

ADVANCE REGISTRATION DEADLINE: MARCH 22, 2012



**IN-HOUSE AND EXPERT
SPEAKERS INCLUDING**

ANNE M. NORTHUP
CONSUMER PRODUCT SAFETY
COMMISSION

CURTIS CARTER WILKIE
AUTHOR, *THE FALL OF THE
HOUSE OF ZEUS*

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TASER INTERNATIONAL INC.

JAMES R. O'BRIEN
STANLEY BLACK & DECKER INC.

YVES ST-ARNAUD
BOMBARDIER RECREATIONAL
PRODUCTS INC.

**PRODUCT
LIABILITY
CONFERENCE—
PRODUCT LIABILITY
LITIGATION IN THE
21ST CENTURY:
THE FUTURE IS NOW**

APRIL 11-13, 2012

**THE VENETIAN
PALAZZO HOTEL**

LAS VEGAS, NEVADA

REASONS TO ATTEND

Hear a CPSC Commissioner's insight on the future of the Consumer Product Safety Commission

Learn cutting-edge trial techniques to utilize the latest technology to your advantage

Expanded opportunities to choose from among 18 specialized litigation group sessions

Earn up to 17.5 hours of CLE, including two hours of ethics credit

DRI DELIVERS RESOURCES TO BUILD YOUR PRACTICE



DRI's Product Liability Conference is indispensable for anyone who defends product liability litigation. Attendees will learn about the latest trends and decisions affecting product liability cases and get valuable practice tips, strategies and trial techniques to gain an advantage in defending the modern product liability case. Main stage speakers include experienced and well known product liability defense trial lawyers, in-house counsel and government lawyers.

The specialized litigation group (SLG) sessions will offer detailed analysis in 18 different product practice areas. A concurrent session on Wednesday presented by the Young Lawyers Committee offers an alternative track for lawyers of any age looking for high quality nuts-and-bolts presentations. The Corporate Counsel Committee invites in-house lawyers to a program and roundtable discussion on Thursday afternoon on issues unique to corporate counsel. This conference offers unmatched opportunities to keep abreast of current issues, earn CLE and network.



Nicholas C. Pappas
Program Chair



Anne M. Talcott
Program Vice Chair



Charles A. Stewart III
Committee Chair



Patrick J. Sweeney
Committee Vice Chair



Paul M. Lavelle
Law Institute

Presented by DRI's
**Product Liability
Committee**

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WHAT YOU WILL LEARN

- The current and future impact of Consumer Product Safety Commission regulations on product liability litigation and accident database experience
- Ethical limits on influencing Internet content during trial
- The future of warnings claims in the global marketplace
- Tools for uncovering key bias information to attack plaintiffs' experts
- Practical advice for managing Failure Modes and Effects Analysis issues
- Latest trends and issues in product liability

This seminar brochure is sponsored by

Nelson Mullins
Nelson Mullins Riley & Scarborough LLP

PROGRAM SCHEDULE

TUESDAY, APRIL 10, 2012

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

Sponsored by **Bradley Arant Boult Cummings LLP**

WEDNESDAY, APRIL 11, 2012

Boarding Pass Kiosk

Sponsored by **Hiltgen & Brewer PC**

Internet Café in Exhibit Showcase

Sponsored by **Butler Snow O'Mara Stevens & Cannada PLLC**

7:15 a.m. **Registration**7:15 a.m. **Continental Breakfast**

Sponsored by **Whyte Hirschboeck Dudek SC**

7:15 a.m. **First-Time Attendees Breakfast**8:15 a.m. **Welcome and Introduction**

Paul M. Lavelle, *Beirne Maynard & Parsons LLP*, New Orleans, Louisiana

Charles A. Stewart III, *Bradley Arant Boult Cummings LLP*, Montgomery, Alabama

Nicholas C. Pappas, *Frost Brown Todd LLC*, Indianapolis, Indiana

8:30 a.m. **The Past, Present and Future of the Consumer Product Safety Commission**

Commissioner Northup will discuss how her experience as a member of Congress has affected her desire to reduce the burden of overregulation in order to move forward in job creation. She will highlight the agency's implementation of the consumer product

database, as well as her concerns with recent commission actions that may negatively affect consumer choice in the marketplace.

Anne M. Northup, *U.S. Consumer Product Safety Commission*, Washington, D.C.

9:15 a.m. **Digging Deep to Attack Bias of the Plaintiffs' Experts**

The best way to undermine sympathy for catastrophic cases is to crush the plaintiffs' experts. Read prior transcripts; read published literature; read the experts' own literature; dig deep on credentials—these are examples of how to win tough cases by demonstrating overwhelming bias. Hear more about this proven technique.

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

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

Sponsored by **Ericksen Arbutnot**

10:30 a.m. **21st Century Product Liability Pattern Litigation**

24/7 biased media and web coverage; coordinated multi-firm assaults; unqualified experts who become repeat experts on your product; e-discovery and spoliation collateral fights; governmental hearings; securities claims—is this really the new face of product litigation? Hear directly from the front lines in this discussion of high-profile product liability defense.

Holly L. Gibeaut, *TASER International Inc.*, Scottsdale, Arizona

John R. Maley, *Barnes & Thornburg LLP*, Indianapolis, Indiana

10:30 a.m. **Young Lawyers Breakout**

(See schedule on page 13.)



