



CONFERENCE

Product Liability

Plan and Prepare

April 9-11, 2014

Arizona Biltmore

Phoenix, Arizona

IN-HOUSE AND EXPERT SPEAKERS INCLUDING

Lanny J. Davis

Lanny J. Davis & Associates LLC

Daniel A. DuPré

Federal Signal Corporation

The Honorable John Cannon Few

South Carolina Court of Appeals

Saul Levmore

University of Chicago Law School

Francis E. McGovern

Duke University School of Law

Jaime L. Myers

Caterpillar Inc.

Amy Norris

Clif Bar & Company

Giles Roblyer

Procter & Gamble Company

DRI
delivers
resources
to build
your practice■

DRI's Product Liability Conference is the premier event for attorneys, corporate counsel, and claims

professionals who handle product liability cases. Join colleagues and friends at the luxurious Arizona Biltmore for a conference featuring knowledgeable speakers from inside the White House, the South Carolina Court of Appeals, America's top law schools and product manufacturers, as well as top-tier trial lawyers as they discuss cutting-edge issues in product liability law. Find out what new cases and trends in the law will shape product liability litigation in the years to come, how to communicate quickly and effectively on behalf of a client involved in a crisis, where to score invaluable points while cross-examining an expert witness, and how to counteract the effects of the "reptile theory."

The specialized litigation group (SLG) sessions will offer detailed analysis in 15 different practice areas, and a Young Lawyers Breakout will run concurrently with main stage sessions on Wednesday. The Corporate Counsel Committee will once again host an invitation-only program tailored to the interests of in-house lawyers. This conference offers unparalleled opportunities to keep abreast of current issues, earn CLE, and network.



James E. Weatherholtz

Program Chair



Joseph D. Cohen

Program Vice Chair



Patrick J. Sweeney

Committee Chair



Anne M. Talcott

Committee Vice Chair



Jack Laffey

Law Institute

WHAT YOU WILL LEARN

- Bet-the-company crisis management—how to respond quickly and effectively
- Assessing risk for legacy equipment
- Trends in Internet security, privacy, and investigation
- How to plan and conduct an effective recall
- Product liability litigation trends
- Understanding and counteracting the "reptile theory"

PRESENTED BY **DRI's Product Liability Committee**

THIS SEMINAR BROCHURE IS SPONSORED BY

MRC
Medical Research Consultants

PROGRAM SCHEDULE

TUESDAY, APRIL 8, 2014

6:00 p.m. **Registration**6:00 p.m. **Diversity Reception**SPONSORED BY **Hanson Bridgett LLP**
Naman Howell Smith & Lee PLLC

WEDNESDAY, APRIL 9, 2014

Mobile Device Charging KioskSPONSORED BY **Greenberg Traurig LLP****Device Charging Station**SPONSORED BY **Eckert Seamans Cherin & Mellott LLC****Boarding Pass Kiosk**SPONSORED BY **Butler Snow O'Mara Stevens & Cannada PLLC**7:00 a.m. **Registration**7:00 a.m. **Continental Breakfast**SPONSORED BY **Whyte Hirschboeck Dudek SC**7:00 a.m. **First-Time Attendees Breakfast**PRODUCT LIABILITY COMMITTEE CHAIR
Patrick J. Sweeney8:00 a.m. **Welcome and Introduction****Jack Laffey**, *Whyte Hirschboeck Dudek SC*,
Milwaukee, Wisconsin**Patrick J. Sweeney**, *Sweeney & Sheehan*,
Philadelphia, Pennsylvania**James E. Weatherholtz**, *Womble Carlyle Sandridge & Rice LLP*,
Charleston, South Carolina8:15 a.m. **Internet Security, Privacy, and Investigation**

In an age of unprecedented use of the Internet and cellular platforms for communication and commerce, most people remain unaware of the security risks. A licensed private investigator will provide an overview, discussing investigative techniques utilizing online sources, and explaining how to find information on corporate and personal subjects.

Michèle Stuart, *JAG Investigations Inc.*,
Gilbert, Arizona9:15 a.m. **When Catastrophe Strikes: Critical Communication, Litigation, and Compensation Practices**

Each panel member has specialized knowledge and experience with catastrophic events from this decade, including the BP oil spill, joint replacements, tobacco, breast implants, IUDs, the Penn State crisis, and the NFL concussion class action lawsuit. Learn about the challenges and best practices.

MODERATOR | **B. Thomas Florence, Ph.D., ARPC**,
Washington, D.C.

PANEL

Lanny J. Davis, *Lanny J. Davis & Associates LLC*,
Washington, D.C.**Gregory G. Little**, *White & Case LLP*,
Washington, D.C.**Francis E. McGovern**, *Duke University School of Law*,
Durham, North Carolina10:15 a.m. **Refreshment Break**SPONSORED BY **Coronado Katz LLC**
Ericksen Arbuthnot10:30 a.m. **Young Lawyers Breakout**
(See schedule on page 7)10:45 a.m. **Recall Planning and Administration**

Costly litigation, agency fines, overutilization of internal resources, and ultimately, damage to the brand coexist as consequences for poorly managed product recalls. Understanding the action items and protocols to follow before a recall is implemented and once a recall arises can be the key to minimizing bad consequences.

