



**Regional CLE Workshop:**

# **Current Issues in Pharmaceutical, Medical Device, and Biotech Litigation**

**GSK**

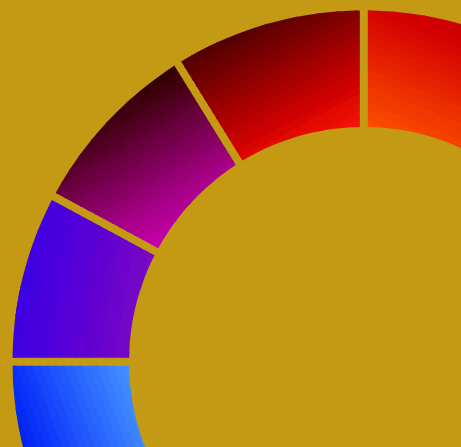
**5 Crescent Drive, PNY 0300**

**Philadelphia, PA**

**November 4, 2016**

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

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# Program Agenda

## Thursday, November 3, 2016

5:00 pm – 6:30 pm      Networking Reception- There will be a joint networking reception with the Women in Products Liability Committee taking place the night before the program at Drinker Biddle & Reath, One Logan Square, Suite 2000, Philadelphia.

## Friday, November 4, 2016

8:00 am – 8:45 am      Continental Breakfast

### **Navigating Relationships with Codefendants and Third Party Witnesses**

8:45 am – 10:00 am      Analysis of changes in state of law regarding ex parte communications with prescribing HCPs, interaction with third party witnesses and other non-pharma/device defendants.

Moderator: **Gerry Schneeweis**, Morris Polich & Purdy LLP, San Diego, CA

Speakers: **Esther Berezofsky**, Williams Cuker Berezofsky, Cherry Hill, NJ, **Mark Cheffo**, Quinn Emanuel Urquhart & Sullivan, LLP, New York, NY, **Tripp Haston**, Bradley Arant Boult Cummings, Birmingham, AL, **Beth Rose**, Sills Cummis & Gross, Newark, NJ

### **Effectively Addressing Cybersecurity Breaches: The Inherent Risks, Impacts of Security Decisions, and Practical Approaches**

10:05 am – 11:20 am      Modern and connected medical devices include an increasing array of features that can be intentionally or unintentionally misused. This panel will explore the vulnerabilities and risks inherent with embedded and connected devices and the range of impacts these have on medical devices. Panelists will also share practical approaches companies may employ after a breach but will also address, broadly, how to more effectively address cybersecurity risks, including engineering, policy, expertise/team makeup, and others.

Moderator: **Caroline Tinsley**, Baker, Sterchi, Cowden & Rice, LLC, St. Louis, MO

Speakers: **Grant P. Fondo**, Goodwin Proctor, San Francisco, CA, **Nick Sikorski**, Deloitte Advisory, Houston, TX, **Patrick Pullano**, Pullano & Farrow, Rochester, NY, **Carolyn Purwin Ryan**, Cipriani & Werner, P.C., Blue Bell, PA

11:20 am – 11:30 am      Break

### **There's No Place Like Home: The Pros and Cons of *Lexecon* Waivers and Bellwether Trials in the Modern MDL**

11:30 am – 12:45 pm      This panel will explore recent trends in Multi-District Litigation, including regional and client-driven considerations that weigh into an assessment of desired venue and bellwether trial strategy. We will discuss the impact of waiving rights to original trial venue under *Lexecon v. Milberg Weiss Bershad Hynes & Lerach*, and the increasing move toward bellwether trials in recent MDLs. We will look at the rationale behind “*Lexecon* Waivers,” how they have changed the modern landscape of MDL practice, and whether the benefits of waiving venue objections are as advantageous as they once seemed

Moderator: **Jennifer Steinmetz**, Tucker Ellis LLP, Cleveland, OH

Speakers: **Chris Seeger**, Seeger Weiss, New York, NY, **Bob Tucker**, Tucker Ellis, Cleveland, OH, **Cara Edwards**, DLA Piper, New York, NY, **Daniel Wolfe**, DecisionQuest, Chicago, IL

12:45 pm – 1:30 pm      Lunch

# Program Agenda



## Expert Vignettes

1:30 pm – 2:45 pm

Discussions on several expert-focused topics, including IMEs, plaintiff expert strategies, in-house perspective on company fact witnesses who are also experts, and judicial perspectives on Daubert motions and science education.

