



PLAC 2019 FALL CONFERENCE

October 2-4 – Chicago, IL

Wednesday, October 2

Noon – 5:00pm	REGISTRATION
2:00pm – 4:30pm	ARCHITECTURAL BOAT TOUR (<i>sign up required</i>)
4:00pm – 5:00pm	FUTURE LEADERS ROUNDTABLE
5:00pm – 6:00pm	WOMEN’S NETWORKING EVENT – RESILIENCY IN THE LAW
5:30pm – 7:00pm	WELCOME RECEPTION
7:00pm	DINE AROUNDS (<i>reservation times vary – sign up required</i>)

Thursday, October 3

7:00am – 5:00pm	REGISTRATION
7:00am – 8:00am	CONTINENTAL BREAKFAST
8:00am – 8:30am	WELCOME & ANNUAL MEETING

Robert D. Hunter, Esq.
PLAC Chair
Altec, Inc.

Angela A. Meyer, Ph.D., P.E.
President & CEO
PLAC

8:30am – 9:15am	PUNITIVE DAMAGES: GETTING IN THE MIND OF THE JUROR
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The last several years have seen headline-making punitive damages awards against product manufacturers in a broad variety of industries. Juries across the country appear more willing than ever to punish these defendants, even in cases where the compensatory awards are large enough to be considered “punitive.” This panel of trial lawyers who have defended numerous jury trials where punitive damages were sought and a veteran jury consultant and thought leader on juror approaches to damages will present the themes plaintiff’s lawyers are using to obtain these awards and discuss what defendants can do, in jury selection and trial presentation, to combat those themes.

José A. Isasi, II, Esq. – Moderator
Jones Day

Richard R. Fuentes, Ph.D.

R&D Strategic Solutions

Kevin E. Hexstall, Esq.

Marshall, Dennehey, Warner, Coleman & Goggin

9:15am – 10:00am **FIRST MONDAY IN OCTOBER – A SCOTUS UPDATE**

It's a new day for a new Court. Learn what cases are on the docket and how the new alignment of Justices is likely to affect their outcome. Nobody has a better focus on the Court and how it will impact your practice.

Paul W. Hughes, Esq.

McDermott Will & Emery LLP

Mary-Christine (M.C.) Sungaila, Esq.

Haynes and Boone, LLP

10:00am – 10:15am **BREAK**

10:15am – 11:00am **DEFENDING PRODUCT LIABILITY LITIGATION INVOLVING OPTIONAL FEATURES**

With the development and introduction of new technologies and product features, claims alleging product defects based upon a manufacturer not equipping a product with a particular feature as standard equipment are increasing. These claims present challenges that differ from traditional product liability cases. The moderator-led panel of in-house counsel, outside counsel and an outside expert will provide their perspectives regarding the unique aspects of product liability litigation involving optional features, including internal and external approaches to discovery, defense strategies and challenges.

Ernest "Skip" H. Eubanks, Jr., Esq.

Rumberger, Kirk & Caldwell

Karen M. Kircher, Esq.

Assistant General Counsel and Chief Litigation Counsel

Harley-Davidson Motor Company

Mark A. Kircher, Esq.

Quarles & Brady, LLP

Steven I. Klein, Esq.

Rumberger, Kirk & Caldwell

Robert C. Lange, M.S.

Principal and Group Vice President

Exponent

Jennifer L. Peterson, Esq.

The Manitowoc Company, Inc.

11:00am – 11:45am **THIRD PARTY LITIGATION FUNDING**

Third party litigation funding is a multi-billion-dollar global industry. Current trends will be considered and potential reforms will be discussed during this panel presentation.

Amy E. Furness, Esq. – Moderator
Carlton Fields

Lance W. High, Esq.
Global Chief Litigation Counsel
Caterpillar

Harold Kim, Esq.
Chief Operating Officer
U.S. Chamber Institute for Legal Reform

11:45am – 12:45pm **LUNCH**

1:00pm – 2:00pm **IN-HOUSE SESSION – A VIEWS FROM INSIDE THE COMPANY**

Counsel from the food, consumer electronics, recreational products, transportation and industrial manufacturing industries provide their insight on issues that they face as legal advisors for their businesses. The panel will discuss how they like to communicate with their outside counsel; what challenges they are currently facing in their roles and how they see their roles changing.