MODERATOR | **Gretchen N. Miller**, *Greenberg Traurig LLP*,
Chicago, Illinois

PANEL

Cari K. Dawson, *Alston & Bird LLP*,
Atlanta, Georgia**Steve Edwards**, *Stericycle ExpertSolutions*,
Indianapolis, Indiana**Kenneth Ross**, *Bowman and Brooke LLP*,
Minneapolis, Minnesota

11:45 a.m. **Defuse Sympathy and Win Your Case by Crushing the Plaintiff's Expert's Credibility**

A seasoned trial lawyer will explain why prior transcripts are invaluable to a defense victory, why money and bias are important to a jury, and why there is gold in the plaintiff's expert's CV.

John M. Fitzpatrick, *Wheeler Trigg O'Donnell LLP*, Denver, Colorado

12:35 p.m. **Lunch (on your own)**

2:00 p.m. **Warn, Retrofit, or Recall: Risk Management Considerations for Legacy Equipment**

It Wasn't Broke When I Sold It! Increasingly, product manufacturers are asking what, if any, duty they have relative to older models of their products still functioning in the field. This panel will explore various scenarios and offer practical strategies.

Daniel A. DuPré, *Federal Signal Corporation*, Oak Brook, Illinois

Jaime L. Myers, *Caterpillar Inc.*, Peoria, Illinois

Kevin G. Owens, *Johnson & Bell Ltd.*, Chicago, Illinois

3:00 p.m. **Refreshment Break**

SPONSORED BY **Hughes Associates**
Husch Blackwell LLP

3:30 p.m. **Specialized Litigation Workshops**
(See page 4 for session descriptions)

Biomechanics and Injury Causation

Children's Products

Electronic Discovery

Trial Techniques and Technology

5:30 p.m. **Adjourn**

5:30 p.m. **Product Liability Committee Meeting**
(open to all)

6:00 p.m. **Networking Reception**

SPONSORED BY **Balch & Bingham LLP**

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (on your own). More details on-site.

THURSDAY, APRIL 10, 2014

Mobile Device Charging Kiosk

SPONSORED BY **Greenberg Traurig LLP**

Device Charging Station

SPONSORED BY **Eckert Seamans Cherin & Mellott LLC**

Boarding Pass Kiosk

SPONSORED BY **Butler Snow O'Mara Stevens & Cannada PLLC**

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Frost Brown Todd LLC**

8:00 a.m. **Announcements**

James E. Weatherholtz, *Womble Carlyle Sandridge & Rice LLP*, Charleston, South Carolina

8:10 a.m. **Ethics: The Courage of a Lawyer**

A man resolved to fight—an attorney with the guts to confront injustice—a judge they loved to hate: this talk looks at these and other emblems of courage to discover the defining characteristics of great lawyers and their influence on others.

The Honorable John Cannon Few,
South Carolina Court of Appeals,
Columbia, South Carolina

9:10 a.m. **When Regulation Can Lead to Litigation: Top Issues in Food and Dietary Supplements**

These industries are under increasing scrutiny caused by federal regulations, broad state consumer protection laws, and a newly focused plaintiffs' bar. These avenues sometimes collide or provide synergy for civil litigation and even criminal prosecution. Hear varied perspectives and practical tips.

MODERATOR | **Kurt D. Weaver**, *Womble Carlyle Sandridge & Rice LLP*, Raleigh, North Carolina

PANEL

Amy Norris, *Clif Bar & Company*,
Emeryville, California

Giles Roblyer, *Procter & Gamble Company*,
Cincinnati, Ohio

10:00 a.m. **Refreshment Break**

SPONSORED BY **Carr Maloney PC**

10:30 a.m. **Specialized Litigation Workshops**
(See pages 4–5 for session descriptions)
 Agricultural/Construction/Mining/
 Industrial Equipment
 Aviation and Aerospace
 Fire Science and Litigation
 International Legal Issues
 Recreational Products

12:30 p.m. **Lunch** *(on your own)*

1:50 p.m. **Case Law Update**
 Professor Levmore will highlight recent decisions and trends in product liability law from across the country.
Saul Levmore, *University of Chicago Law School*, Chicago, Illinois

2:45 p.m. **Reptile—A Manual for the Plaintiffs' Revolution**
 The reptile theory is a best-selling program among plaintiffs' attorneys to bring a jury to a reptilian frame of mind in protecting their nest. This session will review origin, theory, and application by plaintiffs' counsel, and outline defense strategies to counter the attack.

John E. Hall, Jr., *Hall Booth Smith PC*, Atlanta, Georgia

Tara Trask, *Tara Trask and Associates*, San Francisco, California

3:30 p.m. **Refreshment Break**
 SPONSORED BY **Hiltgen & Brewer PC**
Schwabe Williams & Wyatt

3:50 p.m. **Specialized Litigation Workshops**
(See pages 5–6 for session descriptions)
 Automotive
 Consumer Goods and Office Equipment
 Food Law
 Hand and Power Tools
 Mass Torts and Class Actions

3:50 p.m. **In-House Counsel Breakout** *(invitation only)*

5:50 p.m. **Adjourn**

6:00 p.m. **Networking Reception**
 SPONSORED BY **ESI—Engineering Systems Inc.**

7:00 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner *(on your own)*. More details on-site.

