

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

LAW & ECONOMICS CENTER

MASON JUDICIAL EDUCATION PROGRAM

Thirteenth Annual Judicial Symposium on Civil Justice Issues

Sunday, May 5 – Tuesday, May 7, 2019 | ARLINGTON, VA



Agenda

SUNDAY, MAY 5

Westin Arlington Gateway

(Registration and Reception held at the Westin)

6:00 – 7:30 pm

Registration and Welcome Reception

MONDAY, MAY 6

George Mason University, Founders/Van Metre Hall

(Shuttle leaves Westin for Founders Hall at 6:45 am and 7:15 am)

7:00 – 7:55 am

Breakfast (Founders/Van Metre Hall, Room 126)

8:00 – 8:05 am

Welcome

Henry N. Butler, Dean and GMU Foundation Professor of Law; Executive Director, Law & Economics Center, Antonin Scalia Law School, George Mason University

8:05 – 9:20 am

Panel I: Emerging Issues in Civil Justice

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

Robert S. Peck, Founder and President, Center for Constitutional Litigation

MODERATOR: Hon. Sean D. Wallace, Prince George's County Maryland Circuit Court

9:40 – 10:55 am

Panel II: Attorney Advertising and the Search for Plaintiffs

Lucian T. Pera, Partner, Adams and Reese, LLP

Jesse King, Assistant Professor of Marketing, Weber State University

Cary Silverman, Partner, Shook, Hardy & Bacon, LLP

Mark L. Tuft, Partner, Cooper, White & Cooper, LLP

MODERATOR: Henry N. Butler, Dean and GMU Foundation Professor of Law; Executive Director, Law & Economics Center, Antonin Scalia Law School, George Mason University

READINGS: American Bar Association, REDLINE: Original Rule to August 20, 2018 Amendments Regarding Rules 7.1 through 7.5 of the ABA Model Rules of Professional Conduct (August 2018).

Jesse King and Elizabeth Chika Tippet, "Drug Injury Advertising," *Yale Journal of Health Policy, Law, and Ethics* (Forthcoming).

Agenda

Lucian T. Pera, "Time for a Change in the Lawyer Ad Rules," *Law Practice* (March/April 2019).

Cary Silverman, *Bad for Your Health: Lawsuit Advertising, Implications and Solutions*, US Chamber Institute for Legal Reform (October 2017), pp. 6-18.

11:15 am – 12:30 pm

Panel III: The Restatement of Consumer Contracts and the Future of Arbitration Clauses

James R. Copland, Director of Legal Policy, Manhattan Institute for Public Policy Research

Deepak Gupta, Partner, Gupta Wessler, PLLC

Alan S. Kaplinsky, Partner, Ballard Spahr, LLP

Omri Ben-Shahar, Leo and Eileen Herzel Professor of Law, University of Chicago Law School

MODERATOR: **Hon. James T. Worthen**, Chief Justice, Texas Twelfth District Court of Appeals

READINGS: American Law Institute, Restatement of the Law, Consumer Contracts, Black Letter Text, Council Draft No. 5 (October 19, 2018).

American Law Institute, Restatement of the Law, Consumer Contracts, § 5. Unconscionability and Associated Comment, Council Draft No. 5 (October 19, 2018).

Letter from 13 Business Associations to American Law Institute Council Members Regarding the ALI's Draft Restatement of the Law, Consumer Contracts (January 15, 2019).

Steven O. Weise, "The Draft Restatement of the Law, Consumer Contracts Follows the Law," *The ALI Advisor* (April 5, 2019)

12:30 – 2:00 pm

Lunch (Founders/Van Metre Hall, Room 126)

Luncheon Keynote: Re-Tooling the DOJ's Civil Enforcement Priorities

The Hon. Joseph H. Hunt, Assistant Attorney General of the United States, Civil Division

2:00 – 3:15 pm

Panel IV: Trends in Qui Tam and False Claims Act Litigation

Robert Huffman, Partner, Akin, Gump, Strauss, Hauer & Feld, LLP

Karen L. Manos, Partner, Gibson, Dunn & Crutcher, LLP

Claire M. Sylvia, Partner, Phillips & Cohen, LLP

John R. Thomas, Jr., Partner, Healy, Hafemann, Magee

Agenda

MODERATOR: Gregory Conko, Deputy Director, Law & Economics Center

READINGS: Gerald L. Aben and Lea Courington, "The DOJ's Granston memo encourages dismissal of meritless qui tam cases," *ABA Health eSource* (January 18, 2019).

Andy Liu, Robert Rhoad and Jason Lynch, "Top Cases and Developing Trends in FCA Litigation: Part 1," *Law360* (February 7, 2019).

Andy Liu, Robert Rhoad, and Jason Lynch, "Top Cases and Developing Trends in FCA Litigation: Part 2," *Law360* (February 8, 2019).

3:35 – 4:50 pm

Panel V: MDLs and the Federal Courts Advisory Committee on Civil Rules

Jaime L. Dodge, Director, Emory University Law School Institute for Complex Litigation and Mass Claims

Francis E. McGovern, Professor, Duke University Law School

Alan E. Rothman, Partner, Arnold & Porter Kaye Scholer, LLP

Christopher A. Seeger, Partner, Seeger Weiss, LLP

MODERATOR: Hon. C. Darnell Jones, II, District Judge, US District Court for the Eastern District of Pennsylvania

READINGS: Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Report of the Advisory Committee on Civil Rules (December 4, 2018), pp. 2-23.

Lawyers for Civil Justice, MDL Practices and the Need for FRCP Amendments: Proposals for Discussion With the MDL/TPLF Subcommittee of the Advisory Committee on Civil Rules, September 14, 2018.

