Shook, Hardy & Bacon L.L.P.

JUNE 5, 2014

PRODUCT LIABILITY LITIGATION REPORT

CONTENTS

FIRM NEWS

Q&A with Oot Focuses on Transition to SHB and eDiscovery Non-Profit

Shook, Hardy & Bacon eDiscovery, Data & Document Management Partner **Patrick Oot** is the subject of an online **interview** appearing June 3, 2014, on the *Recommind* blog in a post authored by the legal software company's eDiscovery Counsel Drew Lewis. Oot's distinction as former in-house counsel for a *Fortune* 16 company and senior counsel at a federal regulatory agency is highlighted as Oot explains what motivated him to join SHB's e-compliance and digital investigations team. Noting that he and friend SHB Partner **Amor Esteban** were already working together on "some very challenging international data privacy issues," Oot cites the firm's market leadership position in many practice areas and its strong vision for diversity.

He also discusses the non-profit Electronic Discovery Institute that he launched with the support of partners such as Recommind and the Georgetown Law Center to educate the profession "on matters at the intersection of technology and the law." He reports how the project has expanded beyond its initial focus on the effectiveness of predictive coding. Among other matters, Oot observes that compliance preparedness, data governance, cross-border compliance, and cybersecurity are some of the key challenges facing corporations today.

Behrens & Horn Publish on Third-Party Liability in Asbestos Litigation

Shook, Hardy & Bacon Public Policy Co-Chair **Mark Behrens** and Associate **Margaret Horn** have **co-authored** an article published in the most recent issue of the *American Journal of Trial Advocacy*. Titled "Liability for Asbestos-Containing Connected or Replacement Parts Made by Third-Parties: Courts Are Properly Rejecting This Form of Guilt by Association," the article discusses the current trend among plaintiffs' lawyers to attempt to expand liability beyond bankrupt asbestos manufacturers to companies that make products sold without parts, later incorporated, containing asbestos made by others.

Analyzing numerous cases "outside of the asbestos context in which courts refused to impose liability on manufacturers for harms caused by products outside of their chain of distribution," the authors call on courts to similarly reject legal theories that

SHB offers expert, efficient and innovative representation to clients targeted by class action and complex litigation. We know that the successful resolution of products liability claims requires a comprehensive strategy developed in partnership with our clients.

For additional information on SHB's Global Product Liability capabilities, please contact

Walt Cofer
+1-816-474-6550
wcofer@shb.com

Greg Fowler
+1-816-474-6550
gfowler@shb.com

or

Simon Castley
+44-207-332-4500
scastley@shb.com

or

Marc Shelley
+41-22-787-2000
mshelley@shb.com

would require the manufacturers of uninsulated products to warn "about potential harms from exposure to asbestos-containing external thermal insulation manufactured and sold by third-parties and attached post-sale."

Behrens and Silverman Discuss Significant Asbestos Ruling in *For the Defense*

Shook, Hardy & Bacon Public Policy Partners **Mark Behrens** and **Cary Silverman** have **co-authored** an article titled "The *Garlock* Bankruptcy Order and What It Means for Defense Counsel" appearing in the May 2014 issue of *DRI's For the Defense*. The article analyzes a January 2014 North Carolina bankruptcy court ruling that focused on how "settlements of mesothelioma claims in the tort system were 'infected by the manipulations of exposure evidence by plaintiffs and their lawyers'" and "had the effect of unfairly inflating the recoveries" against a gasket and packing manufacturer. The court estimated that the company's liability for pending and future mesothelioma claims was some $1 billion less than the $1-1.3 billion requested by plaintiff committees. Behrens and Silverman discuss how the opinion can be expected to affect similar litigation pending before other courts, and, claiming that "[t]he frank language and documented abuses" in the court's order are already rippling through the legal profession and media, they conclude that it "is a must-read for asbestos defense counsel and should be brought to the attention of judges in asbestos cases and policymakers."

