



## THEODORE VOORHEES JR. Partner

Covington & Burling LLP  
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### Practices

- Antitrust & Consumer Law
  - Antitrust Counseling & Compliance
    - Joint Ventures/Competitor Collaborations
  - Antitrust Litigation
  - Civil Antitrust Investigations
  - Consumer Law Counseling
    - Consumer Product Safety
  - Criminal Antitrust & Cartel Law
  - Trade Associations
- Litigation
  - Product Liability & Mass Tort Litigation

### Industries

- Life Sciences
  - Antitrust & Competition
  - Litigation
- Software & Technology
- Nanotechnology
  - Product Safety & Litigation

### Education

- Catholic University of America, Columbus School of Law, J.D., 1974
- Harvard University, A.B., 1971

### Bar Admissions

- District of Columbia

Theodore Voorhees is a litigation partner in the firm's Washington, DC office and a member of the Antitrust and Consumer Law Practice Group.

Antitrust and Consumer Protection - Mr. Voorhees' antitrust practice encompasses counseling and litigation, with particular emphasis on pricing and distributorship arrangements in the United States, and counseling trade associations on antitrust compliance matters. He became a member of the Council of the Antitrust Section of the American Bar Association in 2001, and was appointed the Section's Publications Officer in 2004 and its Section Delegate in 2006. Mr. Voorhees has served as one of the co-teachers of the firm's antitrust seminar at the University of Virginia School of Law since the early 1980s.

On consumer protection matters, Mr. Voorhees has represented clients in proceedings before the Federal Trade Commission on advertising and marketing matters and the Consumer Product Safety Commission on product safety matters. He has also represented clients in connection with consumer class action proceedings filed under state consumer protection and unfair business practices statutes.

Product Liability - Mr. Voorhees' practice also encompasses product liability and toxic tort matters, including both counseling and litigation with particular emphasis on mass tort litigation and trade association liability. He has counseled clients on product liability and risk assessment in the software, mining, medical devices, construction equipment, pharmaceutical, chemical, food, and beverage alcohol industries. Mr. Voorhees has lectured at numerous conferences on a broad range of product liability issues including the growing controversy over the causes of the obesity epidemic, harms caused by computer viruses and similar cyber attacks, strategies for peripheral defendants facing an upsurge of filings in asbestos litigation, and product liability risks facing trade associations that lobby the government on health and safety matters.

### REPRESENTATIVE MATTERS

- Counsel to pharmaceutical company in defense of antitrust price fixing claims brought against all major US manufacturers in state court in California.
- Antitrust advisor to automobile industry client in connection with

issues presented by joint venture.

- National counsel to trade associations on antitrust, product liability, marketing and related matters.
- National coordinating counsel for professional society in multi-state welding toxic tort litigation and for medical device manufacturer in orthopedic product liability litigation.
- National coordinating counsel for trade association in multi-state vinyl chloride toxic tort litigation.
- Counsel to biotech company in successful defense of wrongful death litigation arising out of a clinical trial conducted in Illinois.

## HONORS AND RANKINGS

- *PLC Which Lawyer 2009 Yearbook*, for Competition/Antitrust, Life Sciences/Product Liability, and Dispute Resolution (rated as "Leading Individual")
- *Best Lawyers in America* for Product Liability Litigation and Antitrust Law (2008-2010)
- *PLC Life Sciences, Which Lawyer?* for Product Liability (2008-2009)
- *Chambers USA Guide* for Products Liability (2006-2009)
- *Practical Law Company's Cross-border Life Sciences Handbook*, Recommended rating for his industry litigation and antitrust expertise (2006-2009)
- *Practical Law Company's Cross-border Competition Handbook*, Recommended rating in competition and antitrust expertise (2006-2009)
- *Practical Law Company's Dispute Resolution Handbook*, Highly Recommended rating as both a product liability and an antitrust litigator (2003-2004; 2004-2005; and 2005-2006)
- *Global Counsel 3000*, rated as one of eight "highly recommended individuals" for Litigation and Arbitration (2001)

## PRO BONO

- Provided counseling to advocacy organizations for the elderly in connection with the drafting and publication of a book advising custodial grandparents of their rights and available government resources to assist in caring for their grandchildren.
- Has represented numerous pro bono clients in civil rights and housing litigation.

