



Drug and Medical Device

For the Defense: Litigation in the Twenty-First Century



Genetic testing: A cutting edge defense opportunity

Neutralizing “The Reptile”

Judges’ insights on mass tort litigation

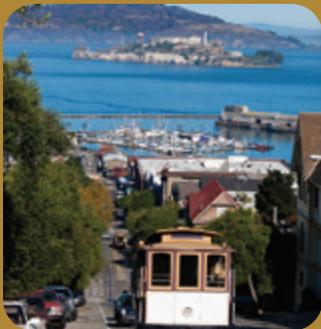
Effective closing arguments

Medical device software: What you need to know

May 14-15, 2015

San Francisco Marriott Marquis
San Francisco, CA

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delivers
resources
to build
your practice ■



This is a must-attend seminar featuring leaders of the defense bar, perspectives from in-house counsel, and judges. Networking opportunities are built into the program so that you can connect and re-connect with your clients and peers. Please join us in San Francisco!



Sara J. Gourley
Program Chair



Gail Rodgers
Program Vice Chair



James F. Rogers
Committee Chair



J. Carter Thompson, Jr.
Committee Vice Chair



Ted J. McDonald III
Law Institute



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others have to
say about DRI
seminars

PRESENTED BY **DRI's Drug and Medical Device Committee**

THIS SEMINAR BROCHURE SPONSORED BY **Nelson Mullins**

Nelson Mullins Riley & Scarborough LLP



What You Will Learn

- New developments in genetic testing that may change your case
- How to defeat the reptile strategy in the courtroom
- The latest developments on spoliation tactics used by the plaintiffs' bar
- How to use plaintiff lawyer advertising to your client's advantage
- How global regulatory issues may affect your strategy at trial
- Thoughts from the bench on federal-state coordination
- The export of U.S. discovery and how it affects your clients



Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 **Add the program** to your calendar
- 5 Download the DRI App  and  and make use of its features to get the most out of this program
- 6 Share on social media   

Maximize Your DRI Seminar Experience

No one gets you connected like DRI.

- Use the DRI App to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Drug and Medical Device Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house registrants and speakers.

PROGRAM SCHEDULE

WEDNESDAY, MAY 13, 2015

5:00 p.m. **Meetings of Specialized Litigation Groups**

- Defense of Government Actions
- Plaintiff's Regulatory Experts
- Complex Medicine/Experts
- Defense of Generic Manufacturers
- Class Actions and Multi-Party Litigation

5:30 p.m. **New Attendees Reception**

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

SPONSORED BY **Barnes & Thornburg LLP**
Exponent

THURSDAY, MAY 14, 2015

7:00 a.m. **Registration**

Device Charging Station

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Boarding Pass Kiosk

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Wireless Access

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7:00 a.m. **Continental Breakfast**

SPONSORED BY **MRC**
Reed Smith LLP

8:00 a.m. **Welcome and Introduction**

Ted J. McDonald III, *Adam & McDonald PA*,
Overland Park, Kansas

James F. Rogers, *Nelson Mullins Riley &*
Scarborough LLP, Columbia, South Carolina

Sara J. Gourley, *Sidley Austin LLP*,
Chicago, Illinois

8:15 a.m. **What's New Is Actually Old:
Reptiles in the Courtroom**

The plaintiffs' reptile theory approach to litigation is not new, but has received more attention of late. Learn how to combat this appeal to the jury before and during trial.

Lyn P. Pruitt, *Mitchell Williams Selig Gates &*
Woodyard PLLC, Little Rock, Arkansas

9:15 a.m. **What's Actually New: Genetic Testing
in Product Liability Cases**

Review new uses of genetic testing in the courtroom. Are there genetic "signatures" for exposures? What are the implications for the defense of pharmaceutical cases?

E. Paige Sensenbrenner, *Adams & Reese LLP*,
New Orleans, Louisiana

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

SPONSORED BY **Baker Donelson Bearman**
Caldwell & Berkowitz PC

10:30 a.m. **View from the Bench: Efficient
Management of Mass Tort Litigation**

Federal and state judges will discuss the management of mass torts, touching on discovery, selection of bellwether cases, coordination between MDL and consolidated state actions, and settlement.

MODERATOR | **J. Dominic Campodonico**,
Gordon & Rees LLP, San Francisco, California
The Honorable Charles R. Breyer, *United States*
District Court for the Northern District
of California, San Francisco, California

The Honorable Richard A. Kramer,
San Francisco County Superior Court,
San Francisco, California

11:15 a.m. **Call 1-800-Bad Drug: Plaintiff
Lawyer Advertising**

Plaintiff lawyer advertising is ubiquitous. How does it impact litigation, and how can defense lawyers use it? Practical implications in the age of social media.

