

ADVANCE REGISTRATION DEADLINE: MARCH 18, 2010



EXPERT SPEAKERS
INCLUDING

CONSUMER
PRODUCT SAFETY
COMMISSION
CHAIR

SUPERSTAR
TRIAL LAWYERS

PREEMINENT
JURISTS AND
LAW PROFESSORS

IN-HOUSE
COUNSEL

PRODUCT LIABILITY CONFERENCE—

*THE MASTERS OF
PRODUCT LIABILITY
LITIGATION:
THE STARS COME
OUT TO SHINE*

APRIL 7-9, 2010

THE VENETIAN
LAS VEGAS, NEVADA

REASONS TO ATTEND

- Hear from the new leadership of the Consumer Product Safety Commission
- Learn as true superstars of products share their wealth of wisdom and experience
- Choose from 18 separate SLG sessions that bring high level attention to individual product practice areas
- Earn 18.5 hours of CLE, including two hours of ethics credit

DRI DELIVERS RESOURCES TO BUILD YOUR PRACTICE



The Masters of Products is the theme for the 2010 DRI Product Liability Conference. Product liability superstars light up the main stage, while rising stars lead breakout sessions in 18 separate disciplines to span timely product liability topics from big-picture issues to the finer points of products practice.

You will learn from the true greats of our profession at all levels: regulatory, legislative, judicial, academic and the most experienced trial lawyers around. The classic format returns, with a bent toward risk management and in-house issues on Wednesday, a focus on trial practice Thursday and a great ethics program Friday morning. Our lifeblood Specialized Litigation Group (SLG) breakout sessions are spread over the three days, offering detailed analysis directly relevant to your product liability practice areas and interests. A concurrent session Wednesday morning presented by the young lawyers of products also offers an alternative program with high quality presentations of interest to all. This is the place to get all the current pieces of the product liability puzzle.



Michael G. Jones
Program Chair



John F. Kuppens
Committee Chair



Charles A. Stewart III
Committee Vice Chair



Paul M. Lavelle
Law Institute

**Presented by DRI's
Product Liability Committee**

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What You Will Learn

- New directions and initiatives at the Consumer Product Safety Commission
- Latest trends and methods in product liability
- In-depth, product specific content at the SLG sessions

This seminar brochure is sponsored by

**Nelson
Mullins**

Nelson Mullins Riley & Scarborough LLP



PROGRAM SCHEDULE

Tuesday, April 6, 2010

- 6:00 p.m. **Registration**
- 6:00 p.m. **Networking Reception**
Sponsored by Hiltgen & Brewer PC

Wednesday, April 7, 2010

- 7:15 a.m. **Registration**
- 7:15 a.m. **Continental Breakfast**
Sponsored by Whyte Hirschboeck Dudek SC
- 7:15 a.m. **Corporate Breakfast** (*by invitation only*)
- 7:15 a.m. **First-Time Attendees Breakfast**
- 8:15 a.m. **Welcome and Introduction**
Paul M. Lavelle, *Beirne Maynard & Parsons LLP*, New Orleans, Louisiana
John F. Kuppens, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina
Michael G. Jones, *Martin Pringle Oliver Wallace & Bauer LLP*, Wichita, Kansas
- 8:15 a.m. **Young Lawyers Breakout**
(See schedule on page 10.)
- 8:30 a.m. **Welcome from the DRI President**
Cary E. Hiltgen, *Hiltgen & Brewer PC*, Oklahoma City, Oklahoma
- 8:40 a.m. **New Directions and Initiatives at the Consumer Product Safety Commission**
Inez Moore Tenenbaum, *U.S. Consumer Product Safety Commission*, Bethesda, Maryland
- 9:25 a.m. **Staying in Step with CPSIA: A How-To Guide to Handling Reportable Incidents and Addressing Consumer-Reported Incidents in the CPSC's Database**
Stephen G. Morrison, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina
- 10:15 a.m. **Refreshment Break**
Sponsored by Bradley Arant Boult Cummings LLP
- 10:30 a.m. **Expert Evidence: Erosion of *Daubert* Standards**
Mary A. Wells, *Wells Anderson & Race LLC*, Denver, Colorado
- 11:15 a.m. **Trying the Impossible Case**
James J. Yukevich, *Yukevich Calko & Cavanaugh*, Los Angeles, California
- 12:00 p.m. **Lunch** (*on your own*)
- 1:15 p.m. **Warnings and the New ANSI Z535.6 Standards**
J. Paul Frantz, Ph.D., *CPSM, CPE, Applied Safety and Ergonomics Inc.*, Ann Arbor, Michigan
- 2:00 p.m. **Optional Safety Equipment: Buying Different Levels of Safety**
John P. Freedenberg, *Goldberg Segalla LLP*, Buffalo, New York
- 2:45 p.m. **The Medicare Claimant's Case: Best Practices for Resolution Since the Reimbursement Revolution**
Bruce A. Cranner, *Frilot LLC*, New Orleans, Louisiana
- 3:30 p.m. **Refreshment Break in Exhibit Showcase**
Sponsored by Bradley Arant Boult Cummings LLP
- 3:45 p.m. **Specialized Litigation Workshops**
(See pages 5–6 for session descriptions.)
Agricultural/Construction/Mining/Industrial Equipment
Aviation and Aerospace
Children's Products
Fire and Casualty
Recreational Products
Trial Techniques and Technology
- 5:45 p.m. **Adjourn**
- 6:00 p.m. **Networking Reception**
Sponsored by Halleland Lewis Nilan & Johnson PA
and Sherman Taff Bangert Thomas & Coronado PC



