

## **George "Skip" Murgatroyd**

### **So how did you come to be George W Murgatroyd III?**

Because my father was George W Murgatroyd junior and his father was George W Murgatroyd senior so it fell in line and my son was the IV until my father died. And then I promptly changed his name to Jack Murgatroyd.

### **And Skip comes from where?**

From sailing and my father. I sailed from as far back as I can remember.

### **Your family did what?**

Physicians, my grandfather and my father. The story I was told as a child was that my grandfather's father and his brother wanted to leave England and they didn't know whether they wanted to go to Australia or North America. So they flipped a coin and his brother went to Australia where there are Murgatroyds and he went to North America where he then started the Murgatroyd family. Actually they're all gone now. My son and I are the last two of that line.

### **So there aren't a whole load of Murgatroyds in the book.**

No there's a hand full. When I was young I used to go to different cities and, just out of curiosity, pick up a phone book and see how many Murgatroyds there were. There is a hand full here Maryland but not very many.

### **You didn't stay in Maryland and do medicine?**

No, my father begged me to do medicine. He had a very successful - I guess they call it internal medicine now, it used to be called 'family practice'. That had done very well. And he said, 'Listen you know if you become a doctor, I'll give it to you. I've built it up, spent my life creating it and it's yours if you want it'. But I was not interested in medicine.

I went to college originally because at the time I grew up it was understood that when you graduated from high school you went to college. So I went for a year. A place called Randolph Macon in Virginia. A small men's college. They had a requirement of freshman math and I fortunately had a teacher in high school, who was kind of a friend, who really didn't care how I did in Math but I didn't really understand it. When I got to college level, I remember the first day of college I walked into a classroom and I was late. I sat down in the front row and I looked up and this professor was putting something on the blackboard and I looked at it and realised that it might as well have been Russian. So I stood up, walked out and never went back. So I got an F but it was a required course.

I went home and worked the summer and went back in the fall. And I was signed up for freshman math again. I went into the Dean's office and said, 'Listen, I'm not going to pass this'. And he said, 'Well I'm sorry you have to take it'. So I said, 'Fine. Give me my tuition back and I'll leave right now'. This was about 2 days into my 2<sup>nd</sup> year. He gave me a cheque and I left. So I was out of college for quite a number of years and went back, well I guess I went back around 9 years later when I moved to Los Angeles. At that point I had been driving a cab in Los Angeles and I was very tired of being poor and I thought that there had to be a better way of earning a living.

In between I spent a lot of time working in a dinner theatre. I was doing acting and production, stage building and then it was live plays. It was a dinner theatre so I was waiting on tables and I'd act and I'd build the stages and sound effects and wash dishes and sometimes I'd bar tender and sometimes I'd park cars. You know, whatever took them. I did that for quite a number of years. It wasn't until I got to Los Angeles that I decided that something had to change.

I first went to LA with a girlfriend in 1971 on a lark. We'd been there a year when she said 'I want to go to New York and have my kids round their father'. Her ex-husband and the father of her kids was in New York, in *Hair*, a Broadway play at that time. So we moved to New York and lived in the Chelsea Hotel. I didn't have a job so I picked up a job driving a cab and then we moved back

to Baltimore and that's where I got hooked back into the theatre. And then we broke up and I met my current wife, Tracy, who I had dated many years before and knew her since I was a teenager. She said she wanted to go to California to see the sun set in the ocean. She had a car and I had a little bit of money, so we got in her car and drove to California in 1975. When I got there I didn't have a job but I thought what can I do? I can drive a car. So I got a job as a cab driver. I did it for a couple of months. And decided that it wasn't the really how I wanted to live.

One day, I dropped somebody off at Los Angeles City College and saw it and thought, 'Yeah I think I'll go in there'. So I went in to - I don't know what they call the program and said, 'Listen, I'm bored and tired of doing what I'm doing. I want to do something else and I have no idea what I want to do'. They said, 'Fine, here's what you do. Come back in a week, take the day off and you're going to take all these tests'. So I did that. I went back the next week and took all these vocation tests and they all came back 'Lawyer'.

### **Was this a surprise to you?**

Oh a total surprise. I didn't grow up with any lawyers. I didn't know any lawyers. I didn't really know what lawyers did other than what you'd see on the TV. So I thought about it and this was in the spring of 1977. I was getting married back in Baltimore to my wife that summer. I was still driving a cab. So when we went back to Baltimore to get married, at the wedding a family friend said, 'So what are you doing?' And I said, 'Well I want to be a lawyer'. And they said, 'Oh really. Are you at college?' So I said, 'No, well I had one year about 9 years ago'. And they said 'Oh yeah! You're going to be lawyer right!' I thought no. I had actually decided I'm going to be a lawyer. I could have been a busman or a garbage man or a school teacher. I could have been anything. So when I got back from our honeymoon, I came back to California. I enrolled in the City College and worked at the same time. I did really well and transferred to UCLA the next year. The problem was that when I was at City College they said, 'Don't worry about math, it's not important'. So I did extraordinarily well there, I had all As. And then I went to UCLA and they signed me up for math. I went to the Dean I said, 'Now listen. You make me take math and I will never graduate'. And this was a requirement of the college.

### **For law?**

No this was for undergraduate work. In this country you have to do 4 years undergraduate work before you can do law school in most instances. So I went to the Dean and you know I said, 'You know I will never graduate. I don't know what it is but I can't sort this stuff out. And he was a cool guy and he said, 'Alright fine. We'll work out a program where you don't have to do that'. I did physical sciences instead, I think I did chemistry and physics and oceanography and some stuff that I actually enjoyed. And I did very and I did an accelerated program - I did 2 years in about a year and quarter. I found that particular stage of schooling was very easy because I knew what I wanted do. I had a goal and I wanted to get it done. I didn't go to school to have fun. I would go to school, do the school, leave, go to work, go home, do my homework and then go back to school. It was pretty intense but . When I was finishing at UCLA I applied to a number of colleges and got into law schools.

But I had a waver in my determination, shortly after graduating from UCLA. One night I went to hear a jazz musician by the name of Chick Corea, who was big in the US. I was sitting at a table. It was so crowded that you had to sit with people you didn't know. I was sitting with this other person and we were just talking and I said 'you know, I just finished UCLA and I might go to law school but I'm really not sure that's what I want to do. And I know it's going to cost a bundle.' I was going to go to a school called USC which I think it was \$20000 a year or more. It was a lot of money I thought, 'God this is going to be tough, I'm going to have to borrow a lot of money and do I really want to do this?' Turned out that this man, who turned out to be one of my best friends, Mickey Kananack was a lawyer. He practised law by himself. He said, 'Hey listen why don't you come work for me for a year and if you like it then you can go to law school'. So I went to work for him for a year and decided that I did like it. I found a law program in a local school called Southwestern that had a two year programme, usually its three years. It's the only programme in the United States that you could do law school in two years, it was 24 straight months. So I

enrolled in and finished that. Then Mickey said, 'Come work with me, I'll make you a partner and we'll create a law firm together'. So that's what happened.