11:15 a.m. **The Future of Warnings Claims: How Pictograms, Standards Harmonization and Globalization Are Impacting Product Liability Claims**

National coordinating counsel and in-house product liability counsel will discuss where we have been, where we are and where we are heading with regard to warnings claims. The discussion will include not only the implications of foreign language warnings and pictograms, but also how warnings issues are addressed internally in corporations, including the internal tension between the business people and the legal department on how much information to include with product warnings.

Daniel R. Lanier, *Miles & Stockbridge PC*,
Baltimore, Maryland

James R. O'Brien, *Stanley Black & Decker Inc.*,
Towson, Maryland

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

1:30 p.m. **There's an App for That! Effective Use of Technology by the Product Liability Lawyer of the Future**

With the advent of the iPad and tablet technology, lawyers are increasingly relying on tablets and other devices in their everyday practice. This interactive presentation will demonstrate numerous apps that can make the practice easier and more efficient. New and evolving trial technologies will demonstrate how, when and why trial lawyers should incorporate technology into their practice.

Robert A. Campbell, Jr., *InCourt Technologies*,
Norwell, Massachusetts

Joshua B. Fleming, *Frost Brown Todd LLC*,
Indianapolis, Indiana

1:30 p.m. **Young Lawyers Breakout** (*continues*)

2:15 p.m. **Failure Modes and Effects Analysis: Why It (or Something Like It) Is Needed in Product Files**

Failure Modes and Effects Analysis (FMEA) is a popular risk analysis tool. In today's global economy, manufacturers are well advised to document risk analysis and avoidance efforts, not only for use in litigation, but also for potential regulatory compliance. This

presentation will address the mechanics of a thorough FMEA process and its documentation. The benefits of a documented risk/hazard analysis on risk management, product liability prevention and the role of legal counsel in this process will also be discussed.

J.K. Leonard, *Naman Howell Smith & Lee PLLC*,
San Antonio, Texas

Yves St-Arnaud, *Bombardier Recreational Products Inc.*,
Valcourt, Quebec

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

Sponsored by **Barraso Usdin Kupperman
Freeman & Sarver LLC**

3:30 p.m. **Specialized Litigation Workshops**
(*See pages 7-8 for session descriptions.*)

Automotive
Consumer Goods and Office Equipment
Food Law
Hand and Power Tools
Mass Torts and Class Actions

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

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 12, 2012

Boarding Pass Kiosk
Sponsored by **Hiltgen & Brewer PC**

Internet Café in Exhibit Showcase
Sponsored by **Butler Snow O'Mara Stevens &
Cannada PLLC**

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

7:00 a.m. **Continental Breakfast**
Sponsored by **Ansa Assuncao LLP**

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



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

Nicholas C. Pappas, *Frost Brown Todd LLC*,
Indianapolis, Indiana

8:15 a.m. ***The Fall of the House of Zeus: Ethical Implications of the Rise and Ruin of Dickie Scruggs***

Mr. Wilkie, author of *The Fall of the House of Zeus*, tells the story of Dickie Scruggs, arguably the most successful plaintiffs' lawyer in America, who made a fortune on tobacco and asbestos litigation. He will discuss the ethics of Scruggs' story, including the dark side of southern and Washington legal games and power politics: the swirl of fixed cases, blocked investigations, judicial tampering, and a zealous prosecution that would eventually ensnare Scruggs in the midst of his struggle with insurance companies over Hurricane Katrina damages.

Curtis Carter Wilkie, *University of Mississippi*,
Oxford, Mississippi

9:15 a.m. **Restatement 2d Versus 3d**

What have we learned since implementation of the Restatement (Third) of Torts: Products Liability? Mr. Mann will offer practical strategies for trying the product liability case in a Restatement Third jurisdiction.

Lawrence C. Mann, *Bowman and Brooke LLP*,
Troy, Michigan

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

Sponsored by **Baker Donelson Bearman
Caldwell & Berkowitz PC**

10:30 a.m. **Specialized Litigation Workshops**
(See pages 8–9 for session descriptions.)**Building Products****Chemical and Toxic Torts****Manufacturers' Risk Prevention****Scaffolding, Cranes and Aerial Devices**12:30 p.m. **Lunch** (*on your own*)1:45 p.m. **Case Law Update**

Recent decisions and trends from across the country will be highlighted.

Clinton F. Fletcher, *Nall & Miller LLP*, Atlanta,
Georgia

Tyrell F. Jordan, *Balch & Bingham LLP*,
Birmingham, Alabama

1:45 p.m. **Corporate Counsel Breakout**
(*by invitation only*)

Cariann E. Beaudoin, *McDonald's Corporation*,
Oak Brook, Illinois

K. Kristann Carey, *McDonald's Corporation*,
Oak Brook, Illinois

Emily J. Lawrence, *CNH America LLC*, Racine,
Wisconsin

2:30 p.m. **The Best Defense Is a Good Offense: The Pros and Cons of Product Manufacturers Going on the Offensive—Filing Lawsuits to Defend Their Products**

In today's high stakes litigious environment, defending your product means more than putting on an aggressive defense. Companies are now seeing the benefit of taking the offensive and using litigation as a strategy, whether it is by suing plaintiffs, their lawyers, or their experts. The strategy is cutting-edge, but not without risks. Learn when and how to utilize this aggressive strategy, as well as the risks of pursuing claims for RICO, fraud and misrepresentation.

