

MASON JUDICIAL EDUCATION PROGRAM
 NINTH ANNUAL JUDICIAL SYMPOSIUM ON
 CIVIL JUSTICE ISSUES

CLASSES:

GEORGE MASON UNIVERSITY SCHOOL OF LAW, FOUNDERS HALL, 3351 FAIRFAX DRIVE, ARLINGTON, VA 22201

HOTEL:

KEY BRIDGE MARRIOTT, 1401 LEE HIGHWAY, ARLINGTON, VA 22209

Sunday, May 31

Key Bridge Marriott, Capital View Ballroom

6:00 – 7:30 PM REGISTRATION AND RECEPTION

Monday, June 1

Founders Hall Auditorium, All Sessions

7:15 & 7:45 AM BUS DEPARTS
 Key Bridge Marriott for George Mason University School of Law

7:30 – 8:20 AM BREAKFAST
 Multipurpose Room 126

8:30 – 8:40 AM WELCOME

Karen M. Czarnecki
 Director, Education, Law & Economics Center

Daniel D. Polsby
 Dean and Professor of Law, George Mason University School of Law

8:40 – 10:00 AM EMERGING ISSUES IN CIVIL JUSTICE

PANELISTS

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

Robert S. Peck
 President, Center for Constitutional Litigation, PC

MODERATOR

Karen M. Czarnecki

Monday, June 1

Founders Hall Auditorium, All Sessions

10:30 – 12:00 PM UPDATES ON THE RESTATEMENT OF LIABILITY INSURANCE LAW

PANELISTS

Kenneth S. Abraham
 David and Mary Harrison Distinguished Professor of Law, University of Virginia School of Law

John G. Buchanan, III
 Partner, Covington & Burling LLP

Laura A. Foggan
 Partner, Wiley Rein LLP

The Honorable William F. Highberger
 Judge, Los Angeles County Superior Court

The Honorable Jack B. Jacobs
 Senior Counsel, Sidley Austin LLP

MODERATOR

Michelle E. Boardman
 Associate Professor of Law, George Mason University School of Law

12:00 – 1:30 PM LUNCHEON ADDRESS
 Multipurpose Room 126

A Legal Analysis of Eminent Domain on the 10th Anniversary of the *Kelo* Decision

Ilya Somin
 Professor of Law, George Mason University School of Law

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Monday, June 1

Founders Hall Auditorium, All Sessions

2:00 – 3:30 PM CIVIL ASSET FORFEITURE: CRIME FIGHTING WEAPON OR SHAKEDOWN OPERATION?

PANELISTS

Dick M. Carpenter, II

Director of Strategic Research, Institute for Justice and Professor of Leadership, Research, and Foundations College of Education, University of Colorado Colorado Springs

Robert E. Johnson

Attorney, Institute for Justice

MODERATOR

David B. Smith

Partner, Smith & Zimmerman PLLC

Reading Assignments: *The Need to Reform Asset Forfeiture*, 114th Cong. (2015) (written testimony of Darpana M. Sheth, Attorney, Institute for Justice).

David B. Smith, "A Comparison of Federal Civil and Criminal Forfeiture Procedures: Which Provides More Protections for Property Owners?"

Bart J. Wilson and Michael Preciado, "Bad Apples or Bad Laws?" Institute for Justice (September 2014), Executive Summary.

Marian R. Williams, Jefferson E. Holcomb, Tomislav V. Kovandzic, and Scott Bullock, "Policing for Profit," Institute for Justice (March 2010), Executive Summary.

Monday, June 1

Founders Hall Auditorium, All Sessions

4:00 – 5:30 PM THIRD PARTY LITIGATION FINANCING

PANELISTS

Michael B. Abramowicz

Professor of Law, George Washington University Law School

John H. Beisner

Partner, Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates

Maya Steinitz

Associate Professor of Law, University of Iowa College of Law

Ralph J. Sutton

Chief Investment Officer and Legal Counsel, Bentham IMF

MODERATOR

Richard O. Faulk

Partner, Hollingsworth LLP and Senior Director, Energy & the Environment, Law & Economics Center

Reading Assignments: Thurbert Baker, "Lawsuit Lending Should Be Regulated," *The Advertiser* (April 25, 2014).