Croft Assesses Recent European Collective-Actions Developments

Shook, Hardy & Bacon Global Product Liability Partner **Sarah Croft** has **authored** an article titled "Collective actions in Europe" for the May 2014 issue of *The In-House Lawyer*. Croft provides an overview of class action law in various European countries and discusses the European Commission's proposals for a Europe-wide collective redress scheme. She also addresses the Consumer Rights Bill, introduced in the U.K. Parliament in January 2014; it would allow private competition damages actions in a scheme that appears to be at odds with the European Commission's recommendations.

Shelley and Fedeles Co-Author *Law360* Article on New French Class Action Law

Shook, Hardy & Bacon Global Product Liability Partner **Marc Shelley** and Associate **Emily Fedeles** recently **co-authored** an article about the new French Consumer Act (*Loi Hamon*), which contains a class action procedure for consumer protection and antitrust claims. Published by *Law360*, the article chronicles the history of the Act as it moved through the French government, summarizes its provisions and details the new class action procedure. Shelley and Fedeles also identify significant flaws in the procedure, focusing especially on the lack of protection for defendants. For example, the law deprives defendants of defenses that they might have if the claims were brought individually; in addition, it creates one-way *res judicata* because a court's

judgment on general liability can happen before the class certification stage, and a judge's liability ruling does not bind absent putative class members if the class has not yet been certified.

CASE NOTES

Massachusetts High Court Finds Personal Jurisdiction Challenge Waived

The Massachusetts Supreme Judicial Court has ruled that a party can waive its challenge to personal jurisdiction by actively engaging in litigation after it timely asserts the defense in a responsive pleading. ***Am. Int'l Ins. Co. v. Robert Seuffer GmbH & Co. KG*, No. 11418 (Mass., decided May 14, 2014)**. The issue arose in the context of claims that the German defendant's picture hangers failed and caused damage to a valuable painting.

The company raised the personal jurisdiction defense in its answer to the complaint, but then pursued litigation on the merits for more than 18 months before it filed a motion for summary judgment, based largely on the jurisdictional defense. The applicable rules of procedure set forth the grounds for waiver of the defense, but do not include this circumstance. The court agreed with the plaintiff that "failure to raise the defense in a motion or responsive pleading would ensure its forfeiture, but inclusion of the defense in such a pleading might not ensure its preservation."

The court agreed with the plaintiff that "failure to raise the defense in a motion or responsive pleading would ensure its forfeiture, but inclusion of the defense in such a pleading might not ensure its preservation."

Declaring the matter fact-sensitive, the court explained that the parties' conduct throughout the litigation could forfeit the defense. Among the factors courts must consider are the amount of time that has elapsed, any changed procedural posture of the case, the period between a party's initial and subsequent assertion of the defense, the extent to which the party engaged in discovery on the merits, and whether the party engaged in substantive pretrial motion practice. During the 18 months following its response to the complaint, the defendant here conducted discovery on the merits, took depositions and even filed an emergency motion to compel inspection of the residence in which the picture hangers were used.

The court also determined that applying its interpretation of the rule retroactively would not impose any undue hardship on the litigants because its holding affirmed, rather than contradicted, extant case law and the German company's active participation in the litigation caused both the plaintiff and court "to have a reasonable expectation that it would defend the suit on the merits." While personal jurisdiction over the defendant was admittedly lacking, the court affirmed the lower court's denial of the company's motion for summary judgment.

Nevada Supreme Court Finds No Jurisdiction over Foreign Companies

The Nevada Supreme Court has determined that the state could not exercise jurisdiction over German companies named as defendants in litigation arising out of allegedly faulty plumbing parts sold by a U.S. company before it was purchased and its liabilities assumed by U.S.-based subsidiaries of the German companies. ***Viega GmbH v. 8th Jud. Dist. Ct.*, No. 59976 (Nev., decided May 29, 2014)**. So ruling, the court issued the writ of prohibition requested by the German defendants to preclude the district court from allowing the case to proceed against them.

