

ATLANTIC LEGAL FOUNDATION 2018 ANNUAL REPORT



THE YEAR IN REVIEW

2018 marked the 41st year of Atlantic Legal Foundation's advocacy in courts across the country. Atlantic Legal scored significant successes while vigorously pursuing its mission of advancing the rule of law by advocating limited and efficient government, free enterprise, individual liberty, school choice and sound science.

In more than a dozen cases in 2018 before the United States Supreme Court, other federal appellate courts, and state appellate courts we addressed issues of compelled speech, freedom of association, regulatory overreach, regulation by litigation circumventing the notice and comment procedure of the Administrative Procedure Act, abuse of class action procedures and enforcement of arbitration agreements.

The Foundation continued its role as the nation's preeminent public interest law firm in advocating application of clear and sound rules for the admissibility of expert testimony in toxic tort, product liability and other litigation, filing briefs on behalf of distinguished scientists as well as business and legal associations in asbestos and other cases focusing on the trial judge's "gate-keeping" responsibility in admitting or excluding expert testimony. In one noteworthy case in New York State's highest court, we successfully advocated for explicit application of principles of medical causation in toxic tort cases generally to asbestos exposure cases; this decision has already had a salutary effect on lower court rulings.

We continued to challenge class-action abuse in the U. S., this time challenging the use of "cy pres" settlements, in which members of the class receive no recovery or miniscule relief, with the bulk of the settlement fund being distributed to an advocacy organization often selected by plaintiffs' counsel, and often one that advocates for principles inimical to the interest of the class members whose settlement funds are being used.

The Foundation also filed briefs in the Supreme Court in cases involving the enforcement of contractual arbitration provisions in employment and consumer contracts, following up on the success of the “blockbuster” decision in Epic Systems Corp. v. Lewis, 138 S. Ct. 1612, decided in May, 2018.

In state courts, the Foundation supported review by the California Supreme Court of erroneous rulings by lower courts on California’s standard of proof of causation in asbestos cases.

We continued our work on behalf of charter schools with distribution of our “Leveling the Playing Field” series of guides for charter school leaders. The 3rd edition of Atlantic Legal’s guide for charter school leaders in California was printed and distributed in June of 2017 with high praise from the California Charter School Association. Uncertainty in the state of the law pending possible federal preemption has caused Atlantic Legal to temporarily defer publication of state specific guides.

In 2005 Atlantic Legal conducted a timely conference in Washington D.C. on a critical concern for American Jurisprudence ... “The erosion of the attorney-client privilege.” Among others of renown, US Supreme Court Justice Samuel Alito participated along with former US Solicitor General Ted Olson, whose scholarly keynote address at the conference has proven to be prescient. His copyrighted remarks were republished with his permission and with his current embellishments in our 2017 Report. Also noteworthy is the opinion on “Trump, Cohen and Attorney / Client Privilege” published at A15 in the April 18, 2018 edition of the Wall Street Journal by Atlantic Legal’s 2016 Lifetime Achievement Honoree, Michael B. Mukasey (US Attorney General, 2007–09 and US District Judge, 1988–2006) in which he admonishes for preservation of the safeguards of the attorney-client privilege.

On March 28, 2019 we were privileged to present the Foundation’s Annual Award for 2018 ... its 31st annual award ... to Thomas N. Kendris, US Country President, Global Head Litigation and President of Novartis Corporation, who was introduced by Joe G. Hollingsworth, nationally renowned courtroom advocate, head of the eighty-five lawyers practice group at Hollingsworth LLP in Washington DC and a Director of Atlantic Legal. Mr. Kendris remarks – “The Pharmaceutical Industry at a Crossroad: Innovating for the Future” – before a near capacity attendance of close to 200 in the elegant Metropolitan Club in NYC, were enthusiastically received and are published at page 16 in this Report.

At the Foundation’s June Board Meeting, Geoffrey C. Kabat, PhD, a cancer epidemiologist at the Albert Einstein College of Medicine, addressed the Foundation’s leadership team and guests with an enlightening overview of his latest book, Getting Risk Right, to understand the science of elusive health risks. See page 62 for a more complete report.

As the year 2018 came to a close, we named five new distinguished professionals to our leadership team. Lee C.H. Cheng, a shareholder of Maschoff-Brennan, a leading IP-focused law firm with offices in Utah and California, Chief Legal Officer for eForCity.com, and former General Counsel of Newegg Inc., was officially elected to the Foundation’s Board of Directors at its March 29, 2019 Board meeting. Mark Kokes, PhD of Nantworks in Los Angeles; Lawrence McMichael, Chairman of Dikworth Paxson LLP in Philadelphia; Marco Q. Rossi, an international tax lawyer, and the Founder and Principal of Marco Q. Rossi & Associati in Beverly Hills, CA, NYC and Italy; and Ana Tagvoryan, LA Partner and member of the Partners’ Board of Blank Rome LLP, have been appointed to the Foundation’s Advisory Council. Photos and bios of these outstanding professionals and others who earlier joined our Board or Council in 2018 are presented in this Report at pages 66 through 69.

We are grateful for the long tenure and distinguished service of Director Marcy S. Cohen, General Counsel and Managing Director of ING Financial Services, who retired from our Board in 2018.

Posted on our website at www.AtlanticLegal.org along with a recent photo of our Chairman Emeritus, Jim Wyer, who peacefully passed on Easter Sunday at his home in New Jersey, is the following tribute which has been shared with his family:



The leadership ... the Officers, Board, Advisory Council and Staff ... of the Atlantic Legal Foundation were saddened to learn of the passing of the Foundation's esteemed Chairman Emeritus, James Ingersoll Wyer, who Served the Foundation with distinction for many years and as its Chairman from 1986 to 1997, as indicated in his recently published obituary. His successor, Chairman Hayward Dan Fisk, speaking on behalf of the leadership team, extolled that Jim is sorely missed and recognized him as a true gentleman and strong leader who was both generous with his time and his treasure on behalf of the Foundation's mission and who did so without seeking personal recognition, being gratified by the many achievements of the Foundation as the leading organization in America for many years in fostering sound science in judicial and regulatory proceedings, parental choice in education, best practices in corporate governance and the application of constitutional guarantees to individuals and corporations faced with the authority of government agencies. He was a man of mark making an affirmative difference in American jurisprudence, particularly through the Atlantic Legal Foundation, which continues now in its 42nd year, as one of his notable legacies. He is a commendable credit to humanity and our legal profession ... God bless Jim Wyer, his loving family and friends ...

Atlantic Legal also lost two of its long time respected Advisory Council members, who passed away in 2018. Rodney W. Nichols, former President of the New York Academy of Sciences and Richard Wilson, the former head of physics at Harvard University. Dick Wilson was honored with a Lifetime Achievement Award by Atlantic Legal in 2013 and is featured in this Report at Page 64.

Atlantic Legal's Board and Advisory Council remain convinced that our legal system needs the kind of responsible, objective, and vigorous advocacy the Foundation has provided for over 41 years. We are grateful for the loyal support of our contributors, leadership and staff, enabling the Foundation to continue its important work.



A handwritten signature in black ink, appearing to read "Dan Fisk".

Dan Fisk
Chairman & President



A handwritten signature in black ink, appearing to read "Marty Kaufman".

Marty Kaufman
Executive Vice President
& General Counsel

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EXECUTIVE SUMMARY

About Atlantic Legal Foundation

- Atlantic Legal Foundation has been defending liberty for over 41 years, since its establishment in 1977.
- Atlantic Legal Foundation is a nonprofit, nonpartisan public interest law firm with a history of advocating for individual liberty, free enterprise, property rights, limited and efficient government, sound science in the courtroom, and school choice. Atlantic Legal provides legal representation, without fee, to individuals, corporations, trade associations, parents, scientists and educators.
- The Foundation frequently files *amicus curiae* briefs in high-profile court cases in the United States Supreme Court, federal circuit courts and state supreme courts.

Constitutional Issues

Atlantic Legal Foundation participates in important cases involving the expansive and capricious exercise of governmental power, as well as the interplay between U.S. law and international law. Among the issues we have addressed: challenging state and local attempts to regulate interstate and foreign commerce, combatting limits on free speech on college campuses, and opposing expansive assertions of U.S. court jurisdiction over foreign entities and transactions.

Sound Science

Atlantic Legal is the nation's preeminent public interest law firm advocating for the admissibility of sound medical and expert testimony in toxic tort, product liability and other litigation. Atlantic Legal fights the admissibility of "junk" science, and fosters the use of sound science principles in judicial and regulatory proceedings. Our *amicus* briefs on behalf of several Nobel Laureates and numerous other prominent scientists were cited and relied on by the majority in the landmark Daubert trilogy of U. S. Supreme Court cases.

Corporate Issues

Atlantic Legal advocates for responsible corporate governance and advocates against intrusive regulation of business. The Foundation was an early proponent of preservation of the attorney-client privilege against compulsory waiver of that essential protection where corporate misconduct has been asserted. It has challenged abuse of class action procedures and has strongly advocated for the enforcement of arbitration agreements.

School Choice

Atlantic Legal's work in this area is focused on supporting charter schools. A major part of this effort is publishing a series of state law guides, written by nationally known labor law attorneys, to educate charter school leaders about what they need to know to deal with efforts by public employee unions to burden charter schools with intrusive union work rules that stifle innovation.

The Foundation also provides legal counsel to and represents charter schools and charter school advocates in court at no cost.

Position Papers and Conferences

Atlantic Legal publishes papers on legal issues of public concern, such as: inadequate judicial compensation and its impact on the New York economy, the need for a restructuring of New York's court system, correcting weaknesses in law school curricula, and the need for and benefits of parental choice in K through 12 education. Of note, we have published a series of state-specific guides for charter school leaders entitled "*Leveling the Playing Field: What Charter School Leaders Need to Know About Union Organizing.*"

The Foundation sponsors conferences on topics of importance to the business and legal communities, such as: Science and Public Policy Implications of the Health Effects of Electromagnetic Fields; the Attorney-Client Privilege – Erosion, Ethics, Problems and Solutions; Corporate Litigation – How to Reduce Corporate Litigation Costs and Still Win Your Case.





Supreme Court Chamber in the Pennsylvania State Capitol building

IN THE COURTS

In pursuing our Atlantic Legal Foundation's mission of advancing the rule of law by advocating limited and effective government under the Constitution, free enterprise, individual liberty, school choice, and the use of principles of sound science in litigation and regulation, the Foundation provides legal representation without fee, to individuals, corporations, trade associations, parents, scientists, educators and other groups primarily by filing friend of the court briefs in the United States Supreme Court, other federal appellate courts, and the highest courts of several states.

Some of the principal areas on which we focus are federal constitutional issues including individual liberty interests, separation of powers, federal preemption, and free speech and association.

We strenuously oppose the expansive and capricious exercise of governmental power. Atlantic Legal regularly participates in cases involving issues affecting the market economy. We have been leaders in advocating for educational choice, in which we have focused on supporting charter schools by providing legal counsel to and representing charter schools and charter school advocates in court at no cost, often where teachers unions seek to derail the certification of the charter school. See Charter School Advocacy at page 9. Each year we typically file 10 or more *amicus curiae* briefs in the U.S. Supreme Court (at both the petition and merits stages), in federal courts of appeal, and in the highest courts of several states.

We are the nation's leading public interest law firm fighting for the use of sound science in adjudication

and regulation, notably in numerous cases in which the issues of the law of admissibility of medical and other scientific expert testimony in toxic tort, product liability and other cases has been and is being developed. In these cases we regularly represent prominent scientists who endeavor to educate the court about underlying scientific principles. Our amicus briefs on behalf of almost two dozen Nobel Laureates and numerous other prominent scientists have been cited and relied on by the majority in the landmark *Daubert* trilogy of U. S. Supreme Court cases and the California Supreme Court.