Thursday, April 8, 2010

- 7:15 a.m. **Registration**
- 7:15 a.m. **Continental Breakfast**
Sponsored by Ansa Assuncao LLP
- 8:15 a.m. **Announcements**
John F. Kuppens, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina
Michael G. Jones, *Martin Pringle Oliver Wallace & Bauer LLP*, Wichita, Kansas
- 8:30 a.m. **Federal Civil Rules: The Insiders Share What's New and What's Coming**
Steven S. Gensler, *University of Oklahoma School of Law*, Norman, Oklahoma
The Honorable Lee H. Rosenthal, *United States District Court, Southern District of Texas*, Houston, Texas
- 9:15 a.m. **The Art of Storytelling—Oral Advocacy in All Aspects of Trial Work**
Gregory C. Read, *Sedgwick Detert Moran & Arnold LLP*, San Francisco, California
- 10:00 a.m. **Refreshment Break**
Sponsored by McDowell Knight Roedder & Sledge LLC
- 10:15 a.m. **Effective Use of Demonstrative Evidence in Opening Statements**
Lawrence A. Sutter, *Sutter O'Connell & Farchione Co. LPA*, Cleveland, Ohio
- 11:00 a.m. **Defending Against Punitive Damages Before and During Trial**
Malcolm E. Wheeler, *Wheeler Trigg O'Donnell LLP*, Denver, Colorado
- 11:45 a.m. **Lunch** (*on your own*)
- 1:15 p.m. **The Jury Is Listening: Things You Don't Know but Think You Do**
D. Mitchell McFarland, *Harrison Bettis Staff McFarland & Weems LLP*, Houston, Texas
- 2:00 p.m. **Before, During and After with the Finder of Fact**
Victor P. Henderson, *Holland & Knight LLP*, Chicago, Illinois
- 2:45 p.m. **Hot off the Presses: Product Liability Case Law Update**
K. Kristann Carey, *McDonald's Corporation*, Oak Brook, Illinois
Michael L. Reitzell, *Duane Morris LLP*, Truckee, California

- 3:30 p.m. **Refreshment Break**
Sponsored by Baker Donelson Bearman Caldwell & Berkowitz PC
- 3:45 p.m. **Specialized Litigation Workshops**
(See pages 6–8 for session descriptions.)
Automotive
Consumer Goods and Office Equipment
E-Discovery
Food Law
Hand and Power Tools
Mass Torts and Class Actions
- 5:45 p.m. **Adjourn**
- 6:00 p.m. **Networking Reception**

Friday, April 9, 2010

- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**
Sponsored by Frost Brown Todd LLC
- 7:00 a.m. **Diversity Breakfast**
- 8:00 a.m. **Announcements**
John F. Kuppens, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina
- 8:15 a.m. **Specialized Litigation Workshops**
(See pages 8–9 for session descriptions.)
Biomechanics and Injury Causation
Building Products
Chemical and Toxic Torts
International Legal Issues
Manufacturers' Risk Prevention
Scaffolding, Cranes and Aerial Devices
- 10:15 a.m. **Refreshment Break**
Sponsored by Alston & Bird LLP
- 10:30 a.m. **Ethically Speaking: Nobility and the Legal Profession**
Wendell L. Griffen, *Griffen Strategic Consulting PLLC*, Little Rock, Arkansas
- 12:30 p.m. **Adjourn**
- 12:30 p.m. **Product Liability Committee Meeting**
(open to all)



2010 SLG PROGRAMS

Wednesday, April 7, 2010

AGRICULTURAL/ CONSTRUCTION/MINING/ INDUSTRIAL EQUIPMENT

Co-Chair

Allan R. Crider, *CNH America LLC*, Racine, Wisconsin

Co-Chair

Nicholas C. Pappas, *Frost Brown & Todd LLC*, Indianapolis, Indiana

Vice Chair

J.K. Leonard, *Ball & Weed PC*, San Antonio, Texas

Pictogram-Only Warnings: Has an Arrow Been Removed from Our Quiver?

Mark A. Kircher, *Quarles & Brady LLP*, Milwaukee, Wisconsin

Tyler A. Kress, Ph.D., CIE, *Best Engineering*, Knoxville, Tennessee

Amanda Sanchez, *John Deere & Co.*, Moline, Illinois

Human Factors Considerations in the Design of ACMIE Products

Tyler A. Kress, Ph.D., CIE, *Best Engineering*, Knoxville, Tennessee

Federal Preemption in the Wake of *Wyeth v. Levine*

Philippa V. Ellis, *Owen Gleaton Egan Jones & Sweeney LLP*, Atlanta, Georgia

Case Law Update: Top 10 ACMIE Cases of 2009

D. Craig York, *Dinsmore & Shohl LLP*, Louisville, Kentucky

AVIATION AND AEROSPACE

Chair

Manuel Saldaña, *Gordon & Rees LLP*, Newport Beach, California

Vice Chair

John P. O'Flanagan, *Banker Lopez Gassler PA*, Tampa, Florida

The High Profile Accident: Payne Stewart

Anne G. Beurivage, *Learjet Inc.*, Wichita, Kansas

L. Robert Bourgeois, *Banker Lopez Gassler PA*, Tampa, Florida

Anthony G. Bouscaren, *U.S. Aviation Underwriters Inc.*, New York, New York

CHILDREN'S PRODUCTS

Chair

Cheryl A. Possenti, *Goldberg Segalla LLP*, Buffalo, New York

Vice Chair

John S. Monical, *Lawrence Kamin Saunders & Uhlenhop LLC*, Chicago, Illinois

Where Has the CPSIA Taken Us? Testing Children's Products: A View from a Testing Laboratory's Perspective