According to the court, the German companies were not subject to general jurisdiction because neither they nor their U.S.-based subsidiary "are incorporated in or hold their principal places of business in Nevada." As for agency and specific jurisdiction, the court ruled that the relationship between the German and U.S. entities was insufficient to show that the U.S. companies were the German companies' agents or that the German companies exercised control beyond that typical in a parent-subsidiary relationship. Two concurring jurists would have decided the matter on the basis of the foreign defendants' contacts with the state, which they deemed insufficient for specific jurisdiction. They argued that the majority erred by resorting to a discredited "agency" test.

Seventh Circuit Rejects Class Settlement, Castigates Class Counsel

The Seventh Circuit Court of Appeals has rejected the settlement of design-defect claims involving a line of Pella casement windows, finding that it should have been disapproved on multiple grounds including that the lead class counsel was the son-in-law of the lead class representative. ***Eubank v. Pella Corp.*, Nos. 13-2091, -2133, -2136, -2162, -2202 (7th Cir., decided June 2, 2014)**.

According to Judge Richard Posner, writing for the court, this family relationship created a grave conflict of interest, which only "a tiny number of class members would have known about," particularly given the proposed fee award of $11 million. He also discussed the legal, ethical and financial problems facing class counsel at the time, finding that the larger the fee award, the better off the lead plaintiff's "daughter and son-in-law would be financially—and (which sharpened the conflict of interest) by a lot." While the settlement agreement apparently valued the claims of class members at some $90 million, the complexity of filing a claim for a capped payment or the possible recovery of more through arbitration resulted in "claims sought in the aggregate [of] less than $1.5 million [that] were likely to be worth even less because Pella would be almost certain to prevail in some, maybe most, of the arbitration proceedings." Concluding that the settlement "flunked the 'fairness' standard by the one-sidedness of its terms and the fatal conflicts of interest on the part of [the lead plaintiff] and [lead counsel]," the court reversed and remanded for further proceedings.

According to Judge Richard Posner, writing for the court, this family relationship created a grave conflict of interest, which only "a tiny number of class members would have known about," particularly given the proposed fee award of $11 million.

Federal Court Approves Settlement in Failure to Report Defective Ovens

A federal court in Georgia has approved a consent decree between the U.S. government and Electrolux Home Products, Inc. over the company's alleged failure to comply with the Consumer Product Safety Act's reporting requirements. *United States v. Electrolux Home Prods., Inc.*, No. CV114-117 (U.S. Dist. Ct., S.D. Ga., Augusta Div., approved May 14, 2014). Without admitting any liability, Electrolux has agreed to pay $750,000 as a civil penalty and will implement and maintain a compliance program. The company apparently knew as early as 2005 that some of its ovens posed a burn and fire hazard to consumers by allowing gas to accumulate inside, but the company waited until late 2007 to report the problem. *See Law360*, May 14, 2014.

CPSC and Former Buckyballs® Owner Resolve Product Recall Dispute

The U.S. Consumer Product Safety Commission (CPSC) has approved the terms of a consent agreement, in a 2-1 vote, with the now-defunct company that sold 2.5 million sets of Buckyballs® and Buckycubes®, high-powered magnetic adult desk toys that CPSC sought to subject to a voluntary recall on the ground that they presented a "substantial product hazard" and were defective because their instructions, packaging and warnings were inadequate. *In re Maxfield & Oberton Holdings, LLC*, No. 12-1 (CPSC, settlement approved May 9, 2014). Also agreeing to the settlement, which will require him to deposit $375,000 into an escrow account for the costs of recall notification and to provide consumer refunds, is former company CEO Craig Zucker. Without admitting any liability, he further agreed to drop any claims he had filed against the commission.

Also agreeing to the settlement, which will require him to deposit $375,000 into an escrow account for the costs of recall notification and to provide consumer refunds, is former company CEO Craig Zucker.

