



PLAC 2022 SPRING CONFERENCE

PGA National Resort – Palm Beach Gardens, FL
April 27-29, 2022

Wednesday, April 27

10:00am – 5:00pm

REGISTRATION

10:30am – 3:00pm

EVERGLADES ADVENTURE (*separate registration required*)

1:00pm – 5:00pm

GOLF EVENT (*separate registration required*)

3:00pm – 4:30pm

FUTURE LEADERS ROUNDTABLE

5:00pm – 6:00pm

WOMEN'S NETWORKING RECEPTION

5:30pm – 7:00pm

WELCOME RECEPTION

7:00pm

DINE-AROUNDS (*reservation times vary – sign up required*)

Thursday, April 28

7:45am – 5:00pm

REGISTRATION

7:45am – 8:45am

CONTINENTAL BREAKFAST

8:45am – 8:55am

WELCOME & INTRODUCTIONS

8:55am – 9:55am

MDLS – THE GOOD, THE BAD, AND THE UGLY

A discussion of MDL issues from the bottom up. This presentation will analyze MDL strategies and procedures, including the consideration what goes into organizing claims in an MDL and what tools courts are using to weed out meritless claims, in addition to what tangible approaches may recalibrate the volume of claims in an MDL.

Loren H. Brown, Esq.

DLA Piper US LLP

Michael B. Gallub, Esq.

Herzfeld & Rubin, P.C.

Connie A. Matteo, Esq.

Assistant General Counsel

Pfizer Inc.

Breanna Fields, Esq. – Moderator

DLA Piper US LLP

9:55am – 10:10am

BREAK

10:10am – 11:10am

CONSUMER PRODUCT COMPLIANCE – LIMITING YOUR RISK

As currently comprised, the US Consumer Product Safety Commission is expected to increase enforcement actions. This expectation is verified by organizational changes at the Commission that includes enforcement counsel taking the place of compliance officers. This presentation will look at risk management in this environment from a both preventive and defensive position.

Brandan P. Mueller, Esq.

Husch Blackwell LLP

Melissa McAlpine, Esq.

Product Safety Counsel

Polaris Industries, Inc.

Gregg N. Sofer, Esq.

Husch Blackwell LLP

11:10am – Noon

AMICUS PROGRAM - 2021 YEAR IN REVIEW: HOT TOPICS, DEVELOPMENTS AND EMERGING ISSUES

Members of PLAC's Case Selection Committee will discuss its work in 2021 including issues briefed, decisions and developments on key topics, and notable trends to watch in 2022.

Martin A. Conn, Esq.

Moran Reeves & Conn PC for Biro Manufacturing Company, Inc.

Rita McConnell, Esq.

PLAC

Stefan Mallen, Esq.

Associate General Counsel - Litigation & Arbitration

Emerson Electric Co.

Andrew C. White, Esq.

Chief Litigation Counsel

Johnson & Johnson

Noon – 1:30pm

LUNCH

1:30pm – 2:30pm

EU'S COLLECTIVE REDRESS DIRECTIVE

The European Parliament formally endorsed a directive that provides the potential for collective consumer lawsuits in the European Union. “Qualified entities” will be able to bring representative lawsuits on behalf of consumers against “traders” for violations of a list of 66 EU laws, including general consumer laws, data privacy, energy, financial services, telecommunications, travel and tourism, and environment and health. This presentation will analyze what the Collective Redress Directive means for companies doing business in the EU, what trends US colleagues may expect to see, and what inquiries US colleagues may field from their EU counterparts as consumer collective redress actions commence in the EU. In-house US-based panelists will discuss interactions with colleagues outside of the US, regarding US discovery and cross-border issues.

Marc P. Clements, Esq.

Chief Litigation Counsel

Newell Brands Inc.

Ann Marie Dias-Lebrun, Esq.

Associate General Counsel

BMW of North America, LLC

Kaitlyn E. Stone, Esq.

Faegre Drinker Biddle & Reath

Michael C. Zogby, Esq.

Faegre Drinker Biddle & Reath

2:30pm – 3:15pm

A PEEK INSIDE STANDARD JURY INSTRUCTION COMMITTEES: HOW THE SAUSAGE GETS MADE

Pattern jury instructions are utilized in the majority of states and in federal courts. The procedures by which these instructions are proposed, adopted and subsequently modified are as varied as the instructions themselves. This panel of former chairs and members of state and federal committees responsible for drafting pattern instructions will provide

insight into the process and provide guidance for lawyers interested in seeking the adoption and/or modification of a particular pattern instruction. The presenters will also address the impact of plain English instructions, and will discuss an American Law Institute effort to improve jury deliberations utilizing instructions based upon cognitive science.