Moderator: **Peter Pappas**, Nexsen Pruet, PLLC, Greensboro, NC

Speakers: **Siobhan Cullen**, San Diego, CA, **Bill Essig**, Drinker Biddle & Reath, LLP, Chicago, IL, **Karen Menzies**, Gibbs Law Group LLP, El Segundo, CA, **Brennan Torregrossa**, GSK, Philadelphia, PA, **Hon. Cynthia Rufe**, U.S. District Court for the Eastern District of Pennsylvania, Philadelphia, PA

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2:45 pm – 3:00 pm

Break

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## The FDA and Medical Devices

3:00 pm – 4:15 pm

Effective use of FDA evidence for medical devices, including the use and impact of 510(k) clearance data, and the role of the FDA in medical device product liability litigation.

Moderator: **Robert Simpson**, Shipman & Goodwin LLP, Hartford, CT

Speakers: **Michael Anderton**, Tucker Ellis, Cleveland, OH. **Tracey E. Poole**, Johnson & Johnson, New Brunswick, NJ, **Marta L. Villarraga**, Exponent, Inc., Philadelphia, PA

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4:15 pm – 4:30 pm

Closing

# Program Organizers



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**Pharmaceutical, Medical Device and Biotech Subcommittee of the Products Liability Committee**

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# General Information



## Registration:

Please register by **October 26, 2016** online by visiting:

<http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=255180009>

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 16

Chicago, IL 60654

Secure Fax Number: 312-988-5850

Please email your written request to [lauren.krauth@americanbar.org](mailto:lauren.krauth@americanbar.org). There will be a \$10 administrative fee deducted from the refund. Cancellations received after **October 26, 2016** 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, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, 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 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](http://www.americanbar.org/cle-mandatory_cle.html) or contact Lauren Krauth at (312) 988-6245 or [lauren.krauth@americanbar.org](mailto:lauren.krauth@americanbar.org).

## Tuition Assistance:

A limited number of scholarships to defray registration fees may be available for government employees, public interest lawyers employed with nonprofits, academics, and law students, as well as unemployed attorneys. For more information, please contact: Lauren Krauth at (312) 988-6245 or [lauren.krauth@americanbar.org](mailto:lauren.krauth@americanbar.org).

## Attendance List:

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## Accommodations and Transportation:

Nearby hotels include Marriott Courtyard, Loews, Sofitel, Palomar, Sonesta, and Warwick. All attendees are responsible for transportation to and from the events and programs. Those staying near the Navy Yard may want to utilize the complimentary shuttle that stops by GSK. <http://www.navyyard.org/information-and-directions/the-navy-yard-shuttle/>

# Registration



**Current Issues in Pharmaceutical, Medical Device, and Biotech Litigation**

**November 4, 2016**

**Philadelphia, PA**

The information submitted on this registration form will be used only to create an attendance list for **Current Issues in Pharmaceutical, Medical Device, and Biotech Litigation**.

Full Name:

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## Registration Information

- \$175.00 Section of Litigation members
- \$235.00 Non-Section members
- \$50.00 In-House Counsel

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 meeting and my check for \$\_\_\_\_\_.00 is enclosed.

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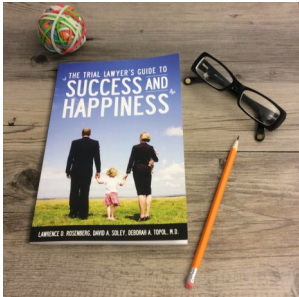
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# Section Books

## New Books / Books Related to Programming



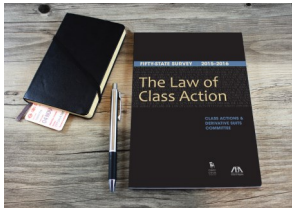
Purchase at [ambar.org/LitigationBooks](http://ambar.org/LitigationBooks) or call 800-285-2221



### [New! The Trial Lawyer's Guide to Success and Happiness](#)

By Lawrence D. Rosenberg, David A. Soley, and Deborah A. Topol, M.D.

Written by two trial attorneys and a medical doctor, the advice offered throughout this book will guide you in building a satisfying and successful career that is supported by a healthy and rewarding lifestyle.



### [New! The Law of Class Action: Fifty-State Survey 2015-2016](#)

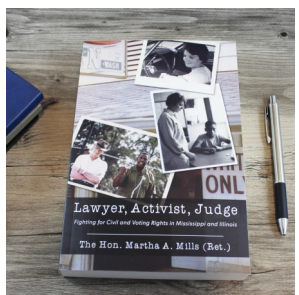
This book is a valuable tool for both in-house and outside counsels who confront the prospect of litigating class actions in state forums with which they may have little or no experience and must make informed recommendations on removal. Succinct summaries are prepared by litigators from each of the respective states and address significant case law and changes in rules and statutes.



