

 Regional CLE Program:

Current Issues in Pharmaceutical, Medical Device, and Biotech Litigation

November 9, 2018

Merck & Co., Inc.

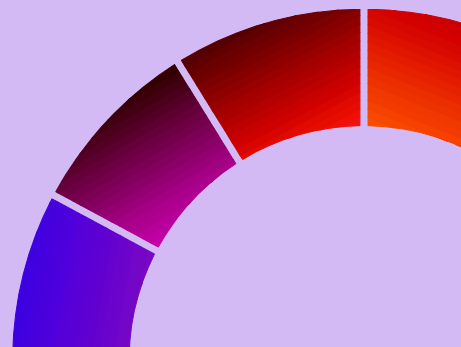
351 N Sumneytown Pike

North Wales, PA 19454

Presented by the ABA Section of Litigation Pharmaceutical, Medical Device, and Biotech Subcommittee and Mass Tort Subcommittee of the Products Liability Committee



6.25 hours of MCLE credit including 1.25 ethics hours have been requested in 60-minute states and 7.5 hours of MCLE credit including 1.5 ethics hours have been requested in 50-minute states.



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Program Agenda*

November 8, 2018

5:30 pm – 7:30 pm

Cocktail Reception

The Farmer's Daughter – 1401 Morris Rd, Blue Bell, PA | Back Bar Lounge

November 9, 2018

8:00 am – 8:45 am

Breakfast

8:00 am – 8:50 am

Registration

8:45 am – 10:00 am

Products Liability Implications of Product Innovations

Advances in technology give rise to new and complicated legal issues. These issues are how existing products liability and consumer protection laws will apply to Internet of Things products, products incorporating Artificial Intelligence and products manufactured by additives, or “3D Printing” technology. This panel will discuss products liability claims and scenarios relating to these products, insurance and intellectual property issues, risk assessment, jurisdictional issues, and legislative and regulatory issues.

Moderator: Stephen G.A. Meyers, Irwin Fritchie Urquhart & Moore LLC, New Orleans, LA

Speakers: Matthew Eisenstein, Arnold & Porter Kaye Scholer LLP, Washington, D.C.;

David L. Ferrera, Nutter McClennen & Fish LLP, Boston, MA; **Annie Huang**, Robins Kaplan

LLP, New York, NY; **Rayna E. Kessler**, Robins Kaplan LLP, New York, NY; **Richard**

Underwood, Ph.D., CEng, Exponent, Philadelphia, PA

10:00 am – 11:15 am

eDiscovery and Data at Trial

This panel will identify and discuss how to work through the challenging ediscovery issues that present themselves during the course of mass tort proceedings, and for eventual use at trial. During the discussion, the panelists will discuss negotiating the discovery plan, addressing spoliation concerns, electronic search methodologies for identifying relevant information, the risks and benefits of using cloud-based document repositories, proportionality rules and decisions, and international discovery and privacy issues, including the impact of the EU's General Data Protection Regulation. The panel will also discuss how to use electronic data at trial, evidentiary issues, authentication, and creative solutions for presenting data to a jury.

Moderator: Robin Shah, Skadden Arps Slate Meagher & Flom LLP, New York, NY

Speakers: Robert Bird, Ankura, Boston, MA; **Edward Glynn**, Ernst & Young, New York,

NY; **Christopher D. Morris**, Butler Snow LLP, Ridgeland MS

11:30 am – 12:45 pm

A View From the Bench: Best Practices in Managing Complex Litigation

This panel of distinguished judges will discuss issues related to efficiently managing complex litigation, coordinating across related cases pending in different courts, recent developments on issues such as personal jurisdiction and preemption, and also provide practical tips on pharmaceutical and medical device litigation.

Co-Moderators: Khaldoun Baghdadi, Esq., Walkup, Melodia, Kelly & Schoenberger, San Francisco, CA; **Amir Nassihi, Esq.**, Shook, Hardy & Bacon, San Francisco, CA

Speakers: Hon. William F. Highberger, Los Angeles Superior Court, Los Angeles, CA;

Hon. Brian Martinotti, United States District Judge, New Jersey District Court, Trenton, NJ;

Hon. Arnold L. New, Philadelphia County Common Pleas Court, Philadelphia, PA;

Hon. Cynthia Rufe, United States District Judge, Eastern District on Pennsylvania, Philadelphia, PA

12:45 pm – 1:30 pm

Lunch

*Subject to change

Program Agenda*

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The ABC's of Settling Mass Torts
This panel, comprised of plaintiff's counsel, defense counsel, in-house counsel and insurers, will discuss their experiences in settling mass torts, including the retention and involvement of outside counsel who are mass tort settlement specialists.

1:30 pm – 2:45 pm

Moderator: **Jessica Benson Cox**, Faegre Baker Daniels LLP, Indianapolis, IN
Speakers: **James Stephen Bennett**, Faegre Baker Daniels LLP, Fort Wayne, IN; **Peter J. Flowers**, Meyers & Flowers, Chicago, IL; **Megan Kriegstein**, CNA, Columbus, OH; **Malini Moorthy**, Bayer Corporation, Whippany, NJ; **John D. Winter**, Patterson Belknap Webb and Tyler LLP, New York, NY

Improving Litigation Civility in Mass Torts
This panel will discuss the importance of litigation civility in mass torts, especially in a time when attorneys constantly encounter one another in different venues for different litigation. The program will cover a variety of topics that are expected to affect the practice of law in coming years, including an assessment of the Trump presidency on product liability litigation, and in particular the potential impact on civility and the increase in behavior that is inappropriate and beneath the practice. This will include an analysis of efforts by bar associations and courts to address the decline in civility, as well as the increased willingness of courts and state disciplinary bodies to punish and deter uncivil behavior. The panel will also address the changes in juror behavior in the Trump era and how to work with judges to ensure civility from the bench and at the bar, between counsel in largescale contentious matters.