Timothy Ray, Esq. – Moderator
Holland & Knight LLP

Bryan Browning, Esq.
Sr. Legal Counsel, Commercial and Products Litigation
Lenovo

Chad Clark, Esq.
Managing Attorney
Navistar, Inc.

Deirdre Fox, Esq.
Assistant General Counsel
Mizkan Foods

Jason J. Green, Esq.
CC Industries, Inc.

Justin Relihan, Esq.
Vice President, Legal Services & Secretary
Nidec Americas Holding Corporation

Brian P. Roche, Esq.
General Counsel
Riddell Sports

2:00pm – 2:45pm

VIEW FROM THE BENCH – THOUGHTS FROM CHIEF JUDGE REBECCA PALLMEYER

The Honorable Rebecca Pallmeyer is the first female Chief Judge of the US Federal Court for the Northern District of Illinois appointed in July 2019. During this question and answer discussion, Judge Pallmeyer will provide insight on the MDL process in the Northern District of Illinois. She will also give perspective of what she has seen over her 11 year tenure in the area of product liability litigation.

The Honorable Rebecca R. Pallmeyer, Chief Judge
US District Court, Northern District of IL

Stephanie A. Scharf, Esq. - Moderator
Scharf Banks Marmor LLC

2:45pm – 3:00pm

BREAK

3:00pm – 4:45pm

BREAKOUTS

A. Autonomous Products

Automated Vehicle Technology and the Changing Role of the Driver

The advent of new and automated vehicle technologies is poised to change the landscape of how people interact and operate vehicles and how manufacturers provide information about and design vehicles and vehicle components. These changes will undoubtedly impact the science and engineering surrounding the driver vehicle interaction and the data provided from the vehicle and available to the engineer to use in assessing performance. The implications of these changes will be discussed in a regulatory, legal, scientific, engineering and incident investigation perspective.

David M. Cades, PhD
Exponent

Christopher C. Hossellman, Esq.
Buchalter

Steven R. Kramer, Esq.
Eckert Seamans Cherin & Mellott

Dennis P. Ziembra, Esq.
Eckert Seamans Cherin & Mellott

When is an Autonomous Vehicle Safe Enough to Release for Safe or for Use?

In a recent white paper, PLAC sustaining member, Dale Markland, suggested a 9 step design phase process for manufacturers of autonomous products to utilize to assist in determining whether the decision-making framework of a product is “safe-enough” to release

for sale and use. Steps 7 and 8 of that process call upon manufacturers to consider and determine the company's approach to decision-making in un-coded and previously unobserved event circumstances (step 7) and decide whether to incorporate a mechanism for human control in emergency situations (step 8). This panel will offer a stimulating and interactive discussion of a number of alternative approaches manufacturers could take to these important decisions, including a discussion of the potential advantages and disadvantage of each. Those interested in the design issues facing autonomous product manufacturers should be sure to attend this presentation.

Tara E. Hanley, Esq.

Markland Hanley

Dale G. Markland, Esq.

Markland Hanley

Daniel Warsh, Esq.

Robert Bosch LLC

B. The Recall Landscape: What You Need to Know. Consumer Products, Medical Devices, and Pharmaceuticals

Product recalls impact thousands of companies every year – putting both people and brands at risk. Even a small recall, with little potential for injury, can have huge regulatory and product liability consequences. Business leaders and risk managers must understand the new pitfalls that have emerged in the current recall landscape and how to safely navigate them. As today's headlines too often demonstrate, failure to do so can bring disastrous consequences.

This panel will present a stimulating and interactive discussion about updates within the Consumer Product Safety Commission and the FDA (Medical Devices and Pharmaceuticals). Expert panelists will cover up-to-date recall metrics and patterns, address changes and new areas of focus within the regulatory bodies, explore the value of recall insurance, and offer tips for managing relationships across the agencies. Those seeking to reduce dangerous liability risks that accompany product recalls cannot afford to miss this presentation.

