

Multidistrict litigation (“MDL”) accounts for nearly half of all civil cases in federal courts. Although MDLs were designed to be efficient mechanisms for “coordinated or consolidated pretrial proceedings,” in some instances they have become one-sided forums known for lacking the basic protections afforded to all other cases by the Federal Rules of Civil Procedure (FRCP), the Federal Rules of Evidence and appellate review.

PROGRAM AGENDA

9:00 a.m. - 9:15 a.m.	Registration
9:15 a.m. - 10:45 a.m.	Are MDLs working? -- An Assessment of Centralization Moderator: Prof. Brian Fitzpatrick, Professor of Law, Vanderbilt University School of Law Participants: Malini Moorthy, Vice President & Associate General Counsel, Bayer Timothy A. Pratt, Executive Vice President & General Counsel, Boston Scientific Corporation Dan Troy, Senior Vice President & General Counsel, GSK
11:00 a.m. - 12:30 p.m.	Eliminating Meritless Claims Moderator: Doug Smith, Partner, Kirkland & Ellis LLP Participants: David Bernick, Partner, Paul Weiss LLP Honorable Eduardo Robreno, U.S. District Court, Eastern District of Pennsylvania Chris Seeger, Founding Partner, Seeger Weiss LLP Andrew J. Trask, Senior Counsel, McGuireWoods LLP
12:30 p.m. - 1:45 p.m.	Luncheon Panel: Trying Cases and Settlement Moderator: Maja C. Eaton, Partner, Sidley Austin LLP Participants: John Beisner, Partner, Skadden Arps LLP Brian Jackson, Partner, Butler Snow LLP Chris Seeger, Founding Partner, Seeger Weiss LLP Jonathan D. Selbin, Partner, Lieff Cabraser Heimann & Bernstein, LLP
1:45 p.m. - 3:15 p.m.	General Reform Ideas and Pending Legislation Moderator: Mary Nold Larimore, Partner, IceMiller LLP Participants: Prof. Jaime Dodge, Director, The Institute for Complex Litigation & Mass Claims, Emory Law School Prof. Maria Glover, Associate Professor of Law, Georgetown Law Center Prof. Francis McGovern, Professor of Law, Duke Law School Kate Comerford Todd, Former Senior Vice President & Chief Counsel, U.S. Chamber Litigation Center



Doug Smith, Partner, Kirkland & Ellis LLP
Doug Smith has litigated cases at both the trial and appellate stage in state and federal courts throughout the country, including commercial, mass tort, product liability, securities, bankruptcy, environmental, and intellectual property cases. He is a member of the American Law Institute and has published on a wide variety of legal topics. A member of the bar in Illinois and the District of Columbia, he was previously a law clerk to the Honorable David B. Sentelle, United States Court of Appeals for the D.C. Circuit and is registered to practice before the United States Patent and Trademark Office. Smith graduated cum laude from the Northwestern Pritzker School of Law where he also was an editor for the *Northwestern Law Review*.



Kate Comerford Todd, Former Senior Vice President & Chief Counsel, U.S. Chamber Litigation Center
Kate Todd was the senior vice president and chief counsel for the U.S. Chamber Litigation Center which litigates cases for the Chamber of Commerce. Ms. Todd has a broad range of government and private sector experience, with particular expertise in federal appellate practice and constitutional law. Before joining the center, Ms. Todd was a member of the White House as an associate counsel to the President, advising him and his staff on a number of legal and constitutional issues. Ms. Todd was a partner in the appellate, litigation, and communications practices of the firm Wiley, Rein & Fielding, in Washington, D.C., where she represented businesses in federal and state litigation and regulatory matters and helped them develop and execute national, legal strategies. She graduated magna cum laude from Harvard Law School and previously clerked for Associate Justice Clarence Thomas, and in the United States Court of Appeals for the Fourth Circuit.



Andrew J. Trask, Senior Counsel, McGuireWoods LLP
Andrew Trask has defended more than one hundred class action cases at all levels of the litigation process. While his work primarily focuses on products liability and consumer fraud cases, he has also defended class actions on other issues such as telecommunication products, business contracts, securities, ERISA, the U.S. antitrust laws, and environmental claims. Alongside his class action practice, he has defended mass tort cases involving financial regulations, patent misuse cases, and government investigations into allegations of automotive defects and breach of privacy regulations. Mr. Trask has authored and coauthored several works in many publications such as *Bloomberg BNA* and *Oxford University Press*. His blog, titled, “Class Action Countermeasure”, discusses the strategic considerations involved in class action defense. In 2016, he received an Outstanding Contributor Award from Lawyers for Civil Justice and in May of 2017, was a recipient of the Burton Award for Distinguished Legal Writing.



