

# Current Issues in Pharmaceutical, Medical Device & Biotech Litigation Regional CLE Program

Pfizer Inc.  
235 East 42<sup>nd</sup> Street  
New York, NY 10017

*Presented by the Section of Litigation Products Liability Committee's Pharmaceutical,  
Medical Device & Biotech Subcommittee and the Mass Torts Litigation Committee;  
Co-Sponsored by the Tort Trial & Insurance Practice Section*

**ABA**  
AMERICAN BAR ASSOCIATION  
Litigation Section

OCTOBER 24-25  
**2019**



The ABA will seek **10.5** CLE credit hours (including **2.25** ethics hours and **1.0** technology hour) in 60-minute states, and **12.6** CLE credit hours (including **2.7** ethics hours and **1.25** technology hours) in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules.

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# Program Agenda

Current Issues in Pharmaceutical, Medical Device & Biotech Litigation Regional CLE Program

THURSDAY, OCTOBER 24, 2019

8:00 AM – 8:30 AM Registration and Breakfast

8:30 AM – 8:45 AM Welcome & Introduction by Program Co-Chairs

8:45 AM – 10:00 AM **“CSI MDL” – A Forensic Analysis of the Health and Well-Being of the MDL Process**  
An update on the current status of MDL proceedings including potential suggested reforms, a discussion of the rising number of MDLs this year and input with respect to when an MDL should be considered, the JPML process, factors influencing selection of transferee courts, and strategies for proposing and resisting the creation of an MDL.

GENERAL  
CLE

**Speakers:** **John H. Beisner**, Skadden Arps Slate Meagher & Flom LLP, Washington, D.C.; **Ellen Relkin**, Weitz & Luxenberg PC, New York, NY; **Alan E. Rothman**, Arnold & Porter Kaye Scholer LLP, New York, NY

10:00 AM – 11:00 AM **Legal Issues Related to Social Media: Best Practices for Monitoring, Managing, and Ethically Advertising on Social Media**

This panel will bring together in-house counsel responsible for evaluating legal issues and establishing best practices surrounding monitoring and managing a company’s presence on social media, regulatory experts who assist companies with complying with advertising rules on social media, and seasoned litigators who will discuss potential impact of social media on later product liability litigation claims. This panel will explore ABA Model Rules of Professional Conduct to address rule changes in advertising and marketing for lawyers.

ETHICS  
CLE

**Moderator:** **Jessica Benson Cox**, Faegre Baker Daniels LLP, Indianapolis, IN  
**Speakers:** **Jessica Barth**, Faegre Baker Daniels LLP, Indianapolis, IN; **Jessi Ann Cassada**, Eli Lilly & Co., Indianapolis, IN; **April Sellers**, Kelley School of Business Indiana University, Bloomington, IN

11:00 AM – 11:15 AM Networking Break

11:15 AM – 12:30 PM **Jury Selection, Recent Verdicts, and Trends in Individual and Mass Tort Drug/Device Litigation**

These leading trial lawyers and jury consultant will update you with highlights from some of the most recent drug and device results and provide insight at what factors may be influencing such outcomes from the current political climate to the generational makeup of modern juries.

GENERAL  
CLE

**Speakers:** **Robert T. Adams**, Shook Hardy & Bacon LLP, Kansas City, MO; **Marissa Beyers**, Trial Behavior Consulting, Los Angeles, CA; **Thomas P. Cartmell**, Wagstaff & Cartmell LLP, Kansas City, MO; **Diane P. Sullivan**, Weil Gotshal & Manges LLP, Princeton, NJ

12:30 PM – 1:30 PM Lunch

# Program Agenda

Current Issues in Pharmaceutical, Medical Device & Biotech Litigation Regional CLE Program

THURSDAY, OCTOBER 24, 2019

1:30 PM – 2:45 PM

## **Brand Preemption, Innovator Liability, Personal Jurisdiction, And More... The Key Decisions Affecting Drug and Device Litigation in the Last Year**

The last 12 months have seen a number of cases with significant implications to pharmaceutical and medical device litigation in areas such as brand preemption, innovatory liability, personal jurisdiction, and more. These speakers will provide an overview of these and other key decisions affects drug and device litigation.

**Speakers:** **Andrew Boczkowski**, GlaxoSmithKline PLC, Philadelphia, PA.; **Randall L. Christian**, Bowman and Brooke LLP, Austin, TX; **Teri H. Peeples**, Sidley Austin LLP, New York, NY

GENERAL  
CLE

2:45 PM – 3:00 PM

## **Networking Break**

3:00 PM – 4:00 PM

## **Effective Use of Science & Technology Court Education Days**

The last few years have seen an uptick in pharmaceutical mass torts and other complex litigation. This has increased the importance of Science and Technology Days to effectively educate the court. These speakers will provide an overview on the effective use of Science & Technology Days, including insight on timing and structure.

**Speakers:** **Rayna E. Kessler**, Robins Kaplan LLP, New York, NY; **Thomas J. Sheehan**, Phillips Lytle LLP, Buffalo, NY

TECHNOLOGY  
CLE

4:00 PM – 5:15 PM

## **National Class Actions Trends and Caselaw Update**

Class actions remain among the most daunting civil litigation threats faced by product manufacturers. These speakers will provide an update on the latest legal developments in, and strategic considerations for class litigation.