John H. Beisner and Gary A. Rubin, "Stopping The Sale on Lawsuits: A Proposal to Regulate Thirdparty Investments in Litigation," US Chamber Institute for Legal Reform (October 2012).

Anthony J. Sebok, "Should the Law Preserve Party Control? Litigation Investment, Insurance Law, and Double Standards," *William & Mary Law Review*, 56, no. 3 (2015).

Charles Silver, "Litigation Funding Versus Liability Insurance: What's the Difference?" University of Texas Law, Law and Economics research paper no. 441. (March 25, 2013).

Maya Steinitz, "Incorporating Legal Claims," *Notre Dame Law Review*, 90, no. 3 (2015): 1155 – 1210.

Alternative Litigation Financing White Paper, American Bar Association Commission on Ethics 20/20 Informational Report to the House of Delegates (February 2012).

5:30 PM

BUS DEPARTS

George Mason University School of Law for Key Bridge Marriott

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Tuesday, June 2

Founders Hall Auditorium, All Sessions

7:15 & 7:45 AM **BUS DEPARTS**
 Key Bridge Marriott for George Mason University School of Law

7:30 – 8:20 AM **BREAKFAST**
 Multipurpose Room 126

8:30 – 10:00 AM **ASBESTOS LITIGATION: LASTING PERVERSIONS OF COMMON LAW**

PANELISTS

The Honorable Peggy L. Ableman
 Special Counsel, McCarter & English LLP

Mark A. Behrens
 Partner, Shook, Hardy & Bacon LLP

Jonathan Ruckdeschel
 Partner, The Ruckdeschel Law Firm LLC

Charles S. Siegel
 Partner, Waters & Kraus LLP

Nicholas P. Vari
 Partner, K&L Gates LLP

MODERATOR

Richard O. Faulk

Reading Assignments: *In re All Litigation Filed Maune Raichle Hartley French & Mudd LLC.*
Williams v. BASF Catalysts LLC, 765 F3d 306 (3rd Cir 2014).

Peggy L. Ableman, “The Garlock Decision Should Be Required Reading for All Trial Court Judges in Asbestos Cases,” *American Journal of Trial Advocacy*, 37, (2014).

Peggy L. Ableman, “The Time Has Come for Courts to Respond to the Manipulation of Exposure Evidence in Asbestos Cases,” *Mealey’s Litigation Report: Asbestos*, 30, no. 5 (April 2015).

Janice Robinson Pennington, “A Look At The Record In Garlock’s Celebrated Estimation Order,” *Mealey’s Asbestos Bankruptcy Report*, 13, no. 12 (July 2014).

Janice Robinson Pennington, “The Need for Transparency in Asbestos Litigation,” (October 2013).

Victor E. Schwartz and Mark A. Behrens, “Asbestos Litigation: The ‘Endless Search for a Solvent Bystander,’” *Widener Law Journal*, 23, no. 1 (2013).

Tuesday, June 2

Founders Hall Auditorium, All Sessions

10:30 – 11:45 AM **PROFESSIONAL PROSECUTION – IS JUSTICE BEING SERVED?**

PANELISTS

Michael S. Greve
 Professor of Law, George Mason University School of Law

Amanda M. Rose
 Professor of Law, Vanderbilt Law School

MODERATOR

Anthony F. Troy
 Member, Eckert Seamans Cherin & Mellott LLC

Reading Assignments: “Unprincipled Prosecution: Abuse of Power and Profiteering in the New ‘Litigation Swarm,’” US Chamber Institute for Legal Reform (October 2014).

Donald G. Gifford, “Impersonating the Legislature: State Attorneys General and Parens Patriae Product Litigation,” *Boston College Law Review*, 49, no. 4 (2008).

11:45 AM **ADJOURN**