country," McDonough said. "They suggested that we all get together and have dinner, and we continue to do that to this day a couple of times a year. Unfortunately, the group has not gotten significantly larger."

She hopes she can contribute to a process that will make it easier for all historically under-represented groups to take that step. One way she could do that is point to the scoreboard: Shook has been hugely successful under her leadership.

In 2022, Shook had the highest profit per attorney of any large Missouri firm, according to Missouri Lawyers Media's MOney publication, and the second-highest profit per equity partner. The year before, the firm's profit growth was the highest among the state's top firms, at 24.5 percent, following a 19.6 percent increase in 2020. The firm's gross revenue grew from \$334 million in 2016 to \$460 million in 2023.

Those results are naturally impressive. But add context — Shook is a litigation-heavy firm that achieved much of this while many trials were halted due to the coronavirus pandemic — and McDonough's success is outstanding.

And it's not just profits that are growing under McDonough's leadership. So is Shook's physical footprint, as the firm has added new offices in St. Louis, New York, Jersey City, Hartford, Boston, Atlanta and Los Angeles in recent years.

"I really wanted to enhance all the good things that were already present in the firm. To be honest, I am standing on the shoulders of lots of people who have gone before me and made great decisions," McDonough said.

Of course, McDonough has brought forward several strategic initiatives since assuming her current role, but she believes most of them can be boiled down to communication and collaboration.

"We do so much sharing of information that I think it's a real differentiator," she said.

Some initiatives that are plainer to see include an increased effort to make lateral hires and significantly increasing the number of Shook offices; the firm has 19 locations today, as opposed to 12 when McDonough was elected.

McDonough also emphasized that Shook is particularly adept at looking around the corner, anticipating and preparing clients for new regulatory, technological and even societal developments, noting that the firm is known for representing science and technology clients such as Microsoft, Apple and many pharmaceutical companies.

But as chair, she is most proud of what the firm has accomplished in its DEI initiatives and pro bono work.

"We have really been able to become more profitable and stronger and great for paying clients. At the same time, we're doing more than ever in the pro bono space and in the diversity space," she said. "It's been a real gift to me to be able to do all of that at the same time." ♦