In the past 12 months we have filed briefs in cases involving a variety of issues:

Compelled Speech

Whether cell phone stores can be required to post signs warning customers of the “dangers” of cell phones, especially when the FCC and the consensus of relevant scientific organizations has found no emission of ionizing radiation. This case involves both free speech issues and sound science issues.

Freedom Of Association And Speech

In a series of cases in the U.S. Supreme Court we filed amicus briefs on the merits on the issue of whether employees can be forced to pay union “agency fees” which are used, in part, to fund labor union advocacy of policies with which the workers disagree.

Arbitration Of Disputes

Despite a clear statutory enactment favoring arbitration as an effective and efficient alternative to protracted, expensive and burdensome litigation, many state and lower federal courts remain hostile to enforcement of contractual arbitration provisions. As a result, the Supreme Court has been called upon several times the past few years to reiterate its holding instructing inferior courts to enforce and apply the Federal Arbitration Act. Atlantic Legal has frequently filed amicus briefs in those cases, including what has been called the “blockbuster Epic Systems case.” One leading Supreme Court practitioner recently “recognize[d] the Atlantic Legal Foundation’s strong track record in advocating for the fair enforcement of arbitration agreements, as well as addressing issues affecting the business community generally.”

Admissibility Of Expert Testimony On Causation Of Mesothelioma And Exposure To Asbestos

These cases, both in state and federal appellate courts, typically involve the issue whether an expert’s causation testimony based on “cumulative exposure” that does not identify a specific defendant’s product as the cause of the disease or fails to quantify the plaintiff’s exposure is consistent with sound science and admissible.

In the New York Court of Appeals, we represented a group of scientists in submitting an amicus brief in an asbestos-mesothelioma case that resulted in the court rejecting plaintiff’s “cumulative exposure” theory of asbestos disease causation. Our brief, on behalf of several prominent scientists and doctors

with expertise in toxicology, pathology, mineralogy and other relevant disciplines, pointed out that the “cumulative exposure” theory is not supported by the overwhelming consensus of relevant epidemiological studies, and, even if it were so supported, would not prove “specific causation” as required by New York law. The New York special asbestos court, based in New York City, has heretofore been known as an “asbestos liability hell-hole.” Although this *Juni v. A.O. Smith* case did not break new ground in New York law on medical causation, it applied those principles in an asbestos case and affirmed an excellent and well-reasoned decision of the lower courts. As a result of this salutary decision, we have seen an uptick in the willingness of trial level courts to grant motions *in limine* and to dismiss cases based on weak expert evidence.

“Cy pres” settlements: We filed a brief in the U.S. Supreme Court on the merits in a challenge to “cy pres” settlements (settlements in which the bulk or all of the settlement fund in a class action case is paid to a “charity” chosen by the plaintiff class’s attorneys and the defendants’ attorneys or the judge). Often the “charity” is an advocacy group whose positions at least some members of the class do not agree with or do not support and thus, we argue, the cy pres settlement amounts to compelled support for ideological speech, in violation of the class member’s First Amendment rights.

Other business community issues: Atlantic Legal has also addressed many other issues affecting the business community. Some examples include challenging state and local attempts to regulate interstate and foreign commerce, combating limits on free speech on college campuses, opposing expansive assertions of U.S. court jurisdiction over foreign entities and transactions, such as in *DaimlerChrysler AG v. Bauman*; the Foundation has challenged abuse of class action procedures in cases such as *Wal-Mart Stores, Inc. v. Dukes*.

We are pleased to report significant progress in Atlantic Legal’s work to encourage school choice for parents with the goal of enhancing equitable opportunity and education for all students, as extensively reported in the section on Charter School Advocacy following.





CHARTER SCHOOL ADVOCACY

Atlantic Legal focuses primarily on supporting charter schools, as an effective alternative to failing district schools. A significant part of this effort has been the publication of a series of state-specific law guides “*Leveling the Playing Field*,” written by nationally known labor law attorneys, to educate charter school leaders about what they need to know to deal with efforts by public employee unions to curb charter schools by unionizing charter school teaching staff and burdening charter schools with intrusive union work rules that may stifle innovation.

One element of school operations and structures that has been hotly debated is the role of collective bargaining in the charter structure. The operational flexibility that charters enjoy has typically led charter leaders to try to remain unencumbered by the collective bargaining agreements that constrain district schools, although some charters choose to integrate collective bargaining in their design.

Efforts to organize charter school teachers and other employees are likely to have a significant impact on the flexibility the school needs to meet its charter responsibilities, and charter administrators need to know how to react when the union seeks to represent employees. Charter boards and administrators are well advised to seek counsel from firms that practice regularly in this area.

As the movement has evolved from a handful of schools focused on improving and increasing innovation, to a broad-based movement focused on high quality outcomes, increasing attention has been focused on examining the diversity of operational structures, and how to enhance the vital role of teachers.

Whatever choices charter communities make to best serve their students, we believe that those choices must be made with the benefit of full information, transparent communication, and clarity about the roles and responsibilities of charter boards, leaders, teachers, and all others engaged in each charter's communities.

In the past years, we have provided counsel to various charter schools from the east to the west coasts concerning critical charter grants and renewals often in the face of opposition, as reported extensively in Atlantic Legal's prior Annual Reports. Charter schools assisted by Atlantic Legal rank in the highest percentiles in reading aptitude, math and other skills among schools throughout the world.

The Foundation's "*Leveling the Playing Field*" publication produced in multiple states, the latest California edition having been published in the summer of 2017, has continued to garner accolades from the California Charter Schools Association and from Charter Schools throughout the nation. One of those Charter Schools here in California that has benefited from Atlantic Legal's direct support, recently has been recognized as among the top five high schools in California and has a majority of minority students in its student body.

California's charter movement has been a leader in energizing public education with a robust infusion of innovative schools. Now more than 1,200 strong, serving over 600,000 students statewide, California's charter schools represent a diversity of instructional programs and operational design as unique as the communities they serve.

Atlantic Legal is continuing its work to support the Charter School community by providing labor law guidance to school leadership through counseling and advocacy, and its ongoing publication of the *Leveling the Playing Field* series of books which address the particularly difficult area of union organizing, collective bargaining, and related charter school employee rights at charter schools. These issues have historically been determined by the individual states' charter school legislation and public sector labor law, since all charter schools are public schools, as defined by the various state statutes.

The Foundation has published separate state-centric books, with the financial support provided by various valued contributors including the able pro bono assistance of specialized lawyers serving on its Advisory Council, focusing initially on charter schools in New York, New Jersey, California, Michigan, and Massachusetts. Encouraged by the California Charter Schools Association, Atlantic Legal published an updated edition of that state's *Leveling the Playing Field* in June of 2017. We have received requests to publish other new editions as well. However, as the Foundation has continued to research the evolving jurisprudence in this highly specialized area, it has deemed it wise to defer for the short term any further definitive work on any new volumes due to the rapid evolution of federal labor law in this area.

Leveling the Playing Field - Evolving Law

When the *Leveling* series was initially published, it raised the then-theoretical question of whether the

National Labor Relations Act (NLRA), and not state law, could be deemed to have jurisdiction over charter schools, despite their states' characterization as "public schools."

Although there is variation from state to state, in most instances, while charter schools are funded and regulated by state or local governments, they are created by and administered by private entities. The Foundation was somewhat prescient, as the National Labor Relations Board (NLRB) soon started to assert federal labor law jurisdiction over charter schools in various states.

To date, either the NLRB, its regional offices, or its administrative law judges have exercised jurisdiction over charter schools in New York, Connecticut, Pennsylvania, Michigan, Illinois, California, Arizona, Louisiana, Minnesota, Ohio, Oregon, Tennessee, and the District of Columbia. In fact, based on our research, we have determined that in only one Texas case did the Board decline jurisdiction due to a greater level of authority over the charter school retained by the state.

There are many differences between the labor law of the individual states and that of the NLRA. Parties in these cases have their own preferences. In some cases unions have sought NLRB jurisdiction. In others, employers sought it. As the NLRB has added more states to its jurisdiction, interested parties on both sides have raised their concerns. However, it is clear that no state provides protections and rights to employees as broadly as the NLRA.

Labor law is inherently political. The rise of charter schools has also been highly politicalized. However, as reported in the Wall Street Journal in an opinion piece by former Democrat US Senator, Mary Landrieu, in the Spring of 2019, progressives and conservatives alike support and should support the charter school movement.

"Students who spend four years or more in a charter school gain two months of additional learning every year in reading and more than two months in math, compared with demographically similar students with similar past test scores in district schools. In urban areas, it's 3 ½ months gained in reading and five in math." -Marty Landrieu, Wall Street Journal

Most recently, as we go to press with this 2018 Annual Report, the lead Review & Outlook opinion piece in the May 13, 2019 Wall Street Journal touts research results presented by the National Bureau of Economic Research affirming 40% gains by charter school students compared with public school peers coming from comparable socioeconomic environments and concluding that the charter school template successfully replicates. In Jason Riley's "Upward Mobility" column in the May 22, 2019 Wall Street Journal, he affirms:

"Repeated studies have demonstrated that charter schools are closing racial gaps in academic achievement. Whether the measure is test scores, graduation rates or college readiness, charter schools consistently outperform their peers in traditional public schools. Charter high schools make up only 10% of the country's 26,000 public high schools. But according to the latest U.S. News & World Report rankings, charters comprise three of the

top 10 public high schools in the country, and 23 of the top 100. Low-income charter school graduates complete college at two to four times the national average for their peers.”

The NLRB began its march toward charter school jurisdiction during the years of the Obama Board, when Democrats held a majority of seats on the Board. In those years, the Republican minority were vocal dissenters on the subject. Now that the Board presently has a Republican majority, the NLRB is considering exercising its very rarely utilized statutory authority to universally decline jurisdiction over all charter schools nationally. There is a key case presently pending at the Board, which Atlantic Legal has been following. In that case, one of Atlantic Legal’s Advisory Council members is representing a New York charter school which seeks federal jurisdiction to support its employees’ NLRB petition for a decertification vote. The Board is using that case as a forum to decide whether to withdraw from jurisdiction over all charter schools – an outcome that no party in the litigation requests. The NLRB issued a call for amici to file briefs. The matter will soon be ripe for decision. KIPP Academy Charter School, NLRB 02-RD-191760.

The Atlantic Legal Foundation has consulted with state and national charter school groups on this subject. The Foundation has declined to file an amicus brief because schools and charter school associations it supports are on both sides of the matter. While the potential impact of a Board decision is mixed, we have observed that a rejection of jurisdiction now, after the NLRB has de facto granted coverage of the law to employees and the parties in scores of cases nationwide would be unprecedented – and would in effect tell hundreds of thousands of employees that they no longer have federally protected rights.

Because the NLRB may again recreate the legal landscape in this field, the Foundation, while preparing and continuing to build its expertise, has deferred further advisory publications, until the uncertainties are resolved. Atlantic Legal will revisit this when the Board issues its decision in the KIPP case and anticipates the need for its continuing guidance to the charter school leadership community will be as compelling as ever.