### **So the firm then began in '82.**

Mickey's law firm, I think he started in the mid '70s. He's worked when he wanted to and didn't when he had a lot of pressure. The cases were pretty simple and there was patent and copyright. It was fine, I enjoyed it. It was kind of fun. So I graduated in law school in '83 and went to work for Mickey. And he made me a partner I think in '84 or '85. Right away. Now when I had left for law school for that year Mickey said, 'Do you know anybody that could take your place while you're in law school, cos I need somebody to help me?' And I said, 'Yeah I got this friend Michael Baum'.

### **How did you meet Michael?**

I had known Michael for years. I had met him on the East coast in 1973 or 4. I had not seen him for years but he'd made his way to Los Angeles unbeknownst to me. I ran in to him literally walking down the street one day. We struck up a relationship again and became friends. He was still at UCLA at undergraduate school where I had already graduated. And he had decided that he wanted to go to law school, independent of me. So he took my place and I went to law school. I came back, and he went to law school. Originally it was just Mickey and I and then Michael came and it was the three of us. We hired some people and became a little bigger. I think we hired another 2 to 3 lawyers. So we had maybe 5 or 6. Mickey had a good friend John Coale who had his own small law firm in Washington DC that was doing aviation litigation, air crashes.

### **Before you meet John Coale, what kind of law are you doing?**

We were doing a mixture a personal injury law and business law. Contracts. I was doing family law. I'd decided I wanted to get trial experience fast and in those days it took 5 years to get a case to trial in California. So I figured what's quick? And it turns out that divorce law is very quick and you get a lot of trial experience. But it was a brutal profession because people are just insane. I was at a hearing once. We were trying to sort this out with a judge. These people were not wealthy, had very little money. I was charging maybe \$150 an hour and the lawyer who was probably more experienced was probably charging \$200 an hour. The people who we were representing did not have any money and they would start arguing over a wicker bird cage that couldn't cost more than \$50, tops. I represented the wife, who said it was the principle of the thing. Principle. I said, 'You know you can go out and buy 10 of those for the money'. 'But it's the principle of thing you know I hate him so much'.

I had a couple of really horrible experiences in family law. One Friday afternoon, representing a wife, whose husband wanted to take the kid out of the state. The wife had heard from a friend that he wasn't going to bring the kid back. So we ran into the court to get a temporary restraining order preventing the father from taking the kid out of the state. It's Friday afternoon, the court is closing down. The other lawyer and I are in the judges chambers and our respective clients are sitting out in the court room. And we all arguing back and forth and the judge finally said 'No I'm not going to let him take the kid. There is some reliable information that he might not bring the kid back. So that's my ruling'. And right when he said that we heard this screeching and yelling. All three of us raced out of the court room and looked over. And there's my client, this woman, on the ground her pocket book was strewn all over the court room, her shoes and purse were somewhere, it's like everything was scattered around. She's faced down in the dirt with a marshal sitting on her and hand cuffing her and she's screaming hysterically. It turned out that she had gone out in the hall and smoked a cigarette or something and the ex-husband followed her out and punched her out in hall way when nobody was looking. She came running into the courtroom hysterically and the bailiff did not understand what happened and tackled her. And arrested her. So my client was hauled off to gaol on a Friday afternoon. After that case I said, 'That's enough I'm getting trial experience doing something else'.

So we hooked up with Coale, who had done aviation cases. We merged the two firms and became Coale, Kananack & Murgatroyd. That was in 1986 I think. We were still doing personal

injury and started doing less business law and more personal injury, all types of personal injury whether it was boats, or trains or planes. But we were concentrating on aviation law and helicopters at that time. The aviation field which was very hard to break into at that stage. There were only 4 or 5 law firms that were doing it in the whole country and they were very protective of their turf. But we moved into that.

### **How did you break in?**

We just started getting cases. Did good jobs and got referred more cases and eventually built up a practice to the point that it is today. Baum Hedlund is probably one of the top five aviation firms in the country.

### **And it was in that area that you made your money?**

Yes. It was in that area I made some money, to the point that in 1995 I decided I was going to retire. I thought I had made enough money and I was travelling a lot because none of the cases we had were in California. I got burned out and really tired of dealing with deaths. The clients were always in grief and it was hard on them. I thought I had enough money to not have to do this so I'll go try do something else. But then I realised I was a little bored. I found a new area of law – class actions – that a friend of mine told me about.

So I went back to the firm and said 'Listen I want to start a class action section. I don't want to do any more crashes or accidents or where people are dying or dead. I want to do something a little different. There were some lending practices that were clearly illegal and improper and it was really interesting because they preyed on people who were very vulnerable. In the United States when you buy a house you have to go through this mortgage process and you know getting that mortgage is a very tricky proposition. If you don't do it, you don't get your house and it's usually very upsetting for people. So, these companies would tack in little fees like 50 to 65 bucks, just tack it in on the person who is not going to complain about that kind of small fee when their house is at stake. They're unlikely to say, 'forget it, I don't want the house for that \$65 fee'. It wasn't a lot of money, but a million times this is \$65 million dollars.

### **It was a scam.**

It was a prevalent widespread scam. And so Karen and I got into the class action business. I asked could she be allowed to work with me. She was just coming back from finishing law school. So she and I started the class action department. But at the same time we had one Prozac case.

### **You had got involved in the Prozac case a few years before that?**

1990. I got involved with that because I had a client by the name of John Tillotson. In the United States and actually in Australia he was a very famous rock and roller who played '60s music and had been successful. And his best friend was Del Shannon. And Del Shannon's career was about to make a major come back. There was a group being put together with George Harrison and a number of other people, called the Traveling Wilburys. They actually put out a bunch of albums.

### **Really?**

Oh yeah, very successful. It turned out. I forget who took Del Shannon's place. I can't remember. Well after he died somebody took his place and it still carried on.

Anyway this was Del's PO. He was coming back and he killed himself with a shotgun or rifle. I don't know if it was a shotgun or a rifle. But John and his wife thought, you know this is very odd. This is a guy who is about to re-launch his career. He was still very wealthy anyway 'cos he made a lot of money when he did 'Runaway' and other songs in the '60s. And they couldn't figure it out. What? Why? You know, he had actually recently got married. His wife was stunningly beautiful and a wonderful person. There wasn't any problem there. They couldn't figure it out. He was doing great and he declined over a very rapid period of time. It was a matter of weeks, maybe 10 days. And they were trying to figure what the hell happened. The only thing they could tag it to was a prescription of Prozac. They called me and said, 'We think maybe this drug could have had something to do with Del's death. Could you look into it?'