FRIDAY, APRIL 11, 2014

Mobile Device Charging Kiosk
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Device Charging Station
 SPONSORED BY **Eckert Seamans Cherin & Mellott LLC**

Boarding Pass Kiosk
 SPONSORED BY **Butler Snow O'Mara Stevens & Cannada PLLC**

8:00 a.m. **Registration**

8:00 a.m. **Continental Breakfast**
 SPONSORED BY **Veritext**

9:00 a.m. **Specialized Litigation Workshops**
(See pages 6–7 for session descriptions)
 Building Products
 Chemical and Toxic Torts
 Manufacturers' Risk Prevention
 Scaffolding, Cranes, and Aerial Devices

11:00 a.m. **Refreshment Break**

11:15 a.m. **It's Not the Fruit, It's the Root: Getting to the Bottom of Our Ethical Ills**

Mr. Carter goes beyond the dos and don'ts of the Rules of Professional Conduct to get to the heart of the matter—the common mindsets that result in ethical violations in the first place. He will provide insight into changing these mindsets so that the ethical canons become guideposts, and not obstacles, in our drive to become successful lawyers.

Sean Carter, *Lawpsided Seminars*, Mesa, Arizona

12:15 p.m. **Adjourn**

2014 SPECIALIZED LITIGATION WORKSHOPS

WEDNESDAY, APRIL 9, 2014

3:30–5:30 p.m.

■ BIOMECHANICS AND INJURY CAUSATION

CHAIR | **Cynthia P. Arends**, *Nilan Johnson Lewis PA*, Minneapolis, Minnesota

VICE CHAIR | **James F. Marrion**, *Pietragallo Gordon Alfano Bosick & Raspanti LLP*, Pittsburgh, Pennsylvania

Biomechanics of Big Stuff: Vehicles, Regardless of Size, Obey the Laws of Physics and Engineering

Susan A. Lantz, Ph.D., *CED Technologies Inc.*, Oak Brook, Illinois

Biomechanical Reconstruction of Pedestrian and Cyclist Impacts with Motor Vehicles

Jacob L. Fisher, Ph.D., PE, *Exponent*, Philadelphia, Pennsylvania

■ CHILDREN'S PRODUCTS

CHAIR | **Jane A. North**, *Deasey Mahoney Valentini & North Ltd.*, Philadelphia, Pennsylvania

VICE CHAIR | **Lynne Jones Blain**, *Harman Claytor Corrigan & Wellman PC*, Richmond, Virginia

Liability Surrounding Resale of Children's Products Online

Merton A. Howard, *Hanson Bridgett LLP*, San Francisco, California

Bring in the Reinforcements: Use of Settlement Counsel Skilled in Negotiations for Early Dispute Resolution

Peter M. Kramer, *Squire Sanders LLP*, Miami, Florida
Dale L. Matschullat, *Schiff Hardin LLP*, Chicago, Illinois
Maxine Schroll, *Newell Rubbermaid Inc.*, Freeport, Illinois

What's in Store for Children's Product Industry, Given the Growing Aggressiveness of the CPSC and Health Canada

Lindsay H. Lorimer, *McMillan LLP*, Toronto, Ontario
Cheryl A. Possenti, *Goldberg Segalla LLP*, Buffalo, New York

■ ELECTRONIC DISCOVERY

CHAIR | **Eric L. Probst**, *Porzio Bromberg & Newman PC*, Morristown, New Jersey

VICE CHAIR | **James T. Irvin III**, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina

Technology-Assisted Review and Predictive Coding: Opportunities and Challenges of Advanced Review Technologies

Drew Lewis, *Recommind Inc.*, Nashville, Tennessee
John D. Martin, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina

■ TRIAL TECHNIQUES AND TECHNOLOGY

CHAIR | **Amanda M. Cialkowski**, *Nilan Johnson Lewis PA*, Minneapolis, Minnesota

VICE CHAIR | **Blair A. Jones**, *Germani Martemucci Riggle & Hill*, Portland, Maine

Mock Direct Examination of Expert Witness

James J. Yukevich, *Yukevich Cavanaugh*, Los Angeles, California

Mock Cross-Examination of Expert Witness

Sidney K. Kanazawa, *McGuireWoods LLP*, Los Angeles, California

Tips from the Expert: Technology That Has Been Particularly Persuasive

Robert Juergens, *SEA Limited*, St. Louis, Missouri

THURSDAY, APRIL 10, 2014

10:30 a.m.–12:30 p.m.

