

# DRUG AND MEDICAL DEVICE SEMINAR

MAY 14–15, 2009

SHERATON NEW YORK HOTEL & TOWERS  
NEW YORK, NEW YORK



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

#### **Who Should Attend**

- Pharmaceutical and medical device litigation counsel
- In-house counsel
- Lawyers who represent physicians
- Attorneys interested in defending pharmaceutical and medical device companies
- Risk managers and insurance claims representatives
- Public relations professionals
- Jury consultants
- Other service providers to trial counsel

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The stakes in pharmaceutical and medical device litigation have become even more substantial and the issues more complex as the litigation has evolved. Today's pharmaceutical and medical device litigation commonly involves a mass tort spanning many countries and involving multiple types of claims. DRI's 25th annual Drug and Medical Device Seminar provides the perfect opportunity to hear and learn about many of the key litigation issues currently facing the industry and its counsel. This year's program will continue the tradition of providing compelling individual presentations, stimulating panel debates, and educational trial skills demonstrations on the hottest topics and issues in drug and device litigation. Come join us in New York City!

**SCOTT W. SAYLER**

*Program Chair*

**MICHAEL W. DAVIS**

*Committee Chair*

**WILLIAM F. RAY**

*Law Institute*

**What You Will Learn**

- How to assert preemption and other "FDA defenses" most effectively
- How to deal with adverse regulatory events and how to present expert regulatory testimony effectively
- How to handle various types of witnesses, including foreign company witnesses, eggshell-skulled plaintiffs, medical device plaintiffs, and human factors experts
- How to handle issues resulting from medical device company and outside physician relationships
- Understanding the evolving global landscape of pharmaceutical and medical device litigation
- How to assess the effect of gender bias in jury selection
- Understanding the potential civil and criminal ramifications of off-label promotion and off-label use of medical devices
- Understanding the problems associated with pharmaceutical counterfeiting

**WEDNESDAY, MAY 13, 2009**

- 6:00 p.m. REGISTRATION
- 
- 6:00 p.m. NETWORKING RECEPTION  
Sponsored by Frost Brown Todd LLC

**THURSDAY, MAY 14, 2009**

- BOARDING PASS KIOSK  
Sponsored by DLA Piper
- 
- HYDRATION STATION  
Sponsored by Kaye Scholer LLP
- 
- INTERNET CAFÉ  
Sponsored by Goodwin Procter LLP
- 
- RELAXATION STATION  
Sponsored by Dykema
- 
- 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  
WILLIAM F. RAY, *Watkins & Eager PLLC*, Jackson, Mississippi  
MICHAEL W. DAVIS, *Sidley Austin LLP*, Chicago, Illinois  
SCOTT W. SAYLER, *Shook Hardy & Bacon LLP*, Kansas City, Missouri
- 
- 8:15 a.m. PREEMPTION: LIFE AFTER *LEVINE* AND *RIEDEL*  
DANIEL E. TROY, *GlaxoSmithKline*, Philadelphia, Pennsylvania
- 
- 9:05 a.m. THE KEYS TO DEVELOPING AND ASSERTING AN EFFECTIVE  
“FDA DEFENSE”  
MALCOLM E. WHEELER, *Wheeler Trigg Kennedy LLP*, Denver, Colorado
- 
- 9:55 a.m. REFRESHMENT BREAK  
Sponsored by McDowell Knight Roedder & Sledge LLC
- 
- 10:10 a.m. THE EFFECTIVE USE OF REGULATORY EXPERTS: A TRIAL  
DEMONSTRATION  
CHARLES P. GOODELL, JR., *Goodell DeVries Leech & Dann LLP*,  
Baltimore, Maryland  
WAYNE L. PINES, *APCO Worldwide*, Washington, D.C.  
LYN P. PRUITT, *Mitchell Williams Selig Gates & Woodyard PLLC*,  
Little Rock, Arkansas
- 
- 11:10 a.m. THE EVOLVING GLOBAL LANDSCAPE FOR PHARMACEUTICAL  
AND MEDICAL DEVICE LITIGATION  
MAURITS J.F. LUGARD, *Sidley Austin LLP*, Brussels, Belgium  
GORDON MCKEE, *Blake Cassels & Graydon LLP*, Toronto, Ontario  
TIMOTHY A. PRATT, *Boston Scientific Corporation*, Natick,  
Massachusetts
- 
- 12:00 p.m. LUNCH (*on your own*)

