ADVANCE REGISTRATION DEADLINE: **APRIL 15, 2011**

DRI™
The Voice of the Defense Bar

# DRUG AND MEDICAL DEVICE SEMINAR

## MAY 5–6, 2011

## SHERATON CHICAGO HOTEL AND TOWERS

## CHICAGO, ILLINOIS

EXPERT SPEAKERS INCLUDING

IN-HOUSE COUNSEL

NATIONALLY RECOGNIZED TRIAL ATTORNEYS

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ATTORNEYS EXPERIENCED IN ELECTRONIC DISCOVERY

APPELLATE PRACTITIONER

ATTORNEYS KNOWLEDGEABLE REGARDING CUTTING-EDGE TECHNOLOGIES

### REASONS TO ATTEND

- Participate in the premier networking and educational event for practitioners in this area and earn up to 12 hours of CLE, including 1 hour of ethics credit
- Hear lessons learned in the defense of the Vioxx litigation from leading strategists, trial counsel and in-house counsel
- See trial skills presentations, including a closing argument and cross-examinations of an adverse medical witness and regulatory expert, from leading practitioners in the area
- Learn how to maximize the value of jury research
- Increase your knowledge of electronic discovery risks with new technologies that are being used within the industry

DRI DELIVERS RESOURCES TO BUILD YOUR PRACTICE

DRI's Drug and Medical Device Seminar is the preeminent program for lawyers who represent pharmaceutical and medical device manufacturers. We are pleased again to feature a number of nationally recognized attorneys, both in-house and outside counsel, and other professionals who will address cutting-edge topics that are relevant to all who practice in this area, whether they are associates, lead trial counsel or in-house attorneys. This year's program will offer a mixture of presentations, including trial skills demonstrations, a panel discussion of a groundbreaking defense and litigation insights from leading defenders of drug and device cases. In addition to the outstanding program, there will be numerous networking opportunities, including our annual Young Lawyers Blockbuster. Be sure to register now to reserve your place in Chicago at DRI's 27th annual Drug and Medical Device Seminar.

**James F. Rogers**
Program Chair

**Jack B. McCowan, Jr.**
Committee Chair

**Matthew Y. Biscan**
Law Institute

**Presented by DRI's Drug and Medical Device Committee**



## WHAT YOU WILL LEARN

- Successful strategies for defending a medical product liability action when the co-defendant doctor points the finger at the product
- Best practices and latest developments in mock jury research for the case that you are defending
- What an experienced appellate attorney who represents drug and medical device clients has to say regarding the preservation of useful trial court record for appeal
- How to use a closing argument to diffuse sympathy in a difficult case
- The current regulatory and litigation environments for developing technologies, such as biologics and nanotechnology
- How to exclude the plaintiff's regulatory expert
- The latest challenges for drug and medical device manufacturers presented by fast moving communications technology, such as self-directed social media, blogs, texting and different types of electronic communication used by industry employees

## PROGRAM SCHEDULE

### WEDNESDAY, MAY 4, 2011

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**
*Sponsored by* **Frost Brown Todd LLC**

### THURSDAY, MAY 5, 2011

**Boarding Pass Kiosk**
*Sponsored by* **King & Spalding LLP**

**Internet Café**
*Sponsored by* **Litigation Management Inc.**

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**
*Sponsored by* **Shook Hardy & Bacon LLP**

7:00 a.m. **First-Time Attendees Breakfast**

8:00 a.m. **Welcome and Introduction**
**Matthew Y. Biscan**, *Clisham Satriana & Biscan LLC*, Denver, Colorado
**Jack B. McCowan, Jr.**, *Gordon & Rees LLP*, San Francisco, California
**James F. Rogers**, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina

8:15 a.m. **Picking the Deepest Pocket: Defending a Case Where the Doctor Is at Fault but the Spotlight Is on Your Client**
Two experienced drug and device trial attorneys will first discuss strategies for handling a case where the doctor is most likely at fault, but is pointing the finger at the manufacturer's product. The attorneys then will perform a mock direct and cross-examination of the doctor defendant.
**Robert H. Alexander, Jr.**, *Law Office of Robert H. Alexander, Jr., PC*, Oklahoma City, Oklahoma
**Beth S. Rose**, *Sills Cummis & Gross PC*, Newark, New Jersey