Hon. Donald M. Middlebrooks

US District Court for the Southern District of Florida

Jeffrey A. Cohen, Esq.

Carlton Fields

M.C. Sungaila, Esq.

Buchalter, A Professional Corporation

3:15pm – 3:30pm

BREAK

3:30pm – 3:50pm

COURTS VERSUS CRIMINALS – THE IN PARI DELICTO DEFENSE IN THE TWENTY-FIRST CENTURY

Learn what the in pari delicto doctrine is, when it applies, when it doesn't, and how you can use it to win cases against criminal plaintiffs.

James M. Beck, Esq.

Reed Smith LLP

3:50pm – 4:10pm

ALWAYS GIVE A NUMBER – STATISTICAL SUPPORT FOR GIVING A DEFENSE NUMBER

Many litigation consultants now argue that the defense should always give a number – its own assessment of the value of a case. This suggestion is often met with skepticism at best, if not downright hostility. It is commonly thought that giving a number will hurt the likelihood of an absolute defense verdict. Who is correct? What does the data show? This quick-hitting presentation will review statistical studies and recent literature to give what could be a definitive answer on this issue.

Baxter D. Drennon, Esq.

Hall Booth Smith, P.C.

4:10pm – 4:30pm

PFAS LIABILITY RISKS: SURFING WHAT PLAINTIFFS' COUNSEL WARN ARE DARK WATERS

Companies need to understand the increased threat of PFAS liability risks expanding beyond manufacturing site emissions and impacting supply chain and product life cycle. "PFAS" residuals in products is not a one-size-fits all category any more than "mesh" is a one-size-fits all design for a medical device. Libby Stennes, Greenberg Traurig Shareholder, will highlight strategies to combat Plaintiffs' counsel tactics to leverage social media and influence agencies and legislatures to create new causes of action, order collection of data to support lawsuits and lower burdens of proof.

Libretta Stennes, Esq.
Greenberg Traurig, LLP

4:30pm – 5:15pm

PROGRAM PLANNING COMMITTEE MEETING

Open to all PLAC members interested in participating in the planning of future conferences.

4:30pm – 5:15pm

CASE SELECTION COMMITTEE BUSINESS MEETING

6:00pm – 7:00pm

RECEPTION

7:00pm

DINE-AROUNDS (*reservation times vary – sign up required*)

9:30pm – 11:00pm

AFTER DINNER DESSERT RECEPTION

Friday, April 29

8:00am – Noon

REGISTRATION

8:00am – 8:50am

CONTINENTAL BREAKFAST

8:00am – 8:50am

DRUG & DEVICE WORKING GROUP BREAKFAST MEETING

9:00am – 9:45am

RULE 702 UPDATE

Christopher Guth, Esq.
Senior Assistant General Counsel
Bayer US LLC

Katie R. Jackson, Esq.
Shook Hardy & Bacon, LLP

Alan J. Lazarus, Esq.
Faegre Drinker Biddle & Reath

Lee Mickus, Esq.
Evans Fears & Schuttert LLP

9:45am – 10:45am

EFFECTIVE AND EFFICIENT LITIGATION MANAGEMENT - USING PROJECT MANAGEMENT PRINCIPLES TO BETTER SCOPE, PLAN AND PRICE LITIGATION

This panel will address tools that can be used in an early case assessment to assist the scoping and planning of a litigation project and using a revenue versus cost analysis to enable litigation pricing strategies that can benefit both the client and law firm.

Kyle H. Dreyer, Esq.

Executive Program Coordinator, Baylor Law Executive LL.M. in Litigation Management
Baylor Law School

Elizabeth M. Fraley, Esq.

Professor of Law and Co-Director, Baylor Law Executive LL.M. in Litigation Management
Baylor Law School

10:45am – 11:00am

BREAK

11:00am – Noon

ETHICS PROGRAM

This program consists of four scenarios designed to illustrate realistic, albeit overly-dramatized, ethical issues for lawyers. Following the video presentation of each scenario, the potential ethical problems posed by the situation will be identified and discussed.

The basic facts are straightforward: a single-engine commuter airplane has crashed, killing all occupants. Plaintiffs have sued various defendants, with a variety of theories of liability. These scenarios are focused on the claims against one defendant, Lucky Aero Maintenance. Plaintiffs allege (and Lucky's denies) that Lucky's improperly overhauled the engine, and that an in-flight failure of the engine caused the crash.

Jonathan Hoffman, Esq.

MB Law Group LLP

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