I was doing aviation cases. I didn't even know what Prozac even was. I'd never done a pharmaceutical case. And so I decided ok. And this was before the internet so you couldn't really figure out what the hell was going on and so I said, 'Ok fine I'll look into it. I can't promise you anything. All I can do is I'll see if I can do some research and find out if this drug has a problem'. The Teicher article came out shortly afterwards. Somehow I talked to a bunch of different people I knew. I called up lawyers and said, 'Listen. Do you know anything about this drug? Does it cause any problems?' They said, 'Oh I've heard about this'. And literally by word of mouth I heard this guy's doing it. And somebody said, 'I heard this retired judge in New York is looking at this drug as causing suicidality - Judge Finz in New York'. So called up Judge Finz and I said, 'You know I represent the estate of this rock and roller and I want to know what's going on here?' And he said, 'Well you've got to talk to my son in law Jerry Parker' and Jerry said, 'Yeah there is a problem. There are cases. We're doing them. We'll help you. We'll enter into a joint venture and we'll do the cases together. And by the way, we want more cases and we've got a lot of calls from California. We'll refer the people to you and I'm going to fly out there and we're going to interview them'.

And he flew out and I think I spent a week interviewing people who survived and family members of people who died. And talking to the survivors you could see that there was something going on and it was going on usually pretty quickly after taking the drug. I interviewed over 100 people and probably half survived. People from all walks of life. It wasn't any social class and it wasn't any age and it was any sex. We had young people; we had old people; we had people in between. We had one guy was a president of a very large and successful bank and people who were poor. Really there were no characteristics that you could see from their station of life and none of them had any significant mental ailments. Didn't have any history and weren't taking other drugs. These were what 'clean cases' because they weren't confounded by other factors.

The person at the bank had taken this drug and he thought initially he was doing better and then I think about 4 days later he described losing control of himself and he drove his car off a cliff. He was determined to kill himself. Under any circumstances he wanted to die, he had to die. And he drove his car off a cliff and survived the crash. Survived the crash and then I think he cut his wrists. And he thought that wasn't fast enough and so he ran into the ocean. Somebody saved him. It was just by the grace of god that the man lived. He was hospitalised of course and taken off the Prozac and two days later he was fine. The way he explained it was 'what the hell happened. I can look back and I know what happened but I don't know who was running the show it certainly wasn't me. I was thinking that I had to kill myself but it wasn't me thinking'. That it was like some bizarre commanded behaviour where he was a puppet and the strings were being pulled by some other source and he didn't have any idea what it was.

As we interviewed these people we started seeing similar conduct where the people had an extraordinary inner turmoil, restlessness, almost like a compulsion but it was different. It was like you put blinders on and all they could see was 'I have to die' and no matter what anybody said or would do it was like in interactions with other people they weren't interacting. It was like they were on a dictated course to death and that was what they were going to do.

Another guy was going to drive off a cliff. And he said, 'You know I woke up and I knew I had to die. I got in my car and I decided that I was going to drive off this cliff and that would take care of me'. On the way to this cliff he happened to drive by a hospital and for whatever reason felt, 'Well I'll check myself in' and checked himself in and survived. Obviously you can't file a law suit over that, because there weren't any damages and these cases are very expensive to bring but it was great to see those stories. So a pattern did appear - a lot of times the people would feel better within 24 hours and maybe even 48 hours but then they would go into a decline and then they would stop sleeping and I think almost uniformly they lost sleep. And as they lost sleep they became confused and agitated and restless and that really was a pattern that these 100 cases seemed to fit in.

I don't remember anybody who had been on that drug more than 30 days in that first batch of 100 people. Nobody had been on it months. From talking to the survivors who witnessed them, one of the characteristics that we noticed most of all is that if you happened to be in a room with somebody who was going through one of these events you would be talking to the person who was experiencing this side effect, and they would be looking at you but there was nobody home. It was like they were looking through you and clearly they were off into some other space even though they were right there, next to you and looking at you. And that's what Del Shannon experienced right before he killed himself. He was dead within 24 hour. Those seemed to be like to common characteristic that whatever this drug was doing it was coming quickly where if the person wasn't taken off the drug, they died. The people who survived were just because somebody stopped them or they went to hospital.

And that seemed to be a drug effect. It was totally out of character, it was not something they had ever experienced before. Not something they had ever seen anybody ever experience before. And they couldn't relate to it, they could only relate to the fact that they were confused, that they were desperate and that they wanted to die.

We had already decided originally to take on 10 or 11 cases because we knew it was going to be expensive and we knew it was going to be hard. And really if you ask somebody who decides to drive off a cliff but drives into a hospital and runs up a hospital bill you can't file a case. It's not economic. So we took the banker's case because we thought that was significant. He did have some significant injuries and he was in the hospital for – even though he recovered quickly from the side effects of the drug he had physical injuries that required some work. And, we represented the husband of a doctor who killed herself, a Beverly Hill's doctor, very successful. We took Del Shannon's case. We took a case where a woman set herself on fire. It was just horrible, but she clearly had gone through the same stages of events. It was like half death cases and half personal injury cases. But the people who had survived were pretty seriously injured.

We agreed to do it with Judge Finz and I went to a meeting in New Jersey where there was a series of people around the country who wanted to do these cases, about 10 other law firms. These were big successful law firms. There was a guy named Leonard Ring out of Chicago who was a very famous trial lawyer, with an excellent reputation and a very confident person. There was another guy named Paul Smith out of Texas who had some cases, he had a case called the Biffle case. He had small law firm. I think it was just him and a couple of other people. Then there was Alan Darnell out of New Jersey. He had a big law firm. And, there were a bunch of people who said, 'Ok we're going to work together. We're going to divide up the work, and there's a lot of documents to go through you know. We're going to try to sort it out. And so we started working together'. We had decided that Paul Smith's case was the best. The Biffle case. It was an uncomplicated case. It was a younger man, killed himself, left behind a family. A wife and children. Had no other medication. Had no history of anything else, some slight depression, not major depression, no hospitalisations, nothing like that. It was really what we call a 'clean case'. And we thought ok, this is our best chance and Leonard is going to lead the charge. And he had this very competent woman working with him by the name of Nancy Zettler.

I took a number of depositions. I was working with Bill Downey in our office at that time and when I left in '95 the litigation was still going on and Bill took over from me. We reviewed a lot of documents and found a lot of really good documents. We saw that there was something going on with the FDA. We saw a lot of funny memos, - and why is he telling these people to fax things out of the office. We were seeing internal memos from Lilly that said that their internal scientists were attributing suicides to the drug. So we were thinking 'Christ almighty, if the drugs' scientists think the drugs are causing these, then obviously there's got to be something there'.