*Drug and Medical Device Seminar*

- 
- 12:00 p.m. **WOMEN'S NETWORKING LUNCHEON** (\$40 fee, check box on registration form)  
*Sponsored by Adams and Reese LLP  
Fulbright & Jaworski LLP  
Sills Cummis & Gross PC*
- 
- 1:30 p.m. **THE EFFECT OF GENDER BIAS IN JURY SELECTION: A TRIAL SKILLS DEMONSTRATION**  
WALTER T. JOHNSON, *Watkins & Eager PLLC*, Jackson, Mississippi  
PAULETTE ROBINETTE, PH.D., *JurySync*, Olathe, Kansas  
CHILTON VARNER, *King & Spalding LLP*, Atlanta, Georgia
- 
- 1:30 p.m. **YOUNG LAWYERS BLOCKBUSTER** (see program schedule on page 7)
- 
- 2:40 p.m. **REFRESHMENT BREAK**  
*Sponsored by McDowell Knight Roedder & Sledge LLC*
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- 2:55 p.m. **PREPARING AND PROTECTING THE FOREIGN EMPLOYEE DEPONENT IN DRUG AND DEVICE CASES**  
PATRICIA HASTINGS, PH.D., *R&D Strategic Solutions*, St. Petersburg, Florida  
GENE M. WILLIAMS, *Shook Hardy & Bacon LLP*, Houston, Texas
- 
- 3:50 p.m. **HOT TOPICS IN DRUG AND MEDICAL DEVICE LITIGATION**  
MARK S. CHEFFO, *Skadden Arps Slate Meagher & Flom LLP*, New York, New York
- 
- 4:45 p.m. **DRUG AND MEDICAL DEVICE COMMITTEE MEETING** (open to all)
- 
- 6:00 p.m. **NETWORKING RECEPTION**  
*Sponsored by Greenberg Traurig LLP*

**FRIDAY, MAY 15, 2009**

**BOARDING PASS KIOSK**  
*Sponsored by DLA Piper*

**HYDRATION STATION**  
*Sponsored by Kaye Scholer LLP*

**INTERNET CAFÉ**  
*Sponsored by Goodwin Procter LLP*

**RELAXATION STATION**  
*Sponsored by Dykema*

7:30 a.m. **REGISTRATION**

7:30 a.m. **CONTINENTAL BREAKFAST**  
*Sponsored by Thompson Hine LLP*

8:30 a.m. **ANNOUNCEMENTS**  
SCOTT W. SAYLER, *Shook Hardy & Bacon LLP*, Kansas City, Missouri

8:40 a.m. **HUMAN FACTORS EXPERTS IN MEDICAL DEVICE CASES: A TRIAL DEMONSTRATION**  
TERRY CHRISTOVICH GAY, *Christovich & Kearney LLP*, New Orleans, Louisiana  
J. CARTER THOMPSON, JR., *Baker Donelson Bearman Caldwell & Berkowitz PC*, Jackson, Mississippi  
MICHAEL E. WIKLUND, PE, CHFP, *Wiklund Research & Design Inc.*, Concord, Massachusetts

