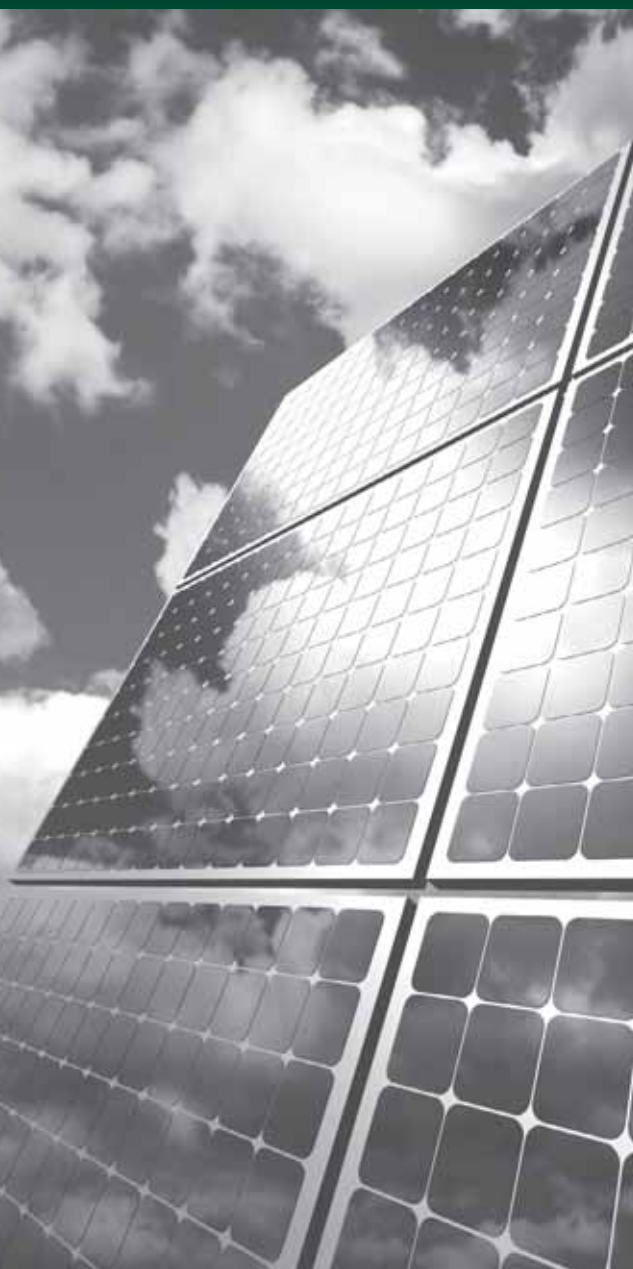


PRODUCT LIABILITY CONFERENCE—

*It's Not Easy Being Green: Navigating the
New Landscape of Product Liability Law*

APRIL 15-17, 2009

HILTON SAN DIEGO BAYFRONT
SAN DIEGO, CALIFORNIA



*Presented by DRI's
Product Liability
Committee*

Who Should Attend

- Trial lawyers
- In-house counsel
- Corporate counsel
- Everyone involved in product liability litigation
- Individuals interested in the new opportunities and risks presented by increasing attention on the global impact of manufacturing
- Risk managers
- Insurance claims professionals



As environmental concerns mount and consumers and companies seek to minimize their impact on the planet, new opportunities and risks arise for product manufacturers. Manufacturers are inventing new products using cutting-edge technologies. Consumers are becoming nervous about the use of chemicals in products. The government is involving itself by more heavily regulating a variety of areas, including product labeling. This program will highlight emerging issues in product liability law associated with increasing environmental awareness and health concerns. The green movement will impact everybody's product liability practice and this seminar presents opportunities to help our clients navigate the new terrain.