Each CPSC commissioner authored an individual statement. While Commissioner Ann Marie Buerkle approved the proposed settlement, she wrote to express her concern with the addition of Zucker to the proceeding in his individual capacity, noting that the commissioners had not approved the amended complaint that brought him into the dispute. Commissioner Marietta Robinson praised the outcome in light of the serious injuries purportedly caused by these types of products. Robert Adler, serving as acting chair until his nomination to the position is approved by the U.S. Senate, dissented on a number of grounds. He objected to the six-month duration of the recall claim period, the value of the settlement—a fraction of the value of all the products sold—and the agreement's requirement that funds remaining in the escrow account be returned to Zucker.

Adler also highlighted an issue that has been of concern to legal commentators. The agreement supersedes the administrative law judge's grant of CPSC staff's request to add Zucker individually as a respondent. Thus, unanswered is whether the commission has the authority to include individuals as respondents. Adler believes that it does in appropriate cases, but expressed no opinion as to whether this was such a case.

Meanwhile, CPSC will **conduct** a telephonic prehearing conference on June 19 in related matters against Zen Magnets, LLC and Star Networks USA, LLC. The public is invited to attend the conference, which takes place in Galveston, Texas. *See Federal Register*, June 3, 2014.

Delaware Supreme Court Rules Investigation Required on Juror Internet Research

In a medical malpractice case, the Delaware Supreme Court has held that the trial court erred in failing to conduct an investigation when allegations that a juror conducted Internet research were raised. ***Baird v. Owczarek*, No. 504, 2013 (Del., decided May 28, 2014)**. According to the court, "Internet research by a juror is an improper extrinsic influence that is an egregious circumstance because it has the prospect of being so inherently prejudicial that it raises a presumption of prejudice." The court also ruled that further investigation by the trial court is mandatory once evidence of Internet research by a juror has been presented. Because the lower court failed to investigate the allegation, the court reversed and remanded for a new trial.

THE INTERNATIONAL BEAT

Sweden to Sue EU for Delay in Endocrine Disruptor Regulation

Sweden's Environment Ministry has **issued** a statement indicating that it intends to bring legal action against the European Commission for delays in adopting the scientific criteria for endocrine disruptors, a necessary step in their regulation. Minister Lena Ek said, "It is a serious matter, not least with regard to the protection of young children, that the Commission is delaying this important process. I am also concerned that the Commission does not make a clear distinction between what science says about the intrinsic characteristics of these substances and the consequences of a substance being identified as an endocrine disruptor." *See Swedish Prime Minister's Office Press Release*, May 23, 2014.

ALL THINGS LEGISLATIVE AND REGULATORY

New Bill Would Require Public Interest Considerations Before Sealing Court Records in Product Liability Cases

U.S. Sens. Richard Blumenthal (D-Conn.) and Lindsey Graham (R-S.C.) have introduced the Sunshine in Litigation Act of 2014 (**S. 2364**) to compel federal judges to consider public interest before sealing court records in cases involving public health and safety, thus discouraging "secret settlements." Blumenthal argues that current federal court rules "make it too easy for bad actors to use protective orders to broadly shield vast amounts of information vital to health and safety from public scrutiny." Similar

Blumenthal argues that current federal court rules "make it too easy for bad actors to use protective orders to broadly shield vast amounts of information vital to health and safety from public scrutiny."

legislation has been proposed and debated every few years since 1991, with the most recent iteration, the Sunshine in Litigation Act of 2011, passing out of the Senate Judiciary Committee but never reaching the Senate floor for a vote. *See Sen. Richard Blumenthal Press Release*, May 20, 2014.

Safety Agency Claims Sixth Death Linked to Recalled Infant Recliner

The U.S. Consumer Product Safety Commission (CPSC) has reportedly confirmed that a sixth infant has died in connection with use of the Nap Nanny® infant recliner. Manufactured by the now defunct Baby Matters, LLC, the Nap Nanny® was first recalled in 2010, after five infant deaths were attributed to the product. In December 2012, CPSC filed a lawsuit against the manufacturer, resulting in a June 2013 voluntary recall settlement. Although the Nap Nanny® is no longer sold in stores, CPSC officials have urged consumers who own the recliners to dispose of them immediately and not to purchase them at yard sales or online auction sites. According to CPSC, the products contain defects in the design, warning labels and instructions, and have contributed to at least 92 injuries. Additional details about the 2013 settlement appear in the June 13, 2013, **issue** of this *Report*. *See CPSC Blogger*, May 27, 2014.