9:15 a.m. **Best Practices for Jury Research: How to Know You're Getting the Most for Your Money**
A jury consultant and an outside attorney will discuss the best practices for jury research, such as when certain types of mock jury exercises are better than others and the best ways to utilize jury research once it has been performed.
**Craig A. Thompson**, *Venable LLP*, Baltimore, Maryland
**Theresa Zagnoli**, *Zagnoli McEvoy Foley LLC*, Chicago, Illinois

10:10 a.m. **Refreshment Break**
*Sponsored by* **Filice Brown Eassa & McLeod LLP**

10:25 a.m. **Vioxx: In the Review Mirror**
This is a unique opportunity to learn from a panel of attorneys, each of whom played a key role in the successful defense of the Vioxx litigation. Panelists include one of Merck's in-house counsel, overall defense strategists, lead trial counsel and settlement counsel. The speakers will discuss the litigation's history, starting with an early multi-million dollar plaintiff's verdict in Texas state court, a landslide of lawsuits and a congressional investigation, and concluding with multiple defense verdicts.
**John H. Beisner**, *Skadden Arps Slate Meagher & Flom LLP*, Washington, D.C.
**James K. Grasty**, *Merck & Co. Inc.*, North Wales, Pennsylvania
**Douglas R. Marvin**, *Williams & Connolly LLP*, Washington, D.C.
**Theodore V. H. Mayer**, *Hughes Hubbard & Reed LLP*, New York, New York
**Diane P. Sullivan**, *Dechert LLP*, Princeton, New Jersey

11:25 a.m. **What to Do When the Government Calls: New Strategies to Defend Your Client in a Government Investigation**

This presentation will address what a drug or device manufacturer should do when it becomes the target of a government investigation. Also covered will be recent developments that have created additional opportunities for drug and device companies to defend themselves as part of a government investigation.

**Beth A. Wilkinson**, *Paul Weiss*, Washington, D.C.

12:15 p.m. **Lunch** *(on your own)*

1:45 p.m. **To MDL or Not to MDL: Strategies for Getting One, Defeating One and Which Is Best**

Two attorneys who recently have been faced with whether to embrace or resist a multidistrict litigation (MDL) will address why the answer is different for various ligations.

**Eric S. Santoro**, *AstraZeneca Pharmaceuticals LP*, Wilmington, Delaware

**Katherine A. Winchester**, *Ice Miller LLP*, Indianapolis, Indiana

1:45 p.m. **Young Lawyers Blockbuster**

*(see program schedule on page 6)*

2:35 p.m. **Biologics: Is Pharma Becoming Biopharma and Are You Ready for the Transformation?**

This presentation will address what biologics, biosimilars and bioidentical products are and how they are different from traditional pharmaceutical products. The presentation will also address how the regulatory environment varies for those products, and what developments are anticipated in the future.

**Lisa A. Haile J.D., Ph.D.**, *DLA Piper US LLP*, San Diego, California

3:25 p.m. **Refreshment Break**

*Sponsored by* **Baker Donelson Bearman Caldwell & Berkowitz PC**

3:40 p.m. **Making and Preserving Your Record: Strategies for Trial Attorneys to Maximize Success on Appeal**

An attorney who is experienced in the successful defense of pharmaceutical products, both at the trial and appellate levels, will address what all practitioners need to focus on when they are defending drug or medical devices at the trial level to insure that the record is appropriately preserved and to create the best opportunity for winning the case on appeal.

**Paul W. Schmidt**, *Covington & Burling LLP*, Washington, D.C.

4:30 p.m. **The Use of Closing Arguments to Defuse Sympathy in Drug and Medical Devices Cases: A Demonstration**

An attorney who has tried numerous drug or device cases will analyze what impact juror sympathy has on deliberations and potential strategies to get jurors to set their sympathies aside and to focus on the issues that they will be charged with deciding. The attorney also will perform a portion of a closing argument that focuses on juror sympathy and redirects jurors to important facts and issues in the case.

**Brian P. Johnson**, *Johnson Trent West & Taylor LLP*, Houston, Texas

5:30 p.m. **Adjourn**

5:30 p.m. **Drug and Medical Device Meeting**

*(open to all)*

6:00 p.m. **Networking Reception**

*Sponsored by* **MRC – Medical Research Consultants**

## FRIDAY, MAY 6, 2011

**Boarding Pass Kiosk**

*Sponsored by* **King & Spalding LLP**

**Internet Café**

*Sponsored by* **Litigation Management Inc.**

7:30 a.m. **Registration**

7:30 a.m. **Continental Breakfast**

*Sponsored by* **Greenberg Traurig LLP**

8:30 a.m. **Announcements**

**James F. Rogers**, *Nelson Mullins Riley & Scarborough LLP,* Columbia, South Carolina

8:40 a.m. **It Really Is a Small World—Nanotechnology: Recent Developments and What's Likely to Happen Next**

This session will cover the basics of nanotechnology, such as what it is, how it is used and how this new technology will impact drug and device manufacturers. The current regulatory environment and potential litigation risks for products that incorporate or use nanotechnology will also be addressed.