Marc E. Williams, *Nelson Mullins Riley &
Scarborough LLP*, Huntington, West Virginia

3:15 p.m. **Refreshment Break**

Sponsored by **Greenberg Traurig LLP**

3:45 p.m. **Specialized Litigation Workshops**
(See pages 9–10 for session descriptions.)**Biomechanics and Injury Causation****Children's Products****E-Discovery****Trial Techniques and Technology**5:45 p.m. **Adjourn**6:00 p.m. **Networking Reception**

Sponsored by **Deasey Mahoney Valentini &
North LTD**

Kevin Kennedy Associates



FRIDAY, APRIL 13, 2012

Boarding Pass Kiosk*Sponsored by* **Hiltgen & Brewer PC****Internet Café in Exhibit Showcase***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**8:15 a.m. **Announcements****Nicholas C. Pappas**, *Frost Brown Todd LLC*,
Indianapolis, Indiana8:30 a.m. **Specialized Litigation Workshops***(See pages 10–11 for session descriptions.)***Agricultural/Construction/Mining/Industrial
Equipment****Aviation and Aerospace****Fire and Casualty****International Legal Issues****Recreational Products**10:30 a.m. **Refreshment Break***Sponsored by* **Chaffe McCall LLP**10:45 a.m. **The End of Litigation Tourism? The Practical
Implications of *McIntyre* and *Goodyear* on
Future Product Liability Litigation**

The 2011 Supreme Court decisions in *Brown v. Goodyear* and *Nicastro v. McIntyre* reined in recent state and federal district courts' expansive and confusing analyses to extend personal jurisdiction over both the non-U.S.

affiliates of U.S. manufacturers and non-U.S. manufacturers with U.S. affiliates. The *Goodyear* and *McIntyre* decisions substantially improve upon the guidance provided by the Supreme Court in the decades since its path-marking *International Shoe v. Washington* decision. Recognizing that *International Shoe* is still alive, Mr. Brogan will explain the practical impact of *Goodyear* and *McIntyre* in the context of the defense of product manufacturers, strategies to avoid needless participation in U.S. based litigation and practice tips for those who find themselves embroiled in U.S. litigation.

James M. Brogan, *DLA Piper USA*, Philadelphia, Pennsylvania

11:30 a.m. **Mother May I? How You Can Ethically Influence
the Internet to Anticipate Jury Misconduct**

Every juror is repeatedly instructed not to do any independent research, including Internet research, during trial. Increasingly, however, jurors disregard these instructions. Are there steps an attorney can ethically take to anticipate that possibility? Can a defense lawyer request removal of a plaintiff's CaringBridge site? Is it appropriate for a company to comb its website to make sure that the content is consistent with what the company will say at trial? This presentation will explore strategies lawyers can and cannot use to anticipate and mitigate the consequences of juror Internet research during trial.

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

12:30 p.m. **Adjourn**12:30 p.m. **Product Liability Committee Meeting**
(open to all)

2012 SLG PROGRAMS

WEDNESDAY, APRIL 11, 2012

AUTOMOTIVE

Chair

Roman Lifson, *Christian & Barton, LLP*, Richmond, Virginia

Vice Chair

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

Stuck in Heavy Traffic: A Look at the Challenges Unique to Defending Motor Vehicle Class Actions

Neal Walters, *Ballard Spahr LLP*, Cherry Hill, New Jersey

Component Part Supplier Defense

Tracy Gregar Ferak, *Reed Smith LLP*, Chicago, Illinois

How Has the Economy Affected Litigation Against Ford, GM and Chrysler?

Christopher O. Massenburg, *Swetman Baxter Massenburg LLC*, Hattiesburg, Mississippi

CONSUMER GOODS AND OFFICE EQUIPMENT

Chair

H. Michael O'Brien, *Wilson Elser Moskowitz Edelman & Dicker LLP*, White Plains, New York

Vice Chair

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

CPSC Hot Topics: What Keeps Manufacturers Up at Night?

Chuck Albert, *Newell Rubbermaid*, Atlanta, Georgia

Scott Pinzone, *Hamilton Beach Brands Inc.*, Glen Allen, Virginia

Kenneth Ross, *Bowman and Brooke LLP*, Minneapolis, Minnesota

Marie-Claude Simard, *Bombardier Recreational Products*, Valcourt, Quebec

Careful What You Keep: Consumer Class Actions on Tracking with Cookies, Zip Codes and Social Media

Moderator

Lori S. Nugent, *Wilson Elser Moskowitz Edelman & Dicker LLP*, Chicago, Illinois

Panel

Michael Carr, *Argo Pro*, Chicago, Illinois

Peter Foster, *Willis*, Boston, Massachusetts

Ken Sandy, *SayMedia*, San Francisco, California

Tim Stapleton, *Zurich North America*, New York, New York

FOOD LAW

Chair

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

Vice Chair

Shelby K. Leonardi, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina

Lessons Learned from Recent High-Profile Foodborne Illness Outbreaks and Claims

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

The New Food Safety Modernization Act: What the Historic Legislation Will Mean to Industry

Kathleen O'Toole, *McDonald's Corporation*, Oak Brook, Illinois

Food Traceability and Litigation: Spoiled by Challenges, Yet Ripe for Opportunity

