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Pound Institute's 2018 Appellate Advocacy Award to Leslie Brueckner and Benjamin I. Siminou



Brueckner

The Officers and Trustees of the Pound Civil Justice Institute have bestowed the Institute's 2018 Appellate Advocacy Award on Leslie Brueckner of Public Justice in Oakland, CA. She was honored for her distinguished work resulting in the California Supreme Court's landmark decision in *T.H. v. Novartis Pharmaceuticals Corp.*, 407 P.3d 18 (Cal. 2017).

In *T.H.*, a unanimous California Supreme Court held that, because brand-name prescription drug companies write the labels for all drugs, they may be sued for failing to warn of the dangers of mislabeled, generic versions of their drugs. A majority of the Court also held that even former brand-name manufacturers are subject to suit if their failure to update their labels to warn of their drug's dangers foreseeably injure consumers of generic drugs. *T.H.* is the only standing decision of any appellate court granting consumers the right to seek compensation when they are injured by mislabeled generic drugs. More than 90 percent of all drugs sold in the U.S. are generic, and, under current federal law, generic drug manufacturers have complete immunity from suit because they do not write their products' labels. Because there are no issues of federal law in *T.H.*, it cannot be appealed to the U.S. Supreme Court.

Leslie wrote the appellate briefs for the plaintiff with another attorney, and argued orally. These efforts were supported by an *amicus curiae* brief of Consumer Attorneys of California and the American Association for Justice, authored by Charles Dell'Ario, of Napa, California, and Jeffrey R. White of AAJ.

Leslie is a Senior Attorney at Public Justice, a national public interest law firm, where she has worked for 25 years. She specializes in cutting-edge appellate litigation in the state and federal courts, such as class actions, constitutional law, federal preemption, consumer rights, personal jurisdiction, food safety, and combating court secrecy. She has handled numerous appeals in the federal and state courts, including the Supreme Courts of California, South Carolina, South Dakota, and West Virginia, and in the U.S. Supreme Court.

Leslie's dedication to the civil justice system, and her persuasive advocacy in *T.H. v. Novartis*, have had a significant impact on the right of access to justice in civil cases in the United States.

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