CPSC Proposes New Safety Standard for Frame Child Carriers

The U.S. Consumer Product Safety Commission (CPSC) has **issued** a notice of proposed rulemaking under the Consumer Product Safety Improvement Act of 2008 to establish a mandatory safety standard for frame child carriers. Defining a frame child carrier as "a product normally of sewn fabric construction on a tubular metal or other frame, which is designed to carry a child, in an upright position, on the back of the caregiver," the agency has determined that the voluntary standard on which the proposal is based—ASTM F2549-14, *Standard Consumer Safety Specification for Frame Child Carriers*—is sufficient to address the hazards it has identified, but has proposed one modification "to specify requirements for the retention system performance test to provide clear pass/fail criteria for the carrier's restraints." CPSC also proposes amending 16 C.F.R. Part 1112 to add frame child carriers to the list of children's product safety rules for which CPSC has issued a notice of requirements. Comments will be accepted until July 30, 2014. *See Federal Register*, May 16, 2014.

CPSC Extends Comment Period on Ways to Reduce Third-Party Testing Costs

The U.S. Consumer Product Safety Commission (CPSC) has **granted** requests to extend the comment period following an April 2014 public workshop "regarding potential ways to reduce third party testing costs through determinations consistent with assuring compliance." The Juvenile Products Manufacturer's Association and Toy Industry Association requested the extension to allow the continued collection of data. Comments are now requested by July 16, 2014. *See Federal Register*, May 19, 2014.

CPSC Introduces Senior Safety Initiative

To address the increasing number, rate and cost of serious injuries to senior citizens, the U.S. Consumer Products Safety Commission (CPSC) has launched its "Senior Safety Initiative," which aims to "find inventive ways to address consumer product-related injuries to the ever growing population of seniors." According to CPSC, nearly 65 percent of the 37,000 consumer product-related deaths that occur annually in the United States involve adults older than 65, currently representing just 13 percent of the population. With this population growing and expected to comprise 20 percent of the nation's population by 2030, CPSC reports that the number of consumer product-related injuries to seniors in the United States increases each year.

Under the initiative, the agency plans to, among other things, (i) establish a Mechanical and Seniors Hazards team, (ii) produce a senior-focused Hazard Screening Report, (iii) join the Federal Interagency Forum on Aging Related Statistics, and (iv) continue its work with the U.S. Food and Drug Administration on rule-making activity and educational materials relating to adult portable bed rails. *See CSPC News Release*, May 19, 2016.

NHTSA Seeks Comments on Crash Information Collection, Changes Underway

The U.S. National Highway Traffic Safety Administration (NHTSA) has **requested** comments on the estimated time and expense burdens of an information collection on motor vehicle traffic crashes through the agency's National Automotive Sampling System Crashworthiness Data System and Special Crash Investigation programs. Comments must be submitted by July 11, 2014. NHTSA is currently upgrading its data systems "by improving the information technology infrastructure, updating the data we collect and reexamining sample sites." According to the agency, more data are needed from crashes not currently included in its sampling system, "such as those involving large trucks, motorcycles, and pedestrians." *See Federal Register*, May 12, 2014.

According to the agency, more data are needed from crashes not currently included in its sampling system, "such as those involving large trucks, motorcycles, and pedestrians."

