



Profile: Rachel Abrams

Would-be marine biologist uses her scientific expertise to litigate against Big Pharma, medical-device firms

BY STEPHEN ELLISON

Science and law might seem like a rare and awkward mix for a trial lawyer, but it's a marriage that came rather naturally for Rachel Abrams.

The partner with Levin Simes Abrams of San Francisco was well on her way to a career in marine biology and oceanography when she kept feeling an undeniable attraction to the law.

Law school was a much different endeavor, to say the least; it required the use of another part of her brain. But that was part of the draw, Abrams said.

"Marine biology, that was my career," she said. "I wasn't exactly paving the way to law school at the time. I certainly still am into the sciences, which is why I love what I do. Every product, medical device, pharmaceutical that we work on involves some aspect of science. Whether it's reading medical journals, medical records, understanding clinical terms or analyzing epidemiology studies, it involves a lot of science. There's a group of us lawyers who are interested in that. I have no regrets in shifting gears and going into law."

Abrams had no familial influences when it came to law; she simply found it interesting. And the challenge of standing up for an underdog against a heavy favorite intrigued her even more.

"I wanted to be the David in the David and Goliath; that's another reason I like going after major pharmaceutical and medical device corporations," she explained. "Because it's always hard to give single plaintiffs a voice. You're always up against billion-dollar corporations to fight for the little guy.



Abrams

"I never even considered defense," Abrams continued. "When I was interning at the maritime law firm, I just didn't feel like it was some-

thing I could get behind. I wanted to feel good at night about what I do and who I represent."

The focus of Abrams' practice is in mass torts, both California actions or nationally as a multidistrict litigation. Those cases typically involve hundreds, thousands, or even hundreds of thousands of clients, she said. Abrams has been appointed to plaintiffs steering committees for several mass torts involving pharmaceuticals such as Zyprexa made by Eli Lilly; over-the-counter products such as talcum powder made by Johnson & Johnson; and medical devices such as hip implants made by Sulzer.

"Then there's the typical bellwether selection of plaintiffs to try the cases that push settlements," Abrams said, explaining the process that usually involves multiple firms and a couple of dozen lawyers. "But typically we have cases we prepare for trial, and a number of cases are selected, and then a handful actually are tried."

Throughout the process, Abrams said it's important for her to maintain focus on her clients. After all, they're the ones who have been injured.

"We're giving them a voice, telling their story and trying to take part, quantifying monetarily if somebody has been injured or lost a loved one due to the negligence of another," she said. "It's our judicial system. It's difficult. It's our job to right the wrong and, as much as we can, help make them whole again."

In a typical case for Abrams, someone will contact the firm about an incident or problem; she used a current e-cigarette case as an example. A client had an e-cigarette explode from using it or it was in their pocket. Usually within a week or two after they've been severely burned, they'll call the firm, and the first thing Abrams and her team will try to do is make sure the client is getting all the medical treatment and care they need to get better.

Then, Abrams assesses the evidence: the product, the clothing the client was wearing, the battery, any photographs. Retaining and preserving all that evidence is paramount, she said.

Next, Abrams meets with the client to go through what litigation entails and get all the paperwork in order. Once that's done, she and her team ascertain the manufacturer and gather all the information needed from the responsible parties involved. Finally, when all the research and investigation is done, they determine when and where to file the lawsuit.

Sea changes

Abrams graduated from UC Santa Cruz with degrees in marine biology and biochemistry and already had begun a career as an oceanographer in San Diego when she decided to pursue law.



She applied and was accepted to University of San Francisco law school, and almost immediately started working at a plaintiffs' personal injury firm that did primarily pharmaceutical and medical device litigation. She said she chose USF law school because it had a maritime, environmental law program, and she thought that was the area where she would end up working. An internship at a maritime law firm told her differently.

"I realized it wasn't for me," she said. "At the same time, I was working for a local law firm with a focus on pharmaceuticals and medical devices, and I was very interested in it because it delved into the science aspect – medical journals and articles, physicians. And I haven't looked back – that's all I've done."

Pharmaceuticals

One of the first cases Abrams worked on involved an anti-psychotic medication that caused severe glucose, causing diabetes and sometimes diabetic death, she said. The case focused on a part of the population that was mentally ill, a group that's often underrepresented. It was difficult litigation, she said, with clients that are schizophrenic and bipolar.

"But it was meaningful to me because these people were given drugs with no warnings, and their families had no knowledge, to help with a severe mental illness," Abrams said. "Yet they were contracting life-threatening diseases and sometimes death because of the medication they were given to control mental illness."

"These people already were given a bad hand," she continued, "then to have a major medical company give them a drug that was supposed to make their quality of life better but instead caused these horrible illnesses that were preventable. Because there were alternative medications that could have been and were used to treat mental illnesses

effectively, without the debilitating and life-threatening consequences."

Talcum powder litigation

Abrams also recalled a case involving talcum powder and its link to ovarian cancer. She and her team represent hundreds of women who claim to have been harmed by the use of talcum powder or the family members of women who have died from ovarian cancer and link their deaths to the use of talcum powder. It's a "horrible type of cancer," she said, "very aggressive. Usually it's already reached Stage 3 when it's diagnosed."

"It's a well-known company, Johnson & Johnson, and the product is over the counter, still being used, still on the market and being advertised and marketed as a product for mothers and children," Abrams said. "Yet it still contains talc in the powder, even though a safer alternative in corn starch is available and doesn't cause ovarian cancer."

"To me it's very important to get Johnson & Johnson to remove the talcum powder from the market. It's not a life-saving product, and it's causing such drastic consequences. There's really no risk-benefit analysis here; there's only risk."

Abrams also played a significant role in the massive Zyprexa settlement. She participated in the settlement negotiations on behalf of more than 8,000 individual cases that led to an agreement by Eli Lilly to pay \$700 million. Plus, Abrams served as a special attorney general prosecuting claims by the Attorney General of New Mexico for damages incurred by that state for the inappropriate marketing, promotion and sale of Zyprexa.

Professionally, Abrams' future is likely to continue down the same path. She said it's all she's ever done in law, and she believes she's "stuck, but in a good way." Even so, she said, the firm is doing a lot more in terms of single

event personal-injury cases, in addition to the mass torts.

"I feel very strongly about what I do," Abrams said. "It's a specialized area of law. But science changes, it's constantly reinventing. Products change, there's new devices or new drugs, new injuries. Even though it's the same area, there's always something new."

An avid skier

When she's not taking on large corporations, Abrams likes to travel and spends a lot of her leisure time with her two daughters, ages 7 and 10. They inherited her love of the wintry mountains, she said.

"I'm an avid snowboarder, skier, spend a lot of time doing snow sports; it's one of my passions," she said. "I lived up in Tahoe for many years and worked at Squaw Valley for a while."

That first job, it matters

Abrams has some interesting thoughts when it comes to professional and life choices. "Find something you are passionate about and go after it," she said. "I can tell you after looking back, a lot of friends of mine got into areas of law, thinking they'll go work for this insurance firm for a while and then shift gears and go do what they wanted to do from the start. But once you get started down a path as a young associate, it can be tough to switch gears."

"I hear a lot of people say, 'Oh I wish I had ...' It's important right out of the gate to do something you like and that you're passionate about," Abrams continued. "Then you feel good when you get up, and you like what you're doing, and it will motivate you. You only have one life to live, you may as well spend it doing something you enjoy doing."

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