

Mass Torts Litigation Committee

Meeting Minutes

March 8, 2016

Opening

The regular monthly teleconference meeting of the Mass Torts Litigation Committee was called to order at 2:04 p.m. (EST) on March 8, 2016 by Richard Gaal.

Present

Knight Anderson, Jim Beck, Richard Gaal, Maxwell Herman, Matthew Moeller, Laurie Novion, David Schwan, Brooke Tigchelaar, Tim Tomasik, Courtney Ward-Reichard, Joe Winebrenner, and Michael Zogby.

Planning for 2017 Joint CLE Conference (January 26-28, 2017 in Olympic Valley, CA at the Resort at Squaw Creek)

- Congratulations to our 2017 Joint CLE Planning Committee members – Kristin Beckman, Karen Woodward, and Joe Winebrenner. The Mass Torts Committee is very thankful for your contributions!
- In addition to coming up with ideas for plenary programs, this year the Mass Torts Committee is responsible for two breakouts. Our current topic proposals for plenary and mass tort breakout panels are as follows:
 - The evolution of multidistrict litigation (MDL), including a review of current problems and solutions. This panel was proposed by Mass Torts member Paul Rheingold. He proposes an examination of what is not working well inside MDLs, and how current practice affects individual plaintiffs.
 - Jim Beck has also proposed a breakout panel topic regarding general personal jurisdiction in the corporate context after the recent *Bauman* Supreme Court decision.

ABA Litigation Section Annual Conference Update (April 13-15, 2016 in Chicago, IL at the Ritz-Carlton/Four Seasons Hotels)

- Deadlines for early registration and room reservations
 - The early bird registration deadline is tomorrow, March 8. The hotel reservation block closes on March 21, and the hotels are filling up quickly.
 - Mass Torts is sponsoring two breakout panels at SAC: (1) Is This CAFA or Kafka? Multi-State Actions a Time of Metamorphosis; and (2) Seven Wonders of the Class-Action World.
- Committee dinner and meetings
 - The Committee is planning a dinner on Wednesday night – details coming.

- Planning for Committee Expo
 - The Committee expo is scheduled for Thursday at 4:30 – 6:30 p.m. The Expo theme is “Did You Know?” – We plan to highlight a unique aspect of our committee.
- Committee Networking Lunch
 - The lunch is scheduled for Friday at 12:15 p.m., and we hope to see many new faces who want to learn more about the Mass Torts Committee.

2016 Aviation Litigation National Institute Update (June 1, 2016 in New York City, NY at the University Club of New York)

- The Institute’s keynote speaker is NTSB Chairman Christopher A. Hart. Professor Steven Saltzburg will be speaking on ethical issues regarding witness preparation for aviation trials. 8 CLE hours, 1 of which is an Ethics credit.
- An e-blast reminder will be sent out by the ABA soon, and you can register for this conference at the following link: <http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=227708681> .

2016 Annual Western Regional CLE Update (May 27, 2016 in San Francisco, CA)

- This will be the third annual Western Regional CLE on class actions and mass torts, and we are co-sponsoring this conference with the CADS, Insurance Coverage, and Securities Litigation Committees.
- Our mass torts breakout panel focuses on forum non-conveniens issues in MDLs after the Air France 447 disaster.

Newsletter & Website Content Update

- Quarterly Newsletter Update
 - Newsletter submissions for the Spring Quarterly Newsletter are due March 15, 2016, from the following subcommittees: Young Lawyers, MDL/Class Procedures Practice, Toxic Torts Litigation, Pharmaceuticals & Medical Devices, and Aviation.
 - Please contact Jim Beck if your subcommittee needs an extension on the due date. Jim also welcomes submissions from other committees.
- Website Content Update
 - March Practice Points Subcommittee Assignments (Theme: Ethics): (1) Young Lawyers; (2) Aviation; (3) Experts & Evidence.
 - For the month of February, we had three excellent Practice Points submissions that were posted to our website: <http://apps.americanbar.org/litigation/committees/masstorts/practice.html#01>. These pieces addressed field preemption in the air safety arena and two items on the learned intermediary doctrine in Arizona and West Virginia.

Book Project Update

- Courtney reports that we are waiting on a few more chapters from authors before the book is ready to review. Courtney and Andrew plan to speak with the authors of outstanding submissions to encourage them to finalize their submissions.
- And once all chapters are submitted, Courtney is looking for volunteers to edit the submissions.

Deliverables Review

- March Deliverables
 - Sound Advice – David Schwan will be preparing a piece on in-house legal ethics.
 - Core Knowledge publication – Richard Gaal is working with an associate from his firm to prepare a submission on taking your first expert deposition. This will include an outline, general topics, and case law to consider.

Subcommittee Updates

- Brooke reports for Membership & Diversity that we may start sending welcome letters to new mass torts members, and send letters to those who have dropped mass torts. Also, Adam Spicer has joined Brooke and Catherine as a co-chair of the Membership & Diversity Subcommittee.
- Pharma and Med. Device & Young Lawyers had no new subcommittee updates.
- Toxic Torts – Knight expects a great submission for the quarterly newsletter in the coming week.

Adjournment

Meeting was adjourned at 2:44 p.m. (EST) by Richard Gaal. The next general meeting will be via teleconference at 2:00 p.m. (EDT) on April 12, 2016.

Minutes submitted by: David L. Schwan, Vice-Chair and Website Content Chair

Approved by: Laurie Novion, Committee Co-Chair