

## Most Admired Attys: Sills Cummis' Beth Rose

By **Abigail Rubenstein**

Law360, New York (September 08, 2010) -- Sills Cummis & Gross PC's Beth Rose has spent her career crafting winning strategies for pharmaceutical and medical device companies facing product liability and mass tort litigation while earning a reputation as a quick thinker and a team player, making her one of Law360's 10 Most Admired Product Liability Attorneys.

Rose, who joined Sills Cummis fresh out of law school in 1987, developed a taste for product liability litigation on one of the first cases she was assigned to work on.

In that case, she assisted in the defense of medical device manufacturer Becton Dickinson & Co. in a lawsuit brought by a nurse who sued after she pricked herself on a blood collection needle from an HIV-positive patient. The plaintiff alleged that the needle was defectively designed and didn't have sufficient warnings.

Rose went on to successfully defend medical device makers in a series of AIDS needle stick cases, as well as cases filed by plaintiffs who had stuck themselves with needles and did not contract AIDS but claimed that they were fearful they might develop the condition in the future.

"It was a very hot issue from a scientific perspective, a medical perspective and a political perspective," Rose said. "I was fascinated by some of the really complex legal, scientific and medical issues that the cases presented."

After cutting her teeth on these cases, she went on to hone her expertise in product liability defense, building a career out of aggressively but pragmatically defending pharmaceutical and medical device companies in complex product liability and mass tort litigation.

According to Sills Cummis managing partner Max Crane, Rose chose to specialize at a time "before it was fashionable" to have a core expertise, deciding at an early phase of her career that even though she was capable of other things she wanted to be a top product liability defense practitioner for major companies.

Along the way, Rose gained a substantial expertise in the U.S. Food and Drug Administration's maze of regulations concerning medical devices, as well as a knack for helping judges and juries understand them too, her colleagues said.

She has since served as national counsel to pharmaceutical and medical device makers defending themselves against mass tort litigation, including claims related to PPA, latex gloves and a generic form of Accutane.

Rose has also defended matters involving a variety of medical devices, consumer products, pharmaceuticals, foods, chemicals and industrial machines.

And she successfully led the defense of a contract research organization in litigation over Sanofi-Aventis SA's antibiotic Ketek. Rose's client had conducted a large clinical safety trial that Sanofi used in support of its new drug application for the product, and the case marked one of the first times that plaintiffs expanded their claims to include a contract research organization.

“What I really love about this type of litigation is that with each new case you have the opportunity to learn about a different product and how it was developed and labeled. It's really interesting, and it never gets boring,” Rose said.

As for her approach to litigation, Rose told Law360 that she made a concerted effort to consider the litigation in terms of the client's overall business strategy, rather than approaching litigation as though it took place in a vacuum.

Fellow Sills Cummis product liability attorney Stuart Feinblatt said that she was “laser-focused on client needs.”

“She's aggressive, but in a very diplomatic way,” Feinblatt said. “She's definitely 100 percent committed to the client's interests, but she's able to interface with opposing counsel in a nice way which reaches a consensus that's favorable to the client.”

And Rose's flair for diplomacy extends beyond working with opposing counsel to managing the egos of multiple attorneys from different firms representing the same client or co-defendants in large-scale litigation, colleagues said.

“There's no pretension with Beth, no ego. She has extreme confidence in her ability, but she doesn't let that shade into some need to walk around and tell people how great she is that gets in the way of effective team working,” said Bruce Parker of Venable LLP, who tried a bellwether trial over Mirapex, a treatment for Parkinson's disease that consumers have alleged causes compulsive gambling.

Not that Rose is a pushover by any means. Crane remembers serving on the firm's hiring committee with Rose when she was still coming up through the ranks, watching her take a firm stand on the qualifications of candidates.

“Even at an early age she had a perspective and points of view that she believed in, and she was unafraid to assert them even if they were not popular or others who were more important than her disagreed,” he said.

In addition to her tenacity, colleagues praised Rose's courtroom prowess.

Scott Smith of Nilan Johnson Lewis PA, who tried the Mirapex case alongside Rose and Parker, said: “She's good on her feet. In the case we were trying together she was in a courtroom with a judge who is known to be very demanding, and she handled herself extremely well. She didn't get rattled and maintained her composure and her poise.”

And Rose — who got married a mere two weeks after she joined Sills Cummis and managed to have two children before being made a partner in 1996 — has impressed others not only with her legal acumen but also with her ability to strike a balance between her professional and personal lives.

“She somehow seems to be able to do it all,” Feinblatt said. “She has an excellent relationship with her kids and her husband. She's there for them, but she also puts in the hours and dedication that you need to be a successful product liability attorney.”

Calling Rose “a superwoman,” Crane surmised that “maybe she finds hours in the day we don't know exist.”

“She runs the product liability group, and she's an extraordinary leader. But more importantly, she's an extraordinary person,” he said.

*Methodology: From May 25 through June 11, Law360 invited readers to nominate attorneys they admire to be profiled for the "Most Admired" series. Readers were asked: "Is there an attorney you've argued against in court who you respect — or whose briefs you fear? What about a lawyer whose views on the latest hot-button issues you eagerly seek out? Or a former classmate who is practicing the law in novel ways?" Survey participants were not permitted to nominate attorneys from their own firms and submissions from public relations and marketing professionals were not considered.*

*Separately, Law360 sought out nominations from practice group heads at the 100 largest law firms in the United States. In total, 1,016 nominations were received.*

*Nominations were reviewed by a board comprising experienced lawyers and Law360 editorial staff. Sixty-five attorneys covering seven practice areas of the law were then selected to be profiled for the "Most Admired" series.*