Will Daniels, *Earthbound Farms*, San Juan Bautista, California

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

HAND AND POWER TOOLS

Chair

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

Vice Chair

Bradley D. Remick, *Marshall Dennehey Warner Coleman & Goggin*, Philadelphia, Pennsylvania

Product Recalls: Managing Public Perception and Media Relations

Steven Y. Leinicke, *Wicker Smith O'Hara McCoy & Ford PA*, Fort Lauderdale, Florida

Holly M. Polglase, *Hermes Netburn O'Connor & Spearing PC*, Boston, Massachusetts



Navigating the CPSC: From Initial Inquiry to Rulemaking

Kevin R. Crisp, *Haight Brown & Bonesteel LLP*, Los Angeles, California

Beth Naylor, *Frost Brown Todd LLC*, Cincinnati, Ohio

MASS TORTS AND CLASS ACTIONS

Chair

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

Vice Chair

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

Medical Monitoring Developments in Mass Torts

Sean P. Wajert, *Dechert LLP*, Philadelphia, Pennsylvania

Use of Treating Physicians as Consultants in Mass Tort Litigation

Joseph P.H. Babington, *Helmsing Leach Herlong Newman & Rouse PC*, Mobile, Alabama

Retaining and Using Experts in Mass Tort Litigation: The Good, the Bad and the Ugly

Jessalyn H. Zeigler, *Bass Berry & Sims PLC*, Nashville, Tennessee

Growing Overlapping Conflict Between Regulatory Preemption and Federal Jurisdiction in Mass Tort

Erin M. Bosman, *Morrison Foerster LLP*, San Diego, California

THURSDAY, APRIL 12, 2012**BUILDING PRODUCTS**

Chair

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

Vice Chair

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

Psychological Impediments to Mediation Success—A Panel Discussion

Andrew D. Navarro, *Sompo Japan Insurance Company of America*, Charlotte, North Carolina

Robert M. Reed, Jr., *Atrium Companies Inc.*, Dallas, Texas

Brian D. Sheriff, *Allianz Global Corporate and Specialty*, Chicago, Illinois

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

Plaintiffs' Attorneys "Bootstrapping" FHA Claims Against Building Products Manufacturers/Distributors

Christopher R. Carville, *Rendigs Fry Kiely & Dennis LLP*, Cincinnati, Ohio

Emerging Trends in Building Product Liability Law

I. Hooshie Broomand, *Flesher Broomand McKague LLP*, Gold River, California

Philip J. Ragona, *Atrium Companies Inc.*, Dallas, Texas

CHEMICAL AND TOXIC TORTS

Chair

Ryan L. Nilsen, *Bowman and Brooke LLP*, Minneapolis, Minnesota

Vice Chair

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

Don't Give Up on a Lost Cause: Defeating Novel Theories of Causation in Toxic Tort Cases

Jennifer Quinn-Barabanow, *Steptoe & Johnson LLP*, Washington, D.C.

Causation Under Attack: The Undermining of Causation Standards by Plaintiffs' Experts and the Courts

Nate Karch, Ph.D., DABT, *Exponent Inc.*, Washington, D.C.

Scott V. Scarpelli, *The Dow Chemical Company*, Midland, Michigan

MANUFACTURERS' RISK PREVENTION

Co-Chairs

Kenneth Ross, *Bowman and Brooke LLP*, Minneapolis, Minnesota

Marie-Claude Simard, *Bombardier Recreational Products*, Valcourt, Quebec

Vice Chair

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



How Far Must a Manufacturer Reasonably Go to Foresee Product Misuse?

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

Timothy G. O'Neill, *Snell & Wilmer LLP*, Denver, Colorado

Marie-Claude Simard, *Bombardier Recreational Products*, Valcourt, Quebec

How Safe Is Your Confidential Business Information Under New Product Safety Laws?

Rod Freeman, *HoganLovells*, London, England

Lindsay Lorimer, *McMillan LLP*, Toronto, Ontario

Andrew Morrison, *Clayton Utz*, Melbourne, Australia

Kenneth Ross, *Bowman and Brooke LLP*, Minneapolis, Minnesota

SCAFFOLDING, CRANES AND AERIAL DEVICES

Chair

John C.S. Pierce, *Butler Pappas Weihmuller Katz Craig LLP*, Mobile, Alabama

Vice Chair

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

The Times, They Are a-Changin': Equipment and Operator Certification Requirements Under the New OSHA 1900 Standards

Jim D. Wiethorn, *Haag Engineering*, Sugar Land, Texas

Building a Scaffolding Contract to Support Indemnity and Coverage Claims

Richard S. Doherty, *Harsco Corporation*, Camp Hill, Pennsylvania

BIOMECHANICS AND INJURY CAUSATION

Chair

Mark S. Granger, *Morrison Mahoney LLP*, Boston, Massachusetts

Vice Chair

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

The Biomechanics of Body Protection: From the Lab to the Rink and the Track

Leonard Clement, *Phoenix Performance Products*, Toronto, Ontario

Mark S. Granger, *Morrison Mahoney LLP*, Boston, Massachusetts

Terrence Smith, Ph.D., *Dynamic Research Inc.*, Torrance, California

CHILDREN'S PRODUCTS

Chair

Sean W. Shirley, *Balch & Bingham LLP*, Birmingham, Alabama

Vice Chair

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

Panel Counsel Chair

Cheryl A. Possenti, *Goldberg Segalla LLP*, Buffalo, New York

Effective Life Care Plan Analysis and Cross-Examination Development in the Pediatric Injury Case