Lori G. Cohen, *Greenberg Traurig LLP*,
Atlanta, Georgia

Rustin Silverstein, *The Silverstein Group*,
Washington, D.C.

12:05 p.m. **Diversity Luncheon (\$40 fee, check
box on registration form)**

FEATURED SPEAKER | **Dr. Arin Reeves**,
Nextions LLC, Chicago, Illinois

SPONSORED BY **DLA Piper LLP (US)**
Drinker Biddle & Reath LLP
Gordon & Rees LLP
Hollingsworth LLP
Sidley Austin LLP

1:15 p.m. **Regulatory Compliance: Global Edition**
In addition to FDA regulations, compliance with myriad global regulatory schemes is routinely at issue in litigation. Learn about our clients' challenges in this environment and how to address them at trial.

 **Jennifer E. Dubas**, *Endo Pharmaceuticals Inc.*, Malvern, Pennsylvania

Michael C. Zellers, *Tucker Ellis LLP*, Los Angeles, California

2:15 p.m. **DMD: Global Edition**
International lawyers and clients with global businesses discuss how U.S. litigation and discovery are used abroad, and how to protect our clients in the wide-ranging litigation they face.

PANEL

Stuart Clark, *Clayton Utz*, Sydney, Australia

Sylvie Rodrigue, *Torys LLP*, Montréal, Québec, Canada

 **Aviva Y. Wein**, *Johnson & Johnson*, New Brunswick, New Jersey

3:00 p.m. **Refreshment Break**
SPONSORED BY **Carlock Copeland & Stair LLP**
Quattlebaum Grooms & Tull PLLC

3:15 p.m. **Effective Use of Demonstrative Exhibits in Closing**
Christopher J. Dominic, *Tsongas Litigation Consulting Inc.*, Portland, Oregon

4:00 p.m. **Strategies for Developing Strong Closing Arguments**
Making your case in closing requires telling a story that makes your audience care about your client, your case, and you. Observe a demonstration of effective advocacy and tips for closing with passion and meaning.
Craig A. Thompson, *Venable LLP*, Baltimore, Maryland

4:30 p.m. **In-House Counsel Breakout Session**
(in-house counsel only)

5:00 p.m. **Drug and Medical Device Committee Meeting** *(open to all)*

YOUNG LAWYERS BLOCKBUSTER

THURSDAY, MAY 14 1:30 P.M.–4:30 P.M.

1:30 p.m. **Opening Remarks and Introductions**
Kimberly L. Beck, *Ulmer & Berne LLP*, Cincinnati, Ohio
Sara Deskins Tucker, *Greenberg Traurig LLP*, Atlanta, Georgia

1:40 p.m. **Ex Parte Interviews with Prescribers and Implanters: The Dos, Don'ts, Hows, and Whys of This Necessary Tool in Litigation**
Whitt Steineker, *Bradley Arant Boult Cummings LLP*, Birmingham, Alabama

2:00 p.m. **Crafting the Winning Argument in Spoliation Cases: And the Dog Ate Our Documents Isn't It**
Janelle L. Davis, *Thompson & Knight LLP*, Dallas, Texas

2:20 p.m. **Wishing You Could Take It All Back: Presenting Your Client's Story When They Have Made Mistakes Leading Up to Litigation**
Molly E. Flynn, *Drinker Biddle & Reath LLP*, Philadelphia, Pennsylvania

2:40 p.m. **Refreshment Break**

 Denotes **THE DRI CLIENT CONNECTION**: In-house speakers

2:50 p.m. **Plaintiffs for Hire: A Discussion of Litigation Financing Firms**
Jacqueline R. Sheridan, *Dinsmore LLP*, Cincinnati, Ohio

3:10 p.m. **Client Panel: What In-House Counsel and Adjusters Are Seeking from Their Outside Counsel Team**
 **Candace M. Camarata**, *CR Bard Inc.*, New Providence, New Jersey
 **Jennifer E. Dubas**, *Endo Pharmaceuticals Inc.*, Malvern, Pennsylvania
 **Jobina Jones-McDonnell**, *Endo Pharmaceuticals Inc.*, Malvern, Pennsylvania
 **Dana Lenahan**, *OneBeacon Technology Insurance*, Minnetonka, Minnesota

4:30 p.m. **Young Lawyers Committee Meeting and Networking Reception** *(open to all)*
SPONSORED BY **Ulmer & Berne LLP**
Greenberg Traurig LLP
Drinker Biddle & Reath LLP
Tucker Ellis LLP