■ AGRICULTURAL/CONSTRUCTION/ MINING/INDUSTRIAL EQUIPMENT

CHAIR | **Brian A. Comer**, *Collins & Lacy PC*, Columbia, South Carolina

VICE CHAIR | **Michael E. McWilliams**, *Butler Snow LLP*, Ridgeland, Mississippi

Expert Witnesses: Inside or Outside? The Pros and Cons

Kristin K. Esche, *Deere & Company*, Moline, Illinois
Mark E. Gebauer, *Eckert Seamans Cherin & Mellott LLC*, Harrisburg, Pennsylvania
David M. Nicholas, *Volvo Construction Equipment North America LLC*, Shippensburg, Pennsylvania

ACMIE Top Ten for 2013

Matt Hundley, *Moran Reeves & Conn PC Law Firm*, Richmond, Virginia

■ AVIATION AND AEROSPACE

CHAIR | **Donald R. Andersen**, *Stites & Harbison PLLC*, Atlanta, Georgia

VICE CHAIR | **Steven F. Casey**, *Jones Walker LLP*, Birmingham, Alabama

Recent Developments in Aviation Product Liability Law

Donald R. Andersen, *Stites & Harbison PLLC*,
Atlanta, Georgia

Victoria Webster, *Yamaha Motor Corporation*,
Newnan, Georgia

Case Law Update, Emphasizing the Visual Aspect of Recreational Products Litigation

Elizabeth L. Moyo, *Porter Wright Morris & Arthur LLP*, Columbus, Ohio

■ FIRE SCIENCE AND LITIGATION

CHAIR | **Lisa P. Gruen**, *Ericksen Arbuthnot*,
Los Angeles, California

VICE CHAIR | **Jonathan S. Hickey**, *Burden Gulisano & Hickey LLC*, Buffalo, New York

Dr. C. v. Whirlpool: Drug Use and Decedent's Contributory Negligence

Jay Freeman, *AEI Corporation*, Littleton, Colorado
George R. Neuhauser, *Nall & Miller LLP*, Atlanta, Georgia

Trying High-Stakes Explosion Cases in Unfriendly Venues: Defense Strategy and Perspective

Brook Laskey, *McCoy Leavitt Laskey LLC*,
Albuquerque, New Mexico

David K. Sheppard, *AmeriGas Propane*,
King of Prussia, Pennsylvania

■ INTERNATIONAL LEGAL ISSUES

CHAIR | **Glenn M. Zakaib**, *Cassels Brock & Blackwell LLP*, Toronto, Ontario

VICE CHAIR | **Peter Henein**, *Cassels Brock & Blackwell LLP*, Toronto, Ontario

Legal Issues Following the Chain from Manufacture to Sale**Handling Regulatory Investigations in International Jurisdictions**

Marie-Claude Simard, LL.B., M.B.A., *Bombardier Recreational Products Inc.*, Valcourt, Quebec
Rene Zanin, *Toshiba of Canada Ltd.*, Markham, Ontario

■ RECREATIONAL PRODUCTS

CHAIR | **Fred E. Bourn III**, *Butler Snow LLP*,
Jackson, Mississippi

VICE CHAIR | **Michael L. Reitzell**, *Duane Morris LLP*,
San Francisco, California

Using Visual Aspect Expert and Biomechanical Expert to Reconstruct Accident from Online Videos

Brian Brill, *Mountain Graphix*, Dillon, Colorado
Irving S. Scher, Ph.D., PE, *Guidance Engineering and Applied Research*, Seattle, Washington

In-House Counsel Perspective on Video, Social Media, Investigations of Product Videos, and Creating Video/Reconstructions

Robert L. Kollar, *Kawasaki Motor Corp USA*,
Irvine, California

THURSDAY, APRIL 10, 2014

3:50 p.m.–5:50 p.m.

■ AUTOMOTIVE

CHAIR | **Jeffrey A. Curran**, *GableGotwals*,
Oklahoma City, Oklahoma

VICE CHAIR | **Denise A. Dickerson**, *Sutter O'Connell Co. LPA*, Cleveland, Ohio

Spoliation of the Vehicle or Defective Vehicle Component by Plaintiff and Manufacturer's Remedies

Jodi Dyan Oley, *Eckert Seamans Cherin & Mellott LLC*, Philadelphia, Pennsylvania

The Next Generation Drivers and Their Role in Accidents

William Fischer, PE, *Engineering Systems Inc.*, Fort Myers, Florida

Mitchell A. Garber, M.D., MPH, MSME,
Engineering Systems Inc., Norcross, Georgia

Cross-Border Auto Class Actions and Settlements

Teresa Dufort, *McMillan LLP*, Toronto, Ontario

Rule 26 Expert Discovery: The Privileges Afforded to Expert/Attorney Communications

Marie E. Chafe, *Cornell & Gollub*,
Boston, Massachusetts

■ CONSUMER GOODS AND OFFICE EQUIPMENT

CHAIR | **Hope T. Cannon**, *Bradley Arant Boult Cummings LLP*, Birmingham, Alabama

VICE CHAIR | **Jenifer N. Keenan**, *Alston & Bird LLP*, Atlanta, Georgia

Update on U.S. and Global Consumer Goods Regulatory Requirements

Cheryl A. Falvey, *Crowell & Moring LLP*,
Washington, D.C.