4:50 – 5:00 pm

Day 1 Wrap-Up

Agenda

TUESDAY, MAY 7

George Mason University, Founders/Van Metre Hall

(Shuttle leaves Westin for Founders/Van Metre Hall at 6:45 am and 7:15 am)

7:00 – 7:55 am

Breakfast (Founders/Van Metre Hall, Room 126)

8:00 – 9:15 am

Panel VI: Securities Class Action Litigation: How Well Does it Protect Investors?

Ann M. Lipton, Michael Fleishman Associate Professor in Corporate Law & Entrepreneurship, Tulane University Law School

Jonathan E. Richman, Partner, Proskauer Rose, LLP

Steven J. Toll, Managing Partner, Cohen Milstein Sellers & Toll, PLLC

J.W. Verret, Associate Professor, George Mason University Antonin Scalia Law School

MODERATOR: **J. Michelle Childs**, District Judge, US District Court for the District of South Carolina

READINGS: Stefan Boettrich and Svetlana Starykh, *Recent Trends in Securities Class Action Litigation: 2018 Full-Year Review*, NERA Economic Consulting, January 29, 2019.

Ann M. Lipton, “Fact or Fiction: Flawed Approaches to Evaluating Market Behavior in Securities Litigation,” Tulane Public Law Research Paper No. 19-1, October 22, 2018.

9:30 – 10:45 am

Panel VII: Accutane, Asbestos, and Talc: The Impact of Varying Standards for Expert Evidence

William L. Anderson, Partner, Crowell & Moring, LLP

Kenneth E. Barnes, Member, The Barnes Law Firm, LLP

Neil S. Bromberg, Partner, Hollingsworth, LLP

Christopher M. Placitella, Partner, Cohen, Placitella & Roth, PCd

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

READINGS: Anon., “Florida Supreme Court Rejects Leading Daubert Evidence Standard,” *Daily Business Review* (October 16, 2018).

Andrew J. Pincus, Containing the Contagion: Proposals to Reform the Broken Securities Class Action System, U.S. Chamber Institute for Legal Reform, February 2019.

Agenda

David E. Bernstein and Eric G. Lasker, "Defending Daubert: It's Time To Amend Federal Rule Of Evidence 702," *William & Mary Law Review*, Vol. 57, No. 1 (2015), pp. 19-24 and 43-48.

Steven I. Friedland, "The Rhetoric of Expert Testimony Standards: Why the War Between Frye and Daubert Still Smolders," Elon University Law Legal Studies Research Paper, February 2019.

Joe G. Hollingsworth and Robert E. Johnston, "New Jersey: Now the Product-Liability Defendant's Playground?" Washington Legal Foundation *WLF Legal Pulse* (September 5, 2018).

Douglas M. Nieder, Corey M. Schaecher, and Sarah L. Noonan, "Missouri Court of Appeals Issues the First Opinion on the New Statute on Admissibility of Expert Testimony," *Lexology* (October 4 2018).

Christopher M. Placitella and Jared M. Placitella, "New Jersey Is Not a 'Daubert Jurisdiction'," *New Jersey Law Journal* (September 7, 2018).

11:00 am – 12:15 pm

Panel VIII: Trends in Opioid Litigation

Lauren Sheets Jarrell, Counsel, Civil Justice Policy, American Tort Reform Association

Lars Noah, Professor of Law, University of Florida School of Law

Perry Zinn Rowthorn, Partner, Shipman & Goodwin, LLP, and former Chief Deputy Attorney General of Connecticut

The Hon. Luther J. Strange, III, Founder & Principle, Luther Strange & Associates LLC, and former US Senator (R - AL)

MODERATOR: **Hon. William C. Mims**, Justice, Supreme Court of Virginia

READINGS: Jef Feeley, "Purdue Pharma Reaches Deal to Settle Oklahoma Opioid Case," *Bloomberg* (March 25, 2019).

George Jepsen and Perry Zinn Rowthorn, "Opinion: Leave Opioid Lawsuits to State Attorneys General," *The Wall Street Journal* (March 3, 2019).

Sherman Joyce, "Gov't Opioid Suits Hide Attorneys' Personal Interests," *Law360* (February 15, 2019).

Erin Quinn-Kong, "An Introduction to the Opioid Litigation," *Jurist* (February 4, 2019),

12:15 – 12:30 pm

Closing Remarks and Adjourn

Speakers



WILLIAM L. ANDERSON

Partner, Crowell & Moring, LLP

Mr. Anderson has practiced for 27 years in product liability, toxic tort, and environmental matters that typically involve significant and complex medical and scientific issues and national coordination roles. He also serves as the vice-chair of Crowell & Moring's Mass Tort, Product, and Consumer Litigation Group. The range of cases Mr. Anderson has managed extends across birth defect litigation, alleged toxic exposure to substances in environmental media, product risk and crisis management, medical device, cutting-edge asbestos causation and expert exclusion issues, and national asbestos case management. His work for Fortune 50 companies includes a major crop protection product litigation and crisis management effort involving EPA, state and federal litigation, and an extensive claims process. Subject-wise, his knowledge includes genetic syndrome evidence, blood testing and other assessments of exposure, pharmacokinetics, causation standards, and a wide array of epidemiology and similar literature.



KENNETH E. BARNES

Member, The Barnes Law Firm

Kenneth E. Barnes is founder of the Barnes Law Firm, which advocates for Missouri and Kansas clients facing legal challenges relating to personal injury and wrongful death actions, including vehicle related accidents, state and federal employment matters, civil rights concerns, and a variety of other consumer protection issues. He is an active member of the Missouri and Kansas bars, serves on the Board of Governors of the Missouri Association of Trial Attorneys, and has served as chair of Missouri Trial Lawyers Care, the MATA's charitable arm. Mr. Barnes earned a bachelor's degree in political science and government from Lindenwood University and earned his law degree at the University of Missouri Kansas City School of Law.