Rick Rosati, *Bureau Veritas Consumer Products Services Inc.*, Buffalo, New York

The Blogs on the Net Go Round and Round—Managing the Challenge of Internet Product Information and Misinformation

Sean C. Beckstrom, *Graco Children's Products Inc.*, Atlanta, Georgia

Lindsay Lebresco, *Graco Children's Products Inc.*, Exton, Pennsylvania

Nationwide Comparison of Courts' Scrutiny of Minors' Settlements

Lynne Jones Blain, *Harman Claytor Corrigan & Wellman PC*, Glen Allen, Virginia

Charles "Chuck" L. Clay, Jr., *Weinberg Wheeler Hudgins Gunn & Dial LLC*, Atlanta, Georgia

Jane A. North, *Deasey Mahoney Valentini & North Ltd.*, Philadelphia, Pennsylvania

FIRE AND CASUALTY

Chair

James M. Rozak, *Wiedner & McAuliffe Ltd.*, Chicago, Illinois

Vice Chair

Jeannine L. Lee, *Flynn Gaskins & Bennett LLP*, Minneapolis, Minnesota

Be Aware of the Air—Fire Investigation Involving Home Oxygen Use

Barry E. Newton, BSME, PE, *Wendell Hull & Associates*, Las Cruces, New Mexico

David Pryor, *Thermodyne Industries Inc.*, Denton, Texas



RECREATIONAL PRODUCTS

Chair

Cortney G. Sylvester, *Halleland Lewis Nilan & Johnson PA*,
Minneapolis, Minnesota

Vice Chair

Scott L. Haworth, *Sedgwick Detert Moran & Arnold LLP*,
New York, New York

Making Life Easier for the Recreational Products Client in the “New Economy”

Trey E. Bourn, *Butler Snow O’Mara Stevens & Cannada PLLC*,
Jackson, Mississippi

J. Kyle Fulcher, *Deere & Company*, Moline, Illinois

Evolving Warnings Standards and the Recreational Products Case

J. Paul Frantz, Ph.D., CPSM, CPE, *Applied Safety and
Ergonomics Inc.*, Ann Arbor, Michigan

Steven Hall, MSE, CPSM, *Applied Safety and Ergonomics
Inc.*, Ann Arbor, Michigan

Annual Case Law Update

Scott L. Haworth, *Sedgwick Detert Moran & Arnold LLP*,
New York, New York

TRIAL TECHNIQUES AND TECHNOLOGY

Chair

Peter J. Rotolo, *Chaffe McCall LLP*, New Orleans,
Louisiana

Vice Chair

R. Thomas Warburton, *Bradley Arant Boult Cummings LLP*,
Birmingham, Alabama

Preparing for and Defending Corporate Representative Depositions: The Catch 22s of 30(b)(6)’s Perspective

Eliot Duncan, *Braan-NuTone LLC*, Hartford, Wisconsin

Kurt W. Meaders, *Sedgwick Detert Moran & Arnold LLP*,
Dallas, Texas

Presenting the Technology Witness: The 30(b)(6) Deposition of the IT Company Representative in the Age of Electronic Discovery

Hope T. Cannon, *Bradley Arant Boult Cummings LLP*,
Birmingham, Alabama

James T. Irvin III, *Nelson Mullins Riley & Scarborough LLP*,
Columbia, South Carolina

Thursday, April 8, 2010

AUTOMOTIVE

Chair

Roman Lifson, *Christian & Barton LLP*, Richmond, Virginia

Vice Chair

Jeffrey A. Curran, *McGivern Gilliard & Curthoys PC*,
Oklahoma City, Oklahoma

Use of Statistical Accident Rate Comparison Evidence

Jeffrey K. Spoerk, *Quarles & Brady LLP*, Milwaukee,
Wisconsin

Defending Product Claims When the Supply Chain Is Missing a Link

Kevin C. Schiferl, *Frost Brown Todd LLC*, Indianapolis,
Indiana

International Automotive Product Liability: A Case Study in Japan

Stephen J. Fenton, PE, *Kineticorp LLC*, Greenwood
Village, Colorado

Louann Van Der Wiele, *Chrysler LLC*, Auburn Hills,
Michigan

CONSUMER GOODS AND OFFICE EQUIPMENT

Chair

Kurt W. Meaders, *Sedgwick Detert Moran & Arnold LLP*,
Dallas, Texas

Vice Chair

H. Michael O’Brien, *Wilson Elser Moskowitz Edelman &
Dicker LLP*, White Plains, New York

The Compliance and Practical Solutions for Industry’s Approach to the Consumer Product Safety Improvement Act (The CPSIA to the CPSIA)

Jason L. Hertzberg, Ph.D., PE, *Exponent Inc.*, Chicago,
Illinois

Alan H. Schoem, *Marsh USA Inc.*, Washington, D.C.

