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Husch Blackwell Becomes First Am Law 100 Firm to Launch Psychedelics Practice

Other teams have individual lawyers guiding clients on work connected to these nascent therapies, but the Husch team sees real value in formalizing the work.

By Dan Packel | March 17, 2022



(L-R) Kimberly Chew, Karen Luong and Natasha Sumner of Husch Blackwell. Courtesy photos

Husch Blackwell is stepping forward to embrace the groundswell of enthusiasm surrounding the use of psychedelic-assisted therapies for treating mental health issues.

With the launch of its new psychedelics and emerging therapies team earlier this month, it became the first Am Law 100 firm to formalize a practice group that addresses the challenges connected to this growing movement.

The group is spearheaded by senior counsel Kimberly Chew, Natasha Sumner and Karen Luong, all of whom joined Husch from Dentons (<https://www.law.com/americanlawyer/2021/04/01/husch-adds-21-attorney-group-from-dentons-to-open-in-la-san-francisco/>) in April 2021. The three women each have family members who have struggled with post-traumatic stress disorder, giving them all a stake in the success of these alternative therapies.

While a number of other Am Law 100 firms, including Fox Rothschild and Akerman (<https://www.law.com/americanlawyer/2021/11/29/moving-beyond-the-counterculture-of-the-60s-why-some-law-firms-see-promise-in-psychedelics/>), have lawyers advising clients that are working on the commercialization of psychedelic drugs and developing treatment strategies, the Husch team sees real value in formalizing the work.

“Even though you can do things ad hoc, there so much that’s interconnected through the development of psychedelic therapies to treat mental disorders,” Luong said.

Luong was one of the first children in her extended family of refugees from the Vietnam War to be born in the U.S., and she grew up surrounded by aunts and uncles who were struggling to adapt to their new country while processing the traumas of their war experience.

She noted that clients in the space might first need regulatory guidance, and then their needs could spill over into questions about company formation and intellectual property.

“To have a formalized group where interested people can sign on and say they have knowledge of the industry provides clients with the depth of knowledge in a nascent and quickly developing industry that isn’t there on a project-by-project basis,” Luong said.

Chew was a research scientist in biotech firms before going to law school, but she only gravitated to the area after first learning about the promise of drugs like psilocybin and MDMA to treat mental health disorders from Sumner. Her own exposure to PTSD came from her parents: both suffered privations during their childhoods, with her father growing up in Hong Kong during the Japanese occupation in World War II and her mother escaping Communist China on foot.

Chew and her colleagues had to do some internal marketing after she first approached the leadership at Husch about setting up a distinct practice. “They were not aware I was serious; they just thought I was from California,” she joked.

However, she was able to inform them that in spite of the fact that psilocybin and MDMA are Schedule 1 drugs in the U.S., the Food and Drug Administration has also labeled them breakthrough therapies for treatment-resistant depression and PTSD, opening the door for the expedited development and review of medical uses.

“That really opened up their eyes, knowing that there’s a legal route to getting these to market,” she said, adding that the growing attention paid to mental health issues across society during the pandemic also made a difference. There’s also been increased awareness surrounding the potential these therapies have in treating the alarming rate of PTSD, and associated addiction issues, among veterans.

The firm's early entry into cannabis work also helped create a wider comfort surrounding the new practice. "It was easier for us to get them to recognize the opportunities," Luong said.

But there are crucial distinctions. While cannabis is now widely available in many states in the U.S. for recreational use, the ongoing discussion surrounding psychedelics is primarily about the scientific research underpinning clinical use.

"We were very strategic in presenting this that it is therapy, it's not recreational use," Luong said. "That's where cannabis and psychedelics do veer significantly."

"It's not like someone is going to hand you a bag of mushrooms and you'll go off and take them by yourself," she added.

Currently, the team is advising several clients looking for guidance on corporate structuring as they establish ketamine clinics that could be expanded to offer psychedelic-mediated therapies if they earn legal approval.

Other work is coming from guiding academic and private research centers on compliance with FDA and DEA regulations, and these same entities often need contractual guidance on materials transfer agreements. Intellectual property is also a major issue. And while many of the questions at the heart of this work are now at the federal level, rescheduling these drugs and allowing therapeutic use will open new issues at the state level, including compliance with emerging state regulations and product liability considerations.

Commercialization of these therapies has also moved faster in other countries, and the team is advising one overseas business that's eyeing opportunities in the U.S. with interest.

Looking forward, Sumner—whose maternal grandparents were plagued by traumas from their own distinct World War II experiences in Germany—anticipates a rush to expand ketamine clinics to incorporate psilocybin and MDMA-based treatments, along with greater research into the promise of these medicines on physical ailments, like chronic pain and stroke recovery.

"I'm really excited to be at a firm who sees the vision along with us and is willing to go along and put ourselves out there," she said.

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