JOHN H. BEISNER

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

Mr. Beisner regularly handles appellate litigations and has appeared in matters before the US Supreme Court. Over the past 35 years, he has defended major US and international corporations in more than 600 purported class actions filed in federal courts and in 40 state courts at both the trial and appellate levels. Those class actions have involved a wide variety of subjects, including antitrust/unfair competition, consumer fraud, RICO, ERISA, employment discrimination, environmental issues, product-related matters, and securities. He also has handled numerous matters before the Judicial Panel on Multidistrict Litigation, as well as proceedings before various federal and state administrative agencies, particularly the National Highway Traffic Safety Administration and the Consumer Product Safety Commission. Mr. Beisner is a frequent writer and lecturer on class action and complex litigation issues. In 2013, he received the Burton Award for Legal Achievement, which recognizes excellence in legal scholarship. Mr. Beisner also has been an active participant in litigation reform initiatives before Congress, state legislatures, and judicial committees.

Speakers



NEIL S. BROMBERG

Partner, Hollingsworth, LLP

Neil S. Bromberg's practice focuses on the overall defense of serial, mass tort, and other complex litigation matters, with a particular emphasis on defending, and trying, pharmaceutical products liability litigation. Mr. Bromberg recently managed the defense of 142 cases as part of a consolidated litigation in New Jersey involving claims that Novartis's bisphosphonate drugs used in cancer therapies cause a "signature disease" known as osteonecrosis of the jaw ("ONJ"). He secured a 7-1 defense verdict for Novartis in the second bellwether case chosen for trial in the New Jersey litigation over the drugs Aredia and Zometa. Mr. Bromberg has significant experience defending and deposing expert witnesses in various fields, including oncology, oral surgery, neurology, obstetrics, pharmacology, and internal medicine. This experience extends beyond the deposition stage, where he specializes in designing and implementing strategies to exclude (or limit) expert testimony through motions practice or evidentiary hearings pursuant to Daubert, Kemp, and similar admissibility standards.



HENRY N. BUTLER

Dean and GMU Foundation Professor of Law; Executive Director, Law & Economics Center, Antonin Scalia Law School, George Mason University

Henry N. Butler is Dean and a Professor of Law at George Mason University Antonin Scalia Law School and Executive Director of the George Mason University Law & Economics Center. For over 20 years, he has led judicial education programs that teach judges the basics of economics, finance, accounting, statistics, and scientific methods. He received an MA and PhD in economics from Virginia Polytechnic Institute and State University and a JD from the University of Miami School of Law. He received a bachelor's degree in economics from the University of Richmond.



THE HON. J. MICHELLE CHILDS

District Judge, US District Court for the District of South Carolina

The Honorable J. Michelle Childs holds a BS in Management from the University of South Florida Honors College, a JD from the University of South Carolina School of Law, a Masters in Personnel and Employment Relations from the University of South Carolina's Darla Moore School of Business, and a Masters of Judicial Studies from Duke University School of Law. Judge Childs was appointed to the United States District Court for the District of South Carolina in August 2010. Prior to the federal court, she served as an At-Large Circuit Court Judge, including having responsibilities as the Chief Administrative Judge for General Sessions and Business Court for the Fifth Judicial Circuit of Richland and Kershaw Counties.

Speakers



GREGORY CONKO

Deputy Director, Law & Economics Center

Gregory Conko has over two decades' experience in non-profit management, research, and advocacy. Prior to joining the LEC, Gregory was Executive Director of the Competitive Enterprise Institute in Washington, DC where he oversaw that organization's research, communications, and administrative staff. Earlier in his career, he was a Research Associate at the Capital Research Center and a Senior Fellow at the Competitive Enterprise Institute, where his work focused on food and drug regulation, science and environmental policy, and public health issues. He was also a co-founder and Vice President of the Auburn, Alabama-based AgBioWorld Foundation. Gregory received his BA in political science and history from American University and his JD *magna cum laude* from the George Mason University School of Law, where he was an articles editor of the *Journal of Law, Economics & Policy*.



JAMES R. COPLAND

Director of Legal Policy, Manhattan Institute for Public Policy Research

James R. Copland is a Senior Fellow at the Manhattan Institute and its Director of Legal Policy. In those roles, he develops and communicates novel, sound ideas on how to improve America's civil and criminal justice systems. He has testified before Congress as well as state and municipal legislatures; and has authored many policy briefs, book chapters, articles and opinion pieces in a variety of publications, including the *Harvard Business Law Review* and *Yale Journal on Regulation*, *Wall Street Journal*, *National Law Journal*, and *USA Today*. Copland speaks regularly on civil- and criminal-justice issues; has made hundreds of media appearances in such outlets as *PBS*, *Fox News*, *MSNBC*, *CNBC*, *Fox Business*, *Bloomberg*, *C-Span*, and *NPR*; and is frequently cited in news articles in *The New York Times*, *The Washington Post*, *The Economist*, and *Forbes*. In 2011 and 2012, he was named to the National Association of Corporate Directors "Directorship 100" list, which designates the individuals most influential over US corporate governance.