Is the Foreign Supplier All In?—Service and Personal Jurisdiction in a Global Economy

Mark D. Katz, *Sherman Taff Bangert Thomas & Coronado PC*,
Kansas City, Missouri

Claims in Public Courts Based on Consumer Protection Standards—The CPSC Is Not the Only Enforcer

Thomas A. Delaney, *Sedgwick Detert Moran & Arnold LLP*,
Irvine, California



E-DISCOVERY

Chair

Mariann E. Butch, *Benesch Friedlander Coplan & Aronoff LLP*, Cleveland, Ohio

Vice Chair

Joe Cohen, *Porter & Hedges*, Houston, Texas

Case Studies in Executing Effective and Practical Discovery Holds and Data Preservation Strategies for Products in a Global Environment

John J. Jablonski, *Goldberg Segalla LLP*, Buffalo, New York

The Honorable Peggy A. Leen, *United States District Court for the District of Nevada*, Las Vegas, Nevada

FOOD LAW

Chair

T. Sky Woodward, *Womble Carlyle Sandridge & Rice PLLC*, Baltimore, Maryland

Vice Chair

Shawn K. Stevens, *Gass Weber Mullins LLC*, Milwaukee, Wisconsin

Warnings, Instructions and Food Safety: The Impact of Increasing Consumer Responsibility as a Risk Prevention Strategy

Carl J. Schaerf, *Schnader Harrison Segal & Lewis LLP*, New York, New York

Active and Intelligent Food Packaging Litigation and Regulation: A Taste of What's to Come?

Joshua S. DeCristo, *Schwabe Williamson & Wyatt*, Portland, Oregon

Best Practices for Defending Food Borne Illness Litigation: An In-House Perspective

Kathleen A. O'Toole, *McDonald's Corporation*, Oak Brook, Illinois

The Good, the Bad and the Ugly: Emerging and Reactionary Initiatives in Food Safety Regulations

Margaret C. Binzer, *Womble Carlyle Sandridge & Rice PLLC*, Washington, D.C.

HAND AND POWER TOOLS

Chair

James A. Foster, *Cassiday Schade LLP*, Chicago, Illinois

Vice Chair

Joseph Pappalardo, *Gallagher Sharp*, Cleveland, Ohio

Trial Tactics: Avoiding the Obvious (A Case Study)

James A. Foster, *Cassiday Schade LLP*, Chicago, Illinois
Stephen Gemmell, *The Stanley Works*, New Britain, Connecticut

Theodore C. Morris, *The Stanley Works*, New Britain, Connecticut

Joseph Pappalardo, *Gallagher Sharp*, Cleveland, Ohio

Emerging Plaintiffs' Claims in Hand and Power Tool Litigation

Wayne Hill, *Techtronic Industries North America Inc.*, Anderson, South Carolina

Randall J. Moore, *Roetzel & Andress LPA*, Akron, Ohio

Mark Rowe, *Techtronic Industries North America Inc.*, Anderson, South Carolina

Christopher S. Shank, *Shank & Hamilton PC*, Kansas City, Missouri

William E. Vita, *Westerman Ball Ederer Miller & Sharfstein LLP*, Mineola, New York

MASS TORTS AND CLASS ACTIONS

Chair

Sean P. Wajert, *Dechert LLP*, Philadelphia, Pennsylvania

Vice Chair

Glenn S. Kerner, *Goodwin Procter LLP*, New York, New York

Legislative and Regulatory Update: Impact of New Administration and New Statutes, Rollback on Preemption and Effort to Rollback *Twombly*

Jeffrey A. Holmstrand, *McDermott & Bonenberger PLLC*, Wheeling, West Virginia

Anthony Sammons, *Dinsmore & Shohl LLP*, Lexington, Kentucky

Emerging Class Action Issues: Impact of the ALI Project on Aggregation and Update on Problematic Causes of Action (Public Nuisance, Consumer Fraud Act and Medical Monitoring)

Richard A. Oetheimer, *Goodwin Procter LLP*, Boston, Massachusetts

John Parker Sweeney, *Womble Carlyle Sandridge & Rice PLLC*, Baltimore, Maryland



Emerging Mass Tort Issues: Examination of *Daubert/Frye* Issues, Update on Green-Product Issues and Use of Risk Assessment Concepts

Robert C. James, *TERRA Inc.*, Tallahassee, Florida

David C. Uitti, *Dechert LLP*, Princeton, New Jersey

Best Practices on Managing Mass Torts: Exploring the Virtual Law Firm, Cost Controls, Alternative Fee Arrangements and Early Case Dispositions

Kip T. Bollin, *Thompson Hine LLP*, Cleveland, Ohio

Friday, April 9, 2010

BIOMECHANICS AND INJURY CAUSATION

Chair

Jill D. Jacobson, *Bowman and Brooke LLP*, Richmond, Virginia

Vice Chair

Mark S. Granger, *Morrison Mahoney LLP*, Boston, Massachusetts

Concussion Injuries in Helmeted Sports

Richard M. Greenwald, Ph.D., *Simbex*, Lebanon, New Hampshire

Natal Attraction: Biomechanical Issues Involving Pregnant Women

Sarah J. Manoogian, Ph.D., *Biodynamic Research Corporation*, San Antonio, Texas

She's Not a Doctor but She Plays One on the Stand: Getting Past Objections That Your Biomechanic Is Not an M.D.