AMANDA M. CIALKOWSKI

Program Chair

JOHN P. FREEDENBERG

Committee Chair

JOHN F. KUPPENS

Committee Vice Chair

JACK LAFFEY

Law Institute

What You Will Learn

- Emerging trends in litigation related to new regulations regarding “green” products
- Litigation arising from the use of phthalates and nano materials
- New claims emerging from the use of “green” building materials
- Preemption in the area of product liability
- How to meet new sustainability standards
- What new “green” regulatory standards are being considered in Europe and America
- New rules enacted by the Consumer Products Safety Commission
- How to navigate the ethical requirements posed by e-discovery

TUESDAY, APRIL 14, 2009

- 6:00 p.m. REGISTRATION
-
- 6:00 p.m. NETWORKING RECEPTION
Sponsored by Hiltgen & Brewer PC

WEDNESDAY, APRIL 15, 2009

- BOARDING PASS KIOSK
Sponsored by Balch & Bingham LLP
-
- CAPPUCCINO BAR
Sponsored by DLA Piper
-
- INTERNET CAFÉ
Sponsored by Goodwin Procter LLP
-
- RELAXATION STATION IN EXHIBIT SHOWCASE
Sponsored by Whyte Hirschboeck Dudek SC
-
- 7:00 a.m. REGISTRATION
-
- 7:00 a.m. CONTINENTAL BREAKFAST
Sponsored by Sedgwick Detert Moran & Arnold LLP
-
- 7:00 a.m. FIRST-TIME ATTENDEES BREAKFAST
-
- 8:15 a.m. WELCOME AND INTRODUCTION
JACK LAFFEY, *Whyte Hirschboeck Dudek SC*, Milwaukee, Wisconsin
JOHN P. FREEDENBERG, *Goldberg Segalla LLP*, Buffalo, New York
AMANDA M. CIALKOWSKI, *Halleland Lewis Nilan & Johnson PA*, Minneapolis, Minnesota
-
- 8:15 a.m. YOUNG LAWYERS BREAKOUT (*See schedule on page 9.*)
-
- 8:30 a.m. THE GRASS IS NOT ALWAYS GREENER ON THE OTHER SIDE
What is environmentally friendly to one group may be toxic to another. Even products designed to help the environment—such as emission-reduced fuels, non-ozone depleting refrigerants, and wind and solar power systems—have a dark side. As major companies reconfigure their products, procurement practices and stores to meet new sustainability standards, they are encountering unexpected problems. Learn how advanced planning can help.
BETH S. DORRIS, *Best Best & Krieger LLP*, Los Angeles, California
FULTON “TONY” GALE, FAIA, *Starbucks Coffee Company*, Seattle, Washington
-
- 9:15 a.m. THE FUTURE IS GREEN: A PANEL DISCUSSION ON THE EMERGING LEGAL AND REGULATORY LANDSCAPE IN THE U.S. AND E.U.
The speakers will discuss the existing and proposed legal and regulatory framework that will shape product design and manufacturing for the next two to three decades, as well as how to use the available and emerging science to better protect and benefit manufacturers and designers moving forward.
Moderator
THOMAS C. REGAN, *LeClairRyan*, Newark, New Jersey
Panel
DAVID T. BUENTE, JR., *Sidley Austin LLP*, Washington, D.C.
ROD FREEMAN, *Lovells LLP*, London, England