But then Leonard Ring died. Suddenly out of the blue. I can't remember if it was a heart attack but he died very quickly and his law firm blew apart. They were not going to go for Prozac because here's a drug that was still on market. In the United States, very few lawyers will take on a drug that hasn't been recalled. If it's been recalled you know there's a problem and the FDA's already

investigated it. You can get that investigation and you can prove your case. But when the FDA was literally on the side of Lilly we knew that this is going to be a long haul. It's going to be very expensive and time consuming. And whoever survived Leonard in his law firm said 'No. We're not going down that road'. At that point I think, I had left the firm. I can't remember when the Wesbecker case was.

#### **The Wesbecker case happened in '94.**

I left in the Spring of '95. Yes, that's correct, I was still there I remember that now. I was there. I pretty much had transitioned everything over to Bill Downey and I didn't really have a lot to do with it. But I never understood. Why is the Wesbecker case going forward? What happened to the Biffle case? I never got a straight answer. The Wesbecker case was a god awful case. This was a man who had a horrible history of mental illness, had stock piled weapons and ammunition and I don't know if he was on other drugs or not but was clearly a troubled man. Who went and shot a lot of people, did a lot of damage and killed himself. And it was always considered the worst case of the bunch. It was far worse than any case that we had and far far worse than the Biffle case. But you know Paul Smith – when Leonard died and nobody stood up said I'll take charge. "I'm going to hire and work with Nancy, and Bill Downey also and we'll move this forward right".

#### **At this point what did you think of Paul Smith?**

I liked Paul Smith. I didn't know him. I'd only met him a few times. But he's a Texan. He has a twang and you know he seemed to be competent. He and I were doing depositions together. I knew he was good, he could do a deposition and he had helped review the documents. He knew the documents. And he understood the case and he was a trial lawyer. So I thought, 'ok fine'. You know, clearly not the calibre of Leonard, which would be like an A+ type of attorney. None of us could compare to Leonard in terms of his experience and his abilities. But you know I couldn't do it, I was leaving and it wasn't something I wanted to do anyway.

So the Wesbecker case was tried. Paul, as you know, tried the case. We had, in the course of our discovery found out that with another drug Oraflex Lilly had been less than forthright with the FDA or other regulatory bodies and you know people had died especially in the UK.

There was some bad business there. And so when the case went to trial there were different motions by Lilly. One of the motions was 'we don't want you bringing up Oraflex. Different drug, different activity, different time. You can't bring it up' and the judge said, 'You're right. You can't bring it up - unless things change during the course of the trial'. And so Lilly, during their part of the trial, put on one of their scientists or regulatory people I can't remember and they said 'Oh we have this spotless record. We're always honest with the regulators. We were 100% forthright'. And Paul Smith said, 'Well Judge, they opened the door. They're trying to tell this story that they are this spotlessly white company who doesn't have any problems with the drugs and you know what I've shown you, on Oraflex people died and we know that they were less than forthright with the regulators. So I want to be able to bring that evidence in now'. And the judge said ok.

At that point Lilly met with Paul Smith unbeknownst to anybody else. I guess Nancy must have known. I didn't know. And he entered into a secret settlement behind the judge's back. It was Judge Potter in Kentucky and that's a whole different long story. He entered into a secret settlement and it was agreed that he would not put on the Oraflex data but he could finish the case which had some measly part left with some cross examination, really nothing, no new evidence and they agreed that if the jury came in favour of the plaintiffs the amount of money would be x millions. And I still today don't know what that number was but I think it was probably 40 or 50, somewhere in there. And that if a verdict came in favour of Lilly there would be y amount, which I understand was 20 million, but that was something I heard through the grapevine I don't know if it was true or not. I don't know if that's ever been verified. And the verdict did come in for Lilly. But the case was secretly settled and the plaintiffs got a lot on money and Paul Smith got a lot of attorney's fees.

Then I got a call from a woman I had tried a case with in Kentucky maybe 3 years earlier, in '92 and she said 'Skip I'm going to tell you something and I don't know how far I want it to go but I am a very good friend with Judge Potter'. And Judge Potter has come to believe that even though he had asked the attorneys whether or not the case had settled when he said the Oraflex data can come in and no Oraflex data came in. He went to the attorneys, each one of them, and said, 'Well, did you settle this case?' And they each said 'No'. Which was not truthful, right? But one of the plaintiffs got divorced and it came up that he had a lot of money and somehow Judge Potter got wind of the fact that this case had in fact settled. And Anne Oldfather, who is this friend of mine in Kentucky, called me and said 'Skip, I think you need to talk to Paul Smith because we think this case settled'. And you know, Lilly had gone out and made great hay by the fact that this jury proved to the world that Prozac was a safe and effective drug. And all you Prozac takers don't worry about it keep taking your drug. And those who aren't taking it you probably need it so you take it. They got a lot of publicity off the defence part of it. And Anne called me up and said, 'I think you need to talk to Paul Smith. We think this case settled. There's something going on here and Judge Potter is asking me, as a friend, to look into this. And I know you've been involved in these Prozac cases 'cos we tried the cases'. I'd been involved in Prozac cases for two years by that time. And I'd talk to her about the cases we had.

So I called up Paul Smith and I said, 'Paul. You know it's funny I just heard that -' I said. 'Paul congratulations!' And he said, 'What do you mean congratulations?' 'Well I just heard you settled the case'. 'What uh uh. No I didn't! Where -? How'd you - ? Where'd you hear that? Well, he babbled on 'no I didn't settled the case. You're getting bad information'. Alright. This was a guy I know and worked with and he and I had done a number of depositions together and we had all these other cases together. And, he flatly said 'No I did not settle the case'.

But then as history knows, Judge Potter looked deeper and called all the attorneys into his office. And they finally admitted that yes the case was settled. And it became a big deal in Kentucky. I think there was some threat of disbarment proceedings, or disciplinary proceedings by relevant bars and there was a huge fight and it was taken up by the Kentucky Supreme Court. I think that by the time it had finally come back, Potter was burned out and he actually quit being a judge. And the last I heard he went back to college to become an environmentalist. I think he was going to work with the forestry service. And another judge had been assigned to take his place to sort out what happened. This judge had no interest, no background, and it just kind of fizzled away and that was the end of it. So when the cat was out of the bag that they had settled cases but the problem - and was this was over about a year period, maybe longer. It was probably over 6 months to a year that all this took place - And the group of lawyers who saw this defence verdict, who had trials coming up, pretty much tossed in the towel and dismissed their cases.

**So in the mid 90s, you've just handed the cases to Bill Downey and retired – for how long?**

Only a year. I came back because I ran into a friend who had some good ideas on cases that I was interested in. Banking fraud. Which I thought would be fun - I was really tired of dealing with cases where people had died. It was just stressful.