Paul M. Deutsch, Ph.D., CRC, CCM, CLCP, FIALCP, *Paul M. Deutsch and Associates PA*, Oviedo, Florida

Creating Positive Juror Reaction to the Parental Negligence Defense in Cases Involving Product Misuse

Mary A. Noffsinger, Ph.D., *Courtroom Sciences Inc.*, Irving, Texas

E-DISCOVERY

Chair

Joseph D. Cohen, *Porter Hedges LLP*, Houston, Texas

Vice Chair

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

Corporate Co-Chair

Mariann E. Butch, *Vita-Mix Corporation*, Cleveland, Ohio

Effective Management of E-Discovery: Building Relationships with Clients, Outside Counsel, Adversaries and the Bench

Edward J. Bennett, *Williams & Connolly LLP*, Washington, D.C.

Jeffrey Gold, *Pfizer Consumer Health & Nutritionals*, Madison, New Jersey

The Honorable Peggy A. Leen, *Magistrate, U.S. District Court, District of Nevada*



TRIAL TECHNIQUES AND TECHNOLOGY

Chair

R. Thomas Warburton, *Bradley Arant Boult Cummings LLP*, Birmingham, Alabama

Vice Chair

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

Keeping the Jury Engaged: Demonstrative Exhibits That Educate and Entertain

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

William Neale, *Kineticorp*, Denver, Colorado

Helen Palmore, *InTrial Consultants*, Houston, Texas

Alex Purvis, *Bradley Arant Boult Cummings LLP*, Jackson, Mississippi

Juan Ramirez, *Whirlpool Corporation*, St. Joseph, Michigan

FRIDAY, APRIL 13, 2012

AGRICULTURAL / CONSTRUCTION/MINING / INDUSTRIAL EQUIPMENT

Chair

J.K. Leonard, *Naman Howell Smith PLLC*, San Antonio, Texas

Vice Chair

Brian Comer, *Collins & Lacy PC*, Columbia, South Carolina

What Keeps Me Up at Night: A Roundtable Discussion of In-House Counsel's Expectations and Challenges and How Outside Counsel Can Address Them

Michael E. McWilliams, *Butler Snow O'Mara Stevens and Cannada PLLC*, Ridgeland, Mississippi

Jamie Myers, *Caterpillar Inc.*, Peoria, Illinois

Jamie Randall, *Deere & Company*, East Moline, Illinois

Diane Scialabba, *CNH America LLC*, New Holland, Pennsylvania

"Age Ain't Nothin' but a Number": The Challenges of Legacy Equipment

Jamie Myers, *Caterpillar Inc.*, Peoria, Illinois

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

Jamie Randall, *Deere & Company*, East Moline, Illinois

Who Needs Letterman? The Annual ACMIE Top 10 Cases

Jennifer M. Johnson, *Ice Miller LLP*, Indianapolis, Indiana

AVIATION AND AEROSPACE

Chair

John Patrick O'Flanagan, *Banker Lopez Gassler PA*, Tampa, Florida

Vice Chair

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

Important Recent Decisions in Aviation Law

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

Identifying and Managing Risk in the Aviation and Aerospace Industry

J.J. (John) DeGiovanni, *United Airlines*, Sacramento, California

Michael Dreikorn, *IPL Group LLC*, Chicago, Illinois

Lee Tait, *Aerojet*, Bokeelia, Florida

FIRE AND CASUALTY

Chair

Jeannine L. Lee, *Leonard Street and Deinard PA*, Minneapolis, Minnesota

Vice Chair

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

The Role of Fire Personnel in Fire Investigations

Brett E. Cohen, CFEI, *Techtronic Industries North America Inc.*, Anderson, South Carolina

Richard (Smockey) Dyer, *Kansas City Fire Department*, Kansas City, Kansas

Bradley J. Remick, *Marshall Dennehey Warner Coleman & Goggin*, Philadelphia, Pennsylvania

The Use of Burn Injuries as Evidence of Causation/Liability

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

Debbie Harrell, *MSN, R.N.*, *Shriners Hospital for Children*, Cincinnati, Ohio



**INTERNATIONAL LEGAL
ISSUES**

Chair

Andrew Morrison, *Clayton Utz*, Melbourne, Australia

Vice Chair

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

Emerging Issues in Emerging Venues Such as the Far East

Eugene Chen, *Hogan Lovells*, Shanghai, China

Brian Chung Oh, *Kim & Chang*, Seoul, Korea

RECREATIONAL PRODUCTS

Chair

Scott Haworth, *Haworth Coleman & Gerstman LLC*, New York, New York

Vice Chair

Fred E. (Trey) Bourn III, *Butler Snow O'Mara Stevens and Cannada PLLC*, Ridgeland, Mississippi

The Bucket List—Tools to Defend Fire Loss Subrogation Claims/Suits Successfully

T. Michael Pangburn, *Thor Industries Inc.*, Elkhart, Indiana

Motorcycle Accident Reconstruction—A Smaller Number of Wheels Makes the Process Even More Involved