JAIME L. DODGE

Director, Emory University Law School Institute for Complex Litigation and Mass Claims

Jaime L. Dodge was previously a faculty member at Harvard Law School, where she taught Cross-Border Class Actions and Aggregate Dispute Resolution: Public and Private Process Design Seminar. She has also served as an assistant professor at the University of Georgia and an international visiting assistant professor at the Peking University School of Transnational Law, where she taught Cross-Border Financial Services Litigation and Aggregate Litigation. Before teaching, Dodge practiced law for a number of years with Paul Hastings and later Gibson Dunn, where she represented clients at all phases of the litigation process. Dodge specialized in class action appeals and participated in successful challenges to two of the largest employment classes ever certified. At Gibson, she focused on the resolution of mass-claims, emphasizing class action settlement and claims administration. A past fellow at the Straus Institute for Dispute Resolution, she has also served as a consultant on dispute resolution systems design and implementation for a variety of local, state, national and international organizations, including as a mediator and arbitrator.

Speakers



DEEPAK GUPTA

Partner, Gupta Wessler, PLLC

Deepak Gupta is the founding principal of Gupta Wessler PLLC, where he specializes in appellate and complex litigation with an emphasis on constitutional law, class actions, and consumers' and workers' rights. Deepak has briefed and argued a wide range of statutory and constitutional cases before the US Supreme Court, state supreme courts, and federal appellate courts nationwide. He argued before the Supreme Court in *AT&T Mobility v. Concepcion*, a landmark case at the intersection of arbitration, preemption, and class actions. He was lead counsel in *Expressions Hair Design v. Schneiderman*, arguing on behalf of small merchants in a constitutional challenge to swipe-fees laws brought in the wake of a \$7 billion Visa swipe-fee antitrust settlement. More recently, Deepak was appointed by the Supreme Court to brief and argue in support of a judgment left undefended by the Solicitor General in *Smith v. Berryhill*. He also serves as plaintiffs' counsel in two cases challenging President Trump's violations of the Constitution's Emoluments Clauses, *CREW v. Trump* and *District of Columbia v. Trump*.



ROBERT HUFFMAN

Partner, Akin, Gump, Strauss, Hauer & Feld, LLP

Robert Huffman is the leader of Akin Gump's Government Contracts practice. Mr. Huffman represents aerospace and defense, health care, and other companies in contract matters and in disputes with the federal government and with other contractors. He has extensive experience litigating contract and related issues in the Court of Federal Claims, the Armed Services Board of Contract Appeals, the federal district courts, the federal circuit and other federal appellate courts. He also represents clients in bid protests. A major part of Mr. Huffman's practice involves helping companies defend against investigations, prosecutions and civil suits alleging fraud and false claims. He has represented clients in numerous False Claims Act qui-tam suits. He also represents and advises companies in connection with parallel criminal proceedings, suspension and debarment, and other issues associated with fraud/false claims investigations and litigation.



JOESPH H. HUNT

Assistant Attorney General of the United States, Civil Division

Joseph H. (Jody) Hunt was confirmed on August 28, 2018 as Assistant Attorney General for the Civil Division. Mr. Hunt previously served as Chief of Staff to Attorney General Sessions. Before this appointment, he served for fifteen years as Director of the Federal Programs Branch in the Civil Division, where he supervised the Government's litigation efforts with respect to numerous legal challenges in federal district courts. His litigation responsibilities have concerned a wide range of matters on behalf of many executive agencies, including the Department of State, the Department of Defense, the Department of the Treasury, and elements of the United States Intelligence Community. Mr. Hunt is a past recipient of the Attorney General's Distinguished Service Award. Before joining the federal civil service, Mr. Hunt worked as a lawyer in private practice. Mr. Hunt clerked for Judge James H. Hancock of the US District Court for the Northern District of Alabama following his graduation in 1989 from Columbia Law School.

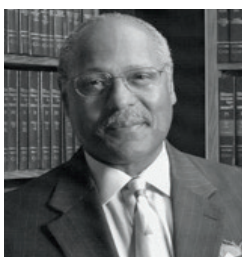
Speakers



LAUREN SHEETS JARRELL

Counsel, Civil Justice Policy, American Tort Reform Association

Ms. Jarrell received her bachelor of arts degree from Georgetown University, where she was a four year starter and captain of the varsity field hockey team and she earned her law degree, *cum laude*, from Georgetown University Law Center. While in law school, she served as a legal intern for Judge Joseph Beshouri of the Washington DC Superior Court and Judge Shirley Watts of the Baltimore City Circuit Court. She is a member of the New York Bar.



THE HON. C. DARNELL JONES, II

District Judge, US District Court for the Eastern District of Pennsylvania

C. Darnell Jones, II was sworn in as a judge of the United States District Court for the Eastern District of Pennsylvania after nomination by President George W. Bush in 2008. He previously served as President Judge of the Court of Common Pleas for the First Judicial District of Pennsylvania from December 2005 until his appointment in October, 2008. During his tenure as President Judge of Pennsylvania's largest judicial district, he was appointed Chair of the Administrative Governing Board of the First Judicial District by the Supreme Court of Pennsylvania. Judge Jones began serving as a judge in the Court of Common Pleas in Philadelphia, Pennsylvania in 1987. He held various positions on the Court of Common Pleas, including: Managing Judge of the Adult Probation and Parole Department, member of the Judicial Education Committee, Presiding Judge and Co- Coordinating Judge of the Homicide Division, and Presiding Judge in the Major Civil Trial Division. He served as a presiding judge in the Commerce Case Management Program (Business Court), and also served as a Supervising Judge of the Philadelphia County Grand Jury. Prior to becoming a judge, he practiced law at the Defender Association of Philadelphia, where among other responsibilities, he served as chief of the Family Court Division. Judge Jones obtained his bachelor's degree from Southwestern College in French and his JD degree from American University, Washington College of Law.