2018 ANNUAL AWARD HONOREE



THOMAS N. KENDRIS

Thomas N. Kendris is Novartis' US Country President, Global Head Litigation and President Novartis Corporation. In his role as Novartis' US Country President, Tom is responsible for all Novartis corporate functions represented in the United States. He has oversight of 23,500 associates across Novartis US group companies in three divisions including Innovative Medicines (East Hanover, NJ), Alcon (eye care, Ft. Worth, TX), and Sandoz (generics, Princeton, NJ) as well as the Novartis Institutes for Biomedical Research (Cambridge, MA). He is also Chairman of the Novartis U.S.

Country Leadership Team, leading Novartis' country strategy for government relations and external affairs, as well as accountability for Novartis' corporate reputation in the US.

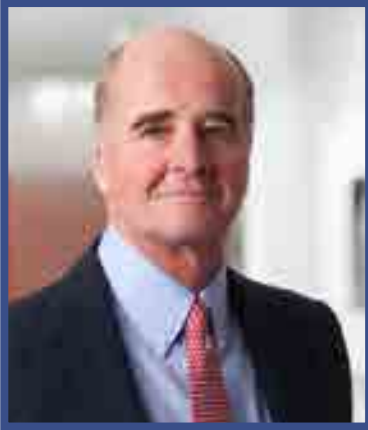
From 2012 to early 2019, Tom was Novartis' US Country Head of Legal, and had country-level responsibility for Legal across all Novartis US Divisions. In that role, Tom acted as chief legal advisor to the US Novartis Group of companies. In his current role as Global Head of Litigation, Tom is accountable for leading Novartis Group material litigations and investigations globally.

In his more than 20 years with Novartis, Tom has served as Vice President and General Counsel of US Pharma at Novartis Pharmaceuticals Corporation, as well as Global General Counsel for Novartis Oncology and for Novartis Vaccines and Diagnostics. Prior to those General Counsel positions, Tom counseled the U.S. Transplant and Mass Market Business Units. Tom joined Ciba Geigy, a predecessor company of Novartis, in 1995.

Before joining Novartis, Tom was a litigator with the law firm of Mudge Rose Guthrie Alexander & Ferdon. Tom's focus in his private practice was white-collar criminal defense and intellectual property litigation representing Nintendo. Prior to that, Tom was in public service for nine years as an Assistant District Attorney with the New York County District Attorney's Office, under Manhattan District Attorney Robert M. Morgenthau. While at the Manhattan DA's office, Tom became a Deputy Bureau Chief in the Trial Division and tried many jury trials, including the Robert Chambers case with Linda Fairstein. That case was also known as the "preppy murder" trial.

Tom received his Juris Doctor from Fordham University School of Law and his Bachelor of Arts from Wagner College on Staten Island. He grew up on Staten Island and graduated from Curtis High School in 1974. While in law school, he met his wife, Donna Frederick. Tom and Donna have been married 33 years and have 3 children, Amanda, Laura Tully and Thomas. Tom and Donna have two grandchildren, Leila Grace Tully who is three and Emmett John Tully who is 6 months old.

Introducing Mr. Kendris



JOE G. HOLLINGSWORTH, ESQ

Joe G. Hollingsworth is a nationally renowned courtroom advocate. He specializes in trials and appeals on behalf of corporate defendants and leads a practice group of eighty-five attorneys at Hollingsworth LLP in Washington, DC. He has conducted more than twenty-five jury trials, and more than one hundred opinions arising from his cases are published in the federal and state reporters. The National Law Journal has honored him three times in its annual recognition of the year's Top Ten Defense Wins.

Joe and his firm have pioneered and advanced developments in the law critical to corporate tort defendants, including securing four leading U.S. Circuit Court Daubert decisions, which have been cited thousands of times and are taught and broadly discussed in legal scholarship. He argued the 6th Circuit's first post-Daubert case while Daubert itself was still pending before the Supreme Court, and he first published on Daubert in 1993. He appears frequently as a lecturer and is consulted by media interests about the importance of sound science in the courtroom

Joe represents major manufacturers in the defense of serial products liability claims involving tens of thousands of litigants and an array of pharmaceutical, medical device, chemical, and consumer products. These matters include MDLs, serial litigations, and mass torts, such as the Roundup® herbicide litigation (Monsanto/Bayer), the Omniscan™ contrast dye litigation (General Electric), and the Zometa®/Aredia® bisphosphonate litigation (Novartis). He has relied on science in the successful defense of atypical tort suits as well, such as the defense of claims brought by thousands of Ecuadorians in connection with the joint U.S-Colombia war-on-drugs initiatives (DynCorp International) and the defense of catastrophic loss following a major train derailment and chlorine release in South Carolina (Norfolk Southern).

In addition to serving on the Atlantic Legal Foundation's Board since 2008, Joe serves on the Georgetown University Law Center Board of Visitors and is a board member of the Chesapeake Legal Alliance (a non-profit using the law to improve the quality of the Chesapeake Bay). He is named annually to Super Lawyers, Best Lawyers, and as an AV Preeminent® Lawyer by Martindale-Hubbell™.

Joe is a graduate of the Georgetown University Law Center and DePauw University.

Introduction of Thomas N. Kendris

by

Joe G. Hollingsworth

I am very pleased to introduce our honoree and speaker this evening, Tom Kendris. Tom is well known and a good friend to many of us in the room. He has more than 20 years of service at Novartis in senior legal and corporate leadership positions. Currently he is US Country President and President of Novartis Corporation, the US business of Novartis AG. He is responsible for all Novartis corporate functions represented in the US, with oversight of 23,500 associates across Novartis' US group companies in innovative medicines, eye care and generics, as well as the Novartis Institutes for Biomedical Research. Tom also serves as Global Head of Litigation and in this role he is responsible for leading Novartis Group material litigations and investigations globally. This position builds on his extensive senior-level legal experience across businesses and sectors. From 2012 until earlier this year, he was the company's US Country Head of Legal, acting as chief legal advisor to the US Novartis Group of companies. Prior to that he served as Vice President and General Counsel of US Pharma at Novartis Pharmaceuticals Corporation, and Global General Counsel for Novartis Oncology and for Novartis Vaccines and Diagnostics. He joined Ciba Geigy, a predecessor company to Novartis, in 1995.

Before going to Novartis, Tom was a litigator with the law firm of Mudge Rose Guthrie Alexander & Ferdon, focusing on white collar criminal defense and intellectual property litigation. Prior to that, he was in public service for nine years as an Assistant District Attorney here in Manhattan, where he served as a Deputy Bureau Chief in the Trial Division. He holds a JD from Fordham University School of Law and a BA from Wagner College on Staten Island, where he grew up.

As many of you know, our firm has represented Novartis since pre-merger days, and several of us had the pleasure of working with Tom and others on important litigation including on Parlodel and Zometa. Both these cases involved numerous jury trials, which our side won. We were successful in driving down the value of these cases to plaintiff lawyers by litigating hard, trying cases, and making numerous Daubert motions – many of which we won – to exclude junk science and bogus expert opinions. Tom – along with his Novartis colleagues Charna Gerstenhaber and Steve Sokolow, as well as many others here tonight – understood not just the risks but also the benefits of going to trial, and this perspective helped to ensure that we were well prepared to go to trial and win.

Ladies and gentlemen, it gives me great pleasure to welcome our honoree, Tom Kendris ...

Remarks of Thomas N. Kendris 2018 Annual Award Honoree

Thank you very much, Joe, for that very gracious introduction, and for your friendship over many years. Joe and his firm, as you heard, have represented Novartis in many threatening lawsuits and jury trials. The closest I have come to getting the thrill of trial work since I left private practice has been when Joe and his team of great trial lawyers were on trial defending Novartis.

My sincere thanks as well to the Atlantic Legal Foundation, it's Chairman Dan Fisk, and the many people at the Foundation who put this wonderful evening together. My family and I, including my wife Donna, greatly appreciate everyone for being here tonight. Thank you.

It is a great honor for me to accept this award from an organization whose work I admire and respect. The Atlantic Legal Foundation has provided the intellectual power behind so many important legal cases dealing with critical issues of the day. One area of great interest to me is the Foundation's pioneering work to protect the integrity of sound science in our courtrooms. The Foundation was recognized by the U.S. Supreme Court for its contribution to assuring the use of sound science in regulatory and judicial proceedings.

No other advocacy group has done more to advance this principle. We owe the Foundation a great debt for fighting to maintain high standards in the science that is used to educate juries and judges. Only with scientifically sound evidence and expert opinions can the public be confident in the decisions being rendered in our courts.

The Foundation's advocacy in this area has also been important to maintaining the public's trust in biomedical innovations that help save and improve millions of lives.

And that relates directly to the theme of my remarks tonight – the pharmaceutical industry at a crossroad as it continues to innovate for the future.

Before I delve into the topic of innovation, I would like to tell you a bit about myself and the experiences that brought me here tonight.

As Joe said, I started my career in the District Attorney's office here in Manhattan, where I had the honor of serving in the office of the greatest District Attorney, Robert M. Morgenthau. I also had the privilege of working alongside some of the best people I have ever known, my fellow Assistant DA's, several of whom are here tonight.

In my nine years in the Manhattan DA's office, I learned more than I could ever have imagined, not just about jury trials, but about people. The most important skill you develop at the Manhattan DA's

Office – is judgement. It is a wonderful place for a young lawyer to develop. The weight of heavy responsibility is thrust upon you, decisions must be made on your feet every day, and you learn as you go, by trial and error.

When you start at the Manhattan DA's Office, you are sent to the Criminal Courts, where you quickly accumulate a docket of cases -- hundreds of them. The more cases you have, the less in control you feel. We called it "Criminal Court Nirvana:" where bad was good. It was good because you were enduring a crucible of learning on your feet and experiencing it with colleagues from whom you learned as well.

While serving as a prosecutor, I once had a hearing on the admissibility of scientific evidence. In New York State Courts, such a hearing was called a Frye Hearing in those days. I lost that hearing -- I was trying to put into evidence the results of a new scientific test. I shouldn't have lost, but the Court wasn't ready to accept the scientific evidence I was offering. It was an important lesson about the difficulty of making complex scientific information understandable for judges and juries.

When I left the Manhattan DA's Office in 1990, I joined a law firm – Mudge Rose. I had the opportunity there to do some white-collar defense work, but I was also a member of a great number of trial teams representing a video game company, Nintendo.

In the Manhattan DA's office, if two people were trying a case, that was viewed as a luxury. At the law firm, by contrast, our trial team consisted of over twenty lawyers from three different firms, not including paralegals, translators and consultants.

Frankly speaking, as embarrassing as it was for a former Manhattan Assistant DA to be "a member of a trial team" of dozens of lawyers, I nevertheless greatly enjoyed those trials. We may have had more jury trials to verdict over a span of four years than any other firm.

Explaining to juries and judges very complex matters of the electrical engineering of video games, and defending an aggressive company which -- to my great benefit -- almost always refused to settle, taught me many new aspects of being a trial lawyer.

This experience also prepared me well for being a general counsel of a foreign-based company doing business in the U.S. -- though in ways I did not appreciate at that time.

In 1995, right before Mudge Rose disbanded, I left the firm to join the in-house legal department of Ciba Geigy – a Switzerland-based pharmaceutical company.

I had considered a few other options leading up to that decision. Returning to be a prosecutor on the Federal side was one – but I couldn't afford it by then. Starting my own law firm was another possibility – but I couldn't risk it. In both cases my decisions were related to three then very young people, all of whom are here tonight as successful adults.

I also considered joining another law firm – but, frankly, what other law firms could offer in terms of jury trials paled in comparison to what I had already experienced at Mudge Rose.

So a friend from the Manhattan DA's Office, one of those princely colleagues I described before, Steve Sokolow, who is here tonight, convinced me to join him at Ciba Geigy in their in-house legal department. I did this with some trepidation. And it was actually a very difficult transition.

