

Rising Star: Mayer Brown's Henninger Bullock

By **Jessica Dye**

Law360, New York (March 18, 2011) -- Starting with a handful of cases over heartburn drug Reglan, Mayer Brown LLP's Henninger "Hank" Bullock is now handling thousands of Reglan cases nationwide, earning him a spot on Law360's list of five product liability attorneys under 40 to watch.

After graduating from Boston College Law School in 2001, Bullock, 34, began working at Mayer Brown's New York offices, but it took several years before he received his first call from a partner looking for an extra hand on a product liability case — a case that eventually led to the firm's, and Bullock's, involvement with the Reglan drug liability litigation.

"The litigation was far different then than it is now," Bullock said. "At that point, there were only two or three pending lawsuits, total, in the U.S. While it gradually built up over the years, there were only 10 to 15 at most before 2009."

At the time, Bullock was working on the case as an associate, with a firm partner supervising. When that partner decided to leave the firm for an in-house position, the client put Bullock in the driver's seat, giving him the chance to take a leading role in the growing number of Reglan cases.

"At the time, we had around five or six cases, nothing major," Bullock said. "The client said, 'you know what you're doing, just find someone with gray hair to supervise.' But over time, I just assumed the role, basically, of national counsel."

Bullock was named a partner at Mayer Brown on Jan. 1, 2009, and less than two months later, the U.S. Food and Drug Administration threw him and the firm's Reglan clients a loop by asking for a change to the drug's label.

“That was an immediate bull's-eye for the plaintiff's bar to start filing claims on that,” Bullock said. “The litigation expanded rapidly to the point where, by January 2010, we had up to 100 cases just in Philadelphia alone.”

Bullock now works as national defense counsel for UCB SA subsidiary Schwarz Pharma, a former manufacturer of brand-name Reglan, and Meda Pharmaceuticals Inc. subsidiary Alaven, which holds the new drug application for Reglan tablets.

In that role, Bullock spearheads the defense of UCB and Meda in more than 5,000 cases in dozens of state and federal courts where plaintiffs have named them as defendants, alleging, among other things, that their labeling failed to adequately warn about the full extent of side effects associated with the drug.

To date, Bullock has scored the dismissal of one or both of his clients from 175 of the suits. And despite the wave of litigation, neither Schwarz nor Alaven have paid any money in settlements or judgments.

He has also successfully turned aside numerous attempts to invoke the innovator liability theory of recovery — first recognized by the California Court of Appeal, First Appellate Division, in the 2008 decision *Conte v. Wyeth Inc.* — that brand-name drug manufacturers could be held liable for damages suffered by patients taking a generic version of the medication because the prescribing physician relied on the brand-name drug company's labeling information.

The cases have since been consolidated into approximately three jurisdictions, with Bullock leading up the Philadelphia cases as liaison counsel, and playing an active role on the steering committees in the San Francisco and Atlantic City, N.J., cases.

While he spends a fair amount of time coordinating cases and directing defenses, he also makes an effort to pitch in on briefs and appear alongside local counsel for big events, particularly in the Philadelphia litigation.

For Bullock, the leap into product liability litigation on the scale of the Reglan cases wasn't where he originally envisioned his legal career taking him. But now that he's in the midst of it, he says he enjoys both the challenges of the legal proceedings and the subject matter expertise.

“I'm the accidental products lawyer,” Bullock said. “But I find it fascinating, I think in part because I've gotten so much experience and knowledge from these cases.”

--Editing by John Williams.