**Edward W. Gerecke**, *Carlton Fields PA,* Tampa, Florida

9:25 a.m. **Excluding the Plaintiff's Everything, Catch-All, Kitchen Sink Regulatory Expert**

Mr. Ismail will discuss strategies for the exclusion of plaintiff's regulatory expert, who would offer opinions on causation and virtually every issue in a case, and how to rebut the plaintiffs' counter arguments regarding exclusion. The presentation will include a mock cross-examination of the plaintiff's regulatory expert in a *Daubert* hearing.

**Tarek Ismail**, *Goldman Ismail Tomaselli Brennan & Baum LLP,* Chicago, Illinois

10:25 a.m. **Refreshment Break**

*Sponsored by* **McDowell Knight Roedder & Sledge LLC**

10:40 a.m. **Websites, Texting and Tweets—Oh My!: Managing Technology Risks of the Drug and Device Companies**

An in-house counsel and an outside attorney will discuss the most significant risks that technology currently presents to corporations from the standpoint of dealing with employees. The attorneys will discuss the various methods used by employees to communicate and how those methods should be managed.

**John D. Martin**, *Nelson Mullins Riley & Scarborough LLP,* Columbia, South Carolina

**Teri Cotton Santos**, *Eli Lilly and Company,* Indianapolis, Indiana

11:30 a.m. **Hot Topics**

Ms. Talcott will have all the latest information regarding developments for drug and medical device practitioners.

**Anne M. Talcott**, *Schwabe Williamson & Wyatt,* Portland, Oregon

12:15 p.m. **Lunch** *(on your own)*

1:30 p.m. **Privilege, Privacy and Dawn Raids: What You Need to Know If Your Client Does Business in the European Union**

Ms. Nordlander will discuss significant developments for drug and medical device companies with employees, offices or operations in the EU. The session will address recent trends in the EU on the laws on privilege, what is required to keep employee data and communications private, and surprise inspections by government authorities.

**Kristina Nordlander**, *Sidley Austin LLP,* Brussels, Belgium

2:30 p.m. **Refreshment Break**

*Sponsored by* **Exponent**

2:45 p.m. **Rambo vs. Atticus Finch: Ethical Consideration and the Preservation of Professionalism in Drug and Medical Device Litigation**

This presentation will analyze how the rules of ethics affect a lawyer's general duty to practice in a civil and professional manner. The speaker will use video interviews with leading MDL judges, plaintiffs' attorneys, jury consultants and in-house counsel to demonstrate how civility, or the lack thereof, has influenced the course of a case or an entire litigation.

**Matthew D. Keenan**, *Shook Hardy & Bacon LLP,* Kansas City, Missouri

3:45 p.m. **Adjourn**

## YOUNG LAWYERS BLOCKBUSTER

### THURSDAY, MAY 5, 2011
### 1:30–4:30 p.m.

1:30 p.m. **Opening Remarks and Introductions**
**Jennifer Snyder Heis**, *Ulmer & Berne LLP*, Cincinnati, Ohio
**Kelly E. Jones**, *Harris Beach PLLC*, New York, New York

1:40 p.m. **The Assumption of Risk Doctrine: Exploring the Evidence Required to Use This Affirmative Defense to Bar a Claim**
**Heather A. Ritch**, *Reed Smith LLP*, Philadelphia, Pennsylvania

2:00 p.m. **How to Choose the Right FDA Expert**
**Tenley E. Armstrong**, *Lightfoot Franklin & White LLC*, Birmingham, Alabama

2:20 p.m. **The Attorney-Client Privilege in the Drug and Medical Device World**
**Matthew E. Brown**, *Nelson Mullins Riley & Scarborough LLP*, Charleston, South Carolina

2:40 p.m. **Refreshment Break**
*Sponsored by* **Baker Donelson Bearman Caldwell & Berkowitz PC**

2:50 p.m. **The Learned Intermediary Doctrine: Alive and Well or on Its Last Leg?**
**Heather M. Howard**, *King & Spalding LLP*, Atlanta, Georgia