For starters, I was challenged by the “business casual” dress code.

Also, after years of negotiating the New York City subways, finding Summit, New Jersey, by car, proved quite difficult.

And most of all, there was the issue of Ciba itself. You see, Ciba was a very nice company. Everyone was really nice – something I was just not used to. And Ciba had many in-house lawyers. So many lawyers.

Ciba was also rather cautious, again not like many of my former very aggressive clients. The transition to in-house lawyer was actually so difficult for me, that after a year I was secretly thinking about going back to a law firm in Manhattan.

When the merger of Ciba and another Swiss pharmaceuticals company, Sandoz, was announced, there was understandably some panic in the Ciba law department. What would the new company look like? Would there be jobs for everyone?

Meanwhile, since I had been thinking of going back to Manhattan – back to wearing suits, to riding subways, and living in courtrooms -- the specter of the merger was not as threatening for me. But then something unexpected happened.

I was introduced to the other company in the merger -- Sandoz.

Sandoz was almost the complete opposite of Ciba. It wasn't that the people at Sandoz weren't nice; they were perfectly pleasant. But Sandoz was aggressive, much like my former clients.

And Sandoz, partly because it was aggressive, had legal issues. Lots of them.

And, lo and behold, Sandoz had almost no lawyers – and they needed them.

Following the merger of Ciba and Sandoz that established Novartis, I was assigned to support Sandoz Transplant – a business that was created in 1983 when Sandoz introduced cyclosporine, an anti-rejection medicine, under the brand name Sandimmune.

Soon after the formation of Novartis, we sued the first generic cyclosporine company for patent infringement. They counter-claimed against us for unfair competition. Quickly, the Federal Trade Commission began an investigation of our promotional tactics.

At around the same time we sued the U.S. Food and Drug Administration for approving the first generic cyclosporine in the first place, on the grounds that it was not scientifically the same as Novartis' branded cyclosporine. (That, by the way, was the first and last time Novartis sued the FDA. And I doubt very much it will ever happen again.)

As I said, Sandoz was aggressive, but for me it was like being home again, representing an aggressive client that was facing a myriad of legal issues. I loved defending them and they needed me. And as I learned the transplantation business, including the science, I came to appreciate the power of biomedical innovation to improve and extend people's lives.

To give you a sense of the dramatic impact that Sandimmune had on transplantation, before Sandimmune came on the market, the one-year kidney graft survival rate was less than 50 percent; now it's more than 80 percent. The fact that organ transplants have become almost routine is a testament to the extraordinary advancements in anti-rejection medicines, led in large part by Novartis.

Although I had loved being in the courtroom, after becoming the lawyer for the Sandoz Transplant business, I felt that my professional future belonged with Novartis. I loved more than anything defending the company that helped make transplantation possible for so many patients and, by so doing, saved countless lives.

Next, I went to Oncology where, right away, I was impressed by the exciting innovation that was taking place.

In 2001, we launched Gleevec, widely heralded as the first so-called "smart" drug because it was a targeted therapy. Gleevec worked well for patients with chronic myelogenous leukemia, or CML, a rare form of cancer that affects certain types of white blood cells and also for certain types of gastrointestinal tumors, called GIST.

Targeted therapies like Gleevec, dramatically changed how cancer is studied and treated. The "precision medicine" approach -- that is, a treatment specifically tailored to unique genetic changes in a patient's cancer cells -- has spawned even more innovation. But more on that later.

On a very personal level I came to understand the urgent need to find new and better cancer treatments from the patient's perspective.

Shortly before I joined Novartis Oncology, my father was diagnosed with glioblastoma, a type of brain cancer that affects more than 13,000 Americans each year. Novartis was testing Gleevec to treat glioblastoma at that time.

I will never forget being in an Oncology Executive Committee meeting looking at brain scans of clinical trial patients whose brain tumors had shrunk substantially after administration of Gleevec. We felt so much hope on that day.

Unfortunately, as it turned out, Gleevec did not work for glioblastoma and the clinical trials were stopped. This is the nature of the research-based pharmaceutical industry: many setbacks among important breakthroughs.

Much more tragically from my perspective, years after my father passed away, my nephew, Christopher Demos, only 33 years old, was diagnosed with glioblastoma. It means so much to Donna and me that Christopher's parents, Paul and Alyssa Demos, are here with us tonight.

Christopher passed away after a long battle with glioblastoma – as far too many have. While we have made many advancements and innovations to fight cancer, glioblastoma remains unconquered. We have much more work to do.

So tonight, Dan Fisk has agreed that in lieu of a gift from the Atlantic Legal Foundation to me, the ALF will make a donation to the Christopher Demos Brain Tumor Fund.

Thank you so much Dan.

In 2006, I moved to Novartis Vaccines, a business that was vital to the good health of millions of people, particularly infants and children. It was during my time in Vaccines that I saw first-hand the harmful impact of “junk science” on children especially, but on our broader society as well.

Consider the case of measles, which was declared officially eliminated from the US in 2000. Measles is not a benign childhood disease as many people seem to believe – it can lead to blindness and even death. Outbreaks of measles continue to occur in the US and other developed countries as more and more children are not being vaccinated. Just last October, a Centers for Disease Control report found that the proportion of US children receiving no vaccine doses by age two rose a shocking 40 percent between 2011 and 2015.

This is happening in part because of repudiated and debunked research on the MMR vaccine that nevertheless continues to inform debate, particularly on the Internet. It is part of the ongoing challenge we face to pro-actively counter the influence of bad science in public debates on the safety of vaccines.

From Vaccines I moved to the U.S. Pharma business as General Counsel of Novartis Pharmaceuticals Corporation. Later I became Novartis' US Country President and President of Novartis Corporation, as well as more recently Global Head of Litigation. (As an aside, we need a simplification project for our titles at Novartis.)

Even in this expanded role, I have lost none of my excitement for the innovation at Novartis. If anything, my passion has grown as I have been privileged to be part of Novartis' successful efforts to bring revolutionary new treatments for heart failure, cancer and hereditary diseases to patients.

And just as I had so much respect and admiration for my colleagues at the Manhattan DA's Office, I am in awe of my colleagues at Novartis, who come to work every day to do the hard work it takes to bring the benefits of innovation to patients everywhere.

I'm proud to say that the arc of innovation at Novartis has been long – extending almost 100 years – and very productive, especially in the last two decades.

In addition to innovative transplant and oncology medicines, 30 years ago, Novartis introduced a novel treatment for schizophrenia – Clozaril – which gave birth to an entirely new category of atypical antipsychotics.

I have spoken with people who work with patients suffering from schizophrenia and I've heard many moving stories about the difference Clozaril has made in people's lives -- including homeless veterans who are supported by Community Hope in New Jersey, a tremendous organization that I know many of you support as well.

Even as Novartis and other research-based companies across the industry continue to discover exciting new medicines, we find ourselves at an important crossroads.

We are making critical decisions about priorities and policies that will determine not just the scope of future innovation, but its velocity as well. The choices we make now will determine the future of innovation.

- Will we continue to make quantum leaps forward, as we have in recent years, ushering in what could very well be a new golden age of medicine?
- Or, will we revert to the steady path of small incremental gains we saw decades ago?
- Or, will we make the wrong kinds of decisions today that will stifle and suppress innovation in the future?

We are clearly at an important point for the pharmaceutical industry.

The scope and pace of pharmaceutical innovation today is being driven largely by two phenomena:

- revolutionary advancements in science that are leading to the development of exciting new treatments; and
- the advent of truly personalized medicine, with approaches like cell and gene therapies that have the potential to cure some diseases.

I'm proud to say that Novartis is a driving force behind this transformation. Let me give you some examples of our most recent innovations.

One of the most exciting of these is Kymriah, approved in 2017 as a treatment for a deadly form of leukemia in children called ALL – acute lymphoblastic leukemia. This is the most common childhood

cancer, and relapse of ALL is the leading cause of cancer death in children. Before Kymriah, many patients with ALL faced a grueling treatment regimen of chemotherapy, radiation, or stem cell transplant – yet fewer than 10 percent of these children survived five years.

Kymriah takes a radically different approach. It is not another pill or a chemotherapy. Rather, Kymriah is a cell therapy called CAR-T that involves re-programming a patient's T-cells outside the patient's body to recognize and fight cancer cells inside the patient's body. The patient's T-cells are removed through a blood draw and then sent to a manufacturing site, very close by in Morris Plains, New Jersey, where receptors are added to the T-cells, re-programming them to create the patient's very own CAR-T cell therapy to fight their particular cancer. At a hospital or clinic, patients receive their own CAR-T cells by infusion and are monitored for side effects – which can be extremely serious.

The results have been dramatic. In clinical studies, 83 percent of patients – many of whom had not responded to any other therapy – were able to achieve complete remission with a one-time treatment of Kymriah.

I had the tremendous privilege of getting to know the father of the very first Kymriah patient, Emily Whitehead. Emily's dad, Tom Whitehead, described to me the ordeal that he and his wife Kari, and Emily, went through. Tom and Kari agreed that I could share their story with you tonight.

I'd like you to hear directly from Tom and Kari right now.

[Excerpt from video, About the Emily Whitehead Foundation (:19 – 1:05)]

That is a very powerful story.

Here are some photos of Emily, first during her two year ordeal with ALL, and then marking each year Emily has been cancer free.

In fact, Emily Whitehead will be seven years cancer free on May 10th of this year.

Kymriah represents a historic moment in the fight against cancer. And we are heartened by its potential to fight other forms of cancer as well. Last year, Kymriah was approved to treat adult patients suffering from a type of lymphoma known as DLBCL.

If you think Kymriah is innovative, however, let me give you another example of this new approach to fighting disease.

The leading genetic cause of death in infants is a disease called spinal muscular atrophy, or SMA. Patients with SMA – infants and babies-experience paralysis and difficulty breathing before succumbing to the disease. If they live, they are often paralyzed for life. You can imagine the heartbreak it causes parents to watch their child suffer this way.

Last May, Novartis acquired AveXis, including that company's leading product candidate, a gene-replacement therapy called AVX-101, that has shown great promise in treating SMA.

So just now I called AVX-101 a gene replacement therapy. Think about that term for a moment: gene replacement.

Only a few years ago that term did not even exist. It was an inconceivable innovation.

Spinal Muscular Atrophy is caused by a mutation in the SMN1 gene. The SMN1 gene encodes a protein that motor neurons -- the nerve cells that control muscle contraction -- need to survive. The mutation prevents this gene from producing any functional SMN protein.

AVX101 is a gene therapy that is designed to deliver a functional, normal copy of the SMN1 gene to the nerve cells of SMA patients, babies.

AVX101 actually uses a virus to deliver the normal copy of the SMN1 gene to the target motor neurons. Once the copy of the SMN1 gene reaches the baby's cells, it supplements those cells' own production of SMN protein.

Replacing a baby's defective gene with a normal copy of that gene – that is breathtaking innovation.

Cell and gene therapies represent one of the most hopeful areas of biomedicine. For the first time ever, we can realistically envision a future in which certain deadly diseases are not just treated, but are potentially cured following one-time treatment.

But these bold new approaches come with challenges as well – challenges that demand a similar focus on innovation in terms of our business strategies.

The most significant issue we face today is how to ensure that patients have access to these exciting medical innovations. Making sure they are affordable – to patients as well as the healthcare system broadly – is a huge challenge and a top priority for Novartis.

Our current healthcare system pays for most medicines over months and years because of the chronic nature of the diseases these medicines treat. Patients take these more traditional kinds of medications continually and our reimbursement system is built on this assumption.