6:00 p.m. **Networking Reception**
 SPONSORED BY **Morgan Lewis & Bockius LLP**

FRIDAY, MAY 15, 2015

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7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**
 SPONSORED BY **Arnstein & Lehr LLP**
Wiggin and Dana LLP

7:55 a.m. **Announcements**
J. Carter Thompson, Jr., *Baker Donelson
 Bearman Caldwell & Berkowitz PC*,
 Jackson, Mississippi
Gail Rodgers, *DLA Piper LLP (US)*,
 New York, New York

8:00 a.m. **Medical Device Software:
 Litigation in the Digital Age**
 Almost one-quarter of medical device recalls
 are software related. In this presentation, you
 will hear how to anticipate risk and lessons
 learned from device software litigation.
Joel H. Smith, *Bowman & Brooke LLP*,
 Columbia, South Carolina

9:00 a.m. **Generic Labeling: New
 Regulations. New Litigation?**
 After the Supreme Court's decisions in *Mensing*
 and *Bartlett*, liability of generic manufacturers
 seemed a dead issue. A new rule proposed by
 the FDA may impact the preemption afforded
 by those cases. In this session, learn from in-
 house counsel at a large generic manufacturer
 how the landscape is expected to change.

 **John R. Duff**, *Actavis Inc.*, Parsippany,
 New Jersey

10:00 a.m. **Hot Topics**
 Hear about the newest issues and cases in drug
 and device litigation.
Sherry A. Knutson, *Sidley Austin LLP*,
 Chicago, Illinois

10:45 a.m. **Refreshment Break**
 SPONSORED BY **Butler Snow LLP**
**McDowell Knight Roedder &
 Sledge LLC**

11:00 a.m. **The Twenty-First Century Workplace**
 The sustainable advancement of women
 requires that we recognize and understand
 the difference between how women and men
 communicate, work, and lead. This presenta-
 tion will dive into those differences in a candid,
 thoughtful, and practicable way.
Arin N. Reeves, *Nextions LLC*, Chicago, Illinois

11:30 a.m. **Litigation Leading Science**
 Litigation will often follow a safety issue before
 the science is fully developed. This has implica-
 tions for virtually every aspect of a case, from
 statute of limitations to causation at trial. Hear
 from a lawyer who has addressed these issues.
Andrew K. Solow, *Kaye Scholer LLP*,
 New York, New York

12:30 p.m. **Spoilation: Latest Developments and
 the Ethical Responsibilities of Counsel**
 Litigation holds, evidence preservation, and
 document production have been the sub-
 ject of several high-profile rulings. Hear from
 e-discovery experts about best practices and
 the ethical obligations of counsel.
Jason Lichter, *Pepper Hamilton LLP*,
 New York, New York

1:40 p.m. **Adjourn**

3:00 p.m. **Community Service**


**Serving the
 Community**

Join the committee leader-
 ship as we assist the local
 community in their mission
 to feed underserved families
 at Glide Memorial in San
 Francisco's Tenderloin neigh-
 borhood—a short walk from the hotel. Glide's program is
 the only one in San Francisco to provide three nutritious
 meals to the city's poor, homeless, and hungry daily. To
 help, check the "community service project" box on your
 registration form or email James Craven at **JCraven@
 wiggin.com**. If you cannot participate, please consider
 making a tax-deductible financial contribution. On-site
 volunteers will accept donations.

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GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **12** hours, including **1** hour 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. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.



A limited number of discounted hotel rooms have been made available at **San Francisco Marriott Marquis, 780 Mission Street, San Francisco, CA 94103** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$299 Single/Double** in one of two ways:

- 1) Reserve online: [click here](#) or visit dri.org and go to the **DRI Drug and Medical Device Seminar** page and click on the "Book Hotel" tab.
- 2) Or **contact the hotel directly at 415.896.1600** and mention the **DRI Drug and Medical Device Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 13, 2015** to be eligible for the group rate. Requests for reservations made after **April 13** are subject to room rate and availability.

Registration Policy

Save \$100 when you register by April 16, 2015. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **April 23, 2015** (please allow 10 days for processing). Registrations received after **April 23, 2015**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 30, 2015**. Cancellations received after **April 16** and on or before **April 30, 2015**, will receive a refund, less a \$100 processing fee. Cancellations made after **April 30** 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 (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined on the registration form. The registration fee for additional registrants from the same firm or company is \$855, regardless of membership status. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI's Drug and Medical Device Seminar** 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.