-
- 10:00 a.m. **REFRESHMENT BREAK IN EXHIBIT SHOWCASE**
Sponsored by ALFA International
-
- 10:15 a.m. **GREENWASHING: WHAT MANUFACTURERS NEED TO KNOW ABOUT THEIR ENVIRONMENTAL PRODUCT REPRESENTATIONS**
The new FTC guidelines for “green” representations in product labeling and advertising will be discussed. Learn about limits and exposures confronting manufacturers under the guidelines and examine how misleading environmental benefit claims may create additional liability under already existing statutes and common law theories.
ALLISON A. DAVIS, *Davis Wright Tremaine LLP*, San Francisco, California
JAMES A. KOHM, *Federal Trade Commission*, Washington, D.C.
-
- 11:00 a.m. **HOT TOPICS REGARDING THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT AND RELATED STATE LAWS**
This segment will focus on the cutting-edge issues with respect to the new CPSIA, new state product liability acts and California Proposition 65. New rules, regulations and decisions by the CPSC on phthalates, lead, testing and certification, tracking labels and other pressing topics for manufacturers, importers, private labelers, distributors and retailers will be discussed. Mr. Wolensky will review the latest consumer product legislation and Mr. Cove will outline how the sporting goods industry is responding to the changes in the law.
TOM COVE, *Sporting Goods Manufacturers Association*, Washington, D.C.
GARY A. WOLENSKY, *Snell & Wilmer LLP*, Costa Mesa, California
-
- 11:45 a.m. **LUNCH** (*on your own*)
-
- 1:15 p.m. **NANO-SIZE ME: RESPONSIBLE DEVELOPMENT OF NANOMATERIALS**
Dr. Mowat will discuss exposure assessments of nanomaterials in the occupational setting, in consumer products, and in the environment, with particular focus on metal oxides and carbon nanotubes. Mr. Medley will present a corporate view on the potential for nano particles, DuPont’s responsible development framework concerning nanomaterials, and how corporations may evaluate potential benefits and exposure issues associated with nano-based products.
TERRY L. MEDLEY, *DuPont*, Wilmington, Delaware
FIONNA S. MOWAT, PH.D., *Exponent*, Menlo Park, California
-
- 2:00 p.m. **GREEN ACRES IS THE PLACE TO BE: WILL “GREEN BUILDINGS” BE FERTILE GROUND FOR NOVEL THEORIES OF LIABILITY AGAINST BUILDING PRODUCT MANUFACTURERS AND BUILDING DEVELOPERS?**
The panel will examine whether the incorporation of building products into a “green” building puts product manufacturers at risk for personal injury and commercial claims if the building fails to achieve or sustain the performance criteria required under LEED certification standards.

Product Liability Conference

They will also discuss whether promotion of “green buildings” as “healthy buildings” could redefine the building as a “product,” opening the door to assertions of traditional product liability theories such as breach of warranty and strict liability against building developers.

Moderator

T. SKY WOODWARD, *Womble Carlyle Sandridge & Rice PLLC*, Baltimore, Maryland

Panel

LINDENE PATTON, *Zurich Financial Services*, New York, New York

JONATHAN T. RODRIGUEZ, *Sedgwick Detert Moran & Arnold LLP*, San Francisco, California

2:45 p.m. **FORMALDEHYDE: DISTINGUISHING FACTS FROM HYPE**
This presentation covers formaldehyde, the everyday products that contain it, applicable regulatory standards, and strategies for defending legal claims.
JAMES T. HOLDEN, *Coachmen Industries Inc.*, Middlebury, Indiana
JOHN F. KUPPENS, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina

3:30 p.m. **REFRESHMENT BREAK IN EXHIBIT SHOWCASE**
Sponsored by ALFA International

3:45 p.m. **SPECIALIZED LITIGATION WORKSHOPS**
(See pages 10-11 for session descriptions.)
Automotive
Consumer Goods and Office Equipment
Electronic Discovery
Food Law
Hand and Power Tools
Mass Torts and Class Actions

6:00 p.m. **NETWORKING RECEPTION**
Sponsored by Sherman Taff Bangert Thomas & Coronado PC and Hallelund Lewis Nilan & Johnson PA

THURSDAY, APRIL 16, 2009

BOARDING PASS KIOSK
Sponsored by Balch & Bingham LLP

CAPPUCCINO BAR
Sponsored by Morison Ansa Holden Assuncao & Prough LLP

INTERNET CAFÉ
Sponsored by Goodwin Procter LLP

RELAXATION STATION IN EXHIBIT SHOWCASE
Sponsored by Whyte Hirschboeck Dudek SC

7:00 a.m. **REGISTRATION**

7:00 a.m. **CONTINENTAL BREAKFAST**
Sponsored by Morison Ansa Holden Assuncao & Prough LLP

7:00 a.m. **CORPORATE BREAKFAST** *(by invitation only)*

8:15 a.m. **WELCOME AND INTRODUCTION**
JOHN F. KUPPENS, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina
AMANDA M. CIALKOWSKI, *Hallelund Lewis Nilan & Johnson PA*, Minneapolis, Minnesota