### [New! An Introduction to Health Law Litigation Based on Contract and Government Claims](#)

By Aaron Krauss

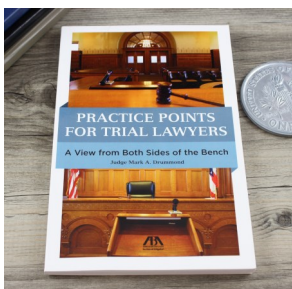
Litigators seeking to gain experience in health law litigation, as well as those looking for guidance on a specific issue, will find in this book practical advice on how to try health law cases and suggestions for "issue spotting" and case management.



### [Lawyer, Activist, Judge: Fighting for Civil and Voting Rights in Mississippi and Illinois](#)

By Hon. Martha A. Mills (Ret.)

This book provides an inside look at the struggle for civil and voting rights in Mississippi and Cairo, IL, in the 1960s–70s from a trial lawyer's perspective. The book takes a look at some major cases, including a million-dollar verdict against the Ku Klux Klan, milestone Supreme Court cases involving the 1871 Civil Rights Act and the 1965 Voting Rights Act, and more. Author Mills lived and worked in an ardent segregationist culture fraught with danger, filled with both heroes and villains.



### [Practice Points for Trial Lawyers: A View from Both Sides of the Bench](#)

By Hon. Mark Allen Drummond

This book is designed for those who are or aspire to be trial lawyers, and those who are preparing to try cases. Judge Mark A. Drummond's experience includes 20 years in front of the bench trying cases and another 15 years on the trial bench, which gives him a unique perspective. In addition, for 30 years Drummond has trained advocates from Tasmania to Tanzania, from Boston to Beijing. That includes large and small firms, corporations, the National Institute for Trial Advocacy, the U.S. Department of Justice, the Attorney General's offices for Illinois and New York, and the Department of the Navy.

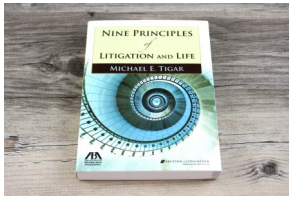


# Section Books

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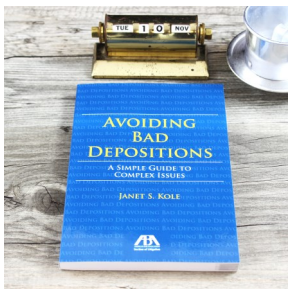
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### [Nine Principles of Litigation and Life](#)

By Michael Tigar

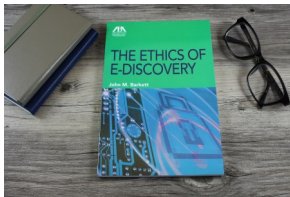
Widely regarded as a top trial lawyer, Michael Tigar reflects on the principles of action that are needed in litigation and in life. *Nine Principles of Litigation and Life* draws compelling parallels between being a successful trial lawyer and living a purposeful life. Unique and introspective, the book looks at legal history and Tigar's experiences to craft a message for all trial lawyers about the importance of their work.



### [Avoiding Bad Depositions: A Simple Guide to Complex Issues](#)

By Janet S. Kole

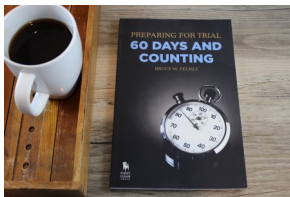
Janet Kole provides another short and helpful guide to litigation, this time to help you avoid mistakes—and malpractice claims—when preparing for depositions. The guide covers everything from what a deposition is to the key issues that arise both during witness preparation and the deposition itself.



### [The Ethics of E-Discovery](#)

By John M. Barkett

E-discovery has changed litigation across America. This concise book examines the ethical issues associated with e-discovery and provides guidance on how to deal with the new and challenging intersection of electronic discovery and ethics.



### [Preparing for Trial: 60 Days and Counting](#)

By Bruce W. Felmly

In these days of the “vanishing trial,” when there are fewer opportunities to learn from the masters, this book is an invaluable guide for trial lawyers needing to focus, prioritize, and prepare for that morning when they alone will say, “Ready, Your Honor.” *Preparing for Trial* demonstrates how to systematize your approach to the final weeks before trial to assure there are no loose ends in your case, and to limit the stress of a very demanding time