Frustration From A Deal On Flawed Hip Implants

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Patients injured by a flawed hip implant sold by Johnson & Johnson [1] have directed their anger at myriad places over the years. The regulatory system that allowed the product's sale. The company that repeatedly denied problems with the device. Even the doctors who implanted the hips.

When the metal parts of the Articular Surface Replacement rubbed together inside a patient, they created harmful debris.

Now, some patients have found a new target for their ire: the legal system and the lawyers they hired to sue Johnson & Johnson.

At issue is the $2.5 billion plan announced last week [2] to settle an estimated 8,000 lawsuits involving the all-metal hip device known as the Articular Surface Replacement or A.S.R.

Both Johnson & Johnson and those lawyers have praised the deal, describing it as an innovative plan that will compensate patients who had to have an added operation to have an A.S.R. removed and replaced. After the lawyers' fees, patients will get about $160,000 on average to compensate for their pain and suffering.

The plan also creates a $475 million pool for added payments to the most severely injured. And Johnson & Johnson agreed to pay claims from private insurers and agencies like Medicare [3] seeking to recover the costs of operations and other medical treatments related to the device.

But some patients contend that the deal's real winners are Johnson & Johnson and the plaintiffs' lawyers. Those lawyers are set to receive about one-third of the settlement, or about $800 million. The single biggest chunk of those fees will go to the firms most involved with developing cases against Johnson & Johnson and negotiating the settlement; they will get a bonus of about $160 million.

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