-
- 8:30 a.m. **KEYNOTE ADDRESS**
W. DAVIS SMITH, *Sempre Energy*, San Diego, California
-
- 9:15 a.m. **SOPHISTICATED USER DEFENSE**
Learn about the new California decision and similar rulings throughout the county. The panel will also discuss what should happen when you have a sophisticated or knowledgeable user or when the product is built to the buyer's specifications.
THE HONORABLE MING W. CHIN, *Supreme Court of California*, San Francisco, California
SAUL WILENSKY, *Schnader Harrison Segal & Lewis LLP*, New York, New York
-
- 10:00 a.m. **REFRESHMENT BREAK IN EXHIBIT SHOWCASE**
Sponsored by ALFA International
-
- 10:15 a.m. **DEALING WITH THE NEW CPSC IN THE GLOBALIZED ECONOMY**
This presentation addresses the pitfalls that manufacturers face doing business abroad in a highly regulated global economy. Learn how to harness the media when highly publicized recalls prove to be necessary.
NEIL A. GOLDBERG, *Goldberg Segalla LLP*, Buffalo, New York
MICK MONAHAN, *Mattel Inc.*, El Segundo, California
-
- 11:00 a.m. **SPYING ON THE ENEMY: WHAT REAL TRIAL LAWYERS ARE DOING TO DEFEAT THE LATEST STRATEGIES OF THE PLAINTIFFS' BAR**
Two seasoned trial lawyers will discuss the most recent strategies the plaintiffs' bar is using in major product liability litigation and how to overcome them. The discussion will include plaintiffs' aggressive pursuit of spoliation claims, the use of existing (and settled) litigation involving the company and the product, the Internet and its impact on the plaintiffs' ability to bring new cases, and how to succeed as a defendant, even in plaintiff-friendly territory.
THE HONORABLE BARRY W. FORD, *Baker Donelson Bearman Caldwell & Berkowitz PC*, Jackson, Mississippi
TIFFANEE WADE-HENDERSON, *International Paper Company*, Memphis, Tennessee
-
- 11:45 a.m. **WOMEN'S NETWORKING LUNCHEON** (\$40 fee, check box on registration form)
Sponsored by Alston & Bird LLP
-
- 1:15 p.m. **PREEMPTION IN PRODUCT LIABILITY LAW**
In recent years, the Supreme Court has handed down a number of major rulings concerning preemption, including in the product liability area. What has the Supreme Court done, how has it changed the law, and what will it mean for your practice?
ERWIN CHEMERINSKY, *University of California, Irvine School of Law*, Irvine, California
-
- 2:00 p.m. **RED, ORANGE, YELLOW, GREEN, BLUE, INDIGO, VIOLET: FULL SPECTRUM OF RECENT PRODUCT DECISIONS**
This session will highlight recent decisions and trends from across the country, providing the critical updates you need for your practice in an entertaining format.
CYNTHIA P. ARENDS, *Halleland Lewis Nilan & Johnson PA*, Minneapolis, Minnesota
R. CRAIG MAYFIELD, *Hill Ward Henderson*, Tampa, Florida

Product Liability Conference

-
- 2:45 p.m. **THINGS THAT GO BUMP IN THE NIGHT: WHAT HAUNTS IN-HOUSE COUNSEL?**
Wonder what keeps in-house counsel up at night? Come to this informative session to find out.
Moderator
JOHN P. NOYES, *Adorno & Yoss LLP*, Fort Lauderdale, Florida
Panel
TERRANCE W. GAINER, JR., *McDonald's Corporation*, Oak Brook, Illinois
LAUREN LACEY, *The Hershey Company*, Hershey, Pennsylvania
SHAYON T. SMITH, *Steelcase Inc.*, Grand Rapids, Michigan
-
- 3:30 p.m. **REFRESHMENT BREAK IN EXHIBIT SHOWCASE**
Sponsored by ALFA International
-
- 3:45 p.m. **SPECIALIZED LITIGATION WORKSHOPS**
(See pages 11-13 for session descriptions.)
Biomechanics and Injury Causation
Building Products
Chemical and Toxic Torts
Children's Products
International Legal Issues
Manufacturers' Risk Prevention
Scaffolds, Cranes and Aerial Devices
-
- 6:00 p.m. **NETWORKING RECEPTION**
Sponsored by Nelson Mullins Riley & Scarborough LLP and Woodward Hobson & Fulton LLP