- 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.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

FACULTY

Kimberly L. Beck, Ulmer & Berne LLP, Cincinnati, Ohio

The Honorable Charles R. Breyer, United States District Court for the Northern District of California, San Francisco, California

➤ **Candace M. Camarata**, CR Bard Inc., New Providence, New Jersey

J. Dominic Campodonico, Gordon & Rees LLP, San Francisco, California

Stuart Clark, Clayton Utz, Sydney, Australia

Lori G. Cohen, Greenberg Traurig LLP, Atlanta, Georgia

Janelle L. Davis, Thompson & Knight LLP, Dallas, Texas

Christopher J. Dominic, Tsongas Litigation Consulting Inc., Portland, Oregon

➤ **Jennifer E. Dubas**, Endo Pharmaceuticals Inc., Malvern, Pennsylvania

➤ **John R. Duff**, Actavis Inc., Parsippany, New Jersey

Molly E. Flynn, Drinker Biddle & Reath LLP, Philadelphia, Pennsylvania

Sara J. Gourley, Sidley Austin LLP, Chicago, Illinois

➤ **Jobina Jones-McDonnell**, Endo Pharmaceuticals Inc., Malvern, Pennsylvania

Sherry A. Knutson, Sidley Austin LLP, Chicago, Illinois

The Honorable Richard A. Kramer, San Francisco County Superior Court, San Francisco, California

➤ **Dana Lenahan**, OneBeacon Technology Insurance, Minnetonka, Minnesota

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Jason Lichter, Pepper Hamilton LLP, New York, New York

Ted J. McDonald III, Adam & McDonald PA, Overland Park, Kansas

Lyn P. Pruitt, Mitchell Williams Selig Gates & Woodyard PLLC, Little Rock, Arkansas

Arin N. Reeves, Nextions LLC, Chicago, Illinois

Gail Rodgers, DLA Piper LLP (US), New York, New York

Sylvie Rodrigue, Torys LLP, Montréal Québec, Canada

James F. Rogers, Nelson Mullins Riley & Scarborough LLP, Columbia, South Carolina

E. Paige Sensenbrenner, Adams & Reese LLP, New Orleans, Louisiana

Jacqueline R. Sheridan, Dinsmore LLP, Cincinnati, Ohio

Rustin Silverstein, The Silverstein Group, Washington, D.C.

Joel H. Smith, Bowman & Brooke LLP, Columbia, South Carolina

Andrew K. Solow, Kaye Scholer LLP, New York, New York

Whitt Steineker, Bradley Arant Boulton Cummings LLP, Birmingham, Alabama

Craig A. Thompson, Venable LLP, Baltimore, Maryland

J. Carter Thompson, Jr., Baker Donelson Bearman Caldwell & Berkowitz PC, Jackson, Mississippi

Sara Deskins Tucker, Greenberg Traurig LLP, Atlanta, Georgia

➤ **Aviva Y. Wein**, Johnson & Johnson, New Brunswick, New Jersey

Michael C. Zellers, Tucker Ellis LLP, Los Angeles, California

View faculty bios online at <http://www.dri.org/Event/20150070> (Drug and Medical Device Seminar webpage); click on "Speaker List" tab.

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Women in the Law

*Hyatt Regency Pier Sixty-Six,
Fort Lauderdale, FL*

March 12–13, 2015

Medical Liability and Health Care Law

*Parc 55 Wyndham San Francisco,
San Francisco, CA*

March 18–20, 2015

Trial Tactics

*Caesars Palace Las Vegas,
Las Vegas, NV*

May 7–8, 2015

Intellectual Property Litigation

Loews Chicago Hotel, Chicago, IL

May 14–15, 2015

Drug and Medical Device

*San Francisco Marriott Marquis,
San Francisco, CA*

June 11–12, 2015

Diversity for Success

Hyatt Regency Chicago, Chicago, IL

June 25–26, 2015

Young Lawyers

Omni Nashville Hotel, Nashville, TN

July 23–24, 2015

Class Actions

*JW Marriott Washington, DC,
Washington, DC*

Publications for Your Practice

Newsletter *Rx for the Defense* (4 times a year)

Visit the **Drug and Medical Device Committee page** on dri.org and scroll down to “Latest Newsletter.”

Drug and Medical Device focus in *For The Defense*

September 2015 (*upcoming*)

September 2014

September 2013

Defense Library Series

FDA Basics for the Drug and Medical Device Lawyer (*coming in 2015*)

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Are you a first-time attendee at this DRI seminar? Yes No

How many attorneys
are in your firm? _____

What is your primary
area of practice? _____

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	On or before Apr. 16, 2015	After Apr. 16, 2015
<input type="checkbox"/> Member	\$935	\$1,035
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<input type="checkbox"/> In-House Counsel Member*	FREE	
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<input type="checkbox"/> Group Discount*	\$855 (*as defined on page 5)	
<input type="checkbox"/> Diversity Luncheon	\$40	
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