3:10 p.m. **In-House Panel Discussion: Preparing and Defending Drug and Medical Device Cases in a Cost-Conscious Environment**
**Jennifer E. Dubas**, *Pfizer Inc.*, Collegeville, Pennsylvania
**Teri Cotton Santos**, *Eli Lilly and Company*, Indianapolis, Indiana
**Brennan J. Torregrossa**, *GlaxoSmithKline*, Philadelphia, Pennsylvania
**Catherine J. Wertjes**, *Astellas US LLC*, Deerfield, Illinois

4:30 p.m. **Young Lawyers Committee Meeting**
*(open to all)*

## 2011 SEMINAR SCHEDULE

| | |
|---|---|
| February 10–11 | **Toxic Torts and Environmental Law**<br>*New Orleans Marriott*, New Orleans, LA |
| March 10–11 | **Appellate Advocacy**<br>*JW Marriott Orlando, Grande Lakes*, Orlando, FL |
| March 10–11 | **Medical Liability and Health Care Law**<br>*Palace Hotel*, San Francisco, CA |
| March 23–25 | **Damages**<br>*Bally's Las Vegas*, Las Vegas, NV |
| March 30–April 1 | **Insurance Coverage and Claims Institute**<br>*Fairmont Chicago Millennium Park*, Chicago, IL |
| April 6–8 | **Product Liability Conference**<br>*Hilton New Orleans Riverside*, New Orleans, LA |
| April 14–15 | **Business Litigation and Intellectual Property**<br>*InterContinental Chicago*, Chicago, IL |
| April 27–29 | **Life, Health, Disability and ERISA Claims**<br>*Boston Marriott Copley Place*, Boston, MA |
| May 5–6 | **Drug and Medical Device**<br>*Sheraton Chicago Hotel and Towers*, Chicago, IL |
| May 12–13 | **Strictly Retail**<br>*Swissôtel Chicago*, Chicago, IL |
| May 18–20 | **Employment and Labor Law**<br>*The Westin Kierland*, Scottsdale, AZ |
| June 9–10 | **Young Lawyers**<br>*Hilton Austin*, Austin, TX |
| June 16–17 | **Diversity for Success**<br>*Swissôtel Chicago*, Chicago, IL |
| June 23–24 | **Extra-Contractual Liability**<br>*The Westin Washington, D.C. City Center*, Washington, D.C. |
| September 15–16 | **Nursing Home/ALF Litigation**<br>*Boston Marriott Copley Place*, Boston, MA |
| September 15–16 | **Strictly Automotive**<br>*Marriott Dearborn Inn*, Dearborn, MI |

# GENERAL INFORMATION

## CLE ACCREDITATION

This seminar has been approved for MCLE credit by the State Bar of California in the amount of **12** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please check our website at **www.dri.org** for credit information for your state.

## REGISTRATION

The registration fee is **$895** for members and those who join DRI when registering and **$1,125** for non-members. The registration fee includes CD-ROM course materials, continental breakfasts, refreshment breaks and networking receptions. If you wish to have your name appear on the registration list distributed at the conference and receive the CD-ROM course materials in advance, DRI must receive your registration by **April 15, 2011** *(please allow 10 days for processing)*. Registrations received after **April 15, 2011**, will be processed on-site.

## IN-HOUSE COUNSEL

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization, for the purpose of providing legal representation and counsel exclusively to such employer corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee.

## SPECIAL DISCOUNTS

The first and second registrations from the same firm or company are subject to the fees outlined above. The registration fee for additional registrants from the same firm or company is **$845**, regardless of membership status. All registrations must be received at the same time to receive the discount.

## REFUND POLICY

The registration fee is fully refundable for cancellations received on or before **April 15, 2011**. Cancellations received after **April 15** and on or before **April 22, 2011**, will receive a refund, less a $50 processing fee. Cancellations made after **April 22** will not receive a refund, but the course materials on CD-ROM and a $100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax to DRI's Accounting Department at 312.795.0747. All refunds will be mailed within four weeks after the date of the conference. Substitutions may be made at any time without charge and must be submitted in writing.

## COURSE MATERIALS

In order to better serve and satisfy the numerous requests from our membership, DRI will mail the course materials to all registrants in CD-ROM format 12 days in advance of the seminar. You can order additional copies by checking the appropriate box on the registration form on the back of this brochure or ordering online at **www.dri.org**.

*Sponsored by* **Sedgwick Detert Moran & Arnold LLP**

## SUPPLEMENTAL MATERIALS

Recommended supplemental material for this seminar is ***Current Issues in Medical Liability and Health Care Law***. Order your copy by checking the appropriate box on the registration form on the back of this brochure. You can also view the entire list of DRI publications offerings and make purchases online at **www.dri.org**.