Between aviation cases, and the Prozac cases, all the clients I ever had had either been very seriously injured or had someone in their family who had died and it was just not fun. And so I ran into this guy who said oh I've got these great ideas for these bank cases. I said that sounds great. Not stressful, they're class actions. The most any guy could lose was 65 bucks. It was fun to go after banks because they're so arrogant. I'd oppose the president of the bank and it was about charging bogus fees. They weren't supposed to charge the fee and they charged it. I went to the president and said why did you charge this fee and he looked at me right in the eye and said, 'because we're the bank'. I said, what's that, the bank defence?!' So you can do it because you're the bank? Wait a minute, it's totally illegal, it's improper, it's fraudulent. And so I had these great cases where I got everybody their money back and then the interest went to attorneys fees. It was simple and I didn't have to travel that much. And then of course Bill died and the Forsyth case was coming to trial and I was asked to come in and get it ready for trial. And I had been out of it, god, by that time 4 years.

The case tried in '99. And in the early part of 99, I took a couple of week off and kind of hauled myself up and reviewed the documents to try to put them in some form that I thought would be used for the trial which ultimately turned into that time line that we created for Prozac.

**How did the Forsyth case look to you at the time?**

I knew nothing about the facts of the case. I was only looking at did Prozac cause suicidality. That was it. Not did it cause Mr Forsyth to become suicidal or homicidal. Because, that wasn't part of the case I was ever asked to look at. And looking back at it, had I known the actual cause facts I would have insisted that we'd settle. I wouldn't have let that case go to trial. Not in a million years.

**Because?**

I thought that the fact that he had been in a mental institution and he'd killed his wife and himself right after getting out, I can't remember now. I think he had some problems prior to being put on the drug, I can't remember what it was now. But looking back I wish I'd know that. They would have paid a lot of money on that case and we wouldn't have lost it. But at the same time I don't feel bad about it because it got a lot of the documents out and I think it helped to move the ball forward. We have much much better cases now in terms of the clarity that the drug was causing the events, where with that one remember he was on multi drugs and the jury came back and they weren't sure which drug may be causing the problem. Now we usually don't take cases where there are multiple drugs where you have that kind of question of which drug may be causing the effect. I remember there was a series of problems that I saw with that case.

The cases where we really want to take to trial are those where person who is doing really well, they may have had some minor problems in life, they get put on the drug and all of a sudden they kill themselves. They go through the akathisia period and then they become suicidal and nobody intervenes and they die. Those are good cases to try. This Forsyth case wasn't as clean and clear as the type of cases we have now.

**When the verdict came in was that a big shock or not?**

It wasn't to me. I thought we'd have a hung jury. I thought that woman with the dyed hair would never go for the defence verdict. I don't remember her name, but she was very helpful at the end. Really nice lady, remember she'd come in a different colour hair every day. She was great. She was overwhelmed. There were a couple of guys in the jury that I thought you we're never going to convince these guys. Two older gentlemen in the back row. I don't recall their name either. But you know this is really going to be tough. Because in federal court it has to be unanimous. So I thought we'd get a hung jury and we'd get the documents out and then we'd probably resolve the case and that would be the best result. And it probably should have been that result but that woman didn't hold out.

**At the end of the case, you weren't at that point in time kind of planning to get involved in any more Prozac, Zoloft, and Paxil type cases were you?**

When did Phil Hartman's wife kill him and herself. What year was that?

**That happened shortly afterwards I think. I'll have to go back and check. I would have thought it was the year after, probably 2000. Why?**

Because that made me want to get into it. You know this Zoloft I think has a problem. And then Mrs Motus called us. And that was the first time I just thought ok, I'm going to jump in here with both feet.

**It was the Motus case that was the one that really got you back into it? Why?**

Just because I thought it was pretty clear. Here was a really nice guy. Very successful. Never had any medical problems. Never seen a psychiatrist. Had problems sleeping. And was put on the drug mainly for that. Clearly had akathisia was pacing, couldn't go to sleep. Declined. The day he killed himself he was supposed to fly out the Washington DC to meet to president of the United States. You know this was a man from the Philippines who was a self made man who had really

done well and was on the city council for one of the local cities here. A very bright man, very well liked. And it was just unquestionable that Zoloft was the triggering factor. And I thought ok, let's do the Zoloft cases.

**And that case got thrown out because?**

The doctor never read the warning. Basically the court said they could have given the best warning in the world but still. The court didn't rule that Zoloft didn't cause the death just ruled that Pfizer was off the hook because the doctor didn't read any label and so no matter what was on the label. It wouldn't have made any difference.

**In terms of the Prozac, Paxil, Zoloft cases at that point, had you been thinking up to then that this was really a Prozac issue only? And then you begin to find out that maybe hey, you know the other drugs in the group also cause it and there're as bad or do you think you actually thought from the start that they all do it or what - and there is only one nasty pharmaceutical company and all the other were reasonable ethical?**

No I don't think I ever thought that. I didn't think about other pharmaceutical companies. I was too focussed on each drug at the time, first Prozac, then Zoloft and now Paxil. But looking back at it, there was no reason why it shouldn't be a class wide thing.

**But had you thought that from the start or you'd have thought it later, around 2000 and afterwards?**

I don't know because it was when that Zoloft case came in when we got that call from Mrs Motus, I thought, you know. I think it was 2000.

It was after the Forsyth trial and we found out that Lilly had lied in their answers and we sued them for fraud on the court. Then I started doing more research. I read the Teicher patent. I think at that point I realised this is more than just a Prozac problem, this is probably a class wide problem. But it didn't make any difference because we didn't have any other cases. I didn't go looking for any other drug cases - one just happened to walk in the door. Phil Hartmann died - it was Andy's case but he brought us in as local counsellor. Somehow Karen got in the news and then Mrs Motus read the newspaper article and it mentioned Karen's name. And that's how she found the law firm. When she came in we talked to her. I didn't meet her the first time, just Karen and Cindy did. But I read the write up on what happened and this is absolutely drug induced. It was unquestionable that this was drug induced and that started that whole campaign.

**Now in terms of the Zoloft cases, how did the lawyers for Pfizer compare with the lawyers from Lilly? Did they all, I mean, are they all the same?**

No. The lawyers for Pfizer made Andy See, for Lilly, seem like a gentleman. They were pretty bad. Particularly Malcolm Wheeler. Jim Hooper was pleasant but I just have a really hard time with lawyers who are a little loose with the truth. But I found Wheeler to be, for lack of a better word, unscrupulous.

One of the things they did was to take the issue of putting the responsibility on the person who died or if it was a child, put it on the parents, you know, make them feel guilty - you knew this was off label, how could you allow your kid to take this psychotropic drug. Or like in the case of Matthew Miller, where they said this 10 year old kid had been engaged in auto-erotic asphyxiation. It was insane. But that is that kind of stuff that these guys do. It's despicable.