Chris Harvey

Director of Recall Solutions

Stericycle ExpertSOLUTIONS

Michael Heyl

Hogan Lovells

Justin Kirschenblatt, CPCU

Aon

William L. Troutman, Esq.

Norton Rose Fulbright

5:45pm – 7:00pm

RECEPTION

7:00pm – 10:00pm

DINE AROUNDS (*sign up required*)

9:30 pm – 11:00pm **PLAC NIGHTCAP** (*drinks & dessert*)

Friday, October 4

7:15am – Noon **REGISTRATION**

7:15am – 7:45am **PROGRAM COMMITTEE BREAKFAST MEETING**

7:15am – 7:45am **CSC BREAKFAST MEETING**

7:15am – 8:00am **CONTINENTAL BREAKFAST**

8:15 – 9:15am **THE CRASH OF COLGAN FLIGHT 3407
LESSONS LEARNED FROM THE TRIAL OF THE CATASTROPHIC INJURY
CASE**

The crash of Colgan Flt 3407 was the last major commercial aviation disaster to occur in the United States. The crash resulted in 50 deaths and the filing of wrongful death and punitive damages claims in a Federal MDL and in New York State Court as well. The nine week trial that resulted from the crash was one of very few trials of a commercial aviation crash that have been tried in the United States in the past 35 years. The trial was conducted in an emotionally charged atmosphere as many of the decedents had resided in the trial venue. This presentation focuses on the cutting edge techniques and lessons learned that were utilized during the trial to address the media frenzy associated with the crash and the associated litigation.

Neil A. Goldberg, Esq.
Goldberg Segalla LLP

9:15am – 10:00am **CLASS ACTIONS & MDLS – A VIEW FROM CANADA, US, AND THE EU**

Class actions have evolved into the most daunting civil litigation threats faced by product manufacturers. Not only can the potential financial risk of class actions rise to “bet the company” levels, but also the multi-jurisdictional expansion of modern-day class actions presents litigation management challenges. The speakers, who are experienced class action lawyers from three different jurisdictions, will provide an update on the latest legal developments in the law of class actions in the United states, Canada and the EU, and then discuss strategic considerations to help provide clients with effective and cost-efficient defense of multi-jurisdictional class actions.

Andrew Trask, Esq.
Shook, Hardy & Bacon LLP

Peter J. Pliszka, Esq.
Fasken Martineau DuMoulin LLP

Thomas Rouhette, Esq.
Signature Litigation AARPI

10:00am – 10:15am **BREAK**

10:15am – 11:00am **MOBILE TECHNOLOGY: GETTING THE MOST OUT OF AN IPAD AND IPHONE IN YOUR PRACTICE**

One of the best ways to be efficient and productive in your law practice is to take full advantage of your mobile technology, including the iPad and iPhone. Whether you are reviewing or editing a document in Microsoft Word, making handwritten annotations to a brief or exhibit, or taking handwritten notes to prepare for an oral argument, the iPad can be an incredibly powerful tool. And both the iPad and iPhone are essential tools for managing your confidential information, communicating with other attorneys, and working with your files. Recent updates have made these devices even better, but there is a learning curve. This session will help you to get the most out of an iPad and iPhone in your law practice.

Jeffrey E. Richardson, Esq.
Adams and Reese LLP

11:00am – 12:00pm **ETHICS & LEGAL MARKETING**

Don't you hate those presentations where you pick up just one or two useful tips per session? How about 60 simple, practical tips, packed into 60 minutes?

In this fun and fast-paced presentation, Ross will blast through a hot tip every single minute for an entire hour, on an eclectic collection of important topics, spanning the full range of ethical and effective marketing and business-development activities for litigators, from enhancing your LinkedIn profile to how to generate media interest in your cases within the relevant rules of professional conduct. Additional topics covered will include networking, websites, branding, differentiation, online marketing, Google, Twitter, and dozens more.

Ross Fishman, Esq.
Fishman Marketing

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