

Rising Star: Tucker Ellis' Dustin Rawlin

By **Bibeka Shrestha**



Law360, New York (May 02, 2014, 3:37 PM ET) -- Tucker Ellis LLP partner Dustin Rawlin's savvy handling of a bellwether trial helped a Johnson & Johnson unit clinch a complete defense verdict in multidistrict litigation alleging injuries from transvaginal mesh — part of a stellar record that makes Rawlin one of Law360's five young product liability attorneys to watch.

At just 39, the 2014 Rising Star has climbed the ranks to become a deputy chairman of Tucker Ellis' medical and pharmaceutical group, the largest of the firm's practice groups.

Rawlin recently second-chaired a bellwether trial in MDL litigation in which patients blamed Johnson & Johnson subsidiary Mentor Worldwide LLC for vaginal erosion, infections and pain that they said was caused by the medical device maker's ObTape transvaginal mesh.

He helped secure a complete defense jury verdict for Mentor for the second time in five years while also chalking up summary judgment victories in four ObTape bellwether cases.

Mollie Benedict, the chairwoman of Tucker Ellis's medical and pharmaceutical group, said Rawlin is a “huge asset” to the firm.

“He's smart, he is hardworking, and he has great instincts,” Benedict said. “With that combination, he really can excel at anything he tries to do — and he does.”

Benedict, who tried the ObTape bellwether case alongside Rawlin, said she was impressed not only by Rawlin's questioning of top scientific experts at trial but also by his ability to successfully communicate to the jury the technical issues involved.

“What other people miss is that if a jury doesn't understand it, you haven't won,” Benedict said. “Dustin gets that.”

Rawlin has been there from the start for the ObTape MDL — one of the first product liability MDLs involving transvaginal mesh, which is surgically implanted in women to help with incontinence

problems. He began working on the litigation as a mid-level associate, a time when there were only a handful of cases, not hundreds.

“The ObTape litigation has basically accounted for half of my career,” Rawlin said. “It has, in part, defined me as a lawyer and given me the opportunity and experiences to grow as a lawyer.”

The pressure was on at a recent two-week trial in Columbus, Georgia, where Rawlin took charge of the more scientific aspects of the ObTape bellwether case. He presented top biomaterials experts and cross-examined a mechanical engineering expert on polymer degradation and other advanced topics.

“We asked them to commit to listening to all the evidence, the whole story. They did a great job of doing that,” Rawlin said. “Because of the nature of the products, those complications are sometimes of an embarrassing and intimate nature. It's challenging to present that type of a case to a jury of men and women ... some of whom are not comfortable with these types of issues.”

Now, there are two bellwether ObTape cases left with trials set for June and August, while the MDL still has several hundred cases seeking millions of dollars.

Rawlin said he was drawn to the product liability space because of the ample opportunities to learn about a variety of fields.

“Whether it's tires or aerospace equipment or medical devices, there's new things to learn in the area,” Rawlin said. “Working with different experts at the top of their field, I find that very fulfilling and a lot of fun.”

Young attorneys would be wise to find mentors who are invested in their success and who give them a chance to shine in front of a client and hone their craft, he said.

Rawlin said his own mentors — Edward Sebold, now a vice president and assistant general counsel at IBM, and John Lewis, a Tucker Lewis LLP partner — were instrumental in his legal career. Rawlin has tried to return the favor to young attorneys at his firm.

“We always take a very proactive approach ... giving them responsibilities that might stretch them a little bit, make them a little uncomfortable,” Rawlin said. “We invariably find that our folks are very up to the task.”

--Editing by Christine Chun.