Deirdre C. Gallagher, *Spencer Fane Britt & Browne LLP*, St. Louis, Missouri

BUILDING PRODUCTS

Chair

Russell B. Morgan, *Bradley Arant Boult Cummings LLC*, Nashville, Tennessee

Vice Chair

James E. Weatherholtz, *Buist Moore Smythe McGee PA*, Charleston, South Carolina

Separating Product Liability Claims from the Construction Defect Case

Laura E. Proctor, *Louisiana-Pacific Corporation*, Nashville, Tennessee

Richard Reyes, *Sto Corporation*, Alpharetta, Georgia

James E. Weatherholtz, *Buist Moore Smythe McGee PA*, Charleston, South Carolina

Strategies for Defending Chinese Drywall Claims

Jan Douglas Atlas, *Adorno & Yoss*, Fort Lauderdale, Florida

CHEMICAL AND TOXIC TORTS

Chair

Sara M. Turner, *Baker Donelson Bearman Caldwell & Berkowitz PC*, Birmingham, Alabama

Vice Chair

Ryan L. Nilsen, *Bowman and Brooke LLP*, Minneapolis, Minnesota

How to Handle the Case with the Dying Toxic Tort Plaintiff

Lana Alcorn Olson, *Lightfoot Franklin & White LLC*, Birmingham, Alabama

A Brief History of Tort Claims Arising from Alleged Indoor Exposures: How the Past Informs the Future, including Mold, Wet Buildings and Chinese Drywall

Ronald E. Gots, M.D., Ph.D., CEO, *International Center for Toxicology and Medicine*, Rockville, Maryland

Summary Judgment Strategies for Challenging General and Specific Causation, and Effective Techniques for Developing Them

John D. Sear, *Bowman and Brooke LLP*, Minneapolis, Minnesota

INTERNATIONAL LEGAL ISSUES

Chair

Rod Freeman, *Lovells LLP*, London, England

Vice Chair

Andrew Morrison, *Clayton Utz*, Melbourne, Australia



MANUFACTURERS' RISK PREVENTION

Co-Chairs

Kenneth Ross, *Bowman and Brooke LLP*, Minneapolis, Minnesota

John A. Rupp, *Textron Inc.*, Providence, Rhode Island

Vice Chair

Amanda M. Cialkowski, *Halleland Lewis Nilan & Johnson PA*, Minneapolis, Minnesota

MANUFACTURERS' RISK AND INTERNATIONAL LEGAL ISSUES JOINT PROGRAM

Recall Effectiveness and Its Effect on U.S. and International Regulatory Compliance and Product Liability Risks

Howard Aughinbaugh, *Stericycle Expert Services*, Indianapolis, Indiana

Rod Freeman, *Lovells LLP*, London, England

Andrew Morrison, *Clayton Utz*, Melbourne, Australia

Peter Pliszka, *Fasken Martineau DuMoulin LLP*, Toronto, Canada

Kenneth Ross, *Bowman and Brooke LLP*, Minneapolis, Minnesota

SCAFFOLDING, CRANES AND AERIAL DEVICES

Chair

Mary Ann Mellow, *Sandberg Phoenix & von Gontard PC*, St. Louis, Missouri

Vice Chair

John C.S. Pierce, *Butler Pappas Wehmmuller Katz Craig LLP*, Mobile, Alabama

Using First Responder Services to Manage Risk

Clyde C. Richard, Ph.D., PE, *CED Investigative Technologies Inc.*, Annapolis, Maryland

Flaws in the Safety Hierarchy

Jerome "Jerry" A. Galante, *Plunkett Cooney PC*, Bloomfield Hills, Michigan

Updating the Electrical Hazard Standards: A Discussion of the Changes Presented by ANSI A92.2 2009 and 29 CRF Part 1926

Josh T. Chard, *Altec Industries Inc.*, Birmingham, Alabama

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YOUNG LAWYERS BREAKOUT HOT TOPICS IN PRODUCT LITIGATION

Wednesday, April 7, 2010

8:15 a.m. **Welcome and Introduction**

Chip Adams, *Ebanks Taylor Horne LLP*,
Houston, Texas

Clinton F. Fletcher, *Nall & Miller LLP*, Atlanta,
Georgia

8:20 a.m. **Peanut Butter to Drywall: Navigating
Supply Chain Issues in the Global
Marketplace**

Gail Rodgers, *DLA Piper*, New York, New York

8:50 a.m. **The Quest for Electronic Information:
Practical Tips for Taking or Defending the
Deposition of an IT Representative**

Rosevelie Marquez Morales, *Harris Beach PLLC*,
New York, New York

9:20 a.m. **Win Your Case Before the First Deposition:
Strategies for Developing Your Case
Through Private Investigators, Interviews
and the Internet**

Jeffrey J. White, *Robinson & Cole LLP*,
Hartford, Connecticut

9:50 a.m. **Keys to a Good Relationship with Your
Client: Defense Guidelines and Reporting**

Timothy J. Harrington, Jr., *Bell Helicopter-
Textron Inc.*, Williamsport, Pennsylvania

10:15 a.m. **Refreshment Break**

Sponsored by **Bradley Arant Boulton
Cummings LLP**

10:30 a.m. **The Nuts and Bolts of Defending a
Component Part Supplier—Strategies,
Techniques and the Law**

Tracy Gregar Ferak, *Reed Smith LLP*, Chicago,
Illinois

10:55 a.m. **Embracing the A.C.R.O.N.Y.M.S.: How
Industry Standards and Governmental
Regulations Can Work for You**

Sarah E. Madsen, *Larson King LLP*, St. Paul,
Minnesota

11:20 a.m. **Here Today, Gone Tomorrow: Strategic
Handling of Cases Involving Bankruptcy in
Today's Economy**

I. Hooshie Broomand, *Flesher Broomand LLP*,
Gold River, California

11:45 a.m. **It's the Little Things That Make the Biggest
Impression: Fundamentals for Your First Trial**

C. Meade Hartfield, *Lightfoot Franklin &
White LLC*, Birmingham, Alabama

12:10 p.m. **Adjourn**



COMMITTED TO
DIVERSITY

DIVERSITY AND INCLUSION
IN DRI:

A STATEMENT OF PRINCIPLE

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation. Diversity is a core value at DRI. Indeed, diversity is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides. Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.



