

# Meet Joyce Edelman, a Speaker at ACI's 19<sup>th</sup> Annual **Drug** and Medical Device Litigation



## **Joyce D. Edelman**

Partner

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### **Tell us about your background and career path to date.**

I grew up in Wheeling, West Virginia with two wonderful, loving parents and two older sisters. I went to Indiana University in Bloomington, Indiana, where I majored in Criminal Justice and minored in telecommunications. I also received a Certification in Women's Studies. I went back to my home state of West Virginia for law school. I moved to Columbus after law school for my job with Porter Wright and have been with the firm ever since. I have always loved life sciences and have been able to pursue this passion by defending pharmaceutical and medical device companies in product liability litigation, defending the American Red Cross in bio-medical litigation and defending a flavoring manufacturer in toxic tort litigation. I was encouraged to express my opinions and advocate for others growing up, so becoming a litigator was a natural fit.

### **Tell us the best advice you have received about being a successful litigator.**

Be authentic. Be self-confident. Be fearless.

### **Tell us about your favorite thing to do outside of work.**

When I am not in the office, I love spending time with my family doing anything. I have two fabulous kids, Josh, 19, and Ilana, 16, and a supportive husband, Neal. My parents "retired" to Columbus 15 years ago to help us with our kids and they live less than a mile away. I enjoy any day at the beach and love to travel. I started walking on a regular basis a few years ago and have walked five half-marathons.

## **Give us one tip/best practice for drug and med litigation.**

Over the course of my career, I have had the privilege of working with many drug and medical device litigation teams in the capacity of national, regional and local counsel. Through these experiences, I have learned that it is crucial to become an effective team member in order to accomplish your clients' litigation goals and objectives. To that end, at the outset of any engagement, my top priority is to develop a strong partnership with in-house counsel and other outside counsel to ascertain what is most important to the client and how I can best add value to the cost-effective representation of the client. For example, serving in the capacity as regional and local counsel, I have added value from my unique local perspective. Based upon my prior experiences with judges, law clerks and opposing counsel and my in-depth knowledge of local rules, practices and procedures, I have provided valuable insight, strategy and recommendations to national counsel outside of Ohio. If the matter deals with questions of Ohio law, I have offered the team research memos and briefs from other cases I have defended that addressed similar substantive legal issues so the team doesn't need to reinvent the wheel. Also, I have added value by locating and contacting local expert witnesses, conducting local fact depositions, assisting with document productions and participating at court appearances and mediation conferences. Each team experience has taught me that the best way to add value is to listen carefully and communicate directly, honestly and in a constructive manner. Even if you disagree with the ideas and strategy of other team members, it is important to remain respectful, cooperative and supportive in order to help the team achieve success. In other words – and as cliché as it sounds – to be an effective team member, you must remember that there is no “I” in “team.”

## **What is a Supreme Court / District Court cases to watch out for in the next year?**

Product liability attorneys are closely watching to see whether the U.S. Supreme Court will grant the petition for certiorari in *Teva Pharmaceuticals USA Inc. et al., Petitioners v. Superior Court of California, Orange County*, Case No. 13-956. The lower court held that if Teva's label for the generic form of the osteoporosis drug Fosamax does not match the brand-name label, there is no preemption. Teva claims that the lower court's decision is in conflict with the U.S. Supreme Court's decisions in *Buckman Co. v. Plaintiffs' Legal Committee* and *PLIVA v. Mensing*, and in conflict with decisions from the Fifth and Eleventh Circuits on the failure-to-update issue.

The U.S. Supreme Court has asked the Solicitor General to file a brief in the case expressing the views of the United States.

If you had a “battle” song to prepare for litigation, what would it be?

My litigation “battle” song would be “Girl on Fire” by Alicia Keys.

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