LAW & ECONOMICS CENTER

# *20th Annual Judicial Symposium on Civil Justice Issues*

**Judicial Education Program**
**Law & Economics Center**
**Antonin Scalia Law School**
**George Mason University**
Sunday, November 8 – Tuesday, November 10, 2026

## Agenda

### Sunday, November 8

**5:30 pm** **Registration**

**5:30 – 7:00 pm** **Opening Reception**

### Monday, November 9

**7:00 – 7:55 am** **Breakfast**

**8:00 – 8:05 am** **Welcome**

**Donald J. Kochan**, Professor of Law and Executive Director, Law & Economics Center, George Mason University Antonin Scalia Law School

**8:05 – 9:15 am** **Session I: Survey of Emerging Issues in Civil Justice Litigation**

**John H. Beisner**, Partner, Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates

**Robert S. Peck**, Founder and President, Center for Constitutional Litigation, PC (CCL)

**Moderator: Jennifer M. Perkins**, Judge, Arizona Court of Appeals, Division One

**9:15 – 9:30 am** **Break**

**9:30 – 10:45 am** **Session II: Judicial Gatekeeping of Expert Testimony: Discretionary or Mandatory? Sua Sponte Duty or Party Presentation Principle?**

**Nathan D. Finch**, Member, Motley Rice LLC

**Zachary W. Martin**, Partner, Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates

**Douglas J. McNamara**, Partner, Cohen Milstein Sellers & Toll PLLC

**Lee Mickus**, Partner, Evans Fears Schuttert McNulty Mickus

**Shannon N. Proctor**, Partner, Hollingsworth LLP

**Moderator: Brock A. Swartzle**, Judge, Michigan Court of Appeals

**Panelist Provided Readings:**
Lee Mickus, *Amended Rule 702 in 2025: Circuit Courts Embrace the Changed Standard*, 40 No. 12 LEGAL BACKGROUNDER 1 (Wash. Legal Found. Oct. 8, 2025).

**10:45 – 11:00 am** **Break**

**11:00 am – 12:15 pm** **Session III: When Litigation Tactics Rise to Legal Wrongs: The Viability of Offensive Actions Through Civil RICO, Defamation, and Other "Defendant"-Initiated Claims**

**Daniel Johnston**, Supervising Partner, The Willis Law Group

**Matthew Laroche**, Partner, Milbank LLP

**Eric G. Lasker**, Partner, Hollingsworth LLP

**Cary Silverman**, Partner, Shook, Hardy & Bacon L.L.P.

**Moderator: Kenny Griffis**, Justice, Supreme Court of Mississippi

**Panelist Provided Readings:**
American Tort Reform Association, *Turning the Tables? The Growing Use of Civil RICO Actions by Businesses and Insurers to Respond to Suspected Fraudulent Litigation* (Oct. 2026).

**12:15 – 12:45 pm** **Luncheon**

**12:45 – 1:45 pm** **Working Lunch and Session IV: New Developments in Third Party Litigation Funding**

**Mark A. Behrens**, Co-Chair, Public Policy Practice Group,
Shook, Hardy & Bacon L.L.P.

**Lina Bensman**, Partner, Cleary Gottlieb Steen & Hamilton LLP

**Maria Glover**, Carmack Waterhouse Professor of Law,
Georgetown University Law Center

**Dai Wai Chin Feman**, U.S. Chapter Chair, International Legal Finance Association

**Moderator: William G. Montgomery**, Justice, Supreme Court of Arizona

**Panelist Provided Readings:**
Mark Behrens, *Third-Party Litigation Funding: A Call for Disclosure and Other Reforms to Address the Stealthy Financial Product That Is Transforming the Civil Justice System*, 34 CORNELL J. L. & PUB. POL'Y 1 (2025).

J. Maria Glover, *The Civil Justice Business*, 101 N.Y.U. L. REV. (forthcoming Jan. 2027).

Justin Henry, *Private Equity Woos Personal Injury Law Firms With Profits, Tech*, BLOOMBERG L.: BUS. & PRAC. (May 26, 2026 at 5:00 am EDT).

James Hivner, *Public Comment, Potential Regulatory Reforms to Increase Access to Quality Legal Representation*, No. ADM2025-01403, at 1 TENN. (Apr. 30, 2026).

Letter from Kevin R. Dean, President, S.C. Ass'n for Just., to the Hon. JJ. of the S.C. (Sept. 28, 2026).