GENERAL INFORMATION

CLE Accreditation

This seminar has been approved for MCLE credit by the State Bar of California in the amount of **18.5** hours, including **2** hours of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please check our website at www.dri.org for credit information for your state.

Registration

The registration fee is **\$895** for members and those who join DRI when registering and **\$1,025** for non-members. The registration fee includes CD-ROM course materials, continental breakfasts, refreshment breaks and networking receptions. If you wish to have your name appear on the registration list distributed at the conference and receive the CD-ROM course materials in advance, DRI must receive your registration by **March 18, 2010** (please allow 10 days for processing). Registrations received after **March 18, 2010**, will be processed on-site.

Special Discounts

The first and second registrations from the same firm or company are subject to the fees outlined above. The registration fee for additional registrants from the same firm or company is **\$845**, regardless of membership status. All registrations must be received at the same time to receive the discount.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **March 18, 2010**. Cancellations received after **March 18** and on or before **March 25, 2010**, will receive a refund, less a \$50 processing fee. Cancellations made after **March 25** will not receive a refund, but the course materials on CD-ROM and a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax to DRI's Accounting Department at 312.795.0747. All refunds will be mailed within four weeks after the date of the conference. Substitutions may be made at any time without charge and must be submitted in writing.

Course Materials

In order to better serve and satisfy the numerous requests from our membership, DRI will mail the course materials to all registrants in CD-ROM format 12 days in advance of the seminar. You can order additional copies by checking the appropriate box on the registration form on the back of this brochure or ordering online at www.dri.org.

Sponsored by Dechert LLP

Supplemental Materials

Recommended supplemental material for this seminar is ***Punitive Damages: A State-by-State Compendium*** from DRI's Defense Library Series. Order your copy by checking the appropriate box on the registration form on the back of this brochure. You can also view the entire list of DRI publications offerings and make purchases online at www.dri.org.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at **The Venetian, 3355 Las Vegas Boulevard South, Las Vegas, Nevada 89109**. For reservations, **contact the hotel directly at 702.414.1000**. Please mention **DRI's Product Liability Conference** to take advantage of the group rate of **\$189 Single/Double**. The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **March 8, 2010**, to be eligible for the group rate. Requests for reservations made after **March 8** are subject to room and rate availability.

Travel Discounts

DRI offers discounted meeting fares on various major air carriers for **DRI's Product Liability Conference** attendees. To receive these discounts, please contact Hobson Travel Ltd., DRI's official travel provider at 800.538.7464. As always, to obtain the lowest available fares, early booking is recommended.

Flyers

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See your attendee packet on-site for information on these sponsors.

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The taping or recording of DRI seminars is prohibited without the written permission of DRI.

Speakers and times may be subject to last-minute changes.

DRI policy provides there will be no group functions sponsored by others in connection with its seminars.



FACULTY

K. Kristann Carey is senior counsel at McDonald's Corporation in Oak Brook, Illinois. She is responsible for overseeing tort litigation on behalf of McDonald's Corporation and its subsidiaries in the central United States. Ms. Carey also advises senior management and international business units regarding branded consumer products and Happy Meal toys. She is on the steering committee of DRI's Corporate Counsel Committee. Prior to joining McDonald's Corporation, Ms. Carey was an attorney in the litigation practice group of a large law firm, where she concentrated her practice in product liability, mass toxic tort and complex commercial litigation.

Bruce A. Cranner is a partner in the New Orleans firm of Filot LLC. He is an experienced trial and appellate litigator with a diverse practice, including many complex product liability and medical liability matters and class actions. Active in DRI, Mr. Cranner is a past chair of DRI's Medical Liability and Health Care Law Committee. He is a member of the bars of Louisiana, Texas, and many federal courts. Mr. Cranner's professional memberships include the Louisiana State Bar Association (Diversity Committee), the Louisiana Association of Defense Counsel and the Product Liability Advisory Counsel.

J. Paul Frantz, Ph.D., CPSM, CPE, is a senior consultant and founder of Applied Safety and Ergonomics Inc. in Ann Arbor, Michigan. His consulting, research and teaching activities involve warnings and risk communication, human factors engineering, and product and occupational safety. Since 1993, Dr. Frantz has also served as an adjunct professor at the University of Michigan, teaching product and occupational safety management. He is a member of ANSI Z535, a committee that develops national standards for warning signs, labels, symbols and colors.

John P. (Jack) Freedenberg is a founding partner of the firm of Goldberg Segalla LLP, and is resident in its Buffalo, New York, office. He focuses his practice on product liability and catastrophic personal injury defense, and is privileged to serve as national coordinating counsel for two major manufacturers. Mr. Freedenberg is the immediate past chair of DRI's Product Liability Committee.

Steven S. Gensler is the Welcome D. & W. DeVier Pierson Professor at the University of Oklahoma College of Law, where he teaches civil procedure, conflict of laws and federal courts. Professor Gensler began his legal career as a law clerk to the Honorable Deannell Reece Tacha on the United States Court of Appeals for the Tenth Circuit. Since 2005, Professor Gensler has been a member of the Advisory Committee on Civil Rules. He is the author of *Federal Rules of Civil Procedure: Rules and Commentary*.

Wendell L. Griffen, the CEO/owner of Griffen Strategic Consulting PLLC, based in Little Rock, Arkansas, consults about cultural competency and inclusion, professionalism and team-building, and strategic leadership and public policy (including legal and social justice issues). He is also a visiting professor of law at the University of Arkansas at Little Rock Bowen School of Law. From January 1, 1996, through December 31, 2008, he served as a judge on the Arkansas Court of Appeals.

