

Health Hires: Government Attorneys Join Covington, Foley

By **Dani Kass**

Law360, New York (September 9, 2016, 6:12 PM ET) -- Covington & Burling LLP and Foley & Lardner LLP have both expanded their life sciences practices, with Covington adding an attorney from the U.S. Food and Drug Administration and Foley hiring one from the U.S. Department of Health and Human Services' Office of Inspector General. Additionally, Jones Day has taken a Reed Smith LLP partner into its health care practice.

FDA Attorney Joins Covington in Los Angeles



Wade Ackerman

Covington has added Wade Ackerman, a former attorney for the U.S. Senate's Health, Education, Labor & Pensions Committee and the FDA's Office of Chief Counsel, as a partner in its Food, Drug & Device group, based largely out of Los Angeles. Before joining the government, Ackerman spent four years working in intellectual property litigation at Kirkland & Ellis LLP.

During Ackerman's five years as associate chief counsel at the FDA, he worked on a committee to reauthorize the agency's user fee program, which requires fees from manufacturers of prescription drugs, among others, to fund the drug approval process. He also provided counsel to the FDA's Center for Drug Evaluation and Research and the Office of the Commissioner, Covington said.

When he moved to the Senate, Ackerman assisted with any HELP committee activity relating to the Federal Food, Drug, and Cosmetic Act, including hearings and legislation.

Ackerman said he returned to private practice with Covington in anticipation of advising private parties during the user fee's reauthorization in 2017 and to get to the West Coast, where most medical device innovation is taking place. He said ultimately he'd like to serve as bridge between Washington, D.C., and Los Angeles for the firm.

"It's a period of unprecedented change that's going on right now in the medical product space," Ackerman said. "We're seeing precision medicine really be realized in a way that wasn't around even a few years ago. We're also in a period of unprecedented change in the ways technology is integrating into diagnostics and to health care delivery. Frankly, the center of that kind of medical innovation is the West Coast."

For a food and drug attorney, Covington is the place to go, given its "long history of having a top practice," Ackerman said.

"Wade's depth of substantive life sciences expertise, high profile in the industry, and government experience with FDA issues, in both the legislative and executive branches, position him as a leading food, drug, and device lawyer," group co-chair Denise Esposito said in a statement. "We anticipate that his experience working on FDA-related reforms, both from within the FDA and on the Hill, will make his counsel highly sought after by companies around the world."

Ackerman earned a Bachelor of Science in biology from the University of Illinois Champagne-Urbana and a law degree from Harvard Law School.

Health and Human Services Attorney Joins Foley In DC



Jill Wright

Jill Wright, former senior counsel at HHS OIG, has joined Foley as special counsel in its Washington, D.C., health care practice. She'll be working largely with providers and suppliers on fraud and compliance matters, including issues involving the Anti-Kickback Statute, Stark Law, civil monetary penalties, the False Claims Act, government investigations and exclusions from federal health care programs, the firm said.

Wright had spent a decade with the federal government, working with HHS's Departmental Appeals Board right out of law school, before joining the Office of Inspector General. While with the OIG, she advised the U.S. Senate Committee on Finance when it met with providers, payers, patient advocates, lobbyists, constituents, other government officials and congressional staff on matters including Stark Law reform.

"While I was on detail to the Senate Finance Committee, I got a glimpse of how fulfilling it can be to work with health care providers who are trying to navigate their way through the complexities of complying with federal regulations, and I saw that my experience that I've gained in the federal government could really help people," Wright said.

At OIG, Wright said she particularly enjoyed working on exclusion matters, including when three former Purdue Pharma executives were **excluded** from the industry over the misbranding of OxyContin. She also helped draft the Notice of Proposed Rulemaking for an Affordable Care Act regulation.

Wright said she was drawn to Foley's reputation for health care work, saying the firm has "one of the largest and most comprehensive health care departments in the country."

"Jill brings considerable health care knowledge across a wide spectrum of regulatory, compliance and fraud issues," health care practice chair Larry Vernaglia said in a statement. "Her OIG experience will help further prepare our clients for the complex and continually evolving regulatory landscape."

Wright received a Bachelor of Arts in philosophy from Brigham Young University and a law degree from Brigham Young University Law School.

Reed Smith Partner Joins Jones Day's Health Care Team



Daniel A. Cody

Dan Cody, after spending his entire career at Reed Smith, has become a partner in Jones Day's health care practice in San Francisco. Cody had joined Reed Smith as a summer associate in Washington, D.C., and then moved to the firm's San Francisco office, where he later made partner.

Cody will be working with providers and suppliers, including hospitals, health systems, post-acute care providers and digital health care companies on regulatory, compliance and fraud and abuse matters, including Medicare and Medicaid reimbursement, the False Claims Act and anti-kickback statutes.

"It's a really unique and dynamic area because it's a huge percentage of the economy in the U.S. and it's a highly regulated area," Cody said. "It's a constantly changing area in terms of the rules and regulations that the government is publishing."

Additionally, Cody said he likes working with medical technology companies on how to make their businesses square with rules and regulations "that don't even contemplate the kind of technology they are implementing."

In a similar vein, Cody had represented hospital systems including Dignity Health and MedCath Corp. in a massive nationwide FCA investigation over the use of cardiac implants. Cody said the federal rules for when a cardiac defibrillator could be implanted and then billed to Medicare were largely outdated and out of line with best medical practices. Four hundred and fifty hospitals reached \$250 million in settlements over the allegations that they implanted the \$25,000 cardioverter defibrillators too early.

Cody said he was drawn to Jones Day's "tremendous reputation" regarding client services, including providing quality legal services and "being a true partner" to clients. Cody said the firm is collaborative and engaging, creating the right work atmosphere.

"Dan is a recognized leader in health care fraud and abuse and regulatory matters," health care practice co-leader Stephen G. Sozio said in a statement. "As compliance, administrative, and reimbursement matters continue to become more complex, our clients will need the advice and practical counsel a lawyer with Dan's experience can provide. He is a very good match for us and we are pleased that he is joining Jones Day."

Cody earned a Bachelor of Arts in history from Swarthmore College and a degree from William & Mary's Marshall Wythe School of Law.

--Editing by Jill Coffey.