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9:40 a.m.	<p><b>RELATIONSHIPS BETWEEN MEDICAL DEVICE COMPANIES AND PHYSICIANS: POTENTIAL ISSUES AND EFFECTIVE RESPONSES</b>  HEIDI L. LEVINE, <i>DLA Piper</i>, New York, New York</p>
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10:20 a.m.	<p><b>REFRESHMENT BREAK</b>  <i>Sponsored by Baker Donelson Bearman Caldwell &amp; Berkowitz PC</i></p>
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10:35 a.m.	<p><b>THE KEYS TO DEPOSING PLAINTIFFS SUCCESSFULLY IN MEDICAL DEVICE CASES</b>  DAVID R. SCHMAHMANN, <i>Johnson &amp; Johnson</i>, Brookline, Massachusetts</p>
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11:15 a.m.	<p><b>WHEN BAD THINGS HAPPEN TO GOOD PRODUCTS: DEALING WITH ADVERSE REGULATORY EVENTS THAT OCCUR WHILE IN LITIGATION</b>  ALBERT P. PARKER II, <i>Wyeth Pharmaceuticals Inc.</i>, Collegeville, Pennsylvania  JAMES P. ROUHANDEH, <i>Davis Polk &amp; Wardwell</i>, New York, New York  LISA MARTINEZ WOLMART, <i>Schering-Plough Corporation</i>, Kenilworth, New Jersey</p>
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12:00 p.m.	<p><b>LUNCH (on your own)</b></p>
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12:00 p.m.	<p><b>DIVERSITY LUNCHEON: USING THE TEACHINGS OF DR. MARTIN LUTHER KING TO INCREASE DIVERSITY WITHIN THE LEGAL COMMUNITY (\$40 fee, check box on registration form)</b>  RAYMOND M. WILLIAMS, <i>DLA Piper</i>, Philadelphia, Pennsylvania  <i>Sponsored by Gordon &amp; Rees LLP</i>  <b>Sidley Austin LLP</b></p>
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1:30 p.m.	<p><b>OFF-LABEL PROMOTION AND OFF-LABEL USE OF MEDICAL DEVICES: POTENTIAL CIVIL AND CRIMINAL RAMIFICATIONS</b>  JAMES C. STANSEL, <i>United States Department of Health and Human Services</i>, Washington, D.C.</p>
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2:15 p.m.	<p><b>PHARMACEUTICAL COUNTERFEITING IN THE U.S. AND ABROAD: AN INCREASINGLY DEMANDING PROBLEM</b>  ELLEN L. DARLING, <i>Snell &amp; Wilmer LLP</i>, Costa Mesa, California</p>
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3:00 p.m.	<p><b>REFRESHMENT BREAK</b>  <i>Sponsored by Baker Donelson Bearman Caldwell &amp; Berkowitz PC</i></p>
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3:15 p.m.	<p><b>DEFENDING CAUSATION CLAIMS ASSERTED BY “EGGSHELL-SKULLED” PLAINTIFFS OR PLAINTIFFS FROM AN ALLEGEDLY “SUSCEPTIBLE POPULATION”</b>  DANIEL J. THOMASCH, <i>Orrick Herrington &amp; Sutcliffe LLP</i>, New York, New York</p>
<hr/>	
3:45 p.m.	<p><b>IT’S NOT OVER ‘TIL IT’S OVER: PROTECTING YOUR CLIENT AND YOURSELF FROM ETHICAL PITFALLS IN SETTLEMENT DEALINGS</b>  KENNETH A. MURPHY, <i>Drinker Biddle &amp; Reath LLP</i>, Philadelphia, Pennsylvania</p>
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4:45 p.m.	<p><b>ADJOURN</b></p>

**YOUNG LAWYERS BLOCKBUSTER**  
**THURSDAY, MAY 14, 2009 | 1:30 - 4:30 P.M.**

- 1:30 p.m.    **OPENING REMARKS AND INTRODUCTIONS**  
STEPHEN M. GRACEY, *Frost Brown Todd LLC*, Cincinnati, Ohio  
MICHAEL J. MILLER, *Strong & Hanni PC*, Salt Lake City, Utah
- 
- 1:40 p.m.    **GOVERNMENT INVESTIGATIONS PRIMER—EVERYTHING A DRUG AND MEDICAL DEFENSE LAWYER NEEDS TO KNOW ABOUT GOVERNMENT INVESTIGATIONS**  
JENNIFER L. SAULINO, *Covington & Burling LLP*, Washington, D.C.
- 
- 2:00 p.m.    **EX PARTE INTERVIEWS WITH PRESCRIBERS—THE DOS, DON'TS, HOWS AND WHYS OF THIS NECESSARY TOOL IN LITIGATION**  
ANDREW B. JOHNSON, *Bradley Arant Rose & White LLP*, Birmingham, Alabama
- 
- 2:20 p.m.    **CONDUCTING AN EARLY CASE ASSESSMENT—HOW TO EVALUATE LIABILITY RISK EXPOSURE BEFORE LITIGATION BEGINS**  
MICHELE O. CHOE, *Sidley Austin LLP*, Chicago, Illinois
- 
- 2:40 p.m.    **REFRESHMENT BREAK**  
*Sponsored by McDowell Knight Roedder & Sledge LLC*
- 
- 2:50 p.m.    **DON'T LET A SALES REP BE AN EASY TARGET: EFFECTIVE PREPARATION FOR DEPOSITION**  
AMANDA S. KITTS, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina
- 
- 3:10 p.m.    **THE LIFE OF A CASE —IN-HOUSE COUNSEL PERSPECTIVE ON PRE-LITIGATION, LITIGATION, AND CASE RESOLUTION AND THE ROLES YOUNG LAWYERS MAY TAKE ON**  
JASON D. MAXWELL, *Cardinal Health*, McGaw Park, Illinois  
KATRINA L. REINHARDT, *Dow Corning Corporation*, Midland, Michigan  
MEGAN S. WYNNE, *I-Flow Corporation*, Lake Forest, California
- 
- 4:30 p.m.    **YOUNG LAWYERS COMMITTEE MEETING (open to all)**

