

## New Jersey Supreme Court's Review of *In re: Accutane* Litigation

Law360

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Related People:

Edward J. Fanning, Jr.

In its reporting on the *In re: Accutane Litigation*, Law360 quotes from Ed Fanning's arguments before New Jersey's high court on behalf of amici curiae the Healthcare Institute of New Jersey, the New Jersey Business & Industry Association, the Commerce and Industry Association of New Jersey and the New Jersey Chamber of Commerce. On the issue of the admissibility of expert testimony, Ed urged the state to join the "mainstream" by adopting the Daubert standard, which he argued would ensure reliable, science-based testimony and reduce the likelihood of the Garden State becoming a magnet for litigation based on "unproven and unreliable" testimony. On the presumption of adequacy of FDA approved warnings, Ed maintained that it should be the FDA, not lay jurors, that determines the adequacy of a medication's warning, except in very limited circumstances of deliberate misconduct as defined by the Court in its earlier decisions in *Perez v. Wyeth* and *McDarby v. Merck*.