FRIDAY, APRIL 17, 2009

BOARDING PASS KIOSK
Sponsored by Balch & Bingham LLP

CAPPUCCINO BAR
Sponsored by Butler Snow O'Mara Stevens & Cannada PLLC

INTERNET CAFÉ
Sponsored by Goodwin Procter LLP

RELAXATION STATION IN EXHIBIT SHOWCASE
Sponsored by Whyte Hirschboeck Dudek SC

7:00 a.m. **CONTINENTAL BREAKFAST**
Sponsored by Frost Brown Todd LLC

7:00 a.m. **MINORITY LAWYERS NETWORKING BREAKFAST**

8:00 a.m. **ANNOUNCEMENTS**
JOHN P. FREEDENBERG, *Goldberg Segalla LLP*, Buffalo, New York

8:15 a.m. **SPECIALIZED LITIGATION WORKSHOPS**
(See pages 14-15)
Agricultural/Construction/Mining/Industrial Equipment
Aviation and Aerospace
Fire and Casualty
Product Licensing
Recreational Products
Trial Techniques and Technology

-
- 10:15 a.m. REFRESHMENT BREAK
Sponsored by Crivello Carlson SC
-
- 10:30 a.m. ETHICS IN AN AGE OF E-DISCOVERY
Recent rulings by federal and state judges have raised the stakes for the proper handling and supervision of electronically stored discovery by corporations, their in-house attorneys and outside counsel at all phases of the litigation process. Counsel must be prepared to answer questions like these for their client: When is the duty to preserve electronically stored information triggered? What must be preserved? How must counsel discharge their role in the process of preserving and collecting responsive documents in a manner consistent with counsel's ethical responsibilities to their client, the court, and the opposing party?
Moderator
DANIEL E. EATON, *Seltzer Caplan McMahon Vitek*, San Diego, California
Panel
THE HONORABLE PETER W. BOWIE, *United States Bankruptcy Court for the Southern District of California*, San Diego, California
WENDY PATRICK MAZZARELLA, *San Diego County District Attorney's Office*, San Diego, California
THE HONORABLE MAGISTRATE JUDGE LEO S. PAPAS, *United States District Court for the Southern District of California*, San Diego, California
ELLEN R. PECK, *Peck Law Firm*, Escondido, California
-
- 12:30 p.m. ADJOURN
-
- 12:30 p.m. PRODUCT LIABILITY COMMITTEE MEETING (*open to all*)

DIVERSITY AND INCLUSION IN DRI: A STATEMENT OF PRINCIPLE



COMMITTED TO
DIVERSITY

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.