**GENERAL INFORMATION**

**CLE Accreditation**

This seminar has been approved for MCLE credit by the State Bar of California in the amount of 12.5 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](http://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 \$1,025 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 24, 2009** (*please allow 10 days for processing*). Registrations received after **April 24, 2009**, will be processed on-site.

### **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 24, 2009**. Cancellations received after **April 24** and on or before **May 1, 2009**, will receive a refund, less a \$50 processing fee. Cancellations made after **May 1** 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](http://www.dri.org).

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### **Supplemental Materials**

Recommended supplemental material for this seminar is *Trade Secrets and Agreements Not to Compete: A State-by-State Compendium* from DRI's Defense Library Series. 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](http://www.dri.org).

### **Hotel Accommodations**

A limited number of discounted hotel rooms have been made available at the **Sheraton New York Hotel & Towers, 811 7th Avenue on 53rd Street, New York, New York 10019**. For reservations, **contact the hotel at 888.627.7067**. Please mention **DRI's Drug and Medical Device Seminar** to take advantage of the group rate of **\$319 Single/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 15, 2009**, to be eligible for the group rate. Requests for reservations made after **April 15** 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 Gonzalez Saggio & Harlan LLP*

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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.



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FOR THEIR SUPPORT AT THIS YEAR'S SEMINAR!**

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LLP

## FACULTY

**MARK S. CHEFFO** is a partner at Skadden Arps Slate Meagher & Flom LLP in New York City. He represents defendants in product liability, insurance and mass torts litigation, serving as national coordinating and trial counsel. Mr. Cheffo has represented manufacturers of pharmaceuticals and medical devices, designers of bioengineered agricultural products, and sellers of consumer and industrial products. He serves as national counsel in a number of products cases, including litigation involving the world's most prescribed cholesterol medicine, and represents a major biotech company in its MDL consumer fraud litigation.

**ELLEN L. DARLING** is a partner with Snell & Wilmer LLP's Orange County, California office where she represents manufacturers in product liability litigation involving pharmaceuticals and medical devices. In addition, Ms. Darling represents health care providers and lab companies in medical malpractice cases. In 2004, Ms. Darling was recognized by the *Daily Journal* for her role in a case cited as one of the top 10 defense verdicts in California.

**MICHAEL W. DAVIS** heads Sidley Austin LLP's product liability and mass torts practice in Chicago and chairs DRI's Drug and Medical Device Committee. Mr. Davis engages in the nationwide defense of product liability claims involving pharmaceuticals, chemicals, consumer and food products. He is recognized as a leading product liability lawyer by the American Research Corporation, Chambers USA: *America's Leading Lawyers for Business—The Client's Guide*, *The International Who's Who Legal of Business Lawyers*, *The Legal 500*, and the *PLC Cross-Border Life Sciences Handbook, Which Lawyer*.

**TERRY CHRISTOVICH GAY** is a partner with Christovich & Kearney LLP in New Orleans. Her practice focus is drug and medical device litigation, mass torts and complex litigation. She is a member of and has held leadership positions with numerous professional organizations, including DRI, the Louisiana State Bar Association, the Louisiana Association of Defense Counsel, the New Orleans Association of Defense Counsel and the IADC. Ms. Gay is listed in *The Best Lawyers in America*, *Louisiana Super Lawyers*, and *The International Who's Who of Business Lawyers*.