Vermont Senate Passes Bill Regulating Chemicals in Children's Products

The Vermont Senate has approved House amendments to a bill (**S. 239**) that would allow the state's Department of Health (DOH) to regulate chemicals in children's products. Known as the "Toxic-Free Families Act," the bill would define children's products as any consumer product marketed for use by (or marketed to), sold, offered for sale, or distributed to children younger than age 12, including toys, cosmetics, jewelry, clothing, car seats, and products for teething, sucking, or for the facilitation of sleep, relaxation, or feeding. The bill would exempt consumer electronics, packaging, food and beverages, and other products.

Identifying chemicals of "high concern" to children, the bill would direct DOH to create and maintain a list of purportedly hazardous chemicals. Beginning July 1, 2016,

the bill would require manufacturers to submit a notice for each "chemical of high concern" in children's products where "the chemical is intentionally added to a children's product at a level above the Practical Quantification Limit (PQL) produced by the manufacturer." Notices must also be submitted when a chemical of high concern is present in a children's product at a concentration of 100 parts per million or greater, and a $200 fee would be assessed for each notice submitted. The bill awaits Gov. Peter Shumilin's (D) signature.

California Bar Seeks Comment on ESI Discovery Ethical Duties

The California Bar's Standing Committee on Professional Responsibility and Conduct has **issued** for public comment a proposed formal opinion that would address an attorney's obligations when handling the discovery of electronically stored information (ESI). The proposal focuses on an attorney's required level of technical knowledge and ability, depending on the e-discovery issues presented by a particular matter, and what options face counsel lacking the required competence. Comments are requested by June 24, 2014.

LEGAL LITERATURE REVIEW

Elizabeth Chamblee Burch, "Judging Multidistrict Litigation," *New York University Law Review* (forthcoming 2014)

Arguing against conventional wisdom that judges are powerless to police private settlements because the parties consent to settle, University of Georgia Law Professor Elizabeth Chamblee Burch critiques judicial intervention in multidistrict litigation (MDL) settlements by discussing the repeated appointments of the same lead lawyers and the lack of appellate or legislative scrutiny for settlement agreements. Chamblee presents empirical data showing that judges repeatedly appoint a small number of lead attorneys in MDL cases and argues that the reputational, financial and reciprocity concerns of those attorneys may trump their fidelity to their clients, resulting in potentially inadequate representation. She points to judicial practices that further the problems, including early lead-lawyer appointments that disregard later conflicts and the use of pieced-together doctrines to justify compensating the appointed attorneys. Increasing the variety of lead lawyers on these cases, she suggests, would result in more fair representation of claimants' diverse interests.

Chamblee presents empirical data showing that judges repeatedly appoint a small number of lead attorneys in MDL cases and argues that the reputational, financial and reciprocity concerns of those attorneys may trump their fidelity to their clients, resulting in potentially inadequate representation.

Georgene Vairo, "Lessons Learned by the Report: Is Disaggregation the Answer to the Asbestos Mess?," *Tulane Law Review* (forthcoming 2014)

Loyola Law School Los Angeles Professor Georgene Vairo documents and reflects on her role as reporter for the American Bar Association Torts and Insurance Section Task Force examining current issues confronting asbestos stakeholders. She writes that as chair of a medical device claimant's trust, she believed that "the use of multidistrict litigation, class actions, or other aggregation tools, and even Chapter 11 reorganization provided fair and efficient vehicles for the resolution of mass torts." After observing testimony from two judges on disaggregating cases into their core components through her January 2013 appointment as reporter for the task force, Vairo has changed her mind—at least in regard to asbestos litigation. She now argues that "the disaggregation of asbestos claims allowed asbestos cases to be prepared for trial (or settlement discussions) more expeditiously." The plaintiffs benefited more from a quicker resolution to their cases, she writes, and disaggregation allowed those discussions to proceed. She concludes by discussing whether her observations can apply more broadly to other mass tort litigation, noting reasons that asbestos litigation may be unique.

LAW BLOG ROUNDUP

How Reliable Are Published Versions of Cases, Laws or Regulations?