Cell and gene therapies, however, are mostly one-time treatments, that will require new pricing and reimbursement models.

We at Novartis have called for value-based pricing principles that would price and pay for medicines based on four key outcomes they deliver:

- improvement for patients clinically;
- improvement for patients' quality of life;
- benefits to the healthcare system; and
- benefits to society as a whole.

We believe this value-based framework will lead to fair reimbursement for medicines while also enabling support of ongoing research and development into innovative, lifesaving treatments for the future.

Novartis is moving forward with value-based pricing approaches for our new products.

In the case of Kymriah, we have instituted outcome-based pricing for the pediatric and young adult ALL indication. If the patient does not respond to Kymriah by going into remission by the end of the first month after treatment, there is no charge. We don't bill for it.

We also established a separate, lower price for the second indication for Kymriah, DLBCL, given that these patients have a lower response rate to the treatment. This is the first time that a pharmaceutical treatment has a separate price by indication.

However, it has not been easy to create these innovative pricing and contracting arrangements due to existing laws and regulations. The federal government has shown interest in these innovative models, and we are looking for ways to work with them and with other payers, to expand our new payment models to other medicines.

At the heart of these new payment and reimbursement models is a recognition that the current approach to pricing pharmaceuticals is simply no longer sustainable.

All of us in the health care arena – payers, providers, pharmaceutical companies, and policy makers – need to work together to realign economic incentives in favor of maximizing value to patients and society – so we can continue to develop innovative approaches while expanding access to affordable healthcare.

This transition is occurring at a challenging time for the pharmaceutical industry, which remains in the cross hairs of political leaders in Washington and many state capitals.

The concept of paying for innovation also remains an abstract one to many.

This makes it more imperative than ever to accelerate the implementation of value-based approaches that can demonstrate real and convincing results.

And, much like explaining good science in the courtroom, we must improve at explaining the investment in the research and development necessary to make these new treatments a reality.

We must also redouble our efforts to engage and empower everyone in the health care field to make their voices heard – so we can work toward the right kinds of reforms: ones that preserve choice, further competition, improve patient outcomes, and incentivize further innovation. Only in this way will we sustain our healthcare system into the future.

The pharmaceutical industry is indeed at an important crossroad, where the decisions we are making now will have lasting implications.

I am confident because of the deep commitment I see across the entire research-based industry to maximize the reach of exciting breakthroughs in medical science.

I am optimistic about our ability to apply that same passion for innovation to create new payment and reimbursement models to ensure that all patients will benefit from these extraordinary advances.

Thank you again, Dan and Joe, and the Atlantic Legal Foundation, for this very prestigious award and for giving me the opportunity tonight to share my thoughts about innovation and Novartis, a company I feel so honored to be part of for many years precisely because of its commitment to innovation.

I also thank my family -- my wife Donna, my daughters Amanda and Laura, and my son Thomas, for all their love and support.

And all the family, friends and colleagues who have come out tonight for me.

I appreciate it so much and I value your friendship and support more than you can know.

Let me close by reiterating a point I made earlier about the importance of the Atlantic Legal Foundation's work.

Good science is tied directly to good medicine – and, by extension, to good health. The work you are doing to promote good science is indispensable to our ability to build the kind of society we all want to live in – and have our children and their children live in.

Thank you.



Photographs from the ANNUAL AWARD RECEPTION AND DINNER

The Dinner Settings in the Elegant Metropolitan Club, West Lounge





Dinner Menu



Dinner Program



Cambridge Floral Designs



Cambridge Floral Designs



The Reception in the Great Hall



Joe Hollingsworth, Tom Kendris, Dan Fisk



Tom Kendris, Dan Fisk, Frank Broidy



Jay Stephens, Jon Graham, Elizabeth Ulmer,
Joe Hollingsworth, Lee Cheng



Paul Demos, Ralph Barretta, Steven Bland,
Leslie Davis, Shervin Shakibi



Leslie Davis, Alyssa Demos, Laura Tully,
Pat Urban, Donna Kendris



Donna and Tom Kendris



Nancy and Joe Hollingsworth



Diane and Dan Fisk



John and Meghan Kalas, Joe Hollingsworth



LeighAnne Leas, Nancy Hollingsworth



Diane and Dan Fisk, Millicent Kaufman,
and Lee Cheng



Michael Hewes and Chad Hutchinson
of Butler Snow



Dan Manea, Bill Primps



John Campana and J'Naia Boyd of Rivkin Radler



Frank Broidy, Sean Casey, Stephen Fowler



Joseph and Eileen Raia - Novartis



Vincent Nagler and Lou Valvo of Koster, Brady & Nagler



Rob Re and Trisha Fitzsimmons of Novartis



Tom Kendris, Malcolm McNeil



Donna Kendris, Malcolm McNeil



Dan Fisk, Tom Kendris, Malcolm McNeil



Dan and Diane Fisk, John Kenney



Bruce Shapiro, LeighAnne Leas, Deborah Silodor,
Steve Goldfarb



Malcolm McNeil, Diane and Dan Fisk



Frank Broidy, Diane and Dan Fisk



Mario Russo and Staci Jankielewicz
of McCarter & English



Paul Demos, Ralph Barretta, Alyssa Demos,
Shervin Shakibi



Ron Dhindsa, Charna Gerstenhaber, Linda Svitak



Julia Funesti and Bruce Shapiro



Lauren King, Ellen Funesti, Julia Funesti, Bruce Shapiro



ALF Leaders: Gus duPont, Jay Stephens,
Henry Butler, Joe Hollingsworth



Steve Goldfarb, Donna Kendris, Laura Tully,
Abby Sokolow, Deborah Silodor



Amanda Kendris, Thomas Kendris, Jr.,
Laura Tully - Kendris Family



Lou Valvo, Steve Sokolow, Vincent Nagler



Dan Fisk and ALF New Director Lee Cheng



Dylan Naughton, Elizabeth Schaubert, Stephanie Ference, Tracy Bacigalupo and Joan Kim of Morrison & Foerster



Vincent Nagler, Lou Valvo, Steve Sokolow, Tom Kendris



Thomas Kendris, Jr., Amanda Kendris, Donna Kendris, Tom Kendris, Laura Tully – Kendris Family



Sara Thompson and Marissa Banez of Greenberg Traurig



Dan Fisk, Ana Tagvoryan, Lee Cheng



Ann Marie Duffy, Nancy Hollingsworth



Kevin Gibson, Jose Zaldivar and Nicolaas Versteeg of
Cravath, Swaine



Nathan and Emily Everhart - O'Melveny & Myers



Donna Matthews, Frank Broidy



Thomas Perrella, Ethan Zausner,
Thomas Kendris, Jr.



Rick Beran, Whitney Smith



Paul Majkowski, Frank Broidy



Staci Jankielewicz, Mario Russo, William Brown, Nicole Corona, Jason Sumbaly and Dan Seaman of McCarter & English



Tim Flanigan, Jay Stephens, Dan Fisk, John Kenney



Shefali Kothari and Ben Brod of Novartis



Steve Klein, Drew Reissaus, Joe Altieri, Robert Johnston, Katie Gallagher and Jessica Boylan of Hollingsworth LLP



Jason Sumbaly, Nicole Corona, Gen Halpenny
and Dan Seaman of McCarter & English

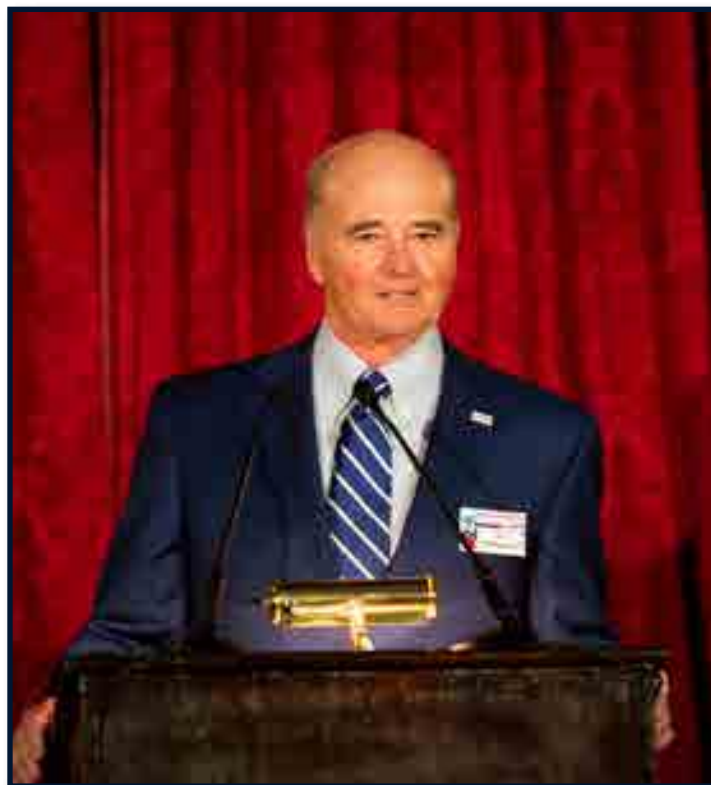


Catalina De La Hoz, Jennifer Abreu, J'Naia Boyd
and Brian Bank of Rivkin Radler



Paul Demos, Steven Bland, Tom Kendris, Ralph Barretta, Peter Martineau,
Shervin Shakibi, Donna Kendris, Pat Urban, Leslie Davis, Alyssa Demos

Dinner Chairman Joe Hollingsworth's Welcome Remarks



Atlantic Legal Chairman and President Dan Fisk's Overview of the Foundation



Dinner, Chatter, Focus and Fun



ALF Leaders Henry Butler, Tim Flanigan



Fern O'Brian, Ann Marie Duffy and Jessica Boylan of Hollingsworth LLP



Cristian O'Brien, Matt Levine and Alice Gibb
of Brunswick Group



ALF Directors Jay Stephens and Tracy Bacigalupo



Jake Baker



Donna and Tom Kendris



Donna and Tom Kendris, Joe Hollingsworth



Tom Kendris, Joe Hollingsworth, Diane Fisk



ALF Director Cliff Storms



Donna Kendris



Donna Kendris



Sara Thompson of Greenberg Traurig



Nancy Hollingsworth, Thomas Kendris, Jr.
Thomas Perrella, Dan Fisk



Steven Bland, Shervin Shakibi



Frank Broidy, Lance Wilson, Cliff Storms



Catalina De La Hoz, J'Naia Boyd, Paul Majkowski



Ben Brod of Novartis



John Kalas of Hollingsworth LLP



Meghan Kalas



Jason Litt of Horvitz & Levy



Robert Sikellis of Novartis



Bruce Shapiro of Novartis



Marc Hennes of Novartis



Paul Demos



Andrea Thompson of Cravath, Swaine



Nicolaas Versteeg of Cravath, Swaine



Molly Rothschild of Cravath, Swaine



Staci Jankielewicz of McCarter & English



Amanda Kendris



Laura Tully and Amanda Kendris



Steve Goldfarb of Novartis



Lou Valvo, Vincent Nagler, Steve Goldfarb



ALF New Council Member Ana Tagvoryan



Jake Baker, Ana Tagvoryan



Nancy Hollingsworth, Dan Fisk



Tom Kendris, Joe Hollingsworth



Tabitha King of Hollingsworth LLP



Abby Sokolow of Hollingsworth LLP



Jason Juceam, Ellen Moskowitz and
Tom Maginnis of Brunswick Group



Whitney Smith, Anthony D'Iorio and Tara Pehush



Michael Zanic of K&L Gates



ALF Treasurer and Director David Wood
of Barnes & Thornburg



Linda Svitak of Hollingsworth LLP



Michelle Li of Cravath, Swaine



Daniel Silver, Gen Halpenny and Michael Kelly
of McCarter & English



Patrick Oot and Jamie Brown of Butler Snow



Patrick Oot and Jamie Brown of Butler Snow



Jason Litt, Chad Hutchinson, Michael Hewes



Nicole Corona and Rick Beran
of McCarter & English



Nicole Corona and Rick Beran
of McCarter & English



Molly Rothschild and Andrea Thompson
of Cravath, Swaine



Robert Johnston of Hollingsworth LLP



Katie Gallagher of Hollingsworth LLP



Leslie Davis



Pat Urban



Alyssa Demos



Julia Funesti, Ellen Funesti and Marylynn Sauro - Novartis



Julia and Ellen Funesti



Nancy Hollingsworth, Dan Fisk



Diane Fisk



Henry Butler, Edward McNally, Tim Flanigan



Nancy and Joe Hollingsworth



Joe Hollingsworth



Tim Flanigan, Nancy Hollingsworth



Elizabeth Ulmer and husband ALF Director Jon Graham of Amgen, Inc.



