From the Chair

One of DRI's Flagship Committees Sets the Bar High

By J. Carter Thompson, Jr.

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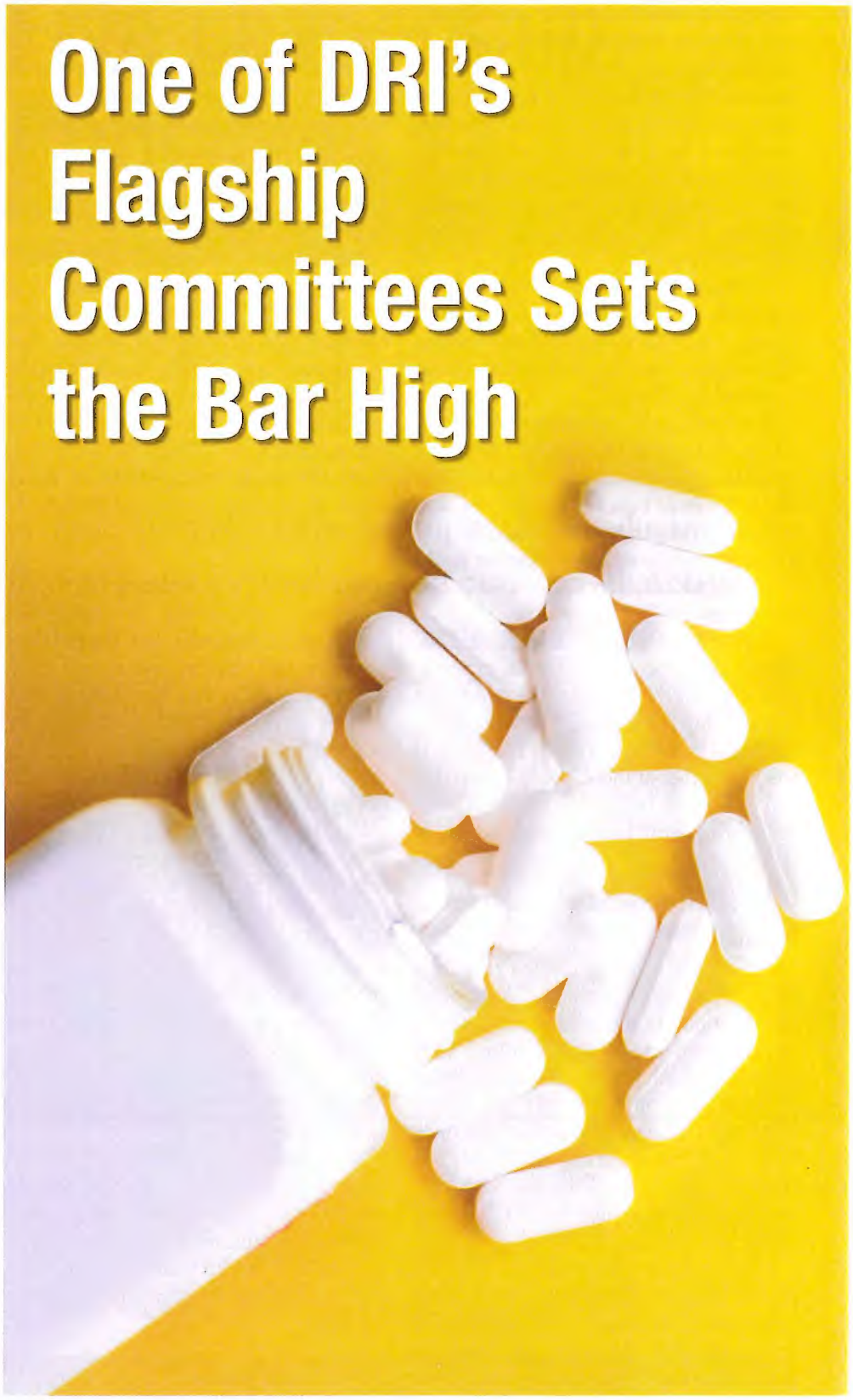

■ J. Carter Thompson, Jr., a shareholder in the Jackson, Mississippi, and Memphis, Tennessee, offices of Baker Donelson Bearman Caldwell & Berkowitz PC, is chair of its product liability and mass tort practice group. His practice focuses on the national, regional, and local defense of drug and medical device cases. He is the chair of the DRI Drug and Medical Device Committee.

This issue of *For The Defense* features developments in law, science, and technology that are affecting the drug and medical device industry. The issue addresses

- The recent Supreme Court *Bristol Myers* decision (personal jurisdiction);
- Over-the-counter products (and preemption);
- Fraudulent misjoinder;
- Pitfalls when law attempts to lead science;
- Class actions in Canada;
- Responding to a request for a Special Master in MDL proceedings; and
- Meta-analysis.

We welcome the opportunity to keep our members and their clients up-to-date on these important and timely issues. Many thanks to our publications chair, Vivian Quinn of Nixon Peabody, and vice chair, Archie Reeves of McDowell Knight Roedder, for leading our efforts for this dedicated issue.