Dan Troy, Senior Vice President & General Counsel, GSK
Dan Troy is currently the Senior Vice President & General Counsel at GSK. He graduated with a B.S. in Industrial and Labor relations from Cornell University and then earned his J.D. from Columbia University School of Law. He clerked on the Circuit Court of Appeals for the District of Columbia Circuit. Mr. Troy was a partner for more than a decade at the Washington law firm Sidley Austin LLP. He also served as Chief Counsel for the FDA under George Bush. Mr. Troy has chaired the American Bar Association's Section of Administrative Law, is a member of the American Law Institute, and chairs the US Chamber of Commerce Litigation Center. He has also chaired the Civil Justice Reform Group, as well as the PhRMA Law Section Executive Committee. In 2012 he received the CPR Corporate Leadership Award and was named the Burton Awards 2013 “Legend in the Law.”

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Multidistrict Litigation (MDL) Conference

Thursday, October 19, 2017
9:00 a.m. — 3:15 p.m.
Kirkland & Ellis LLP
1450 G Street, NW
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PROGRAM GUIDE



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CONFERENCE SPEAKERS



John Beisner, Partner, Skadden Arps LLP

John Beisner has defended U.S. and international corporations in more than 600 class actions filed in federal courts and in 40 state courts. Mr. Beisner also has been an active participant in litigation reform initiatives before Congress, state legislatures and judicial committees. He has testified numerous times on class action and claims aggregation issues before the U.S. Senate and House Judiciary Committees (particularly with respect to the Class Action Fairness Act of 2005) and before state legislative committees. For his integral role in crafting the Class Action Fairness Act, Mr. Beisner was recognized with the 2011 Research and Policy Award by The U.S. Chamber Institute for Legal Reform. Mr. Beisner graduated from the University of Michigan with a J.D. and was the editor of *The Michigan Law Review*.



David Bernick, Partner, Paul Weiss LLP

A partner in the Litigation Department, David M. Bernick is a renowned trial lawyer and strategist, having acted as lead trial counsel for major U.S. and international corporations in the chemical, tobacco, technology and life sciences industries for 35 years. His experience spans complex class action and other aggregated litigation, mass torts and product liability, antitrust and competition, business restructuring and reorganization, mergers and acquisitions, corporate governance, securities and criminal environmental litigation. In 2016, Mr. Bernick was named the winner in the “Litigation: Business Trial Lawyers” category of the 2016 Chambers USA Awards. Bernick has a Masters from Yale, and graduated from the University of Chicago Law School.



Professor Jaime Dodge, Director, The Institute for Complex Litigation & Mass Claims, Emory Law School

Jamie Dodge is the founding director of Emory’s Institute for Complex Litigation and Mass Claims. Before teaching, Professor Dodge was in private practice with Paul Hastings and later Gibson Dunn, representing clients at any stage of the litigation process. After practicing privately, she held numerous faculty positions at Harvard Law School, the University of Georgia, and the Perking University School of Transnational Law before going to Emory. Her scholarship focuses on how the structure of procedural regimes, from aggregate litigation to alternative dispute resolution models, affects the exercise of rights and enforcement of substantive law. Her work has been published in many law review journals including *Harvard Law Review*, *Virginia Law Review*, and *Notre Dame Law Review*. Professor Dodge graduated with a law degree from Harvard University, and received her bachelors at Dartmouth College.



Maja C. Eaton, Partner, Sidley Austin LLP

A member of Sidley’s Executive Committee and a global leader for the Products Liability and Mass Torts practice, Maja Eaton has defended and tried a wide variety of products liability cases, ranging from the defense of tort litigation and mass tort litigation involving pharmaceutical drugs and medical devices. Ms. Eaton was recently selected by the Lawyers for Civil Justice (LCJ) to receive the inaugural “Outstanding Contributor” award for 2016. This award was bestowed to recognize the efforts of volunteer experts whose contributions stood out among the LCJ membership. LCJ relies on volunteer experts to develop reform agenda and produce the highest quality advocacy materials. Ms. Eaton has served as national coordinating counsel and member of the national trial team for a major client in asbestos litigation, and in 2005 secured a defense verdict for the client in a significant asbestos case tried in Madison County, Illinois. She currently serves as trial counsel to a client in cases in the MDL and state court litigation involving gadolinium-based MRI contrast agents, and as national counsel to a medical device manufacturer in litigation involving cardiac leads.