## HOTEL ACCOMMODATIONS

A limited number of discounted hotel rooms have been made available at the **Sheraton Chicago Hotel and Towers, 301 East North Water Street, Chicago, Illinois 60611**. For reservations, **contact the hotel directly at 312.464.1000**. Please mention **DRI's Drug and Medical Device Seminar** to take advantage of the group rate of **$255 Single/ $285 Double**. The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 6, 2011**, to be eligible for the group rate. Requests for reservations made after **April 6** are subject to room and rate availability.

## TRAVEL DISCOUNTS

DRI offers discounted meeting fares on various major air carriers for **DRI's Drug and Medical Device Seminar** attendees. To receive these discounts, please contact Hobson Travel Ltd., DRI's official travel provider at 800.538.7464. As always, to obtain the lowest available fares, early booking is recommended.

## FLYERS

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See your attendee packet on-site for information on these sponsors.

## HOTEL KEY CARD

*Sponsored by* **Womble Carlyle Sandridge & Rice PLLC**

The taping or recording of DRI seminars is prohibited without the written permission of DRI.

Speakers and times may be subject to last-minute changes.

DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

## FACULTY

**Robert H. Alexander, Jr.**, has more than 34 years of experience as a trial lawyer. From its base in Oklahoma City, the Law Office of Robert H. Alexander, Jr., PC exclusively defends Fortune 200 clientele and pharmaceutical manufacturers throughout the United States. Mr. Alexander has been listed regularly and featured in *Oklahoma Super Lawyers* magazine, and has been voted one of the "Best of the Best" trial lawyers by the readers of *Oklahoma Magazine.* He has been featured in numerous national publications.

**John H. Beisner**, a partner with Skadden Arps Slate Meagher & Flom LLP in Washington, D.C., co-chairs the firm's class action and mass torts practice. Over the past 30 years, he has defended companies in over 650 class actions. Mr. Beisner has also played a lead counsel role in numerous mass tort proceedings, regularly argued federal and state court appeals and appeared frequently before the judicial panel on multidistrict litigation. He is a prolific writer and lecturer on complex litigation issues, and he often testifies before legislative committees on litigation reform proposals.

**Matthew Y. Biscan** is a trial lawyer and member of Clisham Satriana & Biscan LLC in Denver, having left a large firm to start his small firm in 2004. His practice is largely devoted to the defense of commercial, insurance, tort and professional liability litigation. Mr. Biscan also represents professionals and businesses in transactions. He is a member of DRI's Law Institute and a former secretary-treasurer and board member of DRI. Mr. Biscan is a member of the IADC and FDCC.

**Edward W. Gerecke** is a shareholder in the Tampa, Florida, office of Carlton Fields PA. His practice is focused on the defense of pharmaceutical and medical device manufacturers in various litigations. He is a steering committee member of DRI's Drug and Medical Device Committee and vice president of the Tampa Bay ABOTA chapter. Mr. Gerecke was a faculty member at the 2010 IADC Trial Academy.

**James K. Grasty**, Vice President and Assistant General Counsel at Merck & Co. Inc. in North Wales, Pennsylvania, supervises the litigation, government investigations and consumer health care legal teams. One of Mr. Grasty's principal responsibilities has been the management and direction of the Vioxx litigation, domestically and internationally. Prior to joining Merck in 2006, Mr. Grasty was a vice president and associate general counsel at GSK, where he counseled on litigation and ADR matters pertaining to product liability, employment and commercial litigation.

**Lisa A. Haile, J.D., Ph.D.**, is a partner at DLA Piper US LLP in San Diego and co-chair of the firm's global life sciences group. Her practice focuses on strategic counseling relating to all areas of biotechnology and life sciences intellectual property law, including generic drugs and biosimilars. Dr. Haile was named to the list of "Best Lawyers in America" from 2005–2009 and named by the *California Daily Journal* as one of California's top intellectual property lawyers in 2009.

**Tarek Ismail** is a partner with Goldman Ismail Tomaselli Brennan & Baum LLP, a trial and litigation boutique with offices in Chicago, Dallas and Santa Monica. He practices in the area of complex commercial litigation, specializing in pharmaceutical and medical device product liability litigation. Over the past 15 years, Mr. Ismail has served as national trial counsel, MDL counsel and national coordinating counsel for major pharmaceutical companies in a number of large mass torts.