As I wrap up my tenure as chair of the Drug and Medical Device Committee (DMD), I want to thank a few people who have made my time as chair one of the most enjoyable of my career. My predecessor as chair, Jim Rogers of Nelson Mullins, set a very high bar, but Jim smoothed the transition and has been very supportive during my tenure. My successor, Sara Gourley of Sidley, has been a great vice chair, and I know Sara will do a wonderful job as chair of DMD. Gail Rogers of DLA Piper will succeed Sara as vice chair, Sheila Boston of Arnold Porter Kaye Scholer is our new program chair, and Erik Snapp of Dechert is our new program vice chair. I also want to thank all of the members of the DMD steering committee for their hard work and support. I leave DMD in good hands.

I would like to remind members that DMD offers a number of exciting ways for members to obtain immediate, tangible benefits from involvement in our committee.

2017 Seminar: It was great to see so many of you at our seminar in New Orleans in May. From the opening bell to the close, our presenters were terrific. Our marketing chair, Jackie Sheridan of Dinsmore & Shohl, and marketing vice chair, Sherry Knutson of Tucker Ellis, assisted by the marketing committee and the local marketing group, did a good job promoting the seminar. Kim Beck of Ulmer & Berne led the effort to secure a record 10 counsel meetings. Thanks to the companies that hosted counsel meetings, as well as the sponsors of our seminar. After our seminar adjourned Friday afternoon, a hearty group of drug and device lawyers led by Jim Craven of Wiggin & Dana and Debbie Rouen of Adams & Reese delivered groceries to some of the economically disadvantaged in New Orleans. Thanks to generous donations made by our seminar attendees, our team also delivered $1,200 in donations to the New Orleans Mission. We hope the work we did in the community on Friday will continue.

DRI Annual Meeting: By now, I hope you have all made plans to join DMD leadership at the DRI Annual Meeting in Chicago, October 4–7, 2017. In addition to many fine main stage programs and exciting networking opportunities, our committee will sponsor a special presentation Friday entitled "*Bad Blood? FDA Regulation of Laboratory Developed Tests and Potential Litigation Implications*," with a committee business meeting immediately thereafter. Many thanks to our committee's Annual Meeting chair, Kelly Jones of Harris Beach, for putting the program together.

2018 Seminar: As incredible as it seems, our planning committee has completed the first draft of the program for our seminar on May 9–10, 2018, in New York City. While most of the topics and presenters for the 2018 seminar have already been decided, there are a number of other ways to become involved. First, put it on your calendar and make plans to attend. Second, join our marketing efforts and assist in spreading the word through electronic media and otherwise. If you are interested, contact Sherry Knutson. Third, volunteer to work on the service project associated with our seminar. In addition to the opportunity to meet our committee leadership, I think you will find this to be personally rewarding. If you are interested, contact Jim Craven. Fourth, in-house counsel should plan to attend our roundtable discussion for in-house counsel only. For the last several years, our in-house attendees have raved about the value that they have received from sharing ideas and experiences with their in-house colleagues. If you are an in-house attorney with a drug or device company, please contact Kim Beck or Jeff Kruse for more information. Fifth, young lawyers should plan to be involved with our annual young lawyers blockbuster session and associated activities. Thanks to Shannon Beamer of Venable and Corena Larimer of Tucker Ellis for coordinating this session for the 2018 seminar.

SLGs: Our specialized litigation groups (SLGs) offer a quick, easy, and important way to be involved in the work of the committee. These groups are gathering and communicating regularly. One of their responsibilities is generating content for newsletters and speaking opportunities. Indeed, SLGs have successfully recommended speakers and topics for the main stage program at our seminar. We have a new SLG, Trial Practice, chaired by Lori Cohen of Greenberg Traurig. The other SLGs (along with their chairs) are 1) Defense Against Governmental Actions (Peter Pappas of Nexsen Pruet); 2) Class Actions and Multi-Party Litigation (Steven Rosenhek of Fasken Martineau and Jeff Holmstrand of Grove Holmstrand & Delk); 3) Complex Medicine and Experts (Eric Rumanek of Troutman Sanders); 4) Defense of Generic and Over-the-Counter Manufacturers (Joe Cohen of Porter Hedges); and 5) Plaintiff's Regulatory Experts (Amanda Kitts of Nelson Mullins). Please reach out to one of the chairs if you would like to become involved in an SLG.

Webcasts and Webinars: Mike Miller is in charge of the DMD's webcasts and webinars. We have hosted several over the past year, and we are always looking for creative ideas for topics or speakers. Some of our past webcast speakers have gone on to be presenters on the main stage at our seminar.

Thanks to all of the actively involved Committee members who have made the Drug and Device Committee one of the flagship committees of DRI. I encourage you to contact incoming chair Sara Gourley or any of the other leaders of our committee if you would like to become more involved in our committee or have questions about opportunities for further involvement.