Professor Brian Fitzpatrick, Professor of Law, Vanderbilt University School of Law

Brian Fitzpatrick’s research at Vanderbilt focuses on class action litigation, federal courts, judicial selection and constitutional law. Professor Fitzpatrick joined Vanderbilt’s law faculty in 2007 after serving as the John M. Olin Fellow at New York University School of Law. He graduated first in his class from Harvard Law School and went on to clerk for Judge Diarmuid O’Scannlain on the U.S. Court of Appeals for the Ninth Circuit and Justice Antonin Scalia on the U.S. Supreme Court. After his clerkships, Professor Fitzpatrick practiced commercial and appellate litigation for several years at Sidley Austin in Washington, D.C., and served as Special Counsel for Supreme Court Nominations to U.S. Senator John Cornyn.



Professor Maria J. Glover, Associate Professor of Law, Georgetown University Law Center

Associate Professor of Law at Georgetown, Maria J. Glover specializes in civil procedure, complex litigation, and the interplay between private litigation and public regulation. She was a Climenko Fellow and Lecturer on Law at Harvard Law School before coming to Georgetown in 2012. Before teaching, she clerked for Judge J. Harvie Wilkinson III of the United States Court of Appeals for the Fourth Circuit and practiced in the Supreme Court Appellate practice group at Mayer Brown LLP in Washington, DC. She is a graduate of Vanderbilt Law School. She was the recipient of the Cecil D. Branstetter Litigation and Dispute Resolution Program Award.



G. Brian Jackson, Partner, Butler Snow LLP

Brian Jackson is the Assistant Practice Group Leader and a litigator for the Pharmaceutical, Device and Healthcare Division at Butler Snow LLP. He has more than 20 years of experience as a trial lawyer, and has had key responsibilities in jury trials of complex and important cases. Mr. Jackson graduated cum laude from Sewanee: The University of the South with a B.A. in 1989. He earned his J.D. in 1992 from Vanderbilt University. He is a winner of an Appellate Advocacy Award from Vanderbilt Law.



Mary Nold Larimore, Partner, IceMiller LLP

Mary Nold Larimore’s primary practice concentration is in litigation, focusing on product liability litigation, the defense of pharmaceutical and drug and device manufacturers, chemical companies, toxic tort litigation and commercial litigation. Ms. Larimore has served as national, regional and local counsel in drug, device and chemical exposure litigation, as well as expert witness counsel. She regularly addresses scientific, epidemiologic and complex medical issues in multi-jurisdictional litigation. She is the first woman from Indiana to be a Fellow in the American College of Trial Lawyers, served as Chair of the Supreme Court Committee on Rules of Practice and Procedure, and two five-year terms by appointment of the Chief Justice. She was selected to be in *The Best Lawyers® in America* from 2007-2018 and in Indiana Super Lawyers from 2004-2017. Ms. Larimore received a juris doctorate from Indiana University Maurer School of Law.



Professor Francis McGovern, Professor of Law, Duke Law School

Professor Francis McGovern has earned the “triple crown” in the legal community as premier practitioner, scholar, and teacher in the field of alternative dispute resolution. In the late 1970s and early 1980s, Professor McGovern was among the first in the nation to write about and to use alternative dispute resolution (ADR) techniques to avoid or to improve the litigation process. Two decades later, the federal judiciary, many state courts, and institutions around the world, such as the United Nations, all seek his guidance on practical and conceptual issues in dispute resolution. His name is virtually synonymous with “mass claim” litigation—the often tens of thousands of tort claims arising out of a major disaster or major product liability issue. As a court-appointed special master or neutral expert, he has developed solutions in most of the significant mass claim litigation in the U.S. He is the co-author of two published books, *Successful Litigation Techniques* and *The Preparation of a Product Liability Case*, and two books in progress, *Toxic Substances Litigation* and *Alternative Dispute Resolution*. In addition to teaching law at Duke University, he has given over 50 speeches in the last few years ranging from international dispute resolution to an update of the law of product liability.



Malini Moorthy, Vice President & Associate General Counsel, Bayer

Ms. Malini Moorthy has been Head of the Litigation Department of Bayer Corporation since July 30, 2014. When she left Pfizer Inc., Ms. Moorthy spent many years as a litigation associate at law firms in the United States and Canada, including the New York office of Salans, and Genest Murray Desbrisay Lamek and McCarthy Tetrault, both in Toronto. Before beginning her corporate law career, Ms. Moorthy served as Executive Director of Free the Children in Toronto, an international children’s organization dedicated to ending the exploitation of children and empowering them through leadership development and training. Ms. Moorthy serves as the chair of the Advisory Council of the Duke Law Distinguished Lawyers Series and is on the Board of Directors of the National Center for Law and Economic Justice. She received her bachelor’s degree with honors in political science and economics from the University of North Carolina at Chapel Hill, where she was a Morehead Scholar, and her law degree from Queen’s University in Ontario, Canada, where she was the editor of the *Queen’s Law Review*.