**Brian P. Johnson** is a partner with Johnson Trent West & Taylor LLP in Houston. Mr. Johnson has served on the national trial team for a major pharmaceutical company in mass tort litigation and frequently serves as regional counsel. He has tried over 65 cases to a verdict, including numerous cases involving catastrophic injuries or death. Mr. Johnson has been recognized by *Best Lawyers in America* and *Texas Super Lawyers.*

**Matthew D. Keenan** is a partner with Shook Hardy & Bacon LLP in Kansas City, Missouri, where he has practiced for 25 years, focusing primarily in the defense of medical device and pharmaceutical manufacturers. He is active in the IADC, the Kansas Bar Association and is a member of the Kansas, Missouri and Texas bars. Mr. Keenan has published articles on professionalism and civility in the *Defense Counsel Journal* and the *Kansas Bar Journal*, as well as chairing CLE panels on the topic.

**John D. Martin** is a partner at Nelson Mullins Riley & Scarborough LLP in Columbia, South Carolina, focusing on product liability and business litigation, electronic discovery and information management. He has served as both national coordinating counsel and local counsel in pharmaceutical mass tort litigation. Mr. Martin is an active member of DRI's Electronic Discovery Committee and currently serves as editor-in-chief of DRI's *E-Discovery Connection* publication. He is also a member of the Sedona Conference's Working Group on Electronic Document Retention and Production.

**Douglas R. Marvin**, a partner at Williams & Connolly LLP in Washington, D.C., represents major companies in mass tort litigation and has served as national coordinating counsel in several of the largest pharmaceutical proceedings in the country. Mr. Marvin began his legal career at the Department of Justice, serving in the Office of Legal Counsel. From there, he was appointed as counsel to the Senate Judiciary Committee and, later, returned to the Justice Department as counselor to the Attorney General. Mr. Marvin is a member of DRI and the American Law Institute.

**Theodore V. H. "Ted" Mayer** is the managing partner of Hughes Hubbard & Reed LLP in New York City. Mr. Mayer has served as national coordinating counsel in the defense of major litigation involving pharmaceutical products and has defended many other significant product liability and toxic tort claims.

**Jack B. McCowan, Jr.**, a partner in the San Francisco office of Gordon & Rees LLP, has represented pharmaceutical and medical device companies in product and commercial litigation in numerous states and has tried cases in federal and state courts throughout California. He is the chair of DRI's Drug and Medical Device Committee. He served a term as a member of the IADC Executive Committee. Mr. McCowan has been selected by his peers for the *Who's Who International Product Liability Defense Lawyers* (2003–2009).

**Kristina Nordlander** is a partner in Sidley Austin LLP's Brussels, Belgium, office, where she practices EU law, with a focus on competition and regulatory issues affecting the pharmaceutical, biotechnology, chemical and financial services sectors. Ms. Nordlander serves as co-counsel to the European Company Lawyers Association (ECLA) in the widely publicized *Akzo* appeal before the European Court of Justice regarding legal privilege for in-house counsel. She is the founder of the Women's Competition Network (WCN), the international professional forum for senior competition law and policy professionals.

**James F. Rogers** is a partner with Nelson Mullins Riley & Scarborough LLP in Columbia, South Carolina. Mr. Rogers has defended pharmaceutical and medical device manufacturers on the national, regional and local levels. He serves as the co-chair of Nelson Mullins' drug and medical device industry practice group. Mr. Rogers is a member of the steering committee of DRI's Drug and Medical Device Committee and is currently serving as the program chair of this seminar.

**Beth S. Rose** is a member of Sills Cummis & Gross PC in Newark, New Jersey, where she chairs the product liability practice group. Since the late 1980s, her practice has focused on defending pharmaceutical and medical device companies in national complex product liability and mass tort litigation. Ms. Rose is recognized as among the top product liability lawyers nationwide in a number of professional directories and was named one of *Law360*'s "10 Most Admired Product Liability Attorneys" in the nation (2010).

**Eric S. Santoro** is a senior litigation counsel at AstraZeneca Pharmaceuticals LP in Wilmington, Delaware, where he is responsible for a variety of litigation and government investigation matters, ranging from SEC inquiries to international commercial disputes. He has significant experience managing product liability, consumer class action and state attorneys general matters. Prior to joining AstraZeneca, Mr. Santoro was a member of the litigation department and the intellectual property group in the Philadelphia office of a national law firm.