Kevin C. Breen, PE, *Engineering Systems Inc.*, Fort Myers, Florida

Recent Developments in Recreational Products Litigation

Glenn F. Fencl, *Johnson & Bell Ltd.*, Chicago, Illinois



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YOUNG LAWYERS BREAKOUT
HOT TOPICS IN PRODUCT LITIGATION

WEDNESDAY, APRIL 11, 2012

10:30 a.m. **Welcome and Introduction**

Paul F. Gordon, Kansas City, Missouri

Christiane R. Fife, *Schwabe Williamson & Wyatt*, Portland, Oregon

10:35 a.m. **Medicare—Indemnity and Defense by Federal Mandate?**

Christian R. Johnson, *Ebanks Horne Rota Moos LLP*, Houston, Texas

11:00 a.m. **Oral Argument in the Trial Court: It's Show Time**

Richard J. Baker, *Owen Gleaton Egan Jones & Sweeney LLP*, Atlanta, Georgia

11:30 a.m. **Serving as National or Local Counsel in the 21st Century**

David L. Campbell, *Bowman & Brooke LLP*, Troy, Michigan

Jeffrey A. Eyres, *Polaris Industries Inc.*, Medina, Minnesota

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

1:30 p.m. **Sports Products 101**

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

2:00 p.m. **How to Defend a Product with a “History”**

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

2:30 p.m. **Turning the Tables on Your Opponent—The Best Defense Is an Early Offense**

Lauren Fajoni Bartlett, *Leake & Andersson LLP*, New Orleans, Louisiana

3:00 p.m. **Adjourn**



GENERAL INFORMATION

CLE ACCREDITATION

This conference has been approved for MCLE credit by the State Bar of California in the amount of **17.5** 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. Credit availability and requirements vary from state to state; please check our website at www.dri.org for credit information for your state.

REGISTRATION

The registration fee is **\$895** for members and those who join DRI when registering and **\$1,025** for nonmembers. The registration fee includes CD-ROM course materials, continental breakfasts, refreshment breaks and networking receptions. 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 22, 2012** (*please allow 10 days for processing*). Registrations received after **March 22, 2012**, will be processed on-site.

REFUND POLICY

The registration fee is fully refundable for cancellations received on or before **March 22, 2012**. Cancellations received after **March 22** and on or before **March 29, 2012**, will receive a refund, less a \$50 processing fee. Cancellations made after **March 29** 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 to DRI's Accounting Department at 312.795.0747. All refunds will be mailed within four weeks after the date of the conference. Substitutions may be made at any time without charge and must be submitted in writing.

HOTEL ACCOMMODATIONS

A limited number of discounted hotel rooms have been made available at **The Venetian Palazzo Hotel, 3355 Las Vegas Boulevard South, Las Vegas, Nevada 89109**. For reservations, visit www.dri.org and go to the Product Liability Conference page or **contact the hotel directly at 702.414.1000**. Please mention **DRI's Product Liability Conference** to take advantage of the group rate of **\$209 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 12, 2012**, to be eligible for the group rate. Requests for reservations made after **March 12** are subject to room and rate availability.

SPECIAL DISCOUNTS

GROUP DISCOUNT

The first and second registrations from the same firm or company are subject to the fees outlined above. The registration fee for additional registrants from the same firm or company is **\$845**, regardless of membership status. All registrations must be received at the same time to receive the discount.

IN-HOUSE COUNSEL

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

TRAVEL DISCOUNTS

DRI offers discounted meeting fares on various major air carriers for **DRI's Product Liability Conference** attendees. To receive these discounts, please contact Hobson Travel Ltd., DRI's official travel provider, at 800.538.7464. As always, to obtain the lowest available fares, early booking is recommended.

The taping or recording of DRI seminars is prohibited without the written permission of DRI.

Speakers and times may be subject to last-minute changes.

DRI policy provides there will be no group functions sponsored by others in connection with its seminars.



FACULTY

James M. Brogan, managing partner of DLA Piper's Philadelphia office, tries matters involving intellectual property, product liability and commercial disputes. Mr. Brogan serves as national trial counsel, discovery counsel and foreign entity counsel for international clients. He often focuses on extrication of companies and individuals from U.S. litigation, including the effort resulting in the U.S. Supreme Court decision in *Brown v. Goodyear*, and similar successes in a number of state and federal trial and appellate courts.

Robert A. Campbell, Jr., the founder, president and CEO of InCourt Technologies in Norwell, Massachusetts, has been providing litigation services to law firms over 20 years. Retained for over 300 trials, InCourt has credibility, experience and familiarity with the law firms engaged in complex litigation throughout the country. On behalf of InCourt, Mr. Campbell has supported attorneys in trials across the country. He has years of experience in the areas of videotaping depositions, site and evidence photography and handling other needs of legal professionals.

Amanda M. Cialkowski is a shareholder and trial attorney with Nilan Johnson Lewis PA in Minneapolis. She focuses her practice on the defense of product liability and toxic tort cases. In 2010, Ms. Cialkowski obtained a defense verdict in the jury trial of a toxic exposure product liability case in Madison County, Illinois. She has served as both national and regional counsel for Fortune 100 companies in their defense of product liability actions.

John M. Fitzpatrick is a trial attorney with Wheeler Trigg O'Donnell LLP in Denver, focusing on high-exposure cases, including catastrophic injury cases in medical malpractice, products, toxic torts and pharmaceuticals. Trial Lawyer of Year for CNA in 2004 and Outside Counsel of Year for GE's Environmental Law Division in 2008, Mr. Fitzpatrick has tried in excess of 200 cases to verdict in 35 states and obtained defense verdicts in more than 140 cases.