Victor P. Henderson is the executive partner in charge of the Chicago office of Holland & Knight LLP and a partner in the firm's litigation department. He concentrates his trial practice in complex commercial litigation, product liability law and pro bono criminal defense. Mr. Henderson devotes a large portion of his practice to representing clients in the higher education field and the health care industry. He is also a past president of the Chicago Bar Association. Prior to becoming a lawyer, Mr. Henderson practiced as a certified public accountant.

Cary E. Hiltgen is a shareholder in the law firm of Hiltgen & Brewer PC in Oklahoma City. Mr. Hiltgen's practice is concentrated in the areas of product liability, insurance defense, insurance coverage, commercial litigation and transportation law. He represents companies involved with consumer goods and products, manufacturing industries and the insurance market. Mr. Hiltgen is the president of DRI.

Michael G. Jones is a partner in the law firm of Martin Pringle Oliver Wallace & Bauer LLP in Wichita, Kansas. He concentrates his practice in product liability, aviation law, and business and technology-related litigation. Mr. Jones is a board member of the Kansas Association of Defense Counsel, and active in the Wichita Bar Association's Technology, Legislative and Civil Practice Committees. He served for several years as co-chair of DRI's Product Liability Aviation SLG. Mr. Jones is the program chair for this seminar.



John F. Kuppens is a litigation partner in Nelson Mullins Riley & Scarborough LLP's Columbia, South Carolina, office. Mr. Kuppens is a trial lawyer with experience in the areas of product liability, drug and medical device, and toxic tort litigation. He is an active member of DRI; chair, Product Liability Committee; chair, Membership Committee Large Law Firm Initiative; the International Association of Defense Counsel (member, 2007 Trial Academy Faculty); and the South Carolina Defense Trial Attorneys' Association.

Paul M. Lavelle is a partner with Beirne Maynard & Parsons LLP in its New Orleans office. Mr. Lavelle practices and has extensive trial experience in commercial litigation, product liability, insurance law, construction, environmental law and general civil litigation. He is vice chair of DRI's Law Institute, a former DRI officer and board member, and past chair of DRI's Technology Committee and its Electronic Discovery Task Force. Mr. Lavelle is a member of the Louisiana Association of Defense Counsel and past president of the Jefferson Bar Association.

D. Mitchell McFarland is a partner in Harrison Bettis Staff McFarland & Weems LLP in Houston, whose practice includes complex commercial litigation, product liability claims, construction litigation, partnership disputes and personal injury litigation. Mr. McFarland was a member of a national trial team defending a manufacturer of silicone breast implants and has served as Texas regional counsel in welding fume litigation, hernia patch claims and contact lens solution claims.

Stephen G. Morrison is a partner in the Columbia, South Carolina, office of Nelson Mullins Riley & Scarborough LLP. A highly regarded litigation lawyer who has represented such Fortune 500 clients as General Motors, Ford and AT&T, Mr. Morrison has over 20 years' experience in technology litigation, product liability, personal injury and business litigation. Mr. Morrison has tried over 200 cases to jury verdict and has argued more than 60 appeals before state and federal courts, including the U.S. Supreme Court.

Gregory C. Read is a senior partner in the San Francisco office of Sedgwick Detert Moran & Arnold LLP. He specializes in complex litigation, product liability and aviation. Mr. Read is a member of the American College of Trial Lawyers, the American Board of Trial Advocates, and is listed as a top 25 product liability attorney by *The Best of the Best USA 2008*. A past president of the International Association of Defense Counsel, he also has served as a DRI board member and as a member of DRI's Law Institute.

Michael L. Reitzell is a senior associate in the Duane Morris LLP's Lake Tahoe office. He represents clients in tort, product liability, contract and environmental matters at both the trial and appellate levels, with a focus on the recreation industry. An active DRI member, he currently serves as chair of the Annual Meeting Subcommittee for the Young Lawyers Committee. He is a frequent speaker at DRI seminars and has authored several articles.

The Honorable Lee H. Rosenthal presides over a U.S. district court in Houston. A Chief Justice Rehnquist appointee to the Judicial Conference Advisory Committee on Civil Rules, she served as chair of the Class Actions Subcommittee during the development of the 2003 amendments to Rule 23 and chair of the Civil Rules Committee during the "restyling" of the Civil Rules and the adoption of the electronic discovery amendments. In 2007, Chief Justice Roberts appointed Judge Rosenthal to chair the Judicial Conference Committee on the Rules of Practice and Procedure. The Texas Association of Trial and Appellate Lawyers has twice named her "Trial Judge of the Year."

Charles A. (Chuck) Stewart III is a founding partner of the Montgomery, Alabama, office of Bradley Arant Boulton Cummings LLP. Admitted to the bars of Alabama and Tennessee, Mr. Stewart represents national and international corporations, primarily in the areas of product liability, toxic torts, employment, large personal injury and general business disputes. He has handled other complex litigation matters, including a six-week trial of an antitrust claim for conspiracy in restraint of trade, and both the defense and the prosecution of intellectual property cases.

Lawrence A. Sutter is a founding partner of Sutter O'Connell & Farchione Co. LPA in Cleveland, Ohio. He has successfully defended cases in over 30 states in the areas of professional liability, premises liability insurance coverage, hospital and product liability cases. He has been named one of America's top 10 trial lawyers by *The National Law Journal*. Mr. Sutter serves as an adjunct professor at the University of Akron School of Law, where he directs the trial advocacy competition program.