One of their team, Amy Padden, had to do a lot of the depositions of the people who survived or the parents and it's clear it got to her in the end. You could just see her heart wasn't in it. She wanted nothing to do with it. And she quit and took an enormous cut in pay to go work for the government just to get out of doing that type of work.

We had a case of a child who killed themselves outside Philadelphia. Really nice family. A horrible case. Clearly drug induced. One of those really simply cases where the kid was doing ok, given drug went into immediate decline and died. The parents were probably in their late 30s or

early 40s. GSK went back and dug into the fathers background and found out that when he was 18 he had had sex with a 17 year old girl and they'd gotten into trouble for it with the law. And so they were making this the issue of the case. This wasn't about a child who died. This was about a father who had sex 20 years before with a minor, but you know they were in high school. He'd turned 18, the girl was still 17 and so it wasn't as like he was a paedophile or anything. But they made such a big deal of it, they really scared the parents off.

They look for anything. Whether it's relevant or not. That's the scary part. They're looking first how to discredit the person who died whether it be an adult or a child any way they can. You know by going back into anything and everything they could possibly find and if they find something no matter how little, they'll blow it entirely out of proportion. If they can't attack the decedent then they attack the person who is bringing the case. They go into that persons background. We had a horrible case in South Carolina where a young girl I think she was 13 or 14 at the time set herself on fire. She's horribly scarred and she's had I don't know if it's 30 operations or god knows, and she's going to have a bunch more. Her whole chest is completely scarred and her arms and her neck. Her face luckily was spared but GSK hired a private detective to go into her school to try to get a copy of her year book to get a picture of her. When the principal found out that this strange person was in the school asking about this girl and confronted him the guy ran away. But it was a GSK under cover person trying to get into these people's lives.

Some of the lawyers are fine - Andy Bayman is a gentleman, a professional. Tamar Halpern I find despicable because she falls into that category of twisting the truth. Particularly the stuff she did with you - attacking you because you combined data between child and adolescent and adult trials but that's exactly what GSK did. And she's attacking you for that! She knows that that's not improper, and that GSK did that and so you know she's must making up the argument. So they're tricky. But they're not all in the same boat. I can't say they're all horrible. Andy See for Lilly to me was like a work horse. I don't think he was a particularly bad guy. He wasn't particularly bright but he did a good job, but there are others who are vicious and just too loose with the truth from my point of view.

#### **In the Pfizer cases' the pre-emption argument came up.**

That was Malcolm Wheelers baby, yes. He had won a big auto case before the Supreme Court and he thought he could apply that to the drug field. That was his creation, he created that. Malcolm started it and then Troy got into the FDA who was an old Pfizer guy. And Malcolm called up Troy and all a sudden the government was there on the pre-emption band wagon. And now we have a huge pre-emption problem with all the cases because FDA has written in the preamble that if they approve the drug then all the state actions are pre-empted.

#### **So how do you think the pre-emption issue will play out?**

It'll probably end up before the Supreme Court. Look at who's on the Supreme Court. A lot of Bush people. So I don't know. You know it is shocking to think that it could be upheld. But stranger things have happened in this country particularly in this era. I think this country is in a lot of trouble.

#### **Do you?**

Absolutely, I think this country's in horrible trouble. I think the ethics and the morals of the people who are supposed to be the leaders are just horrible. Cheney, Bush, Rumsfeld. My god these are the people who are running the free world. I think this country's become the bad guy. Once we were the good guy, World War II we were the good guy. We came and helped out people and helped the world who was under pretty heavy attack from obviously bad people. But now, I can't say we're the good guys. I can't say that at all. And I look at what's happening with the children and I'm really worried. I look at the drug effects and the number of kids who are being drugged. I don't think those kids stand a chance. Some of them will survive but it's going to be tough.

**You had a bunch of Pfizer cases at one point. A few of them were really strong including the Witczak case. I wouldn't have thought that Kim would have settled. But Pfizer seems to have handled their cases in a very different way to the way GSK handled theirs. You'd have thought GSK had loads and loads of incentives to settle their cases because you guys were causing a lot of problems bringing out issues of fraud and ghost writing and things like that, whereas you might have thought Pfizer would have been more inclined to go to trial.**

From the day we took the first Zolofit case and I got to meet who the other side, I thought we have to be prepared to try every single case. I told the firm this, I said listen, this is going to be expensive. I think we're going to have to try every case. I think we had 20 maybe 24. I thought each and every one of these is going to be tried. But the documents really fell together well. I think we could prove our case and they knew it. Because we had to disclose it all in your reports and in the depositions that came out. I think they made a decision that they wanted to get rid of all that litigation. I think they had a lot of other problems and this was the least of their problems. And they could wrap them up. They had a huge problem with Neurontin - they got hit by the federal government for hundreds of millions of dollars.

There was a limited number of Zolofit cases. We had 20 cases. I think Andy had 10. I think Pogus had maybe one or two. I think they decided that they wanted to get out it because you know, we had done our job and we didn't have a big problem settling those cases because of the warnings.

If we ever dreamt what would be our ultimate goal in taking these actions, it was to get the kind of warnings that came out. I thought they were good enough and I think that the way it worked out Kim saw that most of the good documents had come out through her case and through another case here in LA. If you go to trial what are you going to gain from a trial. The key thing is you're going to get the documents out. That to me is probably the most important thing. You may or may not get a verdict. You know, any trial, whatever kind of case, is a crap shoot. And the odds of you winning these cases are, I think, 50/50. I don't care how good it is, you know, because they're very difficult cases because you're trying show something that a drug causes which everybody acknowledges the disease can also cause. So how do you separate it out. It's difficult. And so you're going to have jurors like in the Forsyth case who I just don't think you're ever going to convince. If you're unlucky enough to get them on your panel you're stuck with them. And that's what I liked about the Tobin case. Because I went up there and watched that and the way that case started and it could not have started better.

**I was actually there in the court for all that...**

The old farm guy who stood up and said it. If you had written a book or screenplay you could not have asked for better. That was just so unusual, so wonderful to see. And I mean all the other jurors were there to hear it and it set the tone for that trial. And you did such a great job and Terry Maltzberger and Don Marks. It was a good team and a great result but that result could just as easily have gone the other way. I mean the only difference would have been who the jurors were. So when you're playing with jurors you just don't know whether or not you're going to win. And I think Kim realised that we had the warnings and she saw an opportunity to see what she really enjoyed doing which was going to congress, going to the FDA, because that we have seen is the only route that works. You try 100 cases, I don't care what kind of work she did, you're not going to get a warning.

