

Mass Torts Forum: A Roundtable for Judges and Lawyers

Date: February 9, 2012

Location: Grand Ballroom, The Ritz-Carlton Hotel, Philadelphia

Moderators:

Plaintiff:

Michael Burg, Burg Simpson Eldredge Hersh Jardine

Russ Herman, Herman Herman Katz & Cotlar

Zoe Littlepage, Littlepage Booth

Mike Papantonio, Levin Papantonio Thomas Mitchell Rafferty & Proctor

Paul Pennock, Weitz & Luxenberg

Chris Seeger, Seeger Weiss

Defense:

Stephen Bennett, Baker & Daniels

Tarek Ismail, Goldman Ismail Tomaselli Brennan & Baum

Heidi Levine, DLA Piper

Stephen McConnell, Dechert

Judicial Panel:

Hon. Garrett Brown, Chief Judge, U.S. Dist. Court, New Jersey (Fosamax Femur MDL)

Hon. Donovan Frank, U.S. District Judge, Minnesota (Guidant MDL)

Hon. David Herndon, Chief Judge, U.S. District Court, So. Dist. Of Illinois (Yaz MDL)

Hon. Sandra Mazer Moss, Philadelphia Court of Common Pleas

Hon. Daniel Stack, (ret.), Special Master Yaz Litigation, Illinois

Agenda

Wednesday, February 8

5:30 Opening Night Cocktail Reception, followed by Dinner Buffet and Auction to Support the new Center for Social Justice at Temple Law School of Philadelphia (all attendees and speakers are invited – please RSVP to: sboothe@levinlaw.com)

Thursday, February 9

8:00 Registration and Continental Breakfast

9:00 Mass Tort Coordination

- Can MDLs keep up with state court trial settings?
- Priority of deposition examination
- State and federal cooperation
- Forum non conveniens

- Uses and abuses of the protective orders
- Joint science hearings – pros and cons

10:15 Morning Break

10:30 E-Discovery and Documents

- Confidentiality of documents and how they're treated
- Is there an unfair burden?
- The rules of evidence in the state and federal courts
- Coordination and non-coordination of discovery
- Timing issues for plaintiffs and defendants

11:15 Trial Issues

- Bellwether trial selections
 - Criteria for selection
 - Strategic dismissal issues
 - What is a bellwether? The "average" case or a "bracket"
- Expedited trials
- Time limits with respect to trials -- does having limits favor one side or the other?
- Motions in limine
- The use of jury questionnaires
- Consolidated trials – the good, the bad and the ugly
- Communication with the jurors, either after settlement or verdict

12:30 Networking Luncheon

1:45 Mass Tort Resolution

- The role of the judge with regard to settlements
- Tools the courts can use as leverage to move parties to settlement
- Timing of settlements
- Improving communication between plaintiff and defense
- Aggregate settlements

3:00 Afternoon Break

3:15 Scientific Evidence in Mass Tort Cases

- How the courts deal with novel scientific theories
- How the courts view holding evidentiary hearings
- Different standards in state/federal court
- Timing of Daubert and Frye motions

4:30 Adjourn

This Agenda is subject to change at any time. Check the website for the latest draft.