ALAN S. KAPLINKSY

Partner, Ballard Spahr, LLP

Alan S. Kaplinsky is Co-Practice Leader of Ballard Spahr's Consumer Financial Services Group, which has 120 lawyers in 13 offices. Alan devotes his practice exclusively to managing the Group and counseling financial institutions on bank regulatory and transactional matters, particularly consumer financial services law, and defending financial institutions that have been sued by consumers in individual and class action lawsuits and by government enforcement agencies. Alan is heavily involved in counseling and representing clients in a wide variety of matters (regulatory, supervisory, and enforcement) involving the Consumer Financial Protection Bureau. He was instrumental in launching a blog, *Consumer Finance Monitor*, devoted to the consumer financial services activities of the CFPB as well as other federal and state agencies and attorneys general and other significant consumer financial services developments. Alan pioneered the use of pre-dispute arbitration provisions in consumer contracts, has counseled numerous consumer financial services companies on this subject, and has defended in court numerous companies that have sought to enforce consumer arbitration agreements.

Speakers



JESSE KING

Assistant Professor of Marketing, Weber State University

Jesse King received his PhD from the University of Oregon. His research focuses on affective decision-making processes, risk perception, pharmaceutical and legal advertising, new product development/innovation, and sports consumer behavior. His research has been published in marketing, management, law, and medical journals. He worked as an assistant professor at Oregon State University, Cascades in Bend, Oregon before joining the faculty at Weber State University in Ogden, Utah.



ANN M. LIPTON

Michael Fleishman Associate Professor in Corporate Law & Entrepreneurship, Tulane University Law School

Ann M. Lipton is an experienced securities and corporate litigator who has handled class actions involving some of the world's largest companies. She joined the Tulane Law faculty in 2015 after two years as a visiting assistant professor at Duke University School of Law, where she taught securities litigation and a seminar on the financial crisis. In 2016, she was named as Tulane's first Michael Fleishman Professor in Corporate Law & Entrepreneurship. Lipton clerked for US Supreme Court Justice David Souter and 3rd US Circuit Court of Appeals Judge Edward Becker before handling securities and corporate litigation at the trial and appellate levels at law firms in New York City. She also worked briefly for the Securities and Exchange Commission. As a scholar, Lipton explores corporate functioning and the relationships between corporations and investors. She has articles in the *Georgetown Law Journal*, *Washington University Law Review*, and the *Duke Journal of Constitutional Law & Public Policy*.



KAREN L. MANOS

Partner, Gibson, Dunn & Crutcher, LLP

Karen L. Manos is a partner in Gibson Dunn's Washington DC office and Chair of the firm's Government Contracts Practice Group. Ms. Manos graduated in the top two percent of her class at the US Air Force Academy (BS, distinguished graduate, 1981), and graduated first in her class from the Duke University School of Law (JD, with highest honors, 1986), where she was a Note Editor for the *Duke Law Journal*. Ms. Manos has nearly thirty years' experience on a broad range of government contracts issues, including civil and criminal fraud investigations and litigation, complex claims preparation and litigation, bid protests, qui-tam suits under the False Claims Act, defective pricing, cost allowability, the Cost Accounting Standards, and corporate compliance programs. Ms. Manos is the author of two books: the three-volume *Government Contract Costs & Pricing* (Thomson-West 2d ed. 2009), which is widely regarded as the definitive text in the area; and *Government Contract Costs & Pricing Handbook* (Thomson-West 2012). In addition, Ms. Manos has authored almost fifty articles on government contract law.

Speakers



FRANCIS E. MCGOVERN

Professor, Duke University Law School

Francis E. McGovern is a Professor of Law at Duke University School of Law. His name is virtually synonymous with “mass claim” litigation in the US involving DDT, TCE, PCB, and other chemical cases, medical devices such as Dalkon shield and silicone gel breasts implants, asbestos, the BP Deepwater Horizon oil spill, and currently the opioid epidemic. He has also served as a neutral in cases involving institutional reform, securities, antitrust, employment, American Indian treaties, water rights, contracts, false claims, and many others. Professor McGovern has also worked with the United Nations Compensation Commission, which was set up to ensure that Iraq compensated citizens, businesses, and government agencies for losses suffered in the Persian Gulf War, to construct a legal framework for handling the 2.6 million claims for reparations from Iraq. He is also developing a transnational ADR center in Europe to handle torts, including silicone gel breast implants and HIV infected blood cases, that cross national boundaries.



THE HON. WILLIAM C. MIMS

Justice, Virginia Supreme Court

Justice William C. Mims became a member of the Supreme Court of Virginia in 2010. From 1992 until 2010, he served successively as a member of the Virginia House of Delegates and State Senate, and as Chief Deputy Attorney General and Attorney General of Virginia. Justice Mims grew up in Harrisonburg and was educated in the Harrisonburg public schools. He received a degree in History from the College of William and Mary, where he also did graduate work in Public Administration. He has law degrees from George Washington University and Georgetown University. During his years in the General Assembly, Justice Mims worked as an attorney in Leesburg. Prior to practicing law, he served as Chief of Staff to US Representative Frank Wolf and as Deputy Legislative Director to Senator Paul Trible. He was a Distinguished Adjunct Professor of Law at George Mason University from 2002 through 2005. He presently serves as an elder of his church and on the board of the John Marshall Foundation.