3:00 pm – 4:15 pm

Ethics Credit

Moderator: **Jayne Reardon**, Illinois Supreme Court Commission on Professionalism, Chicago, IL
Speakers: **Celeste Coco-Ewing**, Barrasso Usdin Kupperman Freeman & Sarver LLC, New Orleans, LA; **Cara D. Edwards**, DLA Piper LLP, New York, NY; **Vincent J. Montalto**, BASF Corporation, Florham Park, NJ; **Christopher M. Placitella**, Cohen Placitella & Roth PC, Red Bank, NJ; **Hon. Diane M. Welsh (Ret.)**, JAMS, Philadelphia, PA

*Subject to change

Program Organizers



SPONSORED BY *the ABA Section of Litigation Pharmaceutical, Medical Device, and Biotech Subcommittee and Mass Tort Subcommittee of the Products Liability Committee*

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Richeson LLC

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Join the Section and save \$70 on your registration.

Extend your participation by joining the Products Liability Committee! Committee membership is free for Section of Litigation members.

Hotel Accommodations and Pre–Meeting Events

Hotel Information:

Normandy Farm Hotel and Conference Center
1401 Morris Road
Blue Bell, PA 19422
Phone Number: 215.616.8500
Website: <https://www.normandyfarm.com/>

Reception Information:

The Farmer's Daughter (at the Normandy Farm Hotel and Conference Center)
1401 Morris Rd, Blue Bell, PA
Back Bar Lounge
November 8, 2018
5:30 PM-7:30 PM

Join us for a cocktail reception on Thursday, November 8, 2018 Normandy Farm Hotel's restaurant, The Farmer's Daughter. Guests are welcome to stay at the Normandy Farm Hotel and attend the cocktail reception on site. Individuals are responsible for making their own travel accommodations.

The hotel shuttle is available daily 7am – 10pm to any location within 8 miles of the hotel. The hotel recommends scheduling pickups/drop-offs in advance. You can call the Front Desk at 215-616-8500 to book a time.

General Information

Registration:

To register online, visit: ambar.org/ltph18

or return the Registration Form on the following page with your payment (checks only) to:

American Bar Association
Attn: Service Center – Meeting/Event Registrations Department
321 N. Clark Street, Floor 19
Chicago, IL 60654
Secure Fax Number: 312-988-5850

Please register by **November 2, 2018** to reserve your spot.

Cancellations and Substitutions:

Requests for refunds must be made in writing and received no later than **November 2, 2018** in the ABA Section of Litigation office. Please email your request to Porscha Boyd at Porscha.Boyd@americanbar.org. There will be a \$10 administrative fee deducted from the refund. Cancellations received after **November 2, 2018** will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

MCLE Credit:

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for **6.25** CLE credit hours including **1.25** ethics hours in 60-minute states and **7.5** CLE credit hours including **1.5** ethics hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit http://www.americanbar.org/cle/mandatory_cle.html or contact Porscha Boyd at Porscha.Boyd@americanbar.org or 312-988-5490.

Tuition Assistance:

A limited number of scholarships to defray registration fees may be available for government employees, public interest lawyers employed with nonprofits, academics, unemployed attorneys, and law students. For more information, please contact: Porscha Boyd at 312-988-5490 by **November 2, 2018**.

Attendance List:

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Meeting Code: LTPH18

Registration

Current Issues in Pharmaceutical, Medical Device, and Biotech Litigation

Regional CLE Program

November 9, 2018

Full Name: _____

Member ID: _____

Affiliation: _____

Address : _____

Apt. #: _____ City: _____ State: _____ Zip Code: _____

Phone: _____

Email: _____

A limited amount of scholarships are available for this program. For more information, please contact: Porscha Boyd at 312-988-5490 by November 2, 2018.

Registration Information

- \$175.00 Section of Litigation members
- \$245.00 Non-Section members
- FREE Law Students (must be a Section of Litigation member—Join for free)

Checks for attendance and course materials should be made payable to the AMERICAN BAR ASSOCIATION (credit cards for online registration only).

I will attend the CLE program and my payment for \$_____ is enclosed.

I will attend the CLE program and my payment for \$_____. My credit card info is listed below.

For credit card payment:

Name on Card: _____

Card Number: _____ Expiration Date: _____

Address: _____

Apt. #: _____ City: _____ State: _____ Zip Code: _____

We encourage you to register using the online registration link at ambar.org/ltph18. If you are unable to register online, use this form to register by mail or fax only. In order to protect your credit card information from being compromised, we no longer accept credit card payments via email.

Please send your registration form and payment to:

American Bar Association

Attn: Service Center – Meeting/Event Registrations Department

321 N. Clark Street, Floor 19

Chicago, IL 60654

Secure Fax Number: 312-988-5850

For additional information about the program, please contact Porscha Boyd at 312-988-5490.