Joshua B. Fleming is a member at Frost Brown Todd LLC in Indianapolis and defends clients around the country in

litigation involving product liability, premises liability, complex and mass toxic tort claims, as well as prosecuting and defending a variety of commercial claims. Mr. Fleming serves as national counsel to product manufacturers in industries including automotive restraints, industrial and construction equipment, motorcycles and chemicals. He also regularly advises and defends landowners and contractors in catastrophic loss and property damage claims arising out of construction accidents and fire losses.

Clinton F. Fletcher is an attorney with Nall & Miller LLP in Atlanta. He practices in the areas of product liability, aviation, trucking, medical malpractice and business litigation. *Georgia Super Lawyers/Atlanta Magazine* named Mr. Fletcher as a "Rising Star" in 2009, 2010 and 2011. He is a member of DRI's Product Liability Steering Committee.

Holly L. Gibeaut is the assistant general counsel for TASER International Inc. in Scottsdale, Arizona, the leading manufacturer of electronic control devices and on-officer cameras. As in-house counsel for TASER, she focuses on both corporate transactional and employment matters, as well as litigation, particularly product liability litigation. Ms. Gibeaut is a member of the State Bar of Arizona, the Maricopa County Bar Association and the District of Columbia Bar.

Tyrell F. Jordan is an associate in the Birmingham, Alabama, office of Balch & Bingham LLP and is a member of the litigation section. Mr. Jordan's practice focuses on product liability and casualty litigation. He has practiced in both state and federal courts and routinely handles environmental exposure, defective product and personal injury cases.

Daniel R. Lanier is a principal with Miles & Stockbridge PC in Baltimore. His practice areas include product liability defense, automobile tort, medical malpractice defense, insurance defense, antitrust and corporate litigation. Mr. Lanier presently represents Stanley Black & Decker Inc. as national coordinating counsel for United States power tool litigation and industrial tool litigation. He is also currently representing Niro Inc. as national coordinating counsel for product liability and personal injury litigation. Mr. Lanier is a fellow of the American College of Trial Lawyers.



Paul M. Lavelle is a partner with Beirne Maynard & Parsons LLP in its New Orleans office. Mr. Lavelle practices and has extensive trial experience in commercial litigation, product liability, insurance law, construction law, environmental law and general civil litigation. He is chair of DRI's Law Institute, a former DRI officer and board member, and a past chair of DRI's Technology Committee and its Electronic Discovery Task Force. Mr. Lavelle is a member of the Louisiana Association of Defense Counsel and past president of the Jefferson Bar Association.

J.K. Leonard is a member in the San Antonio, Texas, office of Naman Howell Smith & Lee PLLC. He represents manufacturers of recreational products, agricultural and construction machinery, industrial automation and process equipment, and consumer goods in litigation, and also advises clients on preventative measures. He frequently lectures for clients and trade associations on these issues. Mr. Leonard is chair of the DRI Product Liability Committee's ACMIE SLG and is a member of the IADC and FDCC.

John R. Maley is a partner with Barnes & Thornburg LLP in Indianapolis, practicing in national defense work, including product liability defense for TASER International. Mr. Maley is listed in *Best Lawyers in America*, has been the top-ranked attorney in the *Indiana SuperLawyers*, named by *Best Lawyers* as the "Lawyer of the Year" for Indiana Bet-the-Company Litigation and is in *Chambers USA*. He is a DRI member and a former president of the Indianapolis Bar Association.

Lawrence C. Mann is the managing partner for Bowman and Brooke LLP, residing in its Detroit office. He is a trial lawyer with a national commercial and product liability defense practice. Mr. Mann has taken cases to verdict in the state and federal courts of eight states: Michigan, Missouri, Alabama, Texas, Florida, Wisconsin, Washington and South Carolina. In 2010, Wayne State Law School named him a "Treasure of Detroit." Mr. Mann is a former tenured faculty member of Wayne State Law School.

Anne M. Northup is a commissioner at the Consumer Product Safety Commission—a position she has held since 2009. From 1997–2006, she represented the Third Congressional District of Kentucky in the United States House of Representatives. Throughout her tenure in Congress, Ms. Northup was recognized for her straightforward, honest

style in taking on tough issues. She is pro-trade, pro-economic expansion and focused on issues that create a better environment for competition, growth and worldwide commerce. Prior to her tenure in Congress, she served in the Kentucky House of Representatives from 1987–1996.

James R. O'Brien has served as product liability counsel vice president for the legacy Black & Decker Corporation and, with the recent merger, Stanley Black & Decker Inc. for 19 years. In that position, he has been responsible for product liability claims and litigation and product safety regulatory matters. His prior work included regional claim manager for a major commercial insurer and private legal practice. Mr. O'Brien is licensed to practice in Maryland and the District of Columbia. He is also a member of the ABA, DRI, PLAC and other organizations.

Nicholas C. Pappas is the program chair for the 2012 Product Liability Conference. He is a member of Frost Brown Todd LLC in Indianapolis, where he chairs the firm's product liability practice group. Mr. Pappas' practice focuses on product liability and commercial litigation. He defends clients in state and federal courts throughout the country, recently trying cases to defense verdicts in Alabama, Indiana and Iowa. Mr. Pappas was voted the 2010 Defense Lawyer of the Year by the Defense Trial Counsel of Indiana.