"The recent kerfuffle about Supreme Court Justices changing the text of already released opinions raises the larger question of how we can ever know whether the version of any statute or case or regulation we are reading is the 'final one.'" Texas Tech University School of Law Professor Jennifer Bard, commenting on news stories that U.S. Supreme Court justices may change the text of their opinions before they are officially published and noting that "[g]iven how important a problem it can be if the text we rely on is wrong, it's interesting that authenticating information plays no role in the legal curriculum."

PrawfsBlawg, May 31, 2014.

THE FINAL WORD

U.S. Supreme Court Denies Review in Fen-Phen Fund Looting Case

In an order made without comment, the U.S. Supreme Court has declined to examine the decision of the Kentucky Supreme Court that restored a $42-million judgment against three attorneys who stole from the $200-million settlement fund created for victims of diet-drug fen-phen. *Cunningham v. Abbott* No. 13-1157 (U.S., cert. denied May 27, 2014). The fund was created by a settlement deal with fen-phen maker American Home Products Inc. (AHP) after the drug was purportedly linked to primary pulmonary hypertension and vascular heart disease in 1997.

Shook, Hardy & Bacon L.L.P.

PRODUCT LIABILITY LITIGATION REPORT

JUNE 5, 2014

A trio of attorneys—Shirley Cunningham Jr., William Gallion and Melbourne Mills Jr.—joined two other lawyers to sue AHP and, upon securing the $200-million settlement, were tasked with distributing the fund to the plaintiffs. Instead, the three attorneys failed to inform the claimants of the settlement and took most of the fund themselves, leaving $45 million for victims. In the claimants' lawsuit against the attorneys for breach of fiduciary duty, the trial court granted summary judgment for the plaintiffs and ordered the attorneys to pay $42 million in damages. Later, the appeals court overturned the decision, citing a material issue of fact created by expert testimony about attorney's fee contracts. Finally, the Kentucky Supreme Court examined the issue, ruling unanimously that the testimony "shed no light whatsoever" on the suit's essential facts and reinstating the $42-million judgment. With the U.S. Supreme Court denying certiorari, the case has now effectively ended.

UPCOMING CONFERENCES AND SEMINARS

ACI, Chicago, Illinois – June 11-12, 2014 – "2nd Annual Consumer Products Regulation and Litigation Conference." Shook, Hardy & Bacon Public Policy Partner Cary Silverman will serve with former Consumer Product Safety Commission Chair Inez Tenenbaum on a panel titled "Preparing for the Future of CPSC Practice." The panel will address issues including adapting to the visibility of CPSC's online product hazard database and the implications of proposed rules that would significantly alter the voluntary recall process and safeguards on public disclosure of company information. ■

OFFICE LOCATIONS

Denver, Colorado
+1-303-285-5300
Geneva, Switzerland
+41-22-787-2000
Houston, Texas
+1-713-227-8008
Irvine, California
+1-949-475-1500
Kansas City, Missouri
+1-816-474-6550
London, England
+44-207-332-4500
Miami, Florida
+1-305-358-5171
Philadelphia, Pennsylvania
+1-267-207-3464
San Francisco, California
+1-415-544-1900
Seattle, Washington
+1-206-344-7600
Tampa, Florida
+1-813-202-7100
Washington, D.C.
+1-202-783-8400

ABOUT SHB

Shook, Hardy & Bacon is widely recognized as a premier litigation firm in the United States and abroad. For more than a century, the firm has defended clients in some of the most substantial national and international product liability and mass tort litigations.

Shook attorneys have unparalleled experience in organizing defense strategies, developing defense themes and trying high-profile cases. The firm is enormously proud of its track record for achieving favorable results for clients under the most contentious circumstances in both federal and state courts.

The firm's clients include many large multinational companies in the tobacco, pharmaceutical, medical device, automotive, chemical, food and beverage, oil and gas, telecommunications, agricultural, and retail industries.

With 95 percent of our more than 440 lawyers focused on litigation, Shook has the highest concentration of litigation attorneys among those firms listed on the *AmLaw* ***100,*** *The American Lawyer's* list of the largest firms in the United States (by revenue).