

LAW & ECONOMICS CENTER, GEORGE MASON UNIVERSITY SCHOOL OF LAW
Seventh Annual Judicial Symposium on Civil Justice Issues
Sunday, November 11 through Tuesday, November 13, 2012

Agenda

Sunday, November 11

Registration: No program

6:00 – 8:00 pm **Registration, Lobby**
Meet & Greet Reception, Ballroom Foyer

Monday, November 12

Ballroom, All sessions

7:00 – 8:00 am **Breakfast, Junior Ballroom**

8:00 – 8:05 am **Welcome**
Karen M. Czarnecki, Director, Education, Law & Economics Center
D. Bruce Johnsen, Professor of Law, George Mason University School of Law, and
Director, Judicial Education Program, Law & Economics Center

8:05 – 9:20 am **Emerging Civil Justice Issues**
John H. Beisner, Partner, Skadden, Arps, Slate, Meagher & Flom LLP
Robert S. Peck, President, Center for Constitutional Litigation

Moderator: D. Bruce Johnsen

9:40 – 11:20 am **Employment Litigation: Emerging Trends in Wage & Hour Litigation After Dukes v. Wal-Mart**

Ellen C. Kearns, Partner, Constangy, Brooks, & Smith, LLP
Charles A. Shanor, Professor of Law, Emory University
Christine E. Webber, Partner, Cohen Milstein
Lisa A. Schreter, Shareholder, Littler Mendelson
Elizabeth Becker, Senior Vice President, NERA Economic Consulting

Moderator: Tammy D. McCutchen, Shareholder, Littler Mendelson

Reading Assignment: *Differences Between Rule 23 Class Actions and FLSA § 216(B) Collective Actions; Tips For Achieving Class And Collective Action Certification; And Certification Post-Dukes* in Practicing Law Institute, Litigation And Administrative Practice Court Handbook Series, PLI Order Number 34538 (July 11, 2012).

Zavala v. WalMart Stores, Inc., 2012 WL 3217522 (C.A. 3 (N.J.)) (filed Aug. 9, 2012).

Allan G. King, Lisa A. Schreter, and Carole F. Wilder, You Can't Opt Out of the Federal Rules: Why Rule 23 Certification Standards Should Apply to Opt-In Collective Actions Under the FLSA (2011), <http://www.fclr.org/fclr/articles/html/2010/kingf.pdf>.

Monday, November 12 Continued

- 11:30 am – 1:30 pm** **Luncheon Panel: What an Effective Corporate Compliance Program Should Look Like**
Patricia J. Harned, President, Ethics Resource Center
Jeffrey H. Knox, Principal Deputy Chief, Fraud Section, Criminal Division, US Department of Justice

Moderator: Paul J. McNulty, Chair, Global Compliance, Baker & McKenzie
- 1:50 – 3:00 pm** **Eminent Domain, Mortgage Modifications & The Rule of Law**
Walter E. Dellinger, Partner, O'Melveny & Meyers
- 3:20 – 4:40 pm** **Panel Discussion: Using Disparate Impact Analysis to Establish Discrimination in Lending**
Andrew L. Sandler, Chairman & Executive Partner, BuckleySandler LLP
D. Jean Veta, Partner, Covington & Burling LLP
Cindy Collins, Chief Compliance Officer, Hancock Holding Co.
Paul H. Rubin, Samuel Candler Dobbs Professor of Economics, Emory University

Moderator: Satya P. Thallam, Deputy Director, Research and Policy, Law & Economics Center, George Mason University School of Law
- 5:00 – 6:00 pm** **Centennial of the Council of Better Business Bureaus: The Important Role of Self-Regulatory Organizations**
C. Lee Peeler, Executive Vice President, Council of Better Business Bureaus & President & CEO, Advertising Self Regulatory Council
Linda Sherry, Director, National Priorities, Consumer Action
David G. Mallen, Deputy Director, National Advertising Division, Council of Better Business Bureaus

Moderator: Jodie Z. Bernstein, Of Counsel, Kelley Drye & Warren LLP

Reading Assignment: Press Release, Advertising Self-Regulatory Council (ASRC), NAD Recommends Allstate Discontinue Certain Claims in "Mayhem" Campaign (May 8, 2012) at <http://www.asrcreviews.org/2012/05/nad-recommends-allstate-discontinue-certain-claims-in-mayhem-campaign/>.

Advertising Self-Regulatory Council (ASRC), The Advertising Industry's Process of Voluntary Self-Regulation, at <http://www.masonlec.org/wp-content/uploads/2012/09/The-Advertising-Industrys-Process-of-Voluntary-Self-Regulation.pdf>.

Advertising Self-Regulatory Council (ASRC), Website Privacy Digest (2012) at <http://www.masonlec.org/wp-content/uploads/2012/09/CARU-Web-privacy-digest.pdf>.
- 6:00 – 7:00 pm** **Reception, Ballroom Foyer**

Tuesday, November 13

Ballroom. All sessions

- 7:30 – 8:30 am** **Breakfast, Junior Ballroom**
- 8:30 – 9:50 am** **Welcome**
Daniel D. Polsby, Professor of Law & Dean, George Mason University School of Law
- The Economics of Privacy and Data Security**
Anna H. Davis, Attorney-Advisor, Office of Commissioner Maureen Ohlhausen, Federal Trade Commission
Matthew Fitzsimmons, Office of the Attorney General, Connecticut
Lisa J. Sotto, Partner, Hunton & Williams
- Moderator: James C. Cooper**, Director, Research, Law & Economics Center, George Mason University School of Law
- 9:50 – 10:20 am** **Break - Check-Out of Room and Check Bags**
- 10:20 – 11:50 am** **The Asbestos Litigation Tsunami – Will It Ever End?**
Joseph W. Belluck, Partner, Belluck & Fox
Charles S. Siegel, Partner, Waters & Kraus & Paul
Michele Hale DeShazo, Kuchler Polk Schell Weiner & Richeson, LLC
Mark A. Behrens, Partner, Shook, Hardy, Bacon
- Moderator: S. Todd Brown**, Professor of Law, SUNY Buffalo Law School
- Reading Assignment: Mark A. Behrens, *What's New in Asbestos Litigation?*, 28 REV. LITIG. 500, (2009).
- Mark A. Behrens & William L. Anderson, *The “Any Exposure” Theory: An Unsound Basis for Asbestos Causation and Expert Testimony*, SOUTHWESTERN UNIVERSITY L.R. 479 (2008).
- 12:00 – 1:45 pm** **Luncheon and Keynote Address: “Rule 4(b) and Incentives for Litigation Abuse”**
E. Donald Elliott, Adjunct Professor of Law, Yale Law School and Partner, Wilkie, Farr & Gallagher
- Reading Assignment: E. Donald Elliott, *Law Suits Should Not Be A Free-For All*, (June 14, 2012), at <http://www.theatlantic.com/national/archive/2012/06/lawsuits-should-not-be-a-free-for-all/258464/>.
- 1:45 pm** **Adjourn**
- 2:00 pm** **Buses Depart** for Reagan National and Dulles International Airports