**CHARLES P. GOODELL, JR.** is one of the founding partners of Goodell DeVries Leech & Dann LLP in Baltimore. He has over 30 years of experience in product and pharmaceutical litigation, serving as national, regional, and trial counsel. Mr. Goodell has argued cases in the Third, Fourth, Sixth and Ninth Circuits. He has tried pharmaceutical cases involving blood products, diabetes medications, mechanical heart valves and hormone replacement therapy in various U.S. jurisdictions and has extensive experience with FDA regulation of pharmaceuticals.

**PATRICIA HASTINGS, PH.D.**, of R&D Strategic Solutions in St. Petersburg, Florida has extensive research credentials in the areas of social psychology and the law. Dr. Hastings specializes in the study of jury decision-making in both applied and academic settings. Her focus is identifying the decision process used by decision-makers (e.g., jurors, judges) in complex legal matters and to assist clients in applying that knowledge to strategic persuasive communications. Dr. Hastings also spends much of her time helping witnesses to become effective communicators during deposition and/or trial.

**WALTER T. JOHNSON** is a partner with Watkins and Eager PLLC in Jackson, Mississippi. Mr. Johnson is a trial lawyer and litigator. His practice focuses on the defense of complex litigation and catastrophic injury cases. Mr. Johnson has substantial experience representing major corporations in both state and federal courts and is a member of DRI, the American Board of Trial Advocates, the ABA, the National Bar Association, and the Charles Clark American Inns of Court.

**HEIDI L. LEVINE** is a partner with DLA Piper's global litigation practice in New York City. Ms. Levine co-chairs the firm's New York mass torts practice group and its national women's initiative. Her practice emphasis is pharmaceutical and medical device defense. Ms. Levine has significant dispute resolution experience, and she

## *Drug and Medical Device Seminar*

counsels clients on global regulatory and marketing issues. In 2008, Ms. Levine was recognized in *The International Who's Who of Life Sciences Lawyers* and in New York's *Super Lawyers* for personal injury defense.

**MAURITS J.F. LUGARD** is a partner in Sidley Austin LLP's Brussels office, where he leads the EU Life Sciences Regulatory team. He advises on a variety of EU life sciences regulatory issues involving food, drugs, medical devices, cosmetics, biotechnology and chemicals. Prior to entering private practice, Mr. Lugard gained substantial regulatory experience with the European Commission, spending three years with its Legal Service and six with its Directorate-General for Enterprise.

**GORDON MCKEE** is a partner in the Toronto, Ontario office of Blake Cassels & Graydon LLP. As lead counsel, he defends multinational drug and medical device manufacturers in Ontario, in both class actions and serious, individual claims. Mr. McKee also acts as Canadian national counsel, managing litigation across the country. He is regularly consulted on product warnings and recalls, is recognized in Canadian and international directories as a leading product liability and class action lawyer and is certified as a specialist in civil litigation.

**KENNETH A. MURPHY** is a partner and vice-chair of Drinker Biddle & Reath LLP's product liability and mass tort practice group in Philadelphia. He defends product liability and other tort claims, including unfair trade practice and off-label promotion claims for pharmaceutical companies and other commercial entities. A member of DRI and IADC, Mr. Murphy also belongs to the National Bar Association Commercial Law Section, the Minority Corporate Counsel Association and the Philadelphia Bar Association's Judicial Selection and Retention Commission. He is past president of the Barristers Association of Philadelphia.

**ALBERT P. PARKER II** is the senior vice president and chief counsel of global pharmaceuticals business with Wyeth Pharmaceuticals Inc. in Collegeville, Pennsylvania. Mr. Parker is responsible for providing and coordinating legal support across the global pharmaceutical operations of the company. Prior to joining Wyeth, Mr. Parker was assistant general counsel, corporate litigation with Warner-Lambert, and a partner with Schnader Harrison Segal and Lewis in Philadelphia.

