

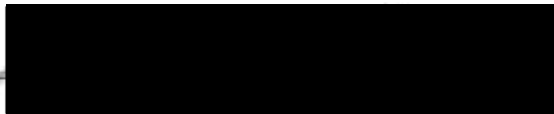
Committee on Energy and Commerce

U.S. House of Representatives

Witness Disclosure Requirement - "Truth in Testimony"  
Required by House Rule XI, Clause 2(g)(5)

1. Your Name: David Linden Barber		
2. Your Title: Partner, Quarles & Brady, LLP		
3. The Entity(ies) You are Representing: None. Although I represent DEA registrants in my legal practice, I am appearing at the request of the committee and not on behalf of any client, association or other entity, and am not authorized by any entity to speak on its behalf before the committee.		
4. Are you testifying on behalf of the Federal, or a State or local government entity?	Yes	No X
5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2013. Only grants, contracts, or payments related to the subject matter of the hearing must be listed. None.		
6. Please attach your curriculum vitae to your completed disclosure form.  See attached.		

Signature: \_\_\_\_\_



Date: 1-25-15

**D. Linden Barber / Partner and Director, DEA Compliance and Litigation Practice  
Quarles & Brady, LLP**

**Professional Experience**

D. Linden Barber is the Director of the firm's DEA Compliance and Litigation Practice in the Health Law Group, and the Managing Partner of the Indianapolis Office. Since joining Quarles & Brady in 2011, Linden has advised and represented a variety of firms and companies registered with the Drug Enforcement Administration (DEA). He counsels clients on a broad range of regulatory compliance and enforcement issues involving the Controlled Substances Act (CSA). He represents and advises manufacturers, wholesale distributors, pharmacies, hospitals and individual practitioners on compliance matters relating to their obligations under CSA and DEA's regulations. He also represents registrants in administrative and civil litigation matters in actions brought under the CSA.

Prior to joining the Firm, Linden Barber served for 11 years in a variety of positions at the Drug Enforcement Administration. He was an attorney in the Diversion Regulatory and Policy Section, the Associate Chief Counsel for the Diversion Litigation Section from 2006-2010, and finished his career at DEA by serving as the first Regional Diversion Counsel assigned to a field office to work directly with Diversion Investigators and Special Agents to handle diversion cases against DEA registrants. He has extensive experience trying cases before DEA's Administrative Law Judges and represented DEA in the only scheduling hearing conducted by the Agency in more than two decades.

**Significant Activities at DEA:**

- Initiated combined use of administrative action and civil penalties under the Controlled Substances Act (CSA) to address large volume distribution of controlled substances from wholesale distributors to retailers suspected of diverting controlled substances from legitimate channels leading to record civil penalties under the CSA.
- Developed investigative and litigation strategy to address domestic rogue Internet pharmacies. The strategy was used in three major operations resulting in dozens of administrative cases against distributors, pharmacies and physicians.
- Prepared legal guidance for agents and investigators on forfeiture of listed chemicals that are transshipped through the United States without providing proper notice to DEA resulting in the seizure and forfeiture of tons of listed chemicals worth more than \$10 million.
- Served as lead counsel in the hearing on DEA's proposed rule to schedule carisoprodol, the only hearing of its kind in more than twenty years.
- Conducted consultation meetings with officials from Native American tribes and Native American religious groups regarding the sacramental use of peyote. Developed expertise

in the religious use of controlled substances under the CSA and international drug control treaties.

Prior to joining DEA, Linden was an active duty Army Judge Advocate for eight years, serving in a variety of capacities including counsel to the Army's Military Intelligence Brigade in Korea and chief military prosecutor at Fort Belvoir, Virginia.