Sylvie Gallage-Alwis, *Hogan Lovells*, Paris, France

Christian di Mauro, *Hogan Lovells*, Milan, Italy

Peter J. Pliszka, *Fasken Martineau DuMoulin LLP*, Toronto, Ontario

Consumer Fraud/No-Injury Class Actions

Scott A. Elder, *Alston & Bird LLP*, Atlanta, Georgia

Jerome A. Swindell, *Johnson & Johnson*,
New Brunswick, New Jersey

Kimberly A. Udovic, *Toyota Motor Sales
USA Inc.*, Torrance, California

FOOD LAW

CHAIR | **Joshua E. Swiger**, *Weinberg Wheeler
Hudgins Gunn & Dial LLC*, Atlanta, Georgia

VICE CHAIR | **Glenn S. Kerner**, *Goodwin Procter LLP*,
New York, New York

Brief Discussion of the Status of the Food Safety Modernization Act

Joshua E. Swiger, *Weinberg Wheeler Hudgins
Gunn & Dial LLC*, Atlanta, Georgia

Can Products Labeled “All Natural” Contain Any GMOs?

Glenn S. Kerner, *Goodwin Procter LLP*,
New York, New York

New USDA Directives May Mean a Rare Steak Will Be Rarer than Ever

Shawn K. Stevens, *Gass Weber Mullins LLC*,
Milwaukee, Wisconsin

A Defense Perspective on the Growing List of Issues for Labeling Claims

James F. Neale, *McGuire Woods LLP*,
Charlottesville, Virginia

HAND AND POWER TOOLS

CHAIR | **Joseph W. Pappalardo**, *Gallagher Sharp*,
Cleveland, Ohio

VICE CHAIR | **Bradley D. Remick**, *Marshall Dennehey
Warner Coleman Goggin PC*,
Philadelphia, Pennsylvania

Power Tool Injuries—Biomechanical Review and Use of Accident Data

Robert M. Fulton, *Hill Ward Henderson*, Tampa, Florida

Elizabeth H. Raphael, M.D., FACEP, *Delta V
Biomechanics*, Palo Alto, California

Mark A. Rowe, *Techtronic Industries North
America Inc.*, Anderson, South Carolina

MASS TORTS AND CLASS ACTIONS

CHAIR | **Frederick W. Rom**, *Womble Carlyle Sandridge
& Rice LLP*, Raleigh, North Carolina

VICE CHAIR | **P. Anthony Sammons**, *Dinsmore &
Shohl LLP*, Lexington, Kentucky

Post Comcast: Are Federal Courts Considering Individual Damages When Certifying Class Actions?

April M. Byrd, *Shook Hardy & Bacon LLP*,
Philadelphia, Pennsylvania

What the EU Is Doing to Address Collective Redress Issues—Member States’ Experiences

Christopher S. D’Angelo, *Montgomery McCracken
Walker & Rhoads LLP*, Philadelphia, Pennsylvania

FRIDAY, APRIL 11, 2014

9:00 a.m.–11:00 a.m.

BUILDING PRODUCTS

CHAIR | **William J. Hubbard**, *Thompson Hine LLP*,
Cleveland, Ohio

VICE CHAIR | **Alan R. Levy**, *Buckley Law Group*,
New York, New York

Best Practices for Successful Building Product Inspections

MODERATOR | **Alan R. Levy**, *Buckley Law Group*,
New York, New York

Jeffrey S. Butts, *KCG Inc.*, Lenexa, Kansas

E. Wayne Taff, *Law Offices of E. Wayne Taff*,
Blue Springs, Missouri

Liability of Product Manufacturers Complying with Performance Specifications in Design/Build Projects

William S. Thomas, *Pitzer Snodgrass PC*,
Saint Louis, Missouri

Update on Building Products Class Actions Post *Dukes* and *Comcast*

Michael R. Carroll, *Ballard Spahr LLP*,
Cherry Hill, New Jersey

CHEMICAL AND TOXIC TORTS

CHAIR | **R. Craig Mayfield**, *Hill Ward
Henderson*, Tampa, Florida

VICE CHAIR | **Daniel M. Long**, *Frost Brown Todd LLC*,
Indianapolis, Indiana

Strategies to Position a Toxic Tort Case for a Favorable Defense Settlement

John A. Kind, Ph.D., CIH, *Center for Toxicology and
Environmental Health LLC*, North Little Rock, Arkansas

Cisselon Nichols Hurd, *Shell Oil Company*,
Houston, Texas

Beverlee E. Silva, *Alston & Bird LLP*, Atlanta, Georgia

■ MANUFACTURERS' RISK PREVENTION

CHAIR | **Gretchen N. Miller**, *Greenberg Traurig LLP*, Chicago, Illinois

VICE CHAIR | **Michael R. Walker**, *Gallagher Walker Bianco & Plataras*, Mineola, New York

This area of practice is encompassed in the main stage program.