**WAYNE L. PINES**, with APCO Worldwide in Washington, D.C., consults on FDA issues. Mr. Pines specializes in crisis management, media relations, and regulatory counseling, especially the regulation of promotional materials and the FDA's product approval processes. He has served as an expert on FDA-related issues, as well as on the design of legal notice programs. Mr. Pines previously was associate commissioner for public affairs with the FDA. He serves as chairman of the Medstar Research Institute and as president of the Alliance for a Stronger FDA.

**TIMOTHY A. PRATT** has been executive vice president, secretary and general counsel with Boston Scientific Corporation since May 2008. Mr. Pratt is responsible for worldwide management of all legal functions, in addition to global compliance, global regulatory affairs and government affairs. Previously, he worked for an international law firm, where he defended national pharmaceutical and medical device litigation and toxic tort cases. Mr. Pratt has been recognized in numerous professional directories and serves on the board of the FDCC.

**LYN P. PRUITT** is a partner with Mitchell Williams Selig Gates & Woodyard PLLC in Little Rock, Arkansas. Ms. Pruitt practices in the areas of drug and device litigation, product liability, class actions and mass torts, as defense counsel on national trial teams in pharmaceutical and medical products cases and as lead counsel in national and statewide class actions in federal and state courts. A member of DRI's Drug and Medical Device Committee, the IADC, and other professional organizations, she has been recognized in the numerous professional directories.

**WILLIAM F. RAY** is a member of Watkins & Eager PLLC in Jackson, Mississippi. He is the chair of DRI's Law Institute and a former chair of its Commercial Litigation Committee. Mr. Ray's practice focuses on commercial litigation and arbitration, including securities and financial services cases, and the defense of life, health and disability insurers in policy disputes and sales practices litigation.

**PAULETTE R. ROBINETTE, PH.D.**, is founder and president of JurySync in Olathe, Kansas, one of the nation's most respected litigation consulting firms with extensive experience in pharmaceutical and medical device litigation. Dr. Robinette applies her specialized training in communication strategies and the psychology of jury decision-making to developing messages that resonate with and persuade deciders of fact. Her consulting practice includes theory/theme development, witness preparation and jury selection, along with the design and implementation of fully integrated jury research programs.

**JAMES P. ROUHANDEH** is a partner with Davis Polk & Wardwell in New York City. He represents pharmaceutical and other clients in matters typically involving parallel criminal, civil and regulatory proceedings. His practice includes representation of clients in grand jury and regulatory investigations, as well as complex civil litigation, including class action securities and consumer fraud litigation, cases brought under RICO, and other cases involving allegations of fraud.

**SCOTT W. SAYLER** is a partner with Shook Hardy & Bacon LLP in Kansas City, Missouri. Mr. Sayler defends pharmaceutical and medical device manufacturers in product liability and commercial litigation, serving as national, regional or trial counsel in litigation involving anti-seizure, diabetes and anesthesia drugs, contraceptives, ophthalmic products, prostaglandins, statins, and other pharmaceuticals and medical devices. Mr. Sayler is a member of DRI's Drug and Medical Device Committee and the seminar program chair. He is recognized as a leading attorney in numerous professional directories.

**DAVID R. SCHMAHMANN** is special projects counsel with Johnson & Johnson in Brookline, Massachusetts, overseeing a wide range of drug and device cases involving artificial hips, knees, discs, spine stabilization hardware, surgical instruments contraceptives, anti-infectives, NSAIDs, and OTC products. Previously an associate and then a partner with Nutter McClennen and Fish in Boston (1980-2002), he concurrently served as counsel to Russin and Vecchi in Rangoon, Burma. Mr. Schmahmann has published on a variety of legal topics.

**JAMES C. STANSEL** is currently counselor to Michael O. Leavitt, Secretary of the U.S. Department of Health and Human Services (HHS), in connection with health policy. He served as acting general counsel of HHS from January 1, 2008 to May 8, 2008. After graduation from law school, Mr. Stansel clerked for the Honorable Stephen H. Anderson of the United States Court of Appeals for the Tenth Circuit. Mr. Stansel graduated from Yale Law School (1997), where he was a senior editor of the *Yale Law Journal*.