Kate Latimer, Donna Kendris



Elizabeth Ulmer



Joseph and Eileen Raia, Laura Tully



Thomas Perrella of Novartis



Joan Kim of Morrison & Foerster



Grant Esposito of Morrison & Foerster



Dan Manea of Novartis



Lauren King of Novartis



Barry Rosenfeld and Rob Re of Novartis



Dan Casserly and Eric Althoff of Novartis



Trisha Fitzsimmons and Ben Brod of Novartis



Brian Bank, and John Campana of O'Melveny
& Myers with Paco Marti of Rivkin Radler



Jennifer Abreu and Catalina De La Hoz
of Rivkin Radler



ALF Advisory Council Member Steve Matthews

Dinner Chairman Joe Hollingsworth Introducing Honoree Thomas N. Kendris



Joe Hollingsworth and Tom Kendris



2018 Honoree Thomas N. Kendris addresses
"The Pharmaceutical Industry at a Crossroad: Innovating for the Future"







ALF Directors Lee Cheng and Jay Stephens



Hollingsworth Table and beyond



K&L Gates' Table and beyond



Stephen Fowler of Greenberg Traurig



Steve Matthews and Marissa Banez



Thomas Kendris, Jr., Amanda Kendris
and Laura Tully



Presentation of the Award



Dan Fisk

Tom Kendris



Joe Hollingsworth

Dan Fisk

Tom Kendris

The Award

Dan Fisk:

Thank you, Tom, for your outstanding remarks, especially worthy of publication in Atlantic Legal's Annual Report for 2018. Shown on the viewing screen for our guests is the commemorative award I'm privileged as Chairman of the Atlantic Legal Foundation to present to you as our Annual Award recipient for 2018 . . . a one of a kind ocean jasper stone accessory box, custom made in Germany, suitable for business cards or other special items with a brass plaque applied inside the lid of the box inscribed:

THOMAS N. KENDRIS

LAWYER & BUSINESS LEADER

2018 ANNUAL AWARD

FOR YEARS OF DISTINGUISHED SERVICE
IN THE PUBLIC AND PRIVATE SECTORS

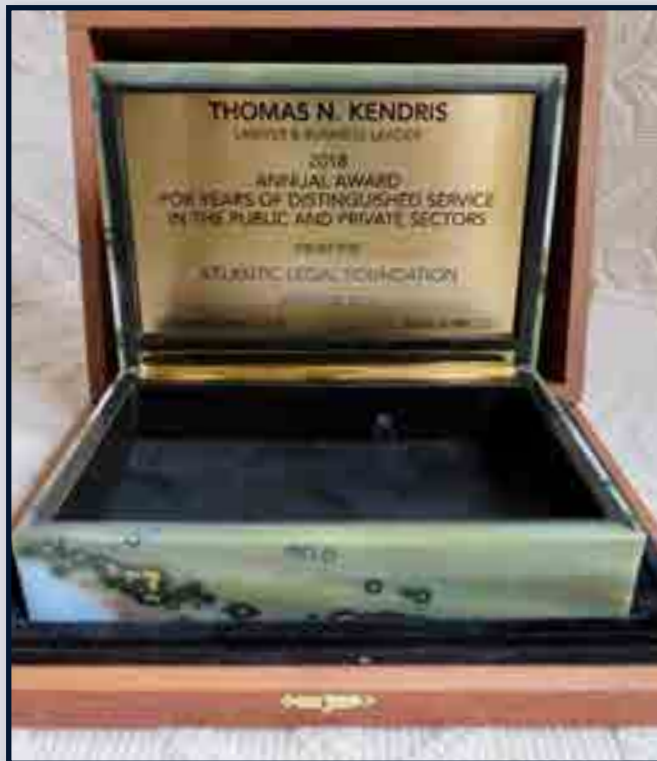
FROM THE

ATLANTIC LEGAL FOUNDATION

MARCH 28, 2019

METROPOLITAN CLUB NEW YORK CITY

Accompanying the handsome commemorative stone box at your and your lovely wife Donna's request is a four figures check payable to the **Greater Washington Community Foundation for the "Christopher Demos Memorial Brain Tumor Foundation"** with your and our best wishes.



Annual Award Recipients 1988-2018

2018



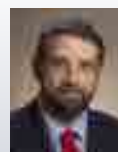
Thomas N. Kendris
*US Country President, Global Head
Litigation and President
Novartis Corporation*

2017



Richard J Stephenson
*Founder and Chairman of the Board
Cancer Treatment Centers of
America®*

2016



Hon. Harvey L. Pitt
*Chief Executive Officer
Kalorama Partners, LLC
Chairman of the United States
Securities and Exchange
Commission (2001-2003)*

2015



Hon. Frank Keating
*President and CEO (Ret.)
American Bankers Association
Governor of Oklahoma (1995-2003)*

2014



H. Lawrence Culp, Jr.
*President and CEO (Ret.)
DanaHER Corporation*

2013



Bill Nuti
*Chairman, CEO and President
NCR Corporation*

2012



William H. Swanson
*Chairman and CEO
Raytheon Company*

2011



Edward J. Ludwig
*Chairman of the Board
BD*

2010



W. James McNerney, Jr.
*Chairman, President and CEO
The Boeing Company*

2009



Chad Holliday
*Chairman of the Board
DuPont*

2008



William C. Weldon
*Chairman of the Board and CEO
Johnson & Johnson*

2007



Hon. Fred F. Fielding
*Counsel to
President George W. Bush
Former Counsel to
President Ronald Reagan*

2006



Thomas J. Donohue
*President and CEO
U.S. Chamber of Commerce*

2005



Edward D. Breen
*Chairman and CEO
Tyco International Ltd.*

2004



Hon. George J. Mitchell
*Former United States Senator
Chairman, The Walt Disney Company
Partner, Piper Rudnick LLP*

2003



Maurice R. Greenberg
*Chairman and CEO
American International Group, Inc.*

Annual Award Recipients 1988-2018

2002



Henry A. McKinnell, Jr., Ph.D.
*Chairman and CEO
Pfizer Inc*

2001



Hon. William S. Cohen
*Former Secretary of Defense
and United States Senator*

2000



Norman R. Augustine
*Retired Chairman and CEO
Lockheed Martin Corporation*

1999



General P. X. Kelley
*Former Commandant of
the Marine Corps*

1998



Hon. Rudolph Giuliani
Mayor of New York City

1997



Hon. Donald Rumsfeld
Former Secretary of Defense

1996



Bruce Atwater
*Retired Chairman and CEO
General Mills, Inc.*

1995



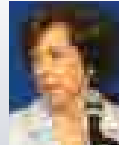
Alfred C. DeCrane, Jr.
*Chairman and CEO
Texaco Inc.*

1994



Malcolm S. Forbes, Jr.
*President and CEO
Forbes, Inc.*

1993



Amb. Carla Anderson Hills
United States Trade Representative

1992



Paul H. Henson
*Retired Chairman and CEO
Sprint Corporation*

1991



Walter B. Wriston
*Retired Chairman and CEO
Citicorp*

1990



Irving S. Shapiro
*Retired Chairman and CEO
DuPont*

1989



Edmund T. Pratt, Jr.
*Chairman and CEO
Pfizer Inc*

1988



Hon. William E. Simon
Former Secretary of Treasury

Board Speaker



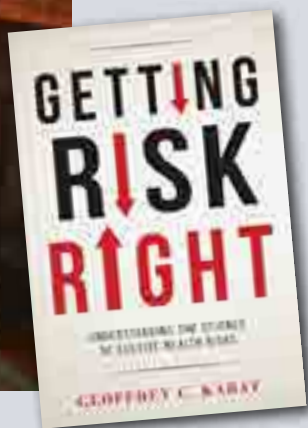
Geoffrey C. Kabat

A cancer epidemiologist at the Albert Einstein College of Medicine, has studied a wide range of lifestyle and environmental factors associated with cancer and other diseases. In addition to his latest book on *Getting Risk Right*, he is the author of *Hyping Health Risks: Environmental Hazards in Daily Life and the Science of Epidemiology* (2008) and writes a regular column for *Forbes* on the perception vs. reality of health risks.

Geoffrey C. Kabat, a cancer epidemiologist at the Albert Einstein College of Medicine in New York, spoke to the Board of Directors, Advisory Council and guests of the Atlantic Legal Foundation at its June meeting in the Library of the NYC Metropolitan Club. In his remarks, Dr. Kabat reviewed his latest book, *Getting Risk Right*, addresses such questions as do cell phones cause brain cancer? Does BPA threaten our health? How safe are those certain dietary supplements, especially those containing exotic herbs or small amounts of toxic substances? Is the HPV vaccine safe? In his remarks, he observed that we depend on science and medicine as never before, yet there is widespread misinformation and confusion, amplified by the media, regarding what influences our health. In *Getting Risk Right*, Geoffrey C. Kabat shows how science works – and sometimes doesn't – and what separates those two very different outcomes.

In his book, Kabat helps us distinguish between claims that are supported by solid science and those that are the result of poorly designed or misinterpreted studies. By exploring different examples, he explains why certain risks are worth worrying about, while others are not. He emphasizes the variable quality of research in contested areas of health risks, as well as the professional, political, and methodological factors that can distort the research process. Drawing on recent systematic critiques of biomedical research and on insights from behavioral psychology, *Getting Risk Right* examines factors both internal and external to the science that can influence what results get attention and how questionable results can be used to support a particular narrative concerning an alleged public health threat. In his book, Kabat provides a much-needed antidote to what has been called "an epidemic of false claims."

Of course, his research and perspective resonates with the work of the Atlantic Legal Foundation as the recognized premier organization in the USA for fostering sound science in judicial and regulatory proceedings. His remarks were well received by the leadership of Atlantic Legal. In appreciation, as shown in the photo to the left, Dr. Kabat was presented with an original artist portrait of Albert Einstein (especially appropriate considering his tenure at the Albert Einstein College of Medicine) along with a high-quality pen for his use in autographing his books.



Lifetime Achievement Honorees

In some years, the Atlantic Legal Foundation presents a supplemental Lifetime Achievement Award to deserving professionals and business leaders who have made distinguished contributions to the business or professional communities or to the world over a lifetime of productive service. In 2018 Atlantic Legal lost its 2013 Honoree, Harvard Physics Professor Richard Wilson, who was a spark plug for Atlantic Legal's successful efforts to assure sound science in judicial and regulatory proceedings by assisting with the Foundation's advocacy and by recruiting Nobel Laureats and other scientists of stature to serve in Atlantic Legal's stable of amici for its filings before the US Supreme Court and other tribunals over many years. These men and women of mark are featured in this special tribute following ...