## MEMBERSHIPS AND AFFILIATIONS

- Council of the Antitrust Section of the American Bar Association, Member
  - Publications Officer (2004)

- Section Delegate (2006)
- ABA Section of Antitrust Law
  - Vice-Chair of the Editorial Board for the *Antitrust Law Developments* (4th ed. 1997)
  - Editor-in-Chief for the ABA's *Annual Review of 1993 Antitrust Law Developments*
- University of Virginia School of Law, Co-Teacher of antitrust seminar since the early 1980s

## PUBLICATIONS

- "FTC Releases Report on Marketing Food to Children and Adolescents," *Covington E-Alert* (8/1/2008)
- "The FTC Renews Request for Comments and Proposes Compulsory Orders Targeting Food Marketing to Children and Adolescents," *Covington E-Alert* (5/2/2007), Co-Author
- "Statutory Immunities and Exemptions: The McCarran-Ferguson Act," *Antitrust Modernization Commission* (10/18/2006)
- "Obesity, Food Marketing, and Consumer Litigation: Threat or Opportunity?," *Food and Drug Law Journal* (September 2006), Co-Author
- "Peripheral Defendants in Asbestos Litigation: An Updated Strategic Review," *American Conference Institute* (9/13/2002), Author
- "Peripheral Defendants In Asbestos Litigation - A Strategic Review," *American Conference Institute* (3/11/2002), Co-Author
- "A Changed System: Proposed Reform of European Commission Review Has Foreseeable Problems," *Legal Times* (11/13/2000), Co-Author
- "Trade Associations in the Tort Spotlight: Legal Rights and Defenses," *Washington Legal Foundation Critical Legal Issues, Working Paper Series No. 97* (February 2000), Author
- "Product Liability Risks Faced By Trade Associations That Lobby The Government on Health And Safety Issues," *Journal of Products & Toxics Liability, Vol. 15, pp. 55-80* (1993), Author

## PRESENTATIONS AND SPEECHES

- "The Legend of Price Fixing By US Trade Associations," *Panel Presentation, American Bar Association Section of Antitrust Law, Spring Meeting* (3/25/2009)
- "Practical Implications of Leegin For the Alcohol Beverages Industry," *National Alcohol Beverage Control Association* (March 2008)
- "U.S. Clinical Trials Liability Litigation," *Paediatric Clinical Trials*

Conference (January 2008)

- "Global Antitrust Developments," *Organization for International Investment, General Counsel Conference* (October 2007)
- "Breakfast With the Deputy Assistant Attorneys General," *ABA Antitrust Section Spring Meeting* (April 2007)
- "Exemptions & Immunities," *The Antitrust Modernization Commission in Mid-Course, ABA Antitrust Section Program* (June 2006)
- "Database Security and Privacy - Solving the 4-D Puzzle," *Marcus Evans Conference on Advanced Software Law and Practice* (November 2005)
- "Welding Rod Litigation: Challenge to American Welding Society's Role in Health Monitoring and Voluntary Standard Development," *American National Standards Institute Annual Conference* (October 2005)
- "Life Cycle of National Tort Litigation - The Case of Welding Fumes," *American Boiler Manufacturers Association* (April 2005)
- "Confronting Customer-Driven Software Licenses: A Critical Update for Corporate Counsel," *Workshop, Palo Alto, California* (March 2005)
- "Regulatory and Product Liability Issues Posed by Pharmacogenomics, Tissue Engineering and Vaccines," *British Institute of International and Comparative Law, Pharmaceutical Conference* (March 2005)
- "Monitoring Occupational Safety and Health Issues: Societal Benefits and Organizational Risks in the Case of the American Welding Society," *ACI Conference Welding Rod Litigation* (November 2004)
- "How Asbestos Liabilities Are Affecting Corporate America," *Roundtable Discussion, "The Deal", Vol. 1, No. 45* (10/13/2003)
- "Food Fight Or Food War? - Social Engineering Through Profit-Driven Litigation," *The Biscuit and Cracker Manufacturer's Association Technical Conference* (October 2003)
- "Mergers and Acquisitions During the Next Asbestos Wave: Due Diligence Considerations for Foreign Firms Evaluating U.S. Opportunities," *Mealey's International Asbestos Conference* (September 2003)
- "Successful Defense Strategies From the U.S.: Tips, Traps and Techniques," *EuroLegal Conference, Asbestos Claims and Litigation* (April 2003)
- "Practical Strategies for Corporate Defendants," *Asbestos Litigation - The New Wave, American Conference Institute, 4th National Forum* (March 2003)
- "Peripheral Defendants As Litigation Targets: Defense Strategies For The Next Wave," *American Conference Institute, Fourth National Forum: Asbestos Litigation* (2/28/2003)

- "Asbestos - Can The Fall-Out Be Contained? -- A US Defendant Corporation's Perspective," *Davies Arnold Cooper Seminar, London, UK* (November 2002)
- "Torts: Recent Developments and Practical Applications," *American Society of Association Executives, Legal Symposium* (September 2002)
- "Peripheral Defendants: Strategic Review," *American Conference Institute* (9/13/2002)
- "Tips, Techniques and Strategies for Peripheral Defendants," *Asbestos Litigation: The Next Generation, American Conference Institute* (April 2002)
- "Trade Associations Activities That Have Liability Implications in the Health and Safety Context," *American Society of Association Executives, Legal Symposium* (October 2001)
- "The New Wave of Asbestos Litigation and Related Insurance Coverage Disputes: Lessons Learned from Past Wars," *Manufacturers Alliance* (October 2001)