Inez Moore Tenenbaum was nominated by President Barack Obama on June 9, 2009, to serve as the ninth chair of the U.S. Consumer Product Safety Commission. Confirmed by the Senate and sworn into office on June 23, 2009, her term expires in October 2013. Ms. Tenenbaum was elected South Carolina's State Superintendent of Education in 1998 and completed her second term in 2007. She previously practiced health, environmental and public interest law with a southern law firm. Before attending law school, Ms. Tenenbaum served as director of research for the Medical, Military, Public and Municipal Affairs Committee of the South Carolina House of Representatives.

Mary A. Wells is a member of Wells Anderson & Race LLC in Denver. Her practice is concentrated in product liability, aviation, commercial litigation, intellectual property litigation and other complex civil trials and appeals. She has successfully tried major product liability cases throughout the country, as well as having participated in innovative hearings concerning expert evidence issues. *The National Law Journal* named Ms. Wells one of the top 50 women litigators. In 2002, she was the director of the International Association of Defense Counsel Trial Academy.

Malcolm (Mal) E. Wheeler is a partner in Wheeler Trigg O'Donnell LLP, in Denver. His practice focuses on class actions, multi-district litigation and appeals. As a member of the American Law Institute, he has been an advisor to the Reporters for the Restatement (Third) of Torts: General Principles and an advisor to the Reporters for the Restatement (Third) of Torts: Apportionment of Liability. A fellow in the American College of Trial Lawyers, Mr. Wheeler's numerous professional accolades include being named as Product Liability Lawyer of the Year in *Colorado Law Week*.

James J. Yukevich, a founding partner of Yukevich Calfo & Cavanaugh in Los Angeles, tries product liability cases on behalf of major manufacturers throughout the United States. Mr. Yukevich has tried a number of "impossible to win" cases during his 25-year career. He has taken cases to verdict in seven states, over 90 percent of which have resulted in defense wins.

2010 DRI Seminar Schedule

January 27–29	Civil Rights and Governmental Tort Liability <i>The Westin San Diego</i> , San Diego, CA
February 4–5	Trucking Law <i>Caesars Palace</i> , Las Vegas, NV
February 10–12	Medical Liability and Health Care Law <i>Arizona Biltmore</i> , Phoenix, AZ
March 4–5	Strictly Retail <i>Wyndham Chicago</i> , Chicago, IL
March 17–19	Damages <i>Vdara</i> , Las Vegas, NV
March 18–19	Toxic Torts and Environmental Law <i>Sheraton New Orleans</i> , New Orleans, LA
March 25–26	Sharing Success—A Seminar for Women Lawyers <i>The Westin Kierland</i> , Scottsdale, AZ
April 7–9	Product Liability Conference <i>The Venetian</i> , Las Vegas, Nevada
April 14–16	Insurance Coverage and Claims <i>InterContinental Chicago</i> , Chicago, IL
April 15–16	Commercial and Intellectual Property Litigation <i>Hilton New York</i> , New York, NY
April 28–30	Life, Health, Disability and ERISA Claims <i>Swissôtel</i> , Chicago, IL
May 6–7	Employment Law <i>Camelback Inn</i> , Scottsdale, AZ
May 20–21	Drug and Medical Device <i>San Francisco Marriott</i> , San Francisco, CA
June 10–11	Diversity for Success <i>Swissôtel</i> , Chicago, IL
June 17–18	Young Lawyers <i>Eden Roc</i> , Miami Beach, FL
September 23–24	Nursing Home ALF/Litigation <i>Swissôtel</i> , Chicago, IL
September 30–October 1	Construction Law <i>Bellagio</i> , Las Vegas, NV



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DRI MEMBERSHIP APPLICATION

This application/registration form for first-time members only—all other registrants please use reverse side.

MEMBER CATEGORY

- Defense Attorney—\$225 USD/year
Government Attorney—\$160 USD/year
Young Lawyer*—\$130 USD/year (admitted to the Bar for five years or less)
Law Student—\$20 USD/year

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COMPANY/FIRM/LAW SCHOOL

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TELEPHONE FAX EMAIL

Is this the first time you are attending this DRI seminar? Yes No

First time admitted to the Bar in STATE/PROVINCE MONTH/DAY/YEAR BAR NUMBER

In-house counsel (as defined below**)

I am a member of a state or local defense organization. Yes No

NAME OF ORGANIZATION

PRIMARY AREA OF PRACTICE NUMBER OF ATTORNEYS IN YOUR FIRM

OPTIONAL

DRI is committed to the principle of diversity in its membership and leadership. Accordingly, applicants are invited to indicate which one of the following may best describe them:

- African American Asian American Hispanic
Native American Caucasian Other

DATE OF BIRTH MONTH/DAY/YEAR

REFERRED BY (name of DRI member attorney, if applicable)

To the extent that I engage in personal injury litigation, I DO NOT, for the most part, represent plaintiffs. I have read the above and hereby make application for individual membership.

SIGNATURE DATE (all applications must be signed and dated)

REGISTRATION/APPLICATION FEES

SEMINAR REGISTRATION: \$895 Member
\$600 Government DRI Member
\$0 Law Student DRI Member

MEMBERSHIP (Check One): \$225 Defense Attorney
\$160 Government Attorney
\$130* Young Lawyer
\$20 Law Student

* Those eligible for Young Lawyer membership will receive a certificate for one free seminar when they join.

** In-house counsel is defined as a licensed attorney who is employed exclusively for a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries.

TOTAL:

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