

Identifying **11** Leading Food and Drug Lawyers

They're the cure for what ails the drug manufacturers, the food producers, their trade associations, and their public interest watchdogs. In the D.C. metropolitan area, no one else in private practice knows the law on food and drugs better than these 11 attorneys.

Feeling queasy over some new regulation out of the Food and Drug Administration? They know the agency (at least seven of them did time inside). Getting heartburn from the esteemed senator's latest proposal? They know the Hill. Temperature spiking due to a competitor's newest foray into the market? They know the case law.

How did *Legal Times* pick them? We solicited suggestions from our readers and our reporters. Then, freelance journalist Jenna Greene (formerly an editor at *Legal Times*) called experts in practice and in business to ask for further suggestions, to learn more about who does what for whom in corporate America, and to narrow down the list to Washington's top attorneys.



To learn more about the Leading Lawyers series, including how to nominate attorneys for next year's reports, visit www.legaltimes.com.

Leading LAWYERS

Eleven of the D.C. Area's Top Food and Drug Attorneys

Peter Barton Hutt

Covington & Burling

Peter Barton Hutt has done it all.

Food, drugs, cosmetics, medical devices, biotechnology—Hutt is renowned for the breadth and depth of his expertise in virtually every area of food-and-drug law. Indeed, Hutt, 70, is viewed by many as the dean of the food-and-drug bar.

“His level of experience and expertise is unsurpassed,” says Martin Teicher, vice president and assistant general counsel of Pfizer Inc. and general counsel of Pfizer Consumer Health Care. “He’s a role model for any new lawyer entering the practice.”

Praising Hutt’s vast knowledge of food-and-drug law, Teicher notes, “It’s more than an ability to rattle off rules and regulations. It’s his understanding of what the laws are intended to accomplish that is a priceless quality in a lawyer.”

Over the course of his career, Hutt, now senior counsel at Covington & Burling, has served as chief counsel of the Food and Drug Administration; represented the largest food, drug, and cosmetic companies and trade associations; and testified before Congress dozens of times. He’s also had a hand in virtually all the major food-and-drug laws passed in the past 35 years.

The son of a retail-dairy owner in Buffalo, N.Y., Hutt has had a keen interest in food issues since boyhood. After earning an LL.B. from Harvard Law School in 1959, he was awarded a one-year fellowship by the Food Law Institute to New York University, where he received an LL.M. in food-and-drug law in 1960.

That spring, Hutt literally knocked on the door of Covington & Burling to apply for a job, drawn by the D.C. firm’s well-established food-and-drug practice. He was hired, and in 1968 he made partner.

Also in 1968, Hutt argued *Powell v. State of Texas* pro bono before the U.S. Supreme Court. At issue: whether it was cruel and unusual punishment to put an alcoholic in jail for public intoxication.

“I lost the case but won the law,” says Hutt, who went on to draft legislation that created the National Institute on Alcohol Abuse and Alcoholism in 1970. For those efforts, Hutt was

elected to the Institute of Medicine of the National Academy of Sciences, where he remains the only lawyer to attain membership based on his work in private practice.

As chief counsel of the FDA from 1971 to 1975, Hutt presided over a fundamental shift in the agency’s legal mission. He describes the change as turning “a classic law enforcement agency” into “a modern administrative law agency that gets things done through administrative enforcement, informal compliance activities, and product review and approval—not the courts.” He adds, “It had to be done.”

Hutt recalls working 16 hours a day, seven days a week, in the FDA’s top legal post, but still calls it “the best job in Washington.”

Nonetheless, by 1975, and with four children in private school, he says, “I felt I had done what I set out to do.” So Hutt returned to Covington.

A significant part of his work since then has been representing major trade associations. He currently serves as outside counsel for the Cosmetic, Toiletry, and Fragrance Association; the Grocery Manufacturers of America; and the Council for Responsible Nutrition.

Large corporate clients include Pfizer; the Procter & Gamble Co., which he has represented since 1962;

and Schering-Plough Corp. In 2002, Hutt represented Schering in reaching a consent decree with the FDA over the use of good manufacturing practices in two plants in New Jersey and one in Puerto Rico.

In recent years he has become deeply involved in the biotech field. He currently serves on the board of directors of seven biotech companies.

And for the past 12 years, Hutt has taught a wildly popular three-week food-and-drug-law class at Harvard. He is currently working on the third edition of *Food and Drug Law: Cases and Materials*, along with Covington colleagues Richard Merrill, a University of Virginia School of Law professor, and Lewis Grossman, an American University Washington College of Law professor.

“When I started out in the field in 1959 . . . it was not difficult to grasp all the FDA regulations,” Hutt remembers. “Today it’s a Sisyphean task. But I have to keep up because I teach the subject.”

Not that he finds it a hardship. “I love it all,” he says. “No one in the world has any more fun than I do every day.”



PETER BARTON HUTT
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