**DANIEL J. THOMASCH** is a partner in the New York City office of Orrick Herrington & Sutcliffe LLP. Mr. Thomasch's practice focuses on the trial of complex product liability and patent infringement actions. Mr. Thomasch has substantial experience in litigating and trying cases involving organic chemistry, recombinant DNA technology, microbiology, statistics and epidemiology, immunology and the design of drugs, vaccines, and medical devices. He has served as national and regional trial counsel in a number of mass torts.

**J. CARTER THOMPSON, JR.** is a shareholder at Baker Donelson Bearman Caldwell & Berkowitz PC in Jackson, Mississippi, where he serves as co-chair of the firm's drug, medical device and bioscience industry group. Mr. Thompson's practice focuses on national, regional, and local defense of drug and medical device cases. He is a member of the Product Liability Advisory Council, DRI's Drug and Medical Device Committee's steering committee, and the FDCC. Mr. Thompson is recognized in *The Best Lawyers in America*, *Chambers USA*, and *Mid-South Super Lawyers*.

**DANIEL E. TROY** is senior vice president and general counsel with GlaxoSmithKline. Mr. Troy was formerly chief counsel for the U.S. Food and Drug Administration (FDA), where he served as a primary liaison to the White House and the U.S. Department of Health and Human Services (HHS). He was also previously a partner at Sidley Austin LLP's Washington, D.C. office, where he represented pharmaceutical companies and trade associations on matters related to the FDA and government regulations.

## *Drug and Medical Device Seminar*

**CHILTON VARNER** of Atlanta became King & Spalding LLP's first female litigation partner in 1983. She is the senior partner in the firm's product liability practice. Ms. Varner serves as national trial and appellate counsel for a variety of corporate clients in product liability, business litigation, regulatory investigations, as well as counsels on questions of attorney-client privilege and work product. She serves on the Advisory Committee on the Federal Rules of Civil Procedure and is an American College of Trial Lawyers Fellow, also serving on its board of regents.

**MALCOLM E. WHEELER** is a partner with Wheeler Trigg Kennedy LLP in Denver. He specializes in complex and class action business and product liability litigation. As national coordinating trial counsel for Fortune 500 companies in the pharmaceutical, medical device, automotive, and appliance industries, Mr. Wheeler argues cases in trial and appellate courts nationally, including the *Geier* case in the U.S. Supreme Court. He is an American College of Trial Lawyers Fellow and was named one of the four leading product liability lawyers by *Chambers USA* (2007).

**MICHAEL E. WIKLUND, PE, CHFP**, is president of Wiklund Research & Design Inc., a consulting firm in Concord, Massachusetts, specializing in the design of safe, usable and satisfying medical devices. A board certified human factors professional, Mr. Wiklund has authored several books and over 50 articles on the design of user-friendly technology and contributed to both AAMI's and IEC's human factors standards for medical devices. In 2003, *MD&DI* magazine named him one of the "100 Notable People" in the medical industry.

**GENE M. WILLIAMS** is the managing partner of the Houston office of Shook Hardy & Bacon LLP and a member of the firm's executive committee. Mr. Williams defends toxic tort, medical malpractice, pharmaceutical and medical device cases and represents businesses in complex business and intellectual property litigation. He acts as national and regional counsel for several major pharmaceutical concerns and heads national trial teams. Mr. Williams is a member of the American Board of Trial Advocates and has been listed in *The Best Lawyers in America*.

**RAYMOND M. WILLIAMS** is a partner in the product liability and toxic torts practice group of DLA Piper's Philadelphia office. Mr. Williams focuses his practice on complex product liability litigation, with an emphasis on pharmaceutical and medical device matters. He has first-chair jury trial and extensive pre-trial litigation experience. Mr. Williams currently chairs DRI's Diversity Committee and is an active member of the Philadelphia Diversity Law Group, where he chairs the strategic planning subcommittee.

**LISA MARTINEZ WOLMART** is a legal director of Schering-Plough Corporation in Kenilworth, New Jersey, with responsibility for managing product liability and complex commercial litigation. Prior to joining Schering-Plough, Ms. Wolmart was a partner with Pitney Hardin LLP, now Day Pitney LLP of Morristown, New Jersey. Ms. Wolmart chairs Schering-Plough's Hispanic colleague network.