Yves St-Arnaud is director of legal services for Bombardier Recreational Products Inc., a leading manufacturer of motorized recreational products based in Valcourt, Quebec, Canada. In this role, he is responsible for managing all product liability, commercial, IP and employment cases for BRP's global operations. Mr. St-Arnaud is a frequent speaker for DRI, the Product Liability Advisory Council, where he is also a member, and numerous other industry and legal organizations.

Charles A. (Chuck) Stewart III is a partner in the Montgomery, Alabama, office of Bradley Arant Boult Cummings LLP. Mr. Stewart has extensive litigation experience representing national and international corporations, primarily in the areas of product liability, toxic torts, employment, large personal injury and general business disputes. A former DRI board member, Mr. Stewart currently serves as chair of DRI's Product Liability Committee.



Patrick J. Sweeney is a partner with Sweeney & Sheehan PC in Philadelphia. His practice includes transportation, product liability, premises liability and matters of general liability. Mr. Sweeney is the president-elect for the Pennsylvania Defense Institute and is the former chair of its Young Lawyers Committee. He is the current vice chair for DRI's Product Liability Committee and is the past chair of DRI's Technology Committee and a former DRI state representative for Pennsylvania.

Anne M. Talcott is a shareholder at Schwabe Williamson & Wyatt in Portland, Oregon, concentrating her practice in complex business, product liability and pharmaceutical litigation. She is licensed in Oregon and Washington and has served as first chair for trials in both states. Ms. Talcott serves on the DRI Product Liability and Drug and Medical Device steering committees and chaired the 2011 DRI Annual Meeting. She is a past chair of the Oregon State Bar Product Liability Section. Ms. Talcott is the program vice chair of this conference.

Curtis Carter Wilkie was a national and foreign correspondent for the *Boston Globe* from 1975 until his retirement in 2000. He covered eight presidential campaigns, served as White House Correspondent and reported extensively from the Middle East as the *Globe's* bureau chief in Jerusalem. Mr. Wilkie is the coauthor of *Arkansas Mischief* and the author of *Dixie* and *The Fall of the House of Zeus*. He now holds the Kelly G. Cook Chair in Journalism and is also a fellow at the Overby Center for Southern Journalism and Politics at Ole Miss.

Marc E. Williams is the managing partner for the Huntington, West Virginia, office of Nelson Mullins Riley & Scarborough LLP. His practice focuses on toxic tort, class actions, product liability and commercial litigation. He has had primary responsibility for over 100 trials and appeals during his career. Mr. Williams is listed in the *Best Lawyers in America* in 11 categories and received *Chambers USA's* highest designation for commercial litigation. In 2008–09 he served as president of DRI.



COMMITTED TO DIVERSITY

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.



2012 SEMINAR SCHEDULE

February 2–3	Civil Rights and Governmental Tort Liability <i>Eden Roc Renaissance Miami Beach, Miami Beach, FL</i>	May 2–4	Employment Law <i>Sheraton Chicago, Chicago, IL</i>
February 9–10	Toxic Torts and Environmental Law <i>Fontainebleau Miami Beach, Miami Beach, FL</i>	May 10–11	Drug and Medical Device <i>New Orleans Hilton Riverside, New Orleans, LA</i>
February 16–17	Trucking Law <i>The Westin Kierland, Scottsdale, AZ</i>	May 10–11	Retail and Hospitality <i>Swissôtel Chicago, Chicago, IL</i>
February 23–24	Sharing Success—A Seminar for Women Lawyers <i>The Westin Kierland, Scottsdale, AZ</i>	May 17–18	Commercial Litigation <i>Sheraton New York Hotel & Towers, New York, NY</i>
March 8–9	Medical Liability and Health Care Law <i>Hilton New Orleans Riverside, New Orleans, LA</i>	June 7–8	Diversity for Success <i>Swissôtel Chicago, Chicago, IL</i>
March 14–16	Trial Tactics <i>Bally's Las Vegas, Las Vegas, NV</i>	June 14–15	Young Lawyers <i>JW Marriott Eden Roc, Miami Beach, FL</i>
March 14–16	Rainmaking <i>Bally's Las Vegas, Las Vegas, NV</i>	June 21–22	Appellate Advocacy <i>Hyatt Regency Cambridge, Cambridge, MA</i>
March 28–30	Insurance Coverage and Claims Institute <i>The Westin Michigan Avenue, Chicago, IL</i>	September 20–21	Construction Law <i>Arizona Biltmore, Phoenix, AZ</i>
April 11–13	Product Liability Conference <i>The Venetian Palazzo Hotel, Las Vegas, NV</i>	September 20–21	Nursing Home/ALF Litigation <i>The Cosmopolitan of Las Vegas, Las Vegas, NV</i>
April 25–27	Life, Health, Disability and ERISA Claims <i>Swissôtel Chicago, Chicago, IL</i>	November 8–9	Asbestos Medicine <i>Fontainebleau Miami Beach, Miami Beach, FL</i>
		December 6–7	Insurance Coverage and Practice <i>Sheraton New York Hotel & Towers, New York, NY</i>



PRODUCT LIABILITY CONFERENCE

APRIL 11-13, 2012

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The Daubert Compendium (2017) is an updated version of DRI's bestselling 2006 edition and an indispensable resource for any defense trial attorney or in-house counsel who deals with expert testimony. The compendium highlights the opinions of the United States Supreme Court and federal district and appellate courts that have discussed *Daubert* on a substantive basis.

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