2016

The Honorable Michael Mukasey
Retired Attorney General
United States of America

Michael B. Mukasey served as the 81st Attorney General of the United States, the nation's chief law enforcement officer, from November 2007 to January 2009. During that time, he oversaw the U.S. Justice Department and advised on critical issues of domestic and international law. From 1988 to 2006, he served as a district judge in the United States District Court for the Southern District of

New York, becoming chief judge in 2000. In February 2009, Judge Mukasey joined the New York office of Debevoise & Plimpton LLP, where he is of counsel in the litigation department and focuses his practice primarily on internal investigations, independent board reviews and corporate governance.



2014

Evan R. Chesler
Chairman
Cravath, Swaine & Moore LLP

Mr. Evan R. Chesler serves as the President of the Dwight Opperman Institute of Judicial Administration. Mr. Chesler served as Presiding Partner at Cravath, Swaine & Moore LLP from January 1, 2007 to December 31, 2012 and Deputy Presiding Partner from November 2005 to January 2007. He also served as Head of the Litigation Department at Cravath, Swaine & Moore LLP from September

1996 until November 2005. After a clerkship with Hon. Inzer B. Wyatt (U.S. District Court for the Southern District of New York), he joined Cravath in 1976, was elected a Partner in 1982. He has been the Chairman and Director of Cravath, Swaine & Moore LLP since January 1, 2013. He has been the Chairman of Board of Trustees at The New York Public Library since November 18, 2014 and Trustee since November 2009. He is on the boards of both New York University and the New York University School of Law. He is an Adjunct Professor at New York University Law School and has taught at NYU's College of Arts and

Lifetime Achievement Honorees

Science. He is a Litigator with a broad litigation practice. He has been recognized as one of the country's leading trial lawyers and has tried numerous cases in federal and state courts all over the country. He is well known for handling a wide variety of litigation, including securities, shareholder derivative, intellectual property, general commercial, contract and antitrust litigation. Mr. Chesler has represented companies and their management in virtually every industry, including technology, pharmaceutical, manufacturing and financial services. His clients have included Alcoa, American Express, DuPont, IBM, JPMorgan Chase, Merck, NCR, Novartis, Qualcomm and Xerox. Mr. Chesler has been cited as one of the country's leading practitioners in the antitrust, intellectual property and commercial litigation arenas by, among others, Benchmark Litigation; Chambers USA; America's Leading Lawyers for Business and Chambers Global; The World's Leading Lawyers for Business; The Legal 500; The Best Lawyers in America; and The International Who's Who of Business Lawyers. He has received a number of awards, including, among others, the Chambers USA Award for Business Trial Litigation, the Chambers and Partners Award for Outstanding Contribution to the Legal Profession and the Gould Award for Outstanding Oral Advocacy. Mr. Chesler has also been recognized for his commitment to public service and is a recipient of the Human Relations Award from the Anti-Defamation League, the Law & Society Award from New York Lawyers for the Public Interest and the Judge Simon H. Rifkind Award from The Jewish Theological Seminary. He is a Fellow of the American College of Trial Lawyers, a Fellow of the American Bar Foundation, a Fellow of the New York Bar Foundation, and a Member of the Council of the American Law Institute. Mr. Chesler received an AB with Highest Honors from New York University in 1970, an M.A. in Russian area studies from Hunter College in 1973 and a J.D. cum laude from New York University School of Law in 1975, where he was Topics Editor of the Law Review and was elected to the Order of the Coif.



2013

The Late Richard Wilson

**Mallinckrodt Professor of Physics, Emeritus
Harvard University**

Wilson's first research was on the properties of the nucleon. He started by using radioactive sources and then using first the cyclotron at AERE, Harwell, UK then the cyclotron at Harvard University, USA. This work is described in many papers and in the book "The Nucleon-Nucleon Interaction" (Wiley-Interscience) in 1963.

At Harvard he became an enthusiastic supporter of the Cambridge Electron Accelerator (CEA) and was Chairman of the Management committee from 1961 to 1968. He became known for his work on nucleon form factors, an interest which continued.

He was a Trustee of the Universities Research Association from 1987 to 1993, and studied the inelastic form factors. Wilson was an early proponent of electron-positron colliding beams and worked thereon in Frascati, CEA and Cornell University.

Lifetime Achievement Honorees

In 1991 he realised that the general public was no longer automatically supporting physicists and began a career explaining the positive aspects of radiation use, as well as its risks and dangers. In this he used the “hands on” style of an experimental physicist and soon became an expert on nuclear accidents: Three Mile Island, Chernobyl & Fukushima. He is particularly known for his visits to Chernobyl, being the first American scientist to go to the plant, and measure radioactivity levels thereby exposing himself to the dangers.

He expanded his interests to other hazards, and thereby helped found the field of Risk analysis. His paper “The Daily Risks of Life” was reprinted in Readers Digest and the Farmers’ Almanac. In the same year his testimony about the risks of benzene was quoted by the US Supreme Court. In this work he realised that while it is interesting what scientists say in their conferences, the US public is more concerned about what Congress enacts in response but most importantly what the courts said last week. This realization led to his focus on emphasizing to the courts the fundamental thinking of a physicist. This includes the role of expert witnesses in court cases. He was a longtime member and former Chairman of the Advisory Council of the Atlantic Legal Foundation and a prolific author of nearly 1,000 books, major professional articles and significant publications over his long and productive professional life.



2011

Kathryn S. Wylde
President and CEO
Partnership for New York City

Dr. Kathryn S. Wylde, also known as Kathy, serves as the Chief Executive Officer and President of The Partnership for New York City, Inc. and the Chamber of Commerce, Inc. Dr. Wylde served as the President and Chief Executive Officer at the New York City Housing Partnership from 1982 to 2000, where she was responsible for developing and managing affordable housing and economic development programs. In that capacity, she was instrumental in the creation of a number of pioneering initiatives in affordable

housing at the local, state and national levels. Dr. Wylde has been with the Partnership for New York City since 1982. In 1996, Ms. Wylde became founding president and chief executive officer of the New York City Investment Fund, the Partnership’s economic development arm. Prior to joining the Partnership, Dr. Wylde was the urban affairs officer at Anchor Savings Banks from 1979 to 1981 and spent 11 years from 1968 to 1979 in various positions at Lutheran Medical Center, where she helped lead the redevelopment of the federally designated poverty area of Sunset Park, Brooklyn. She served as Deputy Chairman of The Federal Reserve Bank of New York since January 1, 2013 and its Director since July 2009. She serves as a Director at New York City Investment Fund Manager, Inc., NYC & Company, Inc., and The Partnership for New York City, Inc. She serves as a Member of Board of

Lifetime Achievement Honorees

Trustees at Lutheran Medical Center, Inc. She serves as a Director of China Center New York LLC. Dr. Wylde is an internationally known expert in housing, economic development and urban policy and serves on a number of boards and advisory groups, including the Mayor's Sustainability Advisory Board, NYC Economic Development Corporation, NYC Leadership Academy, the Governor's Business Regulation Council, the Research Alliance for NYC Public Schools, The Manhattan Institute, Sponsors for Educational Opportunity (SEO), the Biomedical Research Alliance of New York, the Lutheran Medical Center and the Independent Judicial Election Qualification Commission for the First Judicial District. She has authored numerous articles and policy papers. Dr. Wylde is an Honorary Doctorate of Humane Letters from St. Francis College and a BA, Phi Beta Kappa, from St. Olaf College.



2009

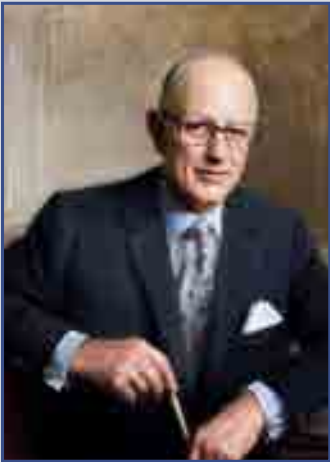
The Late Hon. Judith S. Kaye
Retired Chief Judge
State of New York

Judith S. Kaye was the first woman named to the highest court in New York and the first to serve as the state's chief judge — a job she held longer than any of her 21 male predecessors.

Judge Kaye presided over the seven-member Court of Appeals for nearly 16 years and also supervised the \$2.5 billion, 16,000-employee statewide judicial system, which she modernized by making jury service more equitable and convenient and by establishing boutique courts concerned as much with problem-solving as with punishment.

After retiring from the bench, Judge Kaye served for a few years as a partner of Skadden Arps Slate Meagher & Flom before her untimely death at age 77 in early January of 2016.

Lifetime Achievement Honorees



2006

**The Late Dr. Frederick Seitz
President Emeritus
The Rockefeller University**

A June 2000 Business Week article referred to physicist Frederick Seitz as “the granddaddy of global-warming skeptics”. Seitz was once a director and shareholder of a company that operated coal-fired power plants.

Dr. Seitz is a former President of the National Academy of Sciences, but the Academy disassociated itself from Seitz in 1998 when Seitz headed up a report designed to look like an NAS journal article saying that carbon dioxide poses no threat to climate. The report, which was supposedly signed by 15,000 scientists, advocated the abandonment of the Kyoto Protocol. The NAS went to unusual lengths to publically distance itself from Seitz’ article. Seitz signed the 1995 Leipzig Declaration.

Seitz is a recipient of the National Medal of Science. “In 1983 he received the Fourth Vannevar Bush Award presented by the National Science Board of the National Science Foundation and the R. Loveland Memorial Award of the American College of Physicians. Dr. Seitz was a member of the New York City Commission for Science and Technology and has served as chair of the United States delegation to the U.N. Committee on Science and Technology for Development.”

New Board Members

The following Directors assumed responsibility in 2018 or early 2019



John L. Brownlee

John L. Brownlee is a litigation attorney who is the Chair of Holland & Knight's National White Collar Defense and Investigations Team, and a member of the firm's Directors Committee. Mr. Brownlee has extensive experience in white collar defense, securities enforcement and internal and Congressional investigations, having represented many companies and individuals in criminal and civil litigation, as well as in administrative matters before various federal and state agencies. He has litigated numerous cases to verdict.

Mr. Brownlee served more than 10 years at the U.S. Department of Justice – both as the United States attorney for the Western District of Virginia and as an assistant U.S. attorney for the District of Columbia. Prior to joining the Justice Department, he served as a law clerk for U.S. District Judge Sam Wilson. In addition, Mr. Brownlee served on active duty in the U.S. Army in the infantry and in the Judge Advocate General Corps (U.S. Army Reserves), and is a graduate of the Army's Airborne and Ranger programs. He holds a Top Secret/SCI level security clearance.



Lee Cheng

Lee Cheng is an attorney and civil rights activist with a long history of achievement in business, law and public policy. He is presently a Shareholder of Maschoff-Brennan, a leading IP-focused law firm with offices in Utah and California, and the Chief Legal Officer for eForCity.com, a pioneering e-commerce retailer.

Lee is a two-time winner (2014 and 2016) of the *National Law Journal's* America's 50 Outstanding General Counsel, the inaugural recipient of the Champion of Equal Opportunity Education Rights Award of the Asian American Coalition for Education (2018), and has been given numerous other awards for innovation and excellence in the practice of law.