LARS NOAH

Professor of Law, University of Florida School of Law

Lars Noah is a Professor of Law at the University of Florida, where he holds the Chesterfield Smith Eminent Scholar endowed chair. During his 25 years on the faculty at UF, he has taught courses in Administrative Law, Bioethics, Medical Technology, Public Health Law, and Torts, among other subjects. Professor Noah has published more than 60 scholarly articles on a wide range of subjects as well as a casebook that focuses on the regulation of pharmaceuticals and medical devices: *Law, Medicine, and Medical Technology* (Foundation Press 4th ed. 2017). He has served as a visiting professor at George Washington, Georgetown, Texas, UC Hastings, Vanderbilt, and Washington & Lee, and he has worked with expert committees at the National Academy of Sciences and the National Institutes of Health. Before entering academia in 1994, Professor Noah clerked for Chief Judge Abner Mikva on the US Court of Appeals for the DC Circuit and then practiced law for three years at Covington & Burling in Washington, DC. He received his BA and JD (both *magna cum laude*) from Harvard University.

Speakers



ROBERT S. PECK

Founder & President, Center for Constitutional Litigation

Robert S. Peck, founder and president of CCL, is among the most sought-after appellate litigators within the plaintiffs' bar. He is credited with having developed groundbreaking constitutional challenges to laws impeding access to courts, as well as having argued precedent-setting civil rights and civil liberties cases. He has taught advanced constitutional law and state constitutional law seminars at the law schools of George Washington University and American University. He is a past chair and present member of the Board of Overseers of the RAND Corporation's Institute for Civil Justice; a member of the advisory committee of the Civil Justice Research Institute, cosponsored by the law schools at the University of California, Berkeley and Irvine; and a Leaders Forum member of the American Association for Justice. Bob is a past president of the US Supreme Court Fellows Alumni Association and the Freedom to Read Foundation, and a past national chair of Lawyers for Libraries.



LUCIAN T. PERA

Partner, Adams and Reese, LLP

Lucian T. Pera is a partner in Adams and Reese LLP, whose practice includes commercial litigation, media law, and representation of lawyers, law firms, and others on issues of legal ethics and lawyer professional responsibility. A graduate of Princeton University and Vanderbilt University School of Law, he was a member of the ABA "Ethics 2000" Commission, which rewrote the ABA Model Rules of Professional Conduct. He chaired the Tennessee Bar Association committee whose work led to the adoption of significantly revised Tennessee ethics rules patterned after the Model Rules. He has chaired the editorial board of the ABA/BNA Lawyers' Manual on Professional Conduct and served as President of the Association of Professional Responsibility Lawyers. He recently completed a three-year term as chair of the governing board of the ABA Center for Professional Responsibility. He is a past Treasurer of the ABA and the Immediate Past President of the Tennessee Bar Association.



CHRISTOPHER M. PLACITELLA

Partner, Cohen, Placitella & Roth PC

Christopher M. Placitella is an accomplished trial lawyer with a nationwide reputation as one of the country's leading legal authorities on mass tort, class actions, and cases about asbestos-related diseases. He represents individuals injured by defective products and drugs, toxic substances, and environmental contamination. Mr. Placitella has developed an award-winning reputation for his commitment to those who have been harmed due to the wrongful conduct of others. His professional integrity and personal commitment to his clients and his community have earned him local, regional, and national recognition for his work and service. He is continuously recognized by his peers for his contribution to mass tort litigation. As a member of the plaintiffs' bar, Mr. Placitella is known for helping to establish a national asbestos litigation group dedicated to successfully and effectively representing individuals suffering from asbestos-related diseases and their families.

Speakers



JONATHAN E. RICHMAN

Partner, Proskauer Rose, LLP

Jonathan Richman is a partner in the New York office of Proskauer Rose, LLP and is co-head of the firm's Asset Management Group and past co-head of its Securities Litigation Group. He represents a variety of companies in securities class actions, shareholder derivative actions, internal investigations, SEC investigations, and corporate-governance, insider-trading, D&O insurance, and related matters. Many of those matters have involved international elements, including representations of non-US issuers in US litigation and in landmark non-US collective settlements under Dutch law in the Netherlands. Jonathan writes extensively on topics ranging from securities and insider-trading law, corporate governance, and fiduciary issues to non-US law on collective actions. His articles have been published in major legal publications. Jonathan received his undergraduate degree from Princeton University and his law degree from Yale Law School. He then clerked for Judge Edward R. Becker, of the US Court of Appeals for the Third Circuit, from 1982 to 1983.



ALAN E. ROTHMAN

Counsel, Arnold & Porter

Alan E. Rothman has extensive experience with the various facets of Multidistrict Litigation (MDL), class action, and individual mass tort product liability litigation. His recent experience includes successfully arguing issues of first impression as well as jurisdictional and coordination issues in connection with MDL and other proceedings in federal and state court and negotiations with Plaintiffs' Steering Committees. Alan also has extensive end-game strategy experience, including leading a team overseeing the settlement and litigation of remaining cases in a mass tort litigation and is co-national lead settlement counsel in connection with an MDL proceeding. In addition to his broad experience with MDL, class action, removal, personal jurisdiction, and venue issues, Alan regularly counsels clients with respect to corporate structure, successor liability, MMSEA/Medicare compliance, and professional ethics issues.



PERRY ZINN ROWTHORN

Partner, Shipman & Goodwin LLP, and former Chief Deputy Attorney General of Connecticut

Mr. Rowthorn is a partner in the State Attorneys General Practice Group in the Hartford, CT, office of Shipman & Goodwin LLP. He represents clients in a wide range of investigations and litigation resulting from government enforcement actions. He is also a partner in the firm's Data Privacy and Protection Practice Group. During his five years as Connecticut's Chief Deputy Attorney General, Perry handled complex consumer protection, antitrust, privacy, securities, environmental enforcement, charities regulation and false claims act investigations, litigation, and settlements. He oversaw the day-to-day administration and work of the Office of the Attorney General and participated directly in significant high-profile matters involving companies in the financial services, health care, pharmaceuticals, energy and utility, internet and technology, and insurance industries. Perry played a key role in negotiating several national attorney general settlements, and recently served as lead negotiator for all states in the national attorney general opioid litigation and settlement discussions. He has served on a number of NAAG committees and acted as transition consultant to several newly elected attorneys general.