## **DIVERSITY AND INCLUSION IN DRI: A STATEMENT OF PRINCIPLE**

  
**COMMITTED TO  
DIVERSITY**

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation. Diversity is a core value at DRI. Indeed, diversity is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides. Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

## 2009 DRI SEMINAR SCHEDULE

January 28–30	<b>CIVIL RIGHTS AND GOVERNMENTAL TORT LIABILITY</b> <i>The Ritz-Carlton New Orleans, New Orleans, LA</i>
March 5–6	<b>SHARING SUCCESS—A SEMINAR FOR WOMEN LAWYERS</b> <i>Loews Santa Monica Beach Hotel, Santa Monica, CA</i>
March 11–13	<b>MEDICAL LIABILITY AND HEALTH CARE LAW</b> <i>Walt Disney World Dolphin, Lake Buena Vista, FL</i>
March 18–20	<b>DAMAGES</b> <i>Bellagio, Las Vegas, NV</i>
March 19–20	<b>TOXIC TORTS AND ENVIRONMENTAL LAW</b> <i>Arizona Biltmore, Phoenix, AZ</i>
April 1–3	<b>INSURANCE COVERAGE AND CLAIMS INSTITUTE</b> <i>The Westin Michigan Avenue Chicago, Chicago, IL</i>
April 15–17	<b>PRODUCT LIABILITY CONFERENCE</b> <i>Hilton San Diego Bayfront, San Diego, CA</i>
April 22–24	<b>COMMERCIAL LITIGATION</b> <i>Wyndham Chicago, Chicago, IL</i>
April 22–24	<b>LIFE, HEALTH, DISABILITY AND ERISA CLAIMS</b> <i>Sheraton New York Hotel &amp; Towers, New York, NY</i>
April 30–May 1	<b>EMPLOYMENT LAW</b> <i>JW Marriott Orlando, Grande Lakes, Orlando, FL</i>
May 7–8	<b>ELECTRONIC DISCOVERY</b> <i>Hilton New York, New York, NY</i>
May 13–14	<b>CULTURE CLASH! DATA PROTECTION, FREEDOM OF INFORMATION AND DISCOVERY—HOW TO PROTECT YOUR BUSINESS IN TRANSNATIONAL DISPUTES</b> <i>Hotel Vier Jahreszeiten Kempinski, Munich, Germany</i>
May 14–15	<b>DRUG AND MEDICAL DEVICE LITIGATION</b> <i>Sheraton New York Hotel &amp; Towers, New York, NY</i>
June 4–5	<b>YOUNG LAWYERS</b> <i>Caesars Palace, Las Vegas, NV</i>
June 11–12	<b>DIVERSITY FOR SUCCESS</b> <i>Swissôtel, Chicago, IL</i>
June 18–19	<b>BAD FAITH</b> <i>Seaport Hotel, Boston, MA</i>
August 17–18	<b>DRI'S NATIONAL WORKERS' COMPENSATION REVIEW</b> <i>Orlando World Center Marriott, Orlando, FL</i>
September 10–11	<b>CONSTRUCTION LAW</b> <i>The Palace Hotel, San Francisco, CA</i>
September 10–11	<b>NURSING HOME/ALF LITIGATION</b> <i>The Westin Kierland, Scottsdale, AZ</i>
September 24–25	<b>STRICTLY AUTOMOTIVE</b> <i>Hilton La Jolla Torrey Pines, La Jolla, CA</i>
October 7–11	<b>DRI ANNUAL MEETING</b> <i>Sheraton Chicago Hotel &amp; Towers, Chicago, IL</i>
November 5–6	<b>APPELLATE ADVOCACY</b> <i>Hilton La Jolla Torrey Pines, La Jolla, CA</i>
November 12–13	<b>ASBESTOS MEDICINE</b> <i>Fontainebleau Miami Beach, Miami, FL</i>
December 3–4	<b>INSURANCE COVERAGE AND PRACTICE</b> <i>Sheraton New York Hotel &amp; Towers, New York, NY</i>

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Membership (check one): \$225 [Defense Attorney], \$160 [Government Attorney], \$130\* [Young Lawyer], \$20 [Law Student]

\* 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 for a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries.

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