He has worked for well known international law firms like Latham & Watkins, and as a C-level executive in global, multibillion dollar companies like Newegg.com and Gibson Brands (the owner of Gibson Guitars).

Lee has been deeply involved in business and community groups, including the Board of the Atlantic Legal Foundation, the Board of Industry Leaders of the Consumer Technology Association (the largest technology focused trade association in the world and the operator of the Consumer Electronics Show) and the Board of Trustees of the CTA Foundation. In 1994, he co-founded and still serves as Secretary and as a Director of the Asian American Legal Foundation. He previously served on the Boards of the Association of Corporate Counsel-Southern California Chapter, the Harvard Club of San Francisco, the Lowell High School Alumni Association, the Organization of Chinese Americans-San Francisco Chapter, and AACE.

He is a graduate of Harvard University (History of Science, *magna cum laude*) and UC Berkeley School of Law.

New Board Members

The following Directors assumed responsibility in 2018 or early 2019



Mary L. Garceau

Mary L. Garceau Senior Vice President, General Counsel and Secretary of The Sherwin-Williams Company, a global leader in the manufacture, development, distribution, and sale of paints, coatings and related products. Garceau oversees delivery of domestic and global legal services, advising management on all aspects of legal matters including corporate governance, litigation and regulatory matters. She joined the company as Associate General Counsel - The Americas Group in February 2014 and played a lead role in managing the legal affairs related to the multi-billion dollar acquisition of The Valspar Corporation, completed in June 2017. Before joining The Sherwin-Williams Company, Garceau spent two years as General Counsel of Thirty-One Gifts LLC, one of America's fastest growing direct sales companies, and five years as Vice President, General Counsel and Corporate Secretary of Bob Evans Farms Inc., a publicly held restaurant and food products company. Before beginning her in-house legal career, Garceau served as a partner at the Columbus office of Vorys, Sater, Seymour and Pease LLP, concentrating her practice in securities, mergers and acquisitions, and general Corporate matters. She is a 1994 graduate of the University of New Hampshire, where she received her Bachelor of Arts degree in political Science (summa cum laude) and a 1997 graduate of the Vanderbilt School of Law. Garceau resides in Cleveland Heights, Ohio, with her husband, Derek, and two sons, William and Andrew.



Jonathan Graham

Jonathan Graham joined Amgen Inc. in 2015 as Senior Vice President, General Counsel and Secretary Before joining Amgen, Graham was senior vice president and general counsel at Danaher Corporation. He was responsible for all legal, governance, regulatory, risk, compliance, and EH&S matters. Prior to Danaher, Graham was vice president, Litigation and Legal Policy at General Electric Company and a partner at Williams & Connolly LLP in Washington, D.C. Graham received a bachelor's degree in Economics from Pitzer College and a J.D. from the University of Texas. He also served as a law clerk to the Honorable Joseph T. Sneed, U.S. Court of Appeals for the Ninth Circuit.



John J. Kenney

John J. Kenney is a Partner of Hoguet Newman Regal & Kenney, LLP in New York where he specializes in complex civil and criminal litigation, government investigations, and corporate governance and compliance law. He is a Fellow in the American College of Trial Lawyers and served as an Assistant US Attorney in the Southern District of New York for nine years (1971-1980), the last three as the Executive Assistant US Attorney. He became a litigation partner at Simpson Thacher in 1981, prior to joining his current firm in 2007. He has tried cases in 16 state and various federal courts, the great majority of which were jury trials, and argued appeals in the United States Courts of Appeals for the First, Second, Fifth and Eighth Circuits and various state appellate courts. Mr. Kenney is listed in Best Lawyers in America (Business Litigation, Corporate Governance, Compliance Law, and Criminal Defense/White Collar Crime) and Super Lawyers in New York. He is a published author on legal topics and Chairman of the Board of the Poetry Foundation, Chicago, Illinois and a past Trustee of Historic Deerfield, Inc., in Deerfield, Massachusetts. He received his B.A. from St. Michael's College in 1966 and his J.D. from Fordham University Law School in 1969.

New Advisory Council Members

Appointed Early in 2019



Mark Kokes

Mark Kokes is Chief IP Officer at Nantworks and the Nant family of companies, a large healthcare conglomerate based in Los Angeles. Dr Kokes is responsible for the development, prosecution, enforcement, licensing and monetization of Nant's patent portfolio.

Dr Kokes is a 15-year veteran of the mobile industry. He joined Blackberry in 2014 and quickly established and launched Blackberry's IP monetization, divestiture and IP venturing programs, building a high-performing, world-class licensing organization which generated more than \$200 million recurring revenue in just three years.

Prior to Blackberry, Dr Kokes was Vice President of Corporate Development and IP Licensing at Intertrust, where he led all North American and European IP licensing and corporate development activities. He was an adviser and member of the management team of five Intertrust portfolio companies.

Before joining Intertrust, Dr Kokes worked at the Nokia Research Center, Sony Ericsson's corporate technology office and HTC's corporate strategy group.

Dr. Kokes has B.S. Degrees in Electrical Engineering from both the University of Texas at Austin and Texas A&M Univ. as well as an MS, Electrical Engineering from Texas A&M and a PhD, Electrical Engineering from Southern Methodist University.



Lawrence G. McMichael

Lawrence G. McMichael is a Senior Partner and Chairman of the practice of law at Dilworth Paxson LLP in Philadelphia. He is a permanent member of the Firm's Executive Committee. He has practiced bankruptcy and commercial litigation for more than 40 years. He is the former Chairman of the Firm's Litigation Department and its Bankruptcy Group. Mr. McMichael has extensive trial experience in federal, state, and bankruptcy courts and has served as lead counsel in many high profile bankruptcy cases, civil and criminal cases and appeals.

Mr. McMichael is one of only a handful of attorneys in the U.S. to be elected as a Fellow of both the American College of Trial Lawyers and the American College of Bankruptcy. He is a member of the American and Philadelphia Bar Associations and the American Bankruptcy Institute.

Mr. McMichael earned his J.D. from Duke University (1978) and his B.A. from Duke, *summa cum laude*, Phi Beta Kappa (1975).

New Advisory Council Members

Appointed Early in 2019



Marco Q. Rossi

Marco Q. Rossi is the founder and principal of Marco Q. Rossi & Associati, PLLC, a boutique innovative international law firm with a singular focus: assisting international enterprises and globally minded individuals with strategic legal and tax advice on cross-border business transactions and international legal and tax matters.

Marco was born and educated in Italy, where he got his law degree from the University of Genoa in 1990 and started practicing international maritime law working primarily as local counsel for major UK – based law firms and U.S. – based clients. In 2002, he earned an international tax LL.M. degree from New York University School of Law and in 2005 he established Marco Q. Rossi & Associati as a U.S. – Italy cross-border practice with offices in Italy and New York. In 2016, Marco opened an office in Los Angeles, through which his firm operates out of both coasts of the United States while being seamlessly integrated with its E.U. based offices in Italy.

Marco is licensed in Italy, New York and California and assists international clients with strategic global tax planning services, foreign companies on U.S. inbound investments and business transactions, U.S.-based companies operating in foreign markets, and executive and managerial workforces employed internationally. In Italy, he maintains a sophisticated Italian international tax practice advising U.S. business and private clients on Italian international legal and tax matters.



Ana Tagvoryan

Ana Tagvoryan is a Partner at the law firm of Blank Rome, LLP. She serves as the vice chair of Blank Rome, LLP's corporate litigation practice group and co-chair of its class action defense team. She has more than a decade of experience defending companies and principals against complex consumer individual and class action claims, fighting abuses of the class action system, and achieving significant results in appellate courts. In fact, she is one of only a handful of attorneys successfully petitioning the United States Supreme Court for review of an appellate ruling affecting separation of powers and judicial deference in federal class action litigation. Her complex corporate litigation practice concentrates on litigating and advocating for fair interpretation of laws as they pertain to consumer fraud, data privacy, online and telephone marketing, false advertising, e-commerce, and regulatory and statutory compliance issues, across various industries.

Ms. Tagvoryan earned a B.A. from Loyola Marymount University and a J.D. from Pepperdine University School of Law. Before joining Blank Rome, Ana was a corporate litigation attorney at DLA Piper. Ms. Tagvoryan is an ardent indoor cyclist and coffee enthusiast, always looking for the newest and best trends in the two things that help her give her best to her three kids, husband, and clients.

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Thank You.

With your help, the Atlantic Legal Foundation has been able to successfully pursue its mission to advocate for the rule of law, limited effective government, free enterprise, individual liberty, school choice and sound science.

The Board of Directors, Advisory Council and Staff of the Foundation thank you for your continued support.

Atlantic Legal Foundation: Mission and Programs

The Atlantic Legal Foundation is a nonprofit, nonpartisan public interest law firm with a demonstrable four-decade record of advancing the rule of law by advocating limited and efficient government, free enterprise, individual liberty, school choice and sound science. To accomplish its goals, Atlantic Legal provides legal representation and counsel, without fee, to parents, scientists, educators, and other individuals, corporations, trade associations and other groups. The Foundation also undertakes educational efforts in the form of handbooks, reports and conferences on pertinent legal matters.

Atlantic Legal's Board of Directors and Advisory Council include the active and retired chief legal officers of some of America's most respected corporations, distinguished scientists and academicians and members of national and international law firms.

The Foundation currently concentrates primarily on four areas: representing prominent scientists and academicians in advocating the admissibility in judicial and regulatory proceedings of sound expert opinion evidence; parental choice in education; corporate governance; and the application of constitutional guarantees to individuals and corporations faced with the authority of government agencies.

Atlantic Legal's cases and initiatives have resulted in the protection of the rights of thousands of school children, employees, independent businessmen, and entrepreneurs. In case after case, Atlantic Legal brings about favorable resolutions for individuals and corporations who continue to be challenged by those who use the legal process to deny fundamental rights and liberties. Please visit www.atlanticlegal.org and www.defendcharterschools.org where the Foundation's most recent activities are detailed.

Financial and other information about Atlantic Legal Foundation's purpose, programs and activities can be obtained by contacting the President, at 500 Mamaroneck Avenue Suite 320 Harrison, New York 10528 (914) 834-3322, or for residents of the following states, as stated below. Maryland: for the cost of postage and copying, from the Secretary of State, New Jersey: INFORMATION FILED WITH THE ATTORNEY GENERAL CONCERNING THIS CHARITABLE SOLICITATION AND THE PERCENTAGE OF CONTRIBUTIONS RECEIVED BY THE CHARITY DURING THE LAST REPORTING PERIOD THAT WERE DEDICATED TO THE CHARITABLE PURPOSE MAY BE OBTAINED FROM THE ATTORNEY GENERAL OF THE STATE OF NEW JERSEY BY CALLING (973) 504-6215 AND IS AVAILABLE ON THE INTERNET AT <http://www.state.nj.us/lps/ca/charfrm.htm>. New York: Upon request from the Attorney General's Charities Bureau, 120 Broadway, New York, NY 10271. Pennsylvania: The official registration and financial information of Atlantic Legal Foundation may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Virginia: From the State Office of Consumer Affairs in the Department of Agriculture and Consumer Affairs, P.O. Box 1163, Richmond, VA 23218. West Virginia: West Virginia residents may obtain a summary of the registration and financial documents from the Secretary of State, State Capitol, Charleston, WV 25305. CONTRIBUTIONS ARE DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES IN ACCORDANCE WITH APPLICABLE LAW. REGISTRATION IN A STATE DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION OF ATLANTIC LEGAL FOUNDATION BY THE STATE.



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**500 Mamaroneck Avenue
Suite 320**

**Harrison, New York 10528
(914) 834-3322**

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