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Hot Practice

The drug industry creates a significant demand for lawyers

[ABA Resources on Drug Law](#)

by Lisa Stansky

Want a fascinating legal career? Step into your bathroom. Chances are, you'll find at least a bottle of aspirin and an emergency stash of Pepto-Bismol nestled among the toothbrushes and dental floss, if not a bottle or two of prescription medication.

The law plays a huge role in how pills, salves, and other medications make the journey from some scientist's brain to your medicine cabinet. Lawyers are involved with virtually every stage of a drug's development. They help define the relationship between scientists and the research institutions or drug companies that employ them. They help clients navigate the regulatory maze that takes a product to market. And they handle the litigation storm that erupts when a product is accused of doing more harm than good.

Drug companies have "enormous demand for lawyers," says Anthony DiLeo, a partner with New Orleans' Stone Pigman Walther Wittmann and chair of the ABA Health Law Section's compliance, fraud, and abuse interest group. The sheer cost and risk involved in producing a new drug fuels the need for lawyers. For example, DiLeo says, the average cost of bringing a new drug to market is \$500 million.

Of course, it helps if you're intrigued by medicine and science. "I'm kind of a wannabe doctor on some level," says Joan Haratani, a partner with Shook, Hardy & Bacon in San Francisco and chair of the ABA Section of Science and Technology Law's medical practice and medical research committee.

"What will give you an edge, besides being enthusiastic, is knowing the science," Haratani says. Having a medical or other science degree is a huge career bonus, she adds. But liberal arts majors (as Haratani was) needn't lose heart. Still, she loaded up on math and science courses, which she says made navigating the job market easier.

Drug law is one niche where you can boost your marketability by tailoring your academic record to the practice. DiLeo suggests law students take every possible course related to health care, supplementing that with a hearty dose of administrative law and antitrust law.

Raymund Camilo King practiced medicine for a decade before going to law school. Now, the associate with Dallas' Cowles & Thompson parlays that experience into his work in commercial and insurance defense, including medical malpractice and products liability. About 40 percent of his work involves defending against medical malpractice claims. Another significant chunk is devoted to transactional work on behalf of doctors and physician groups negotiating contracts with hospitals and other entities.

Drug litigation is hot and will stay that way for some time, says King, who chairs the medicine and law committee of the ABA Tort Trial and Insurance Practice Section and is a member of the ABA Standing Committee on Medical Professional Liability. He predicts the next wave of suits on the horizon will involve consumer drug purchases on the Internet, including claims related to problems with dosages or composition. "It's going to be a mess," King says. "That's going to be fertile for litigation."

Another lush practice area is administrative law, as the drug industry is highly regulated. "I'm a drug and device lawyer," says Marc Scheineson, co-chair of the food and drug law committee of the ABA Section of Administrative Law and Regulatory Practice. Scheineson is a partner with Alston & Bird in Washington, D.C.

One-quarter of the U.S. economy involves products regulated by the Food and Drug Administration, Scheineson points out. The drug niche embraces not only the realm of prescription drugs for human consumption, but also animal drugs plus the vast array of over-the-counter medications, herbal and dietary supplements, and "biologics," which Scheineson describes as cell-based hormones, enzymes, and viruses.

Scheineson likes his work for many reasons: "It's a discrete and manageable body of law." And "you get to use your scientific interest and background."

There's an emotional payoff, too. "You get to see life-saving new technology at the early stages of development," he says.

The government, especially at the federal level, offers a broad range of opportunities, DiLeo says. The FDA is a natural choice. Then there's the Department of Health and Human Services, the Federal Trade Commission, and the Office of Inspector General—options that may be less obvious to new graduates. State governments dealing with Medicaid issues (including coverage for drugs) also need lawyers.

"Think about going into government first. ... It's a good way of getting training early on," Scheineson says.

Many lawyers work as in-house counsel to drug companies. Although it's difficult for fresh graduates to score an entry-level job working in this capacity (as it is with most corporate counsel positions), it's never too early to lay the foundation.

"Do not be averse to targeting what companies you want to work for and what you want to do," Haratani says. Get up to speed on what pharmaceutical powerhouses are up to and what new products they are rolling out, she advises.

Then take action. Haratani recommends identifying one key person at five dream companies. Ask to have a quick meeting over coffee to talk about the company and what it seeks in the way of legal talent, and keep the meeting to a considerate 10 to 15 minutes, she suggests. If you want to work for a firm, find the key partner handling drug company work and seek a similar introductory meeting, she says.

Scheineson agrees: "[Students] should be encouraged to actually contact practitioners in the field ... who are happy to do a little informal career counseling."

Like Haratani, King advises students to start plumbing for career opportunities while in school. "As a law student, you have so many opportunities to get involved and be introduced to people who are tops in their fields," he says, adding that he was a law student liaison to ALI-ABA (American Law Institute-American Bar Association), a continuing legal education provider. That role forged acquaintances and contacts that boost his practice today.

Whichever path you set your sights on, don't hold back. Says Haratani: "Tenacity and an intellectual curiosity for how things work will ensure that you will be a success."

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ABA Resources on Drug Law

The ABA **Section of Administrative Law and Regulatory Practice**

(www.abanet.org/adminlaw) has a food and drug law committee. Student membership in the section is free. The site has a law student web page with links to competitions and career-oriented material.

The **Section of Antitrust Law** (www.abanet.org/antitrust) has a health care industry committee. Section membership for students is \$10, which includes a subscription to Antitrust magazine and the Antitrust Law Journal.

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