**Teri Cotton Santos** is an assistant general counsel for Eli Lilly and Company in Indianapolis, one of the 10 largest pharmaceutical companies in the world. She manages litigation and electronic discovery strategy for Lilly. In this role, Ms. Santos deals extensively with technology issues as they relate to litigation and litigation readiness. She is also a member of the Seventh Circuit Electronic Discovery Pilot Program Committee and an active member of Lawyers for Civil Justice.

**Paul W. Schmidt** is a partner with Covington & Burling LLP, residing in its Washington, D.C., office. He regularly defends pharmaceutical companies against mass tort product liability allegations, including briefing and arguing major issues at both the trial and appellate levels. Mr. Schmidt has successfully argued such issues before state and federal courts around the country, including the adequacy of warnings, *Daubert* and comparable state standards, and other more case-specific issues.

**Diane P. Sullivan** is a partner with Dechert LLP in Princeton, New Jersey. In 2007, the *National Law Journal* selected Ms. Sullivan as one of 10 litigators in the nation who are "at the top of their game," based on their track record of jury verdict wins in significant cases with large monetary exposure. The publication has also featured several of her jury verdicts as "Top Defense Verdicts of the Year" in 2002, 2005 and 2006. In 2010, she was named in *Product Liability Law360* as one of the 10 most admired attorneys in the country in the field of product liability defense, based on a survey of her peers and in-house counsel.

**Anne M. Talcott** is a shareholder at Schwabe Williamson & Wyatt in Portland, Oregon, concentrating her practice in complex business, product liability and pharmaceutical litigation. She is licensed in Oregon and Washington and has served as first chair for trials in both states. Ms. Talcott serves on the DRI Product Liability and Drug and Medical Device steering committees and is the chair of the 2011 DRI Annual Meeting. She is a past chair of the Oregon State Bar Product Liability Section.

**Craig A. Thompson** is a partner at Venable LLP in Baltimore, where he represents clients in the areas of commercial litigation, product liability, premises liability and personal injury. Mr. Thompson serves as an adjunct professor at the University of Maryland, College Park, and is an elected member of the university's board of trustees. Mr. Thompson writes a monthly column for *The Daily Record*. He is also the host of a weekly two-way talk radio show and the author of a series of children's books on African-American history.

**Beth A. Wilkinson** is a partner at Paul Weiss in Washington, D.C., where she practices general litigation. Prior to entering private practice, Ms. Wilkinson was an assistant U.S. attorney, where she prosecuted numerous cases, including *U.S. v. McVeigh and Nichols*, and also was general counsel at Fannie Mae. Ms. Wilkinson has received numerous defense verdicts in civil trials, including those involving the pharmaceutical industry. She also represents clients in government investigations.

**Katherine A. Winchester** is a partner at Ice Miller LLP in Indianapolis. She concentrates her practice in the defense of companies in the pharmaceutical, chemical, cosmetic and consumer products industries. Ms. Winchester represents clients nationally in multidistrict litigation, mass actions and coordinated federal-state proceedings. She is a member of DRI's Drug and Medical Device Committee, the American Health Lawyers Association and the litigation section of the Indianapolis Bar Association.

**Theresa Zagnoli** is founding partner and CEO of the litigation consulting firm Zagnoli McEvoy Foley LLC in Chicago. Ms. Zagnoli has been helping attorneys and their witnesses effectively communicate to juries for 25 years, including extensive experience working with the nation's largest corporation on mass product liability litigation. Her knowledge of the American juror and her expertise in persuasive communication have made her one of the most sought-after trial consultants in the nation.

## SEMINAR SPONSORS

DRI wishes to thank our sponsors for their support at this year's seminar!

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INNOVATORS AT LAW℠

**JOIN DRI NOW AND REGISTER AT THE MEMBERSHIP RATE—*A $230 SAVINGS!***

# DRI MEMBERSHIP APPLICATION

*This application/registration form for first-time members only—all other registrants please use reverse side.*

MEMBER CATEGORY

- ☐ **Defense Attorney**—$235 USD/year
- ☐ **Government Attorney**—$160 USD/year
- ☐ **Young Lawyer***—$130 USD/year *(admitted to the Bar for five years or less)*
- ☐ **Law Student**—$20 USD/year

☐ **Male** ☐ **Female**

FORMAL NAME _____ TITLE _____

NAME *(as you would like it to appear on badge)* _____

COMPANY/FIRM/LAW SCHOOL _____

ADDRESS _____

CITY _____

STATE/PROVINCE _____ ZIP/POST CODE _____

COUNTRY _____

TELEPHONE _____ FAX _____ EMAIL _____

Is this the first time you are attending this DRI seminar? ☐ **Yes** ☐ **No**

First time admitted to the Bar in _____ STATE/PROVINCE _____ MONTH/DAY/YEAR _____ BAR NUMBER
*(Law students include expected admission date.)*