**1:45 – 2:00 pm** **Break**

**2:00 – 3:15 pm** **Session V: The Growing Targets and Expanding Theories in Public Nuisance Litigation: Social Media, Energy, Food, Plastics, Schools, and More**

**J. Shahar Dillbary**, Professor of Law and Associate Dean for Faculty Research, George Mason University Antonin Scalia Law School

**Phil Goldberg**, Managing Partner, Shook, Hardy & Bacon L.L.P.

**Cyrus Mehri**, Partner, Mehri & Skalet, PLLC

**Paul W. Schmidt**, Partner, Covington & Burling LLP

**Previn Warren**, Member, Motley Rice LLC

**Moderator: Wendy Berger**, Judge, U.S. District Court for the Middle District of Florida

**Panelist Provided Readings:**
J. Shahar Dillbary, Griffin Edwards & Fredrick E. Vars, *Why Exempting Negligent Doctors May Reduce Suicide: An Empirical Analysis*, 93 IND. L. J. 458–61, 464–70 (2018).

**3:15 – 3:30 pm** **Break**

**3:30 – 4:45 pm** **Session VI: Artificial Intelligence and the Courts: A Potpourri**

**Nathan D. Finch**, Member, Motley Rice LLC

**Jack Kieffaber**, Chief Counsel, The Arbitrus Corporation

**John Rosenthal**, Partner, Shook, Hardy & Bacon L.L.P.

**Paige H. Sharpe**, Partner, Arnold & Porter Kaye Scholer LLP

**Rudie R. Soileau Jr.**, Partner, Lundy LLP

**Kaitlyn E. Stone**, Partner, Barnes & Thornburg LLP

**Moderator: Shawn A. Womack**, Justice, Supreme Court of Arkansas

**Panelist Provided Readings:**
Kaustuv Basu & Emily R. Siegel, *AI Is Disrupting Mass Torts With the Promise of Lower Costs*, BLOOMBERG L.: BUS. & PRAC. (Feb. 17, 2026, at 5:05 EST).

**4:45 pm** **Adjourn for the Day**

## Tuesday, November 10

**7:00 – 7:50 am** **Breakfast**

**8:00 – 9:15 am** **Session VII: Personal Jurisdiction: Its Limits and Purposes, and Recent Cases and Controversies**

**Deepak Gupta**, Founding Principal, Gupta Wessler LLP

**Ashley Keller**, Senior Partner, Keller Postman LLC

**Dan Klerman**, Edward G. Lewis Chair in Law and History, and Director, Center of Law & Social Science (CLASS), University of Southern California Gould School of Law

**Jackie O'Brien**, Associate, Bartlit Beck LLP

**Jordan Schwartz**, Partner, Kirkland & Ellis LLP

**Moderator: J. Philip Calabrese**, Judge, U.S. District Court
for the Northern District of Ohio

**Panelist Provided Readings:**
Daniel Klerman & Greg Reilly, *Forum Selling*, 89 S. CAL. L. REV. 241 (2016).

*Mallory v. Norfolk Southern Railway Co.,* 143 S. CT. 2028 (2023).

James E. Pfander & Jackie O'Brien, *Realism, Formalism, and Personal Jurisdiction: Due Process After Mallory and Ford Motor*, 103 TEX. L. REV. 65 (2024).

Daniel Klerman, *Rethinking Personal Jurisdiction*, 6 J. LEGAL ANALYSIS 245 (2014).

Daniel Klerman & Alex Klerman, *Forum Shopping and Judge Shopping: An Empirical Analysis of Immigration Policy Cases* (forthcoming in J. INSTITUTIONAL & THEORETICAL ECON.).

**9:15 – 9:30 am** **Break**

**9:30 – 10:45 am** **Session VIII: Free Speech Tensions with Emerging Civil Litigation Theories and Tactics**

**Wes E. Henricksen**, Professor of Law, Barry University School of Law

**Zac Morgan**, Senior Litigation Counsel, Washington Legal Foundation

**Gene Schaerr**, Partner, Schaerr Jaffe LLP

**Kristen Simplicio**, Partner, Clarkson Law Firm P.C.

**Moderator: Jonathan E. Hawley**, Judge, U.S. District Court for the Central District of Illinois

**10:45 – 11:00 am** **Break**

**11:00 am – 12:15 pm** **Session IX: The Debate Over Alleged Remedy Inflation: Evaluating Phantom Damages, Social Inflation, Anchoring and Similar Approaches**

**Christopher E. Appel**, Senior Counsel, Shook, Hardy & Bacon L.L.P.

**Lisa M. Bellino**, Vice President, Claims, Judicial & Legislative Affairs, Zurich North America

**Elizabeth Hanley**, Senior Partner, Stritmatter Law

**Zach Matthews**, Partner, McMickle, Kurey & Branch

**Caleb Seeley**, Partner, Seeger Weiss LLP

**Moderator: Lori S. Rowe**, Judge, Florida Court of Appeal, First District

**Panelist Provided Readings:**
Zach Matthews, *Packet: Lien-Based Medical Care & Trial Transcript Excerpts from Manire v. Crabapple Turf Management, Inc.* (2026).

**12:15 – 12:30 pm** **Closing Remarks and Adjourn**
Participants depart at their leisure