**Moderators:** **Michael L. Mallow**, Shook Hardy & Bacon LLP, Los Angeles, CA; **Dee Miles**, Beasley Allen Law Firm, Montgomery, AL

**Speakers:** **Marcy Hogan Greer**, Alexander Dubose & Jefferson LLP, Austin, TX; **Adam J. Levitt**, DiCello Levitt Gutzler, Chicago, IL; **David S. Stellings**, Lieff Cabraser Heimann & Bernstein LLP, New York, NY

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6:00 PM – 8:00 PM

## **Cocktail Reception**

*Docks Oyster Bar  
633 Third Avenue  
New York, NY 10017*



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# Program Agenda

Current Issues in Pharmaceutical, Medical Device & Biotech Litigation Regional CLE Program

FRIDAY, OCTOBER 25, 2019

8:00 AM – 8:45 AM Breakfast and Registration

8:45 AM – 10:00 AM

## Inside View: Legal and Ethical Considerations for In-House Counsel

Corporate counsel life can present its own set of challenges. With discussion of the model rules, this distinguished panel will address some of the issues faced by corporate counsel when retaining and managing outside counsel, related ethical considerations and compliance issues, as well as when dealing with complex litigation.

ETHICS  
CLE

**Moderators:** **Makenzie Windfelder**, McCarter & English LLP, Wilmington, DE;

**Mary R. Pawelek**, Bowman and Brooke LLP, Austin, TX

**Speakers:** **Daniel Healey**, Pfizer Inc., New York, NY; **Taylor Reynolds**, Allergan, Madison, NJ; **Marc Shelley**, Anheuser-Busch InBev, New York, NY; **Amy Todd Klug**, Daiichi Sankyo Inc., Basking Ridge, NJ

10:00 AM – 11:00 AM

## Key Considerations in Class Action Settlements

With multiple moving parts, class action settlements can be difficult to navigate. Learn about the key issues to consider in reaching a class action settlement, presenting a class action settlement before a judge for approval, dealing with objectors, and executing the final details.

GENERAL  
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**Speakers:** **Hon. Jay C. Gandhi (Ret.)**, JAMS, Los Angeles, CA; **Eric Gibbs**, Gibbs Law Group LLP, San Francisco, CA; **Amy E. Keller**, DiCello Levitt Gutzler, Los Angeles, CA

11:00 AM – 11:15 AM

## Networking Break

11:15 AM – 12:30 PM

## A View From The Bench: Judicial Perspectives on Managing Complex Litigation

This panel of judges, moderated by representatives of both sides of the bar, will discuss best practices in effectively and efficiently managing complex litigation, federal/state coordination best practices, effective use of Science and Technology Days, issues surrounding common benefit funds, and appointment of leadership considerations such as diversity in the courtroom and developing the next generation of lead complex litigation lawyers.

GENERAL  
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**Moderators:** **Khaldoun Baghdadi**, Walkup Melodia Kelly & Schoenberger, San Francisco, CA; **Jaime L. Dodge**, Emory University School of Law, Atlanta, CA; **Amir Nassihi**, Shook Hardy & Bacon LLP, San Francisco, CA

**Speakers:** **Hon. Robert M. Dow Jr.**, U.S. District Court for the Northern District of Illinois, Chicago, IL; **Hon. William F. Highberger**, Los Angeles Superior Court, Los Angeles CA; **Hon. Brian Martinotti**, U.S. District Court for the District of New Jersey, Trenton, NJ



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# Program Organizers

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**Hon. William F. Highberger**

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Los Angeles, CA

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**Hon. Brian Martinotti**

U.S. District Court for the District  
of New Jersey  
Trenton, NJ

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# General Information

## Cancellations and Substitutions

Requests for refunds must be made in writing and received no later than **October 10, 2019** in the ABA Section of Litigation office. Please email your request to Corey Irion at [Corey.Irion@americanbar.org](mailto:Corey.Irion@americanbar.org). There will be a \$10 administrative fee deducted from the refund. Cancellations received after October 10, 2019 will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

## MCLE Credit

The ABA will seek **10.5** CLE credit hours (including **2.25** ethics hours and **1.0** technology hour) in 60-minute states, and **12.6** CLE credit hours (including **2.7** ethics hours and **1.25** technology hours) in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules. Please visit the program website at [ambar.org/ltph19](http://ambar.org/ltph19) for CLE program details or visit [www.americanbar.org/mcle](http://www.americanbar.org/mcle) for general information on CLE at the ABA.

## 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 Corey Irion at [corey.irion@americanbar.org](mailto:corey.irion@americanbar.org) by **September 12, 2019**.

## Attendance List

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# Registration Form:

## Current Issues in Pharmaceutical, Medical Device & Biotech Litigation Regional CLE Program

Please complete the registration form below or click [here](#) for the registration page.

Full Name: \_\_\_\_\_  
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A limited amount of scholarships are available for this program. For more information, please contact Corey Irion [corey.irion@americanbar.org](mailto:corey.irion@americanbar.org) by **September 12, 2019**.

### Registration Information:

- \$195.00** Section of Litigation Members
- \$195.00** Tort Trial & Insurance Practice Section Members
- \$265.00** ABA Members
- \$295.00** Non-Members
- FREE** Law Students

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

# Registration Information

*Please register by **October 10, 2019** to reserve your spot. We encourage you to register using the online registration link at [ambar.org/ltp19](http://ambar.org/ltp19). If you are unable to register online, please use the registration form to register by mail or fax only. In order to protect your credit card information from being compromised, we do not accept credit card payments via email.*

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