



2015 Life Sciences MVP

Jim Hurst



Twenty-five years of winning in front of judges, juries and appellate court panels led James Hurst to the U.S. Supreme Court in 2011, where the Kirkland & Ellis LLP attorney garnered a major victory for generic drugmakers and simultaneously helped win himself a spot on *Law360*'s 2015 list of life sciences MVPs.

The high court unanimously overruled a split Federal Circuit, leading to a sigh of relief from the generics industry, which feared that a ruling in favor of Novo Nordisk AS could create a loophole for brand-name manufacturers to improperly delay generic competition.

The case involved a patent for Novo's diabetes treatment Prandin. The Supreme Court paved the way for Caraco Pharmaceutical Laboratories Inc. to manufacture a generic version of the drug by interpreting the Hatch-Waxman Act as authorizing competitors to challenge patent codes filed with the U.S. Food and Drug Administration.

Hurst, appearing in front of the court on behalf of challenger Caraco, called the 2011 experience a "blast" and said that he never doubted the

strength of his impending victory, even when others might have.

"The press after the argument was predicting we'd win but that it was close," Hurst told *Law360* in a phone interview. "I said 'no, it's going to be 9-0' and I was right."

It's no surprise he won, given that the onetime head of Winston & Strawn LLP's litigation practice has overseen dozens of appeals and lost only one civil jury trial since graduating from the University of Pennsylvania Law School in 1989.

"You know what my secret is?" Hurst responded when questioned about his winning track record. "I just speak from my heart and I talk about what's true and I think juries appreciate that."

His efforts won him quite the reputation in the Windy City and around the nation, so it was perhaps not surprising that he was swept up by Kirkland after spending his previous 25 years climbing the ladder at Winston & Strawn.

"I took a 15-minute vacation and a two-and-half-block walk from Winston to Kirkland," Hurst said of

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his move from one firm's Chicago office to the other. "For that 15 minutes, I didn't have email for the first time in 25 years."

It didn't last. Since joining Kirkland, Hurst has ratcheted up a number of victories on behalf of clientele that runs the gamut, though he says about two-thirds of his current business is representing life sciences companies.

Hurst first began working with the pharmaceutical industry almost as soon as he graduated from law school, when he took on AbbVie Inc. predecessor Abbott Laboratories as a client.

He has backed AbbVie ever since and in July won a \$94 million jury verdict on the company's behalf in an Illinois state court. That dispute involved a contract entered into with MedImmune LLC that gave AbbVie permission to sell the antiviral drug Synagis to nations outside of the United States.

MedImmune alleged that AbbVie breached the contract and attempted to have the sales permission revoked, but Hurst and his team did more than beat the suit.

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"The big issue was whether MedImmune could take away our right to sell that drug and the jury rejected that argument and on top of that gave us \$94 million," he said.

Another recent victory paved the way for a generic version of the antibiotic Cubicin following a December decision by a Delaware federal court invalidating four Cubist Pharmaceuticals Inc. patents.

Hurst represented Hospira Inc. in that dispute, also a longtime client dating from his Winston & Strawn days.

"These are not small cases," the Kirkland partner said of his work over the past few years. "It makes me proud that my clients trust me with so much at stake."

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