■ SCAFFOLDING, CRANES, AND AERIAL DEVICES

CHAIR | **Deirdre S. McCool**, *Nelson Mullins Riley & Scarborough LLP*, Charleston, South Carolina

VICE CHAIR | **Adam M. Shienvold**, *Eckert Seamans Cherin & Mellott LLC*, Harrisburg, Pennsylvania

Lift Truck Design Litigation: Manufacturer's Role in Developing Methodologies and Legal Strategies

Spencer Adams, *NACCO Materials Handling Group Inc.*, Portland, Oregon

Jeffrey S. Eden, *Schwabe Williamson & Wyatt*, Portland, Oregon

John P. "Jack" Freedenberg, *Goldberg Segalla LLP*, Buffalo, New York

OSHA Doesn't Know—Don't Assume OSHA Has the Expertise

David H. Glabe, PE, *DH Glabe & Associates*, Westminster, Colorado

Christopher Schilder, *Safway Group Holding LLC*, Waukesha, Wisconsin

YOUNG LAWYERS BREAKOUT

WEDNESDAY, APRIL 9, 2014

10:30 a.m. Welcome and Introduction

Anthony J. Novak, *Larson King LLP*, St. Paul, Minnesota

W. Rick Griffin, *Martin Pringle Oliver Wallace & Bauer LLP*, Wichita, Kansas

10:35 a.m. The Importance of Learning Your Client's Business

Nicole Young, *Ingersoll-Rand Company*, Charlotte, North Carolina

11:00 a.m. But It's Not My Product! Ways to Limit Liability on Manufacturers of Products That Do Not Cause Injury

Kara Kapke, *Barnes & Thornburg LLP*, Indianapolis, Indiana

11:30 a.m. Technology-Assisted Review: What It Is, What It Isn't, and Why You Should Consider Whether It's Right for Your Case

Jenya Moshkovich, *Patterson Belknap Webb & Tyler LLP*, New York, New York

12:00 p.m. Lunch (on your own)

1:30 p.m. Concussion Litigation and Product Liability Implications

Timothy Liam Epstein, *SmithAmundsen LLC*, Chicago, Illinois

Scott Thomas Peters (former NFL player)

2:10 p.m. Marketing Tips for the Young Lawyer and Growing Client Relationships

Cindy Khin, *Medmarc*, Washington, D.C.

Kelly Lippincott, *Carr Maloney PC*, Washington, D.C.

Paul J. Maloney, *Carr Maloney PC*, Washington, D.C.

Kevin Quinley, *Quinley Risk Associates LLC*, Chesterfield, Virginia

3:00 p.m. Adjourn

FACULTY

Sean Carter is a lawyer, author, comedian, and self-described “Humorist at Law” with Lawpsided Seminars in Mesa, Arizona. He has provided his unique brand of CLE (comedic legal education) for more than 250 bar associations, law firms, and in-house corporate legal departments. His programs all have one thing in common—humor, and plenty of it.

Joseph D. Cohen is a partner in the litigation group of Porter Hedges LLP in Houston. He handles catastrophic injury and wrongful death cases arising from allegations of product liability (including pharmaceutical products), exposure to chemicals and asbestos, and general negligence. Mr. Cohen is the program vice chair of this conference.

Lanny J. Davis, founder of Lanny J. Davis & Associates LLC in Washington, D.C., is a lawyer, legal crisis manager, consultant, author, weekly political columnist, and television and radio commentator, who counsels individuals, corporations, and others under scrutiny on crisis management and legal issues. He served as former White House Special Counsel to President Bill Clinton.

Cari K. Dawson is the chair of the class action practice team of Alston & Bird LLP in Atlanta. She focuses on complex litigation matters. Ms. Dawson has served as lead counsel in class actions for numerous Fortune 500 companies nationwide. She has an established track record of successfully defending clients as lead counsel in high-profile enterprise litigation, and in 2013, the *National Law Journal* named Ms. Dawson one of the “100 Most Influential Lawyers in America.”

Daniel A. DuPré is deputy general counsel with Federal Signal Corporation, a diversified manufacturer, in Oak Brook, Illinois. Previously, he served as an in-house counsel with Brunswick Corporation, Bank One, and Sears. He has also practiced law for a prominent Chicago-based law firm and served as an assistant U.S. attorney in Chicago.

Steve Edwards is a senior recall strategist for Stericycle ExpertSolutions in Indianapolis, who is responsible for ensuring flawless customer integration and satisfaction throughout the pressure-packed recall process. A veteran of more than 900 product recalls, he leads and manages the recall scoping, execution, and plan development for pharmaceutical, food and beverage, medical device, and consumer product manufacturers and retailers.

The Honorable John Cannon Few is the chief judge of the South Carolina Court of Appeals in Columbia. From 2000 until February 2010, he served as a state trial judge. Previously, he practiced law in Greenville, South Carolina. Judge Few teaches law at the National Judicial College and several law schools.

John M. Fitzpatrick, a trial attorney with Wheeler Trigg O'Donnell LLP in Denver, focuses on high-exposure cases for both national and local clients. His practice involves claims of product defects in aviation, asbestos, pharmaceuticals or medical devices, high-exposure birth trauma claims in medical malpractice, and chemical releases of toxic substances. He has tried in excess of 220 cases to verdict in more than 30 states and obtained defense verdicts in the majority of them.

B. Thomas Florence, Ph.D., a founding partner at ARPC in Washington, D.C., has participated in or provided expert testimony in some of the most significant mass tort and product liability cases in U.S. history. Dr. Florence has consulted on cases dealing with asbestos, breast implants, IUDs, joint replacements, tobacco, Albuterol asthma medication, Fen-Phen, Love Canal, Three Mile Island, Times Beach dioxin, oil platform disasters, and Mississippi DDT contamination.