### **Education**

- University of Notre Dame Law School (J.D., 1989)
- Tennessee Temple University (B.A., 1986)

### **Bar Admissions**

- Washington D.C.
- Illinois (Inactive)
- Indiana

### **Court Admissions**

- U.S. District Court for the Northern District of Indiana
- U.S. District Court of Appeals for the Southern District of Indiana
- U.S. Court of Appeals for the Armed Forces
- U.S. Army Court of Criminal Appeal

### **Professional Activities**

- Adjunct Professor at Georgetown University (2010)
- Guest Lecturer, American University (2007-2013)
- Guest Lecturer, National Advocacy Center, United States Department of Justice (2009)
- Guest Lecturer, DEA Training Academy (2008-2011)

### **Professional Recognition**

- Bronze Star and Combat Action Badge for service in Operation Iraqi Freedom (2004) as a deployed U.S. Army Reserve Officer
- Organized Crime Drug Enforcement Task Force National Award for Outstanding Innovative Pharmaceutical Investigation for Operation WebDrugs (2010)
- DEA Administrator's Award for Group Achievement in Operation Lightning Strike (2009)
- New York City Bar Association Trial Advocacy Award for Army Judge Advocates (1991, 1997)

### **Selected Presentations/Publications/News**

Quoted in "DEA Restricts Narcotic Pain Drug Prescriptions," *Wall Street Journal*, August 22, 2014.

Quoted in "DEA Classifies Tramadol as Schedule IV, Creating New Requirements for Drugmakers" *Drug Industry Daily*, July 7, 2014.

"Don't Squeeze the Balloon: An International Perspective on Preventing Prescription Drug Overdoses," *DEAChronicles.com*, April 23, 2014

"Shifting Sands: Preparing for Changes in Diversion, Regulations, and Enforcement" *BuzzeoPDMA's 17th Annual Controlled Substance & State Regulatory Conference*

"Improving Predictability and Transparency in DEA and FDA Regulation" *Testimony for the Congress of the United States House of Representatives Committee on Energy and Commerce Subcommittee on Health*, April 7, 2014

"Sometimes Numbers Lie: Decline in Opioid Prescriptions is Hollow," *DEAChronicles.com*, March 12, 2014

"Suspicious Order Monitoring - What's Next?," *HDMA Distribution Management Conference and Technology Expo*, March 11, 2014.

"DEA Said What? Lessons from Administrative Actions and DEA Presentations," *The Food and Drug Law Institute, Controlled Substances Regulation Conference*, February 19, 2014.

"The Evolving Concept of Corresponding Responsibility," *American Society for Pharmacy Law Seminar*, November 17, 2013.

"Dispense with Caution: The Pharmacist's Obligations Under the Controlled Substances Act," *Guest Lecture with Lindsay Saxe at University of South Florida College of Pharmacy*, September 24, 2013.

"Healer or Dealer: Dispensing Controlled Substances in the Age of Pharmaceutical Drug Abuse," *University of Houston College of Pharmacy, Convocation Address*, March 25, 2013.

"Suspicious Order Monitoring and More: DEA's Expectation of the Supply Chain," *BuzzeoPDMA's 16th Annual Controlled Substance & State Regulatory Conference*, April 10-12, 2013.

"DEA Litigation and Enforcement Update," *The Food and Drug Law Institute, Controlled Substances Regulation*, March 28, 2013.

"The Key to Suspicious Order Monitoring is DEA: Design, Execute, and Assess" *HDMA Distribution Management Conference and Technology Expo*, March 5, 2013.

"Developments in Controlled Substances Regulation and a Foggy Crystal Ball," *American Society for Pharmacy Law Seminar*, November 16, 2012.

“Through the Looking Glass: Legal Considerations for Your Suspicious Order Monitoring Program,” *Suspicious Order Monitoring Seminar hosted by Cegedim/BuzzeoPDMA*, October 2012

“It’s What You Know and Who You Know: Enhancing Your DEA Compliance Program” *BuzzeoPDMA’s 15th Annual Controlled Substance & State Regulatory Conference*, April 2012.

“Pheds and Pharmacists: Reflections on the Phuzzy Line between Dispensing and Dealing” *Butler University Pharmacy School*, February 2012.

“Getting Your Diversion Investigation to its Final Destination,” *DEA’s National Conference for State and Local Regulators and Law Enforcement* 2011.

“Diversion is not a Diversion: How DEA Can Address America’s #1 Drug Problem,” *DEA’s Office of Chief Counsel Brown Bag Lecture Series*, 2010.

“How to Keep (or Lose) Your DEA Registration,” *DEA’s National Pharmaceutical Industry Conference*, 2009.

“You Broke My Law: Using State Law Violations in DEA Regulatory Proceedings,” *DEA’s National Conference for State and Local Regulators and Law Enforcement*, 2009.