☐ **In-house counsel** *(as defined below**)*

I am a member of a state or local defense organization. ☐ **Yes** ☐ **No**

NAME OF ORGANIZATION _____

PRIMARY AREA OF PRACTICE _____ NUMBER OF ATTORNEYS IN YOUR FIRM _____

OPTIONAL *DRI is committed to the principle of diversity in its membership and leadership. Accordingly, applicants are invited to indicate which one of the following may best describe them:*

☐ **African American** ☐ **Asian American** ☐ **Hispanic**
☐ **Native American** ☐ **Caucasian** ☐ **Other**

DATE OF BIRTH MONTH/DAY/YEAR _____

REFERRED BY *(name of DRI member attorney, if applicable)* _____

To the extent that I engage in personal injury litigation, I DO NOT, for the most part, represent plaintiffs. I have read the above and hereby make application for individual membership.

SIGNATURE _____ DATE *(all applications must be signed and dated)* _____

## REGISTRATION/APPLICATION FEES

SEMINAR REGISTRATION:

- ☐ $895 **Member**
- ☐ $1,125 **Non-member**
- ☐ $600 **Government DRI Member**
- ☐ FREE **Law Student DRI Member**
- ☐ FREE **In-House Counsel*****
- ☐ $845 **Special Discount Price**

MEMBERSHIP *(Check One)*:

- ☐ $235 **Defense Attorney**
- ☐ $160 **Government Attorney**
- ☐ $130* **Young Lawyer**
- ☐ $20 **Law Student**

TOTAL: _____

** Those eligible for Young Lawyer membership will receive a certificate for one free seminar when they join.*

*** In-house counsel is defined as a licensed attorney who is employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel exclusively to such employer corporation, its affiliates and subsidiaries.*

**** Must meet definition and also be a DRI member and a member of DRI's Corporate Counsel Committee.*

## PAYMENT METHOD

☐ My check for _____ (USD) is enclosed.

☐ Please charge my ☐ **VISA** ☐ **MASTERCARD** ☐ **AMERICAN EXPRESS**

3400-0070-21
Drug & Medical
2011-0070B

CARD # _____ EXP. DATE _____

SIGNATURE *(as it appears on card)* _____

**Please remit payment by MAIL to:**
**DRI** 72225 Eagle Way, Chicago, IL 60678-7252

**Please remit payment by COURIER to:**
**JP Morgan** Attn: DRI—#72225
131 S. Dearborn—6th Floor, Chicago, IL 60603

PHONE 312.795.1101 ■ FAX 312.795.0749 ■ EMAIL membership@dri.org ■ WEB www.dri.org

55 WEST MONROE STREET
SUITE 2000
CHICAGO, IL 60603 USA

# DRUG AND MEDICAL DEVICE SEMINAR

## MAY 5–6, 2011

*For inclusion on the pre-registration list and to receive course materials in advance, register by April 15, 2011.*

PRSRT STD
U.S. POSTAGE
PAID
DRI

FORMAL NAME

NAME *(as you would like it to appear on badge)*

COMPANY/FIRM/LAW SCHOOL

ADDRESS

TELEPHONE FAX

EMAIL

Are you a first-time attendee at this DRI seminar?
☐ **Yes** ☐ **No**

How many attorneys are in your firm? _____

What is your primary area of practice?

_____

## REGISTRATION FEES *(includes course materials)*

*If joining DRI to get the member rate, complete the form on the reverse side.*

☐ **Member: $895** ☐ **Non-member: $1,125**
☐ **Government DRI Member: $600**
☐ **Law Student DRI Member: Free**
☐ **In-House Counsel: Free** *(see brochure for eligibility)*
☐ **Special Discount Price: $845** *(see brochure for eligibility)*

## PUBLICATIONS FOR PURCHASE

### COURSE MATERIALS *(included in registration fees)*

☐ **Member: $75** ☐ **Non-member: $95**

### SUPPLEMENTAL MATERIALS

***Current Issues in Medical Liability and Health Care Law***

CD-ROM

☐ **Member: $85** ☐ **Non-member: $115**

HARD COPY

☐ **Member: $115** ☐ **Non-member: $145**

*(Shipping charges will be added to each order. Illinois residents, please add 10.25% sales tax.)*

## PAYMENT METHOD

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