Timothy A. Pratt, Executive Vice President & General Counsel, Boston Scientific Corporation

Timothy Pratt is Executive Vice President, Chief Administrative Officer, General Counsel and Secretary for Boston Scientific. In this role, he is responsible for worldwide management of Boston Scientific’s Legal functions, Global Compliance, Government Affairs, Aviation, and Global Security. He also serves as a Director on the Boards of Lawyers for Civil Justice (LCJ), DRI - The Voice of the Defense Bar, and the New England Legal Foundation (NELF). Mr. Pratt served as President and Chairman of the Federation of Defense & Corporate Counsel (FDCC). Mr. Pratt is a past member of the Board of Directors for the Advanced Medical Technology Association and also served on their Executive Committee. Mr. Pratt earned his Bachelor of Arts degree at Tarkio College and graduated Order of the Coif from Drake University Law School, where he was editor-in-chief of the *Drake Law Review*.



Honorable Eduardo Robreno, U.S. District Court for the Eastern District of Pennsylvania

Judge Robreno received a B.A. in History from Westfield State University, an M.S. in Labor Studies from the University of Massachusetts at Amherst, Massachusetts, and a J.D. from Rutgers Law School at Camden, New Jersey, where he served as articles editor of the law review. He was in private practice in Philadelphia, Pennsylvania from 1981-1992. At the time of his induction to the bench he was a partner in a large Philadelphia law firm. From 1978-1981, he served as a trial attorney for the United States Department of Justice Antitrust Division and Special Assistant U.S. Attorney. Throughout his nearly twenty five years judicial career, Judge Robreno has carried a full docket of civil and criminal cases. He is the author of over 1800 judicial opinions. Since 2008, Judge Robreno has presided over MDL-875 personal injury asbestos litigation, the largest multi-district litigation in the federal courts where he has been praised for resolving over 180,000 cases consisting of some 10 million claims. During his judicial career, in addition to his assignment as a District Judge in the Eastern District of Pennsylvania, he has sat by designation with the Court of Appeals for the Third Circuit, and Eleventh Circuit, the Ninth Circuit and the District Courts in New Jersey, Delaware and Western District of Pennsylvania. He is currently sitting by designation in the District of Delaware.



Chris Seeger, Founding Partner, Seeger Weiss LLP

Since founding Seeger Weiss LLP in 1999, Mr. Seeger has earned leadership appointments from state and federal courts throughout the United States in many of the country’s most complex and noteworthy multidistrict litigations. Most recently, Mr. Seeger was appointed co-lead counsel and served as the chief negotiator in the NFL concussion injury multi-district litigation, where he successfully represented thousands of retired NFL players who suffered brain-related injuries as a result of hits sustained during their playing careers. He is nationally recognized for his groundbreaking work in pharmaceutical mass actions involving Vioxx, Zyprexa, Rezulin, PPA and Gadolinium, among others, which resulted in the recovery of over \$8 billion for injured victims nationwide. Mr. Seeger has achieved similar milestone successes in class and mass actions encompassing a vast array of corporate misconduct. Mr. Seeger graduated magna cum laude in 1990 from the Benjamin N. Cardozo School of Law, where he served as the Managing Editor of the *Cardozo Law Review*. Receiving numerous awards and accolades throughout his career, Seeger has been a member of the Lawdragon 500 list from 2007 through 2017.



Jonathan D. Selbin, Partner, Lief Cabraser Heimann & Bernstein, LLP

Jonathan D. Selbin litigates consumer protection and defective products lawsuits as chair of Lief Cabraser’s Economic Injury Product Defect Practice Group and member of the firm’s Executive Committee. He led a series of class actions under the Telephone Consumer Protection Act and developed the legal strategy responsible for the largest settlements in TCPA history. By 2016, the settlements resulted in the recovery of over \$200 million dollars. Mr. Selbin is also a member of the inaugural Board of Counselors for Equal Justice Works, author of the certiorari opposition papers in the *Whirlpool* and *Sears* cases in the Supreme Court, and a 1993 magna cum laude graduate of Harvard Law School.