Speakers



THE HON. LORI S. ROWE

Judge, Florida First District Court of Appeal

Judge Lori S. Rowe was appointed to the Florida First District Court of Appeal in September 2009. Prior to joining the bench, she practiced law for 12 years. She spent four years in the Office of the Attorney General of Florida, where she practiced exclusively in the area of antitrust law. She joined the Gray Robinson law firm in 2000, where her practice areas included commercial litigation, antitrust, and appellate law. In 2002, Judge Rowe returned to the Office of the Attorney General, where she served as Director of Multi-State Litigation and later as Executive Deputy Attorney General, advising the Attorney General on complex and multi-state matters. In 2007, she joined the Executive Office of the Governor as Deputy Chief of Staff. In this role, she acted as the governor's chief policy advisor on a wide variety of issues affecting Florida's criminal justice and health and human services agencies. Judge Rowe serves as Vice Chair of the Antitrust & Trade Regulation Law Certification Committee of the Florida Bar. She received her undergraduate degree in classical languages from Vanderbilt University, her MBA from the Florida State University, College of Business, and JD from the Florida State University, College of Law.



CHRISTOPHER A. SEEGER

Partner, Seeger Weiss, LLP

Chris is a founding partner of Seeger Weiss and one of the nation's leading attorneys in the areas of complex and mass tort actions. He has earned leadership appointments from state and federal courts throughout the US in many noteworthy multi-district litigations, including pharmaceutical actions involving Vioxx, Zyprexa, Gadolinium, and DePuy ASR, among others. In 2012, the US District Court for the Eastern District of Pennsylvania appointed Chris to lead the multi-district litigation against the National Football League arising out of concussion-related injuries sustained by thousands of former NFL players. In the face of significant legal challenges, he was able to negotiate an uncapped global settlement with an estimated value of over one billion dollars. In 2016, he was appointed to the Plaintiffs' Steering Committee for the MDL concerning the Volkswagen diesel emissions scandal, in the US District Court, Northern District of California. Chris served on the Settlement Committee and was one of the lead negotiators of a \$14.7 billion settlement which includes a massive buyback program for consumers and billions of dollars for environmental remediation.



OMRI BEN-SHAHAR

Leo and Eileen Herzel Professor of Law, University of Chicago Law School

Omri Ben-Shahar is the Leo & Eileen Herzel Professor of Law at the University of Chicago Law School, and the Director of the Coase-Sandor Institute for Law and Economics. Ben-Shahar writes and teaches in the areas of contract law, consumer law, digital data, trademark law, insurance law, food regulation, and law and economics. Ben-Shahar is the co-author of *More Than You Wanted To Know: The Failure of Mandated Disclosure* (with Carl Schneider, Princeton Press 2014), and is currently writing a book on "Personalized Law" (with Ariel Porat). He is the Reporter for the *American Law Institute's Restatement of the Law, Consumer Contracts* (with Oren Bar-Gill and Florencia Marrota-Wurgler). He also writes a regular column for *Forbes*.

Speakers



CARY SILVERMAN

Partner, Shook, Hardy & Bacon, LLP

Cary Silverman is a partner in Shook, Hardy & Bacon's Public Policy Group in Washington, DC. His practice focuses on product liability, tort and consumer law, and civil justice reform. Mr. Silverman closely studies and has written widely read papers on litigation trends. He is the author of "Bad for Your Health: Lawsuit Advertising Implications and Solutions," published by the US Chamber Institute for Legal Reform in 2017. His scholarship includes 35 law review articles, the most recent of which is "In Search of the Reasonable Consumer: When Courts Find Food Class Action Litigation Goes Too Far," 86 U. Cin. L. Rev. 1 (2018). Mr. Silverman has testified before Congress and most state legislatures. He frequently files amicus briefs in state and federal appellate courts. Mr. Silverman has served as an adjunct law professor at the George Washington University, where he earned his JD and MPA. He received a BS from the State University of New York College at Geneseo.



THE HON. LUTHER J. STRANGE, III

Founder & Principle, Luther Strange & Associates LLC, and former US Senator from Alabama

Mr. Strange represented Alabama in the United States Senate from February of 2017 to January of 2018. In the Senate, Strange served on the Agriculture, Nutrition and Forestry; Armed Services; Budget; and Energy and Natural Resources committees. Twice elected as Alabama's 49th Attorney General, Strange represented the state in some of its biggest cases in recent history, including successfully arguing an important First Amendment case, *Lane v Franks*, before the United States Supreme Court in 2014. Strange's tenure as Attorney General was marked by a strong emphasis on fighting public corruption. To that end, he created one of the nation's most well-respected and accomplished special prosecution units. Attorney General Strange also served as the court-appointed coordinating counsel for the Gulf Coast states in the historic Deepwater Horizon oil spill litigation. General Strange personally tried the case that led to a landmark settlement agreement to compensate Alabama for both economic and environmental damages caused by that disaster. Under his leadership, Alabama received over \$2 billion in compensation while saving Alabama's citizens over \$140 million in outside legal fees.