John E. Hall, Jr., one of the founding partners of Hall Booth Smith PC in Atlanta, defends high exposure cases, including medical malpractice, construction, commercial litigation, mass torts, transportation, and product liability. Mr. Hall has tried in excess of 100 cases to resolution. His expertise in high exposure birth trauma and catastrophic cases resulted in his being named national counsel for several major insurance carriers throughout the Southeastern United States.

Jack Laffey, a shareholder in the Milwaukee office of Whyte Hirschboeck Dudek SC, focuses his practice on product liability, transportation litigation, toxic tort, catastrophic injury defense, and insurance and commercial litigation matters. He represents corporations and insurers involved in these areas. Mr. Laffey is a member of DRI's Law Institute and is a former chair of the DRI Trucking Law Committee.

Saul Levmore is a former dean at the University of Chicago Law School, where he has earned numerous teaching awards. He is the author of a book on games and puzzles and has most recently written about tort suits and anti-obesity, double jeopardy, and contractual and criminal threats. Professor Levmore has taught at Virginia, Yale, Harvard, Michigan, and Northwestern Law Schools.

Gregory G. Little is a trial lawyer with White & Case LLP in Washington, D.C., who counsels clients on avoiding, resolving, and winning litigation. In addition to leading high-stakes corporate litigation strategy and serving as national coordinating counsel for Fortune 10 companies, Mr. Little has been lead trial counsel in over 45 trials in state and federal courts nationwide. As associate general counsel for Philip Morris, he managed the defense of tobacco litigation.

Francis E. McGovern is a professor of law at Duke University School of Law in Durham, North Carolina, and the University

of California, Berkeley, School of Law. Professor McGovern has served as a court-appointed special master or neutral expert in over 70 complex cases and has developed solutions in many significant mass claim litigation cases, including the United Nations Compensation Commission, DDT toxic exposure litigation in Alabama, and the Dalkon-Shield cases.

Gretchen N. Miller, a litigation shareholder in Greenberg Traurig LLP's Chicago office, focuses on product liability litigation and product safety counseling, including product recalls and compliance with federal and state laws. She has tried cases on behalf of manufacturers and retailers of consumer, industrial, and medical products, and acts as national counsel for various companies. Ms. Miller is the chair of the DRI Manufacturer's Risk Prevention Specialized Litigation Group.

Jaime L. Myers is corporate counsel at Caterpillar Inc. in Peoria, Illinois. As in-house counsel, she manages teams of outside counsel, Caterpillar technical coordinators, and experts in connection with domestic and international product litigation claims. Prior to going in-house at Caterpillar, she focused on litigation and bankruptcy matters in Dallas. She is admitted to practice in Texas, Illinois, Tennessee, and the District of Columbia, and is a DRI member.

Amy Norris is the chief legal counsel for Clif Bar & Company in Emeryville, California, the leading maker of nutritious and organic foods and drinks. She advises on all operational matters, including food labeling, food safety, advertising, litigation, and domestic and international business issues. Ms. Norris also oversees the regulatory compliance group. Prior to joining Clif Bar, she was in private practice for approximately 10 years.

Kevin G. Owens is co-chair of Johnson & Bell Ltd.'s product liability practice group in Chicago, focusing on the defense and trial of product liability, complex/catastrophic litigation, general negligence, and commercial disputes. An avid lecturer, Mr. Owens has addressed issues covering all areas of product liability law, evidence and trial strategy, and medical device litigation. He has been recognized by his peers with an AV rating from Martindale-Hubbell.

Giles Roblyer is counsel in the personal healthcare division of the Procter & Gamble Company in Cincinnati. He provides guidance on advertising, regulatory, and other legal matters for well-known consumer products brands, including Pepto-Bismol, Crest, and New Chapter dietary supplements.

Kenneth Ross is a former partner and now of counsel to Bowman and Brooke LLP in Minneapolis. He has provided legal advice on product safety, regulatory compliance, and product liability prevention to manufacturers and product sellers for over 30 years. He co-chaired the DRI Product Liability Committee's Manufacturers' Risk Prevention Specialized Litigation Group. Mr. Ross is a life member of the

American Law Institute and participated in the Restatement of Products Liability project.

Michèle Stuart, a licensed private investigator with 23 years of experience, works with JAG Investigations Inc. in Gilbert, Arizona. She specializes in financial, open source investigations (OSINT), corporate investigations, and intelligence/counter intelligence. Ms. Stuart provides seminars on her specialized investigative techniques in OSINT. She started her investigative career as an economic fraud investigator. Ms. Stuart is an adjunct professor with the University of Virginia and an instructor at Quantico for multi-country training programs.

Patrick J. Sweeney, a partner with Sweeney & Sheehan PC in Philadelphia, focuses his practice on transportation, product liability, and general liability matters. Mr. Sweeney is the past president of the Pennsylvania Defense Institute. He is a former DRI board member and former DRI state representative for Pennsylvania. Mr. Sweeney is currently the chair of DRI's Product Liability Committee.

