



LAW360

## 2017 Rising Star Elizabeth Hess

Kirkland & Ellis LLP's Elizabeth Hess has developed a knack for beating back False Claim Act cases targeting drug and device makers, including a billion-dollar whistleblower case that Abbott Laboratories successfully took to trial, placing her among five life sciences lawyers under age 40 honored by *Law360* as Rising Stars.

### The biggest case of her career:

Hess defended device maker Abbott Laboratories in a suit brought by whistleblower Kevin Colquitt.

"The government declined to pursue any action against the company, but the relator decided to separately pursue a separate action," Hess said. "That case was one of the very few False Claims Act cases of that magnitude — we were talking about over a billion dollars' worth of exposure — that went to trial. And we got a favorable jury verdict."

Hess said the verdict was a huge moment for her.

"Getting a complete defense verdict after only three hours of deliberation on a case that I'd worked on since its infancy was an amazing moment. We were so thrilled for our client, and it was absolutely the right outcome."

"I would always be the youngest person in the room and often the only woman," she said. "And I definitely think people probably did not have ... high expectations for my abilities at the time. And I think, at the end of the day, being underestimated is always an advantage."

### On youth being viewed as a weakness, and advice for young lawyers:

In depositions as a junior associate, Hess found herself underestimated by opposing counsel, which ended up being helpful.

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think people probably did not have, shall we say, high expectations for my abilities at the time. And I think, at the end of the day, being underestimated is always an advantage."

For young lawyers, there can be a temptation to stay out of the spotlight in high-stakes cases, but Hess says that's a mistake.

"I think in BigLaw, it's very easy to sit back. Some of our matters are so

huge that there's always something to do, but the really exciting work is sometimes work you have to seek."

**What motivates her:**

The variety — different facts, different settings, different clients — spices things up.

"One day I could be helping a company with an internal compliance review. The next day I could be dealing with dispositive motion practice. The next day I could be meeting with the U.S. Department of Justice. So it really runs the gamut, and it is never boring."

" ... The really exciting work is sometimes work you have to seek."

**Other notable cases:**

Hess helped to win dismissal of *Elliott-Lewis v. Abbott Laboratories*, which alleged improper promotion prior to a device's approval, and helped convince the DOJ not to intervene in *Bergman v. Abbott*

*Laboratories*, a case alleging kickbacks and off-label marketing.

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