**Where did you get that idea from?**

Well, we saw what happened with Tobin, which was a successful case but led to nothing. Who read about it? Who heard about it? What changed? Did GSK do anything different than they'd done before? Did Pfizer do anything different? Did anybody do anything different? Nobody did anything different. Clearly that - in that case Andy didn't have any documents, so, he didn't really get any good documents in. I mean he had your great testimony and Terry's testimony but he didn't really get any of the kind of stuff that would get him out from under CML. We actually saw that if you want to change a label you got to get the FDA and that's why Don and I went to visit with the FDA in 2002.

So we realised that, through these years, that trying cases is not going to cause the effect that you want.- that is Karen, Cindy, Michael and I – basically the four of us. I've never really talked to Andy Vickery about it but I think he, you know, it was clear that once the ball got rolling and the PDAC hearings started that this was the way to go. This is where the time energy needs to be spent. We spent an enormous amount of time and money...

**But you'd begun going to congress long before the PDAC. You went over to FDA in 2002. That as such didn't change things but the firm had teed up meetings with Grassley and Hinchey in 2003.**

Hinchey first and then Grassley. In fact I think they contacted us. It was all serendipitous. Cindy likes to work with reporters who are interested in our cases. And we were working with this guy from the Boston Globe about the FDA and the problems with the FDA intervening in our law suits. And this guy said you're not going to believe it but I've got some really great stuff but I can't tell you what it is. Until this article came out and it was breaking the news on Troy and Troy's connections into Pfizer. The Troy connection with Pfizer caused Hinchey to look into the problem and he contacted us – what information do you have that we can use? And so then we started work with Hinchey but it was his contact not us. And then same with Grassley. Grassley heard about us and his lawyers called us and we started to provide them with the information that we could that was out from under seal.

Our FDA connection that was just Don. Don wanted to go to the FDA I said listen if you're going to go I want to go with you and talk to them and Don wanted to go to the FDA and say listen GSK is hiding this suicide problem under emotional liability. We did know this. And I went there to say listen I'm tired of dealing with these type of cases. Just issue a warning - basically we said we want to be put out of business, we don't want any more cases. All we want is a warning, we are not asking that the drugs be withdrawn, we're not asking, you know.... At that point we didn't care about money, we want this resolved, we just want these cases to end. We want people warned. We know it's a problem.

**Who did you meet at the FDA?**

We met with some really high up people. We met with Gelson who had a uniform on - he was a military type guy and also with a lawyer who was an asshole. I can't remember her name. It was after that that Mosholder saw that GSK had filed suicidality under emotional liability. I don't know if he saw it on his own, or whether that came from Don telling him but it was all coincidental at least. And then of course the submission went to the UK who saw the same problems I saw with that original paediatric submission and contraindicated it within what two or three weeks of receiving it, and then shipped the problem off to an expert working group.

Don essentially started that. He's a character. Some people think that Don's like a bull in a china closet but his heart's in the right place and he's smart. He has an extraordinary memory for anything from baseball through to trial data. He knew the Paxil data backwards and forwards, the dates, the characters, the players, he knew what was up and he was determined to do something about it.

The way the whole withdrawal case started was that Don and I were on the 'phone one day and he said, you know Skip I'm getting all these calls and emails about these people who can't get off this drug. I said you're right, why don't we do something about it, why don't we file a law suit. He said OK we'll file a law suit. I said, fine, you prepare the complaints and I'll talk to the folks down here and we'll fund it and we'll get it going. He drafted the complaints amounting to the size of a 'phone book and we pared it down, got it down to something we felt we could go with. Looking back, I don't think we even told Michael Baum, the head of the law firm, we had started. And the next thing you know every person in the office was manning 'phones because we got thousands of calls within a few hours of one story on CNN. It became this massive flood of people and we stopped taking the calls, because we couldn't service this many clients. I mean you can't keep track of their names, and the statutory limitations and whether to file a law suit. It became a legal

nightmare and consumed huge quantities of resources of the firm - literally, at one point, everybody in the law firm had to answer phones. That was Don and I thinking we're tired of this, let's do something about it. So that's where Don's heart was. And then Don said immediately, "Let's go to the FDA" and tell them what's going on. And he was pretty pissed. He had that Lacuzong case, which like Forsyth was murder and suicide. And so that's how we got involved with Paxil even though at the time Zoloft was consuming 90 per cent of my time. It was like the stupid Germans in the second world war - why would you take on the East and the West at the same time.

I was really worried because at one point we were fighting tooth and nail on Zoloft - we had to fight every pre-emption argument. We lost two but then we won a whole bunch in a row. You know they're doing daubert motions on you and everybody else they could find. Or getting close to trial, we would get hit with 30 motion in limines all of which had to be responded to. At the same time, we end up signing up 3,200 Paxil withdrawal clients and I started seeing those cases. It was going to cost 100,000 dollars to try each case. Now if they made us try each and every case, even 100 a year is one every 3 days, and the lot will take 30 odd years, at 100,000 dollars a case. Now while some of these people had electrical zaps and some of course had some serious problems, 90 per cent of them didn't have 100,000 dollars worth of damages. I thought, Holy Christ, we could be bankrupt. If these guys want to, they can bankrupt us.

**Why didn't GSK use those cases to bankrupt you. Why did they settle?**

Why did they settle Tobin? Malcolm Wheeler did the appeal on Tobin and in my opinion, the appeal was brilliant. I thought Andy was at risk of losing his verdict but GSK settled it. And they settled Don's case at the same time. This made no sense to me. Grant the verdicts were out there and you can't put that back in the can but you can win an appeal and say, look that was a bad verdict. And Don's case had its share of problems - this was before we really understood what a good case was legally. But they settled it. And I may be in a minority of one but I am convinced that after that verdict came out in Tobin, the FDA went to GSK and said you've embarrassed us - we've said this was not an issue from 91 until the present, but you lost that case, it looks bad for us, it looks bad for you. Get rid of it. We'll help you out in the long run. And now we have the pre-emption preamble. Nothing else makes sense.

**But why did GSK resolve the withdrawal cases?**

I think it was as big a problem for them as it was for us. They had the same costs. So it was like a war of attrition. But they could have won it because they had more resources.

**But it was a very big media issue in a way the suicide cases weren't.**

I think the other problem was, it was a defenceless case. They couldn't win it. There's no dispute Paxil causes withdrawal and causes some horrible problems. It was an unwinnable case in terms of the facts. So I think, yet again the FDA may have come in and both muscled them and also did help them out.

**How do you mean, they came in?**

Well we got that great injunction. They couldn't advertise Paxil and say it was not habit forming. Then FDA stepped in and the court reversed their order. And I think the quid pro quo for that FDA help was, "You get rid of this".