Anne M. Talcott is a shareholder at Schwabe Williamson & Wyatt PC in Portland, Oregon. She focuses her practice on complex business, product liability, and pharmaceutical litigation. Ms. Talcott is licensed in Oregon and Washington, and serves as northwest regional counsel for several clients. She is the vice chair of DRI's Product Liability Committee and the past chair of the Oregon State Bar Product Liability Section.

Tara Trask is the founder and CEO of Tara Trask and Associates, a full service litigation strategy, jury research, and trial consulting practice with offices in San Francisco and Dallas. She has 16 years of experience in the field of jury research and has debriefed thousands of jurors, both mock and actual. Her practice includes all types of complex litigation, and she has been involved in over 300 jury trials across the country.

James E. Weatherholtz, a litigation partner in the Charleston, South Carolina, office of Womble Carlyle Sandridge & Rice LLP, focuses on defending building product manufacturers, including multiple class action lawsuits and serving as national counsel for certain products. He has defended manufacturers of engineered wood products, elastomeric coatings, asphalt shingles, laminated beams, decking, and metal roof shingles. He is the past chair of the South Carolina State Bar Construction Law Section and the program chair of this conference.

Kurt D. Weaver chairs Womble Carlyle Sandridge & Rice LLP's multidisciplinary food, beverage, and agriculture team from Raleigh, North Carolina. Mr. Weaver spends his time either trying cases in courts across the United States, or counseling consumer goods companies in product liability and mass tort litigation. His cases routinely involve advanced medical and scientific issues, as well as marketing and advertising claims.

2014 SEMINAR SCHEDULE

January 30–31	Civil Rights and Governmental Liability <i>New Orleans Marriott, New Orleans, LA</i>	May 8–9	Intellectual Property Litigation <i>The Westin Washington, D.C. City Center, Washington, D.C.</i>
February 5–7	Women in the Law <i>FireSky Resort, Scottsdale, AZ</i>	May 15–16	Drug and Medical Device <i>Renaissance Washington DC Hotel, Washington, D.C.</i>
February 20–21	Toxic Torts and Environmental Law <i>New Orleans Marriott, New Orleans, LA</i>	May 15–16	Retail and Hospitality Litigation and Claims Management <i>The Westin Chicago River North, Chicago, IL</i>
March 12–14	Trial Tactics <i>Eden Roc Renaissance Miami Beach, Miami Beach, FL</i>	June 12–13	Diversity for Success <i>Swissôtel Chicago, Chicago, IL</i>
March 20–21	Medical Liability and Health Care Law <i>The Cosmopolitan of Las Vegas, Las Vegas, NV</i>	June 19–20	Trucking Law <i>The Cosmopolitan of Las Vegas, Las Vegas, NV</i>
April 2–4	Insurance Coverage and Claims Institute <i>Swissôtel Chicago, Chicago, IL</i>	June 26–27	Young Lawyers <i>The Westin Denver Downtown, Denver, CO</i>
April 9–11	Product Liability <i>Arizona Biltmore, Phoenix, AZ</i>	July 17–18	Appellate Advocacy <i>The Westin Chicago River North, Chicago, IL</i>
April 30–May 2	Life, Health, Disability and ERISA Claims <i>Sheraton Chicago Hotel & Towers, Chicago, IL</i>	July 24–25	Class Actions <i>Marriott Marquis Washington, D.C., Washington, D.C.</i>
May 7–9	Employment and Labor Law <i>Montelucia Resort, Scottsdale, AZ</i>	July 24–25	Government Enforcement and Corporate Compliance <i>Marriott Marquis Washington, D.C., Washington, D.C.</i>
May 8–9	Business Litigation <i>The Westin Washington, D.C. City Center, Washington, D.C.</i>		



DIVERSITY AND INCLUSION IN DRI: A STATEMENT OF PRINCIPLE

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

GENERAL INFORMATION

CLE/CLAIMS ADJUSTERS ACCREDITATION

This seminar has been approved for MCLE credit by the State Bar of California in the amount of **17.30** hours, including **2** hours of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.

REGISTRATION

The registration fee is **\$895** for members and those who join DRI when registering and **\$1,125** for nonmembers. The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI app. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **March 20, 2014** (please allow 10 days for processing). Registrations received after **March 20, 2014**, will be processed on-site.

REFUND POLICY

The registration fee is fully refundable for cancellations received on or before **March 20, 2014**. Cancellations received after **March 20** and on or before **March 27, 2014**, will receive a refund, less a \$100 processing fee. Cancellations made after **March 27** will not receive a refund, but the course materials on CD-ROM and a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

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A limited number of discounted hotel rooms have been made available at the **Arizona Biltmore, 2400 East Missouri Avenue, Phoenix, Arizona 85016**. For reservations, visit dri.org and go to the **Product Liability Conference** page or **contact the hotel directly at 602.955.6600**. Please mention **DRI's Product Liability Conference** to take advantage of the group rate of **\$259 Single/Double**. The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **March 10, 2014**, to be eligible for the group rate. Requests for reservations made after **March 10** are subject to room and rate availability.

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***Offers exclude the DRI Annual Meeting. See page 11 for eligibility requirements.**

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