CLAIRE M. SYLVIA

Partner, Phillips & Cohen, LLP

Claire M. Sylvia, a partner at Phillips & Cohen, is the author of a leading treatise on the False Claims Act and has represented whistleblowers in many successful "qui-tam" cases involving healthcare fraud and defense contractor fraud. Her book, *The False Claims Act: Fraud Against the Government* (West 2016), has served as an important reference used by judges and attorneys in qui tam cases since it was first published in 2004. Ms. Sylvia joined Phillips & Cohen after 10 years with the San Francisco City Attorney's Office, where she specialized in government ethics. Before working in the City Attorney's Office, she was an assistant legal counsel in the Office of the US Senate Legal Counsel. In that position, she represented Senate parties in litigation and advised Senate committees on legal matters related to investigations and other committee proceedings.

Speakers



JOHN R. THOMAS JR.

Partner, Healy, Hafemann & Magee

John has significant experience representing individuals and businesses in a variety of civil and criminal litigation, as well as providing strategic advice in science policy and research administration matters. John is a national leader in False Claims Act litigation, where whistleblowers uncover and report fraud against the government. John litigates cases throughout the country involving procurement fraud, health care fraud, medical device fraud, and grant fraud. John is the Founder and Chair of the Federal Bar Association Qui Tam Section and a frequent writer and speaker on the False Claims Act. John is a Major in the US Marine Corps Reserve and serves as a law of war instructor/advisor. In his previous billets, John prosecuted and defended Marines in courts-martial, served as a deputy staff judge advocate, and deployed to Afghanistan as a battalion judge advocate, where he advised the battalion commander on the law of war and other operational law matters.



STEVEN J. TOLL

Managing Partner, Cohen, Milstein, Sellers & Toll, PLLC

Mr. Toll has built a distinguished career and reputation as a fierce advocate of the rights of shareholders and has guided mediation efforts on Cohen, Milstein, Sellers & Toll's largest and most important matters (both securities fraud and other consumer type cases), a role in which he has earned the trust of mediators as well as the respect of defense counsel. Mr. Toll has been involved in settling some of the most important mortgage-backed securities (MBS) class-action lawsuits in the aftermath of the financial crisis, including: Countrywide Financial Corp., which settled for \$500 million in 2013; Residential Accredited Loans Inc. (RALI), which settled for \$335 million in 2014; and the Harborview MBS suit, which settled for \$275 million. He also negotiated a \$90 million settlement of a suit against MF Global.



MARK L. TUFT

Partner, Cooper, White & Cooper, LLP

Mark L. Tuft is a partner with Cooper, White & Cooper LLP in San Francisco, where he is principally engaged in professional liability, media law, civil and criminal litigation in federal and state courts. Mr. Tuft has a state-wide practice as ethics counsel to lawyers and law firms on professional responsibility, professional liability, law firm mergers, and dissolutions and lawyer discipline. He also serves as an arbitrator, special master, and mediator on lawyer-client and law firm disputes.

Speakers



J.W. VERRET

Associate Professor, George Mason University Antonin Scalia Law School

Professor Verret joined the law faculty in 2008 and teaches Banking, Securities, and Corporation Law as well as Accounting for Lawyers. He frequently serves as an expert witness in securities, corporate and commercial litigation, and arbitration proceedings. He serves on the Investor Advisory Committee of the Securities and Exchange Commission, where he advises the Chairman of the SEC on legal and policy reform. He is faculty liaison to the American College of Business Court Judges. He also serves as Independent Chairman of the Board of Directors of Egan-Jones Ratings, one of the eight domestic credit rating firms licensed by the SEC to provide credit ratings on the debt of public companies and provides recommendations on shareholder proxy votes. He has served as Chief Economist and Senior Counsel to the US House Committee on Financial Services. He previously clerked on the Delaware Court of Chancery. He received his JD from Harvard Law School, a Masters in Public Policy from the Harvard Kennedy School, and a BS in Financial Accounting from LSU.



THE HON. SEAN D. WALLACE

Judge, Prince George's County Maryland Circuit Court

Sean D. Wallace has served as an Associate Judge of the Circuit Court for Prince George's County, Maryland since 2002. Prior to joining the bench, Judge Wallace was County Attorney and in private practice litigating before federal and state trial and appellate courts. Judge Wallace is a past president of the American College of Business Court Judges and chairs the Maryland Judiciary's subcommittee on business and technology case management. He is on the faculty of the Maryland Judicial College and was on the adjunct faculty of the National College of District Attorneys, where he lectured regularly across the country on various topics. Judge Wallace is a 1985 graduate of the University of Maryland School of Law and received his undergraduate degree from Hampden-Sydney College in Virginia.



THE HON. JAMES T. WORTHEN

Chief Justice, Texas Twelfth District Court of Appeals

James T. "Jim" Worthen is a seventh generation Texan who was born in Conroe and grew up in Big Sandy. He graduated with a BS degree from the University of Texas at Tyler in 1978, and later earned a MA degree from there in 1999. He received his JD from South Texas College of Law in 1980 and his LLM from the University of Virginia in 2004. He practiced law in Tyler from 1980 through 1998. From 1999 through 2002 he served the State of Texas as a Justice on the 12th Court of Appeals in Tyler. He became its Chief Justice in 2003 and served as Chairman of the Council of Chief Justices from 2005-06. Chief Justice Worthen is Author of "The Organizational and Structural Development of Intermediate Appellate Courts in Texas, 1892-2003" published in the *South Texas Law Review*, Fall, 2004. Bar memberships include the State Bar of Texas, United States District Court for the Eastern District of Texas, and the Fifth Circuit Court of Appeals. In 1986, the Texas Board of Legal Specialization certified him as a specialist in Consumer Bankruptcy Law. He has served on the Bar Journal Committee for the State Bar of Texas (1985-2001) and is a Life Fellow for the Texas Bar Foundation. He is a Charter Fellow of the Smith County Bar Foundation and has served on the Law Library Committee of the Smith County Bar Association since 1982.