**When you say that FDA came in, you mean Dan Troy do you? Was this one or two people within FDA as opposed to the whole organisation?**

Yes, the lawyers. The interesting thing which very few people know is a federal body like the FDA, an instrument of the government, whether it be on behalf of the car people or the food people, cannot come into a law suit unless it gets permission from this oddly unknown position in our government called Solicitor General. This guy decides what cases the government gets into and what cases it doesn't get into. So although Dan Troy may have wanted to get involved with these cases, he could not do it without the Solicitor General's permission.

### **So who was the Solicitor General?**

The Solicitor General was a guy by the name of Paul Clements. And guess what? He was Chilton Varner's former partner at King and Spalding, the law firm representing GSK.

So now the FDA is intervening in Andy's case, and that case up in Utah where the judge was going to rule in their favour but then Pfizer settled the case. But that whole connection was a Wheeler, King and Spalding, inside government connection. But I always thought the quid pro quo was, you make this litigation go away, we'll take care of you. Just be patient, it may cost you a little bit of money, but we'll take care of you. We're going to knock out all drug law suits. That's what the new preamble does. If the FDA approve the drug then you can't sue them. You can't sue the drug company.

### **You think that's actually going to happen?**

Who knows? It's on the third circuit right now. I think it will go to the Supreme Court for sure. For the drug companies, that's the pay off. It's called total immunity - it doesn't get any better than that. They can put out a poor drug, kill people and nothing will happen.

### **Let me just try and pin this down a bit then. What you're saying is that one of the biggest changes in US legal history something that goes against the separation of powers, all hinges on one or two of these SSRI cases?**

Yes it comes from our cases. It's interesting how you see the whole thing coming together. But the originator was Malcolm Wheeler and the Motus case was his. He was really upset by losing pre-emption in Motus.

I hope we can get all the other documents out so that somebody someday can really do a proper history of the deception and the fraud. The washout events stuck under placebo. Those two funny Paxil trials 057 and 106 which were such a brilliant way to hide the problem, like sticking a missing boat in a marina. And they were doing all this as far back as 1990. I got Garnier to say you can't do what they did with placebo suicides, I got all the medical people to say you can't do it. And the FDA still didn't get it.

### **No the FDA knew this was happening.**

Well we know that Hilary Lee caught Zoloft doing it.

### **It's clear that they knew it was happening.**

They didn't know about it with Prozac though. They only knew about the deaths not the attempts. They knew about the two deaths. They knew those.....

### **They knew about it with Prozac – I put it in my BMJ article and no-one has ever written in to say I got things wrong.**

I don't think they understand the depth of the problem.

### **What does the future hold for you?**

After I've finished these cases. My goal right now is to get the Paxil suicide deaths in kids and adults trial ready. Where all you guys, all the experts are fully prepared, all the documents are there, all the depositions have been taken and go try them or not try them. I don't really care at that point. And that may take years or it may go away overnight. It's unpredictable. My goal is to get those cases resolved one way or the other. I don't really care which way, it doesn't make any difference to me. I'd rather go to Hawaii for trial than Indiana, but you can't choose.

So my foreseeable future is finishing these cases 100 per cent ready for trial and then try them. And after that, I'm going to do something else. I hope by that time all the documents are out...

### **You don't think there's an issue to get involved in - what's going wrong in medicine when we are giving all these potent psychotropic drugs to children – something that seems so unbelievable in one sense?**

It's shocking. I looked at some statistics today and I went thought just this - what are they doing? Why are all these young kids getting drugged? And why, particularly with antipsychotics, it's not just the antidepressants, but the antipsychotics, Zyprexa and Risperdal.

Johnson and Johnson set up some deal with the National Association of Social Workers, where the social workers were supposed to give them the names of 10 people who were on Risperdal, so they could engage them in a program for each of these people *to make sure they stayed on it*. Our social worker system in this country bought into this. It's like the marketing has gotten out of hand, and the companies are going after kids, the elderly and people who really can't defend themselves and making enormous sums of money.

**What's happening though? You'd have thought it should be the normal instinct - I'm sure parents here 20 odd years ago would have said 'hey you know, you can't give these drugs to a brain that's developing when we don't know what we're doing'.**

I think it's back to the fact that parents take their kids to the doctors and if the doctors say it's the right thing to do the parents will buy it. They do it without knowledge and they don't- they think ok that's what the doctor says so that's what I'm going to do.

**But if you go back to the 60s the typical family doc, like perhaps your father, wouldn't have been quick to hand these things out, would he?**

I think he would have later in his career. Well I saw his pictorials in medical journals with pharmaceutical products. He was like an ad man.

**Still it would have been a different thing to have a link with the industry back then but quite aside from that, the average family doctor in the 60s would have been a person who was reasonably slow to hand stuff out. They wouldn't have actually handed out in huge amounts. They wouldn't have had you on 3 or 4 different drugs at the same time.**

They wouldn't have handed out psychiatric drugs. No Never. The change is because that the pharmaceutical companies have gotten to the GPs. If you look at their prescription rates, which I looked at today, the bulk of the drugs are being prescribed by GPs.

In discovery on these cases you find documents on how to train GPs to prescribe psychiatric drugs. That was the big thing. The big thing was you don't have to refer them out. You can now treat them yourself. Here's the information you need. Just keep them as your patients and put them on these drugs. Why refer out a good patient when you can do it yourself. And if you look at the numbers, the numbers of huge. The GPs are prescribing them left and right. Michael was telling me the other day that he saw some study that they did a survey of patients, I think it's a doctor-patient survey, it must have been. Where the doctors felt and the patients thought that it they didn't walk out from a visit with a prescription then why did they even bother going to the doctor. You have depression, here's your prescription, go away and come back and see me in 30 days.

If you have that mentality with patient who wants a prescription for something, because they think something's wrong or they never would have seen the doctor, and the doctor thinks they have to give them something to make the patient happy, then you have this mingling. And then the doctors really don't understand the problems with the drugs. I think probably the majority of doctors still don't know how serious the problems can be with these drugs and the fact that they don't work any better than a sugar pill.

I think that's a huge issue. It's an overwhelming issue. And if I can do something in that regard - but I'm not quite sure what I can do. It's so flabbergasting that I just don't.... I know there's nothing I can do about it right now but when all this other burden is relieved well .....

One goal might getting bills passed like the one that just passed in New Jersey last week that parents cannot put their children on psychotropic drugs without being fully educated on the effects. There's no doubt that if you put your kid on Zyprexa you're facing a world of problems -

with diabetes almost the least of the problems. I'm not a big government person, but it would be nice if a child could have an advocate. Where's the child's voice in all this, you know where's their education. You know, I don't want get diabetes, I don't want to get fat, I don't want to have liver failure through taking Paxil and I don't want to become suicidal or psychotic. It happened to a good friend of my son's. The kid is gone, he's history. Great kid, brilliant, creative, but they have him on Zyprexa and something else and they keep him in his room. He's gone, absolutely gone. That's too close to home.