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# LITIGATION

## TRAILBLAZERS & PIONEERS

### MADELEINE M. MCDONOUGH

SHOOK, HARDY & BACON L.L.P.

**PIONEER SPIRIT** A prelegal career as a clinical pharmacist convinced Madeleine McDonough to pursue a career in pharmaceutical litigation. "There was only one firm that really did that, Shook, Hardy & Bacon. They were even in my hometown." She's been at the firm her entire career, specializing in medical devices and drugs, more recently adding food and types of products that require approval by the FDA or other regulatory agencies.

**TRAILS BLAZED** McDonough was national counsel for a few companies before she even made partner and has represented more than 65 FDA-regulated companies during her 25-year career. "I've learned that a lot of issues can be resolved before trial." With that in mind, McDonough tries to help her clients prevent litigation through anticipatory risk management. "If you have to go to trial, we'll do that. But it's time-consuming, expensive and often not satisfactory—even if you win." The litigation prevention process includes understanding the opponents, the claims, the landscape and trying to work out something that helps everybody. "Many claimants come through advertising brokers or other means and were not injured or had very minor injuries that may not even be attributable to the product."

**FUTURE EXPLORATIONS** "New technology is emerging constantly which often creates privacy and data security concerns." McDonough sees electronic discovery as a risk factor. "You need to have those issues buttoned up so they don't become a leverage point for your opponents." She also views the global marketplace as a game changer in the pharmaceutical field. "International health agencies are starting to have a meaningful impact on my clients."