Young Lawyers Breakout

Hot Topics in Product Litigation

WEDNESDAY, APRIL 15, 2009

- 8:15 a.m. WELCOME AND INTRODUCTION
MICHAEL L. REITZELL, *Duane Morris LLP*,
Lake Tahoe, California
VICTORIA DAVIS LOCKARD, *Alston & Bird LLP*,
Atlanta, Georgia
JULIE C. SMITH, *Smith Rolfes & Skavdahl Co.*,
Cincinnati, Ohio
-
- 8:20 a.m. WHAT'S IN THE NUMBERS? EFFECTIVE USE AND CROSS
EXAMINATION OF LIFE CARE PLANNERS AND VOCATIONAL
ECONOMIC EXPERTS IN PRODUCT LIABILITY LITIGATION
HOPE T. CANNON, *Bradley Arant Boult Cummings LLP*,
Birmingham, Alabama
-
- 8:45 a.m. BAM! COOKING UP DISCOVERY RECIPES FOR A SUCCESSFUL
MOTION FOR SUMMARY JUDGMENT
MARK T. CUMBA, *Wilson Petty Kosmo & Turner LLP*,
San Diego, California
-
- 9:10 a.m. CHALLENGES AND OPPORTUNITIES FOR DEFENDING
PRODUCTS FROM CHINA
JOSHUA S. DECRISTO, *Schwabe Williamson & Wyatt*,
Portland, Oregon
-
- 9:35 a.m. PROPER SITE INSPECTIONS: HOW TO AVOID A WILDFIRE OF
CONTROVERSY
CLINTON F. FLETCHER, *Nelson Mullins Riley &
Scarborough LLP*, Atlanta, Georgia
-
- 10:00 a.m. REFRESHMENT BREAK
Sponsored by ALFA International
-
- 10:15 a.m. DON'T MOCK ME: AN ASSOCIATE'S GUIDEBOOK TO
MANAGING MOCK JURY TRIALS
CHRISTOPHER C. LAND, *DLA Piper*, New York, New York
-
- 10:40 a.m. AVOIDING THE WAIVER OF PRIVILEGE WITH ESI
EMILY TURNER LANDRY, *Baker Donelson Bearman Caldwell
& Berkowitz PC*, Memphis, Tennessee
-
- 11:05 a.m. JUST DO IT OUR WAY: HOLDING INTERNATIONAL
PRODUCT PARTNERS TO STANDARDS WITHOUT DESTROYING
THE DEAL
JENNIFER YRUEGAS, *Nike Inc.*, Beaverton, Oregon
-
- 11:30 a.m. THE TSUNAMI EFFECT: EFFECTIVE EXPERT CROSS
EXAMINATION
MICHAEL J. SEPANIK, *Carr Maloney PC*, Washington, D.C.
-
- 11:55 a.m. ADJOURN

Specialized Litigation Group Workshops

WEDNESDAY APRIL 15, 2009
3:45-5:45 P.M.

History has shown that some of our best CLE programs have been presentations of the Specialized Litigation Groups during individual breakout sessions. SLG programs are open to all attendees and offer focused presentations on specialized areas of products law. The small group format facilitates interaction with the country's leading practitioners in your areas of interest—and you get CLE credit too!

Automotive

Chair

ROBERT SHIELDS, *Wilson Petty Kosmo & Turner LLP*, San Diego, California
Vice Chair

ROMAN LIFSON, *Christian & Barton LLP*, Richmond, Virginia

SO YOU THINK YOU'RE SMARTER THAN A JUROR? THE NOT-SO-TRIVIAL PURSUIT OF EXPERT WITNESS ISSUES

KURT W. MEADERS, *Sedgwick Detert Moran & Arnold LLP*, Dallas, Texas

JEFFREY A. CURRAN, *McGivern Gilliard & Curthoys*, Oklahoma City, Oklahoma

LITIGATION TESTING - HOW THE FAILURE TO PREPARE FOR A DAUBERT CHALLENGE CAN SINK YOUR CASE

PHILIPPA V. ELLIS, *Owen Gleaton Egan Jones & Sweeney LLP*, Atlanta, Georgia

DAVID M. ROGERS, *Campbell Campbell Edwards & Conroy PC*, Boston, Massachusetts

Consumer Goods and Office Equipment

Chair

JAMES W. OZOG, *Weidner & McAuliffe Ltd.*, Chicago, Illinois

Vice Chair

KURT W. MEADERS, *Sedgwick Detert Moran & Arnold LLP*, Dallas, Texas

IS YOUR CONSUMER PRODUCT DEFECTIVE BECAUSE IT'S MADE OUT OF PLASTIC?

MARK J. JUNG, *Thompson Coe Cousins & Irons LLP*, Dallas, Texas

MAUREEN T.F. REITMAN, Sc.D., *Exponent*, Bowie, Maryland

BIG CASES COME IN SMALL PACKAGES: THE PROLIFERATION OF CONSUMER PRODUCTS CLASS ACTIONS

ANTHONY J. ANSCOMBE, *Sedgwick Detert Moran & Arnold LLP*, Chicago, Illinois

AGGRESSIVE INVESTIGATION AND DENIAL: CASE STUDY OF A WOODBURNING FIREPLACE CLAIM

JAMES M. FOWLER, *Fowler Law Group*, Los Angeles, California

PAUL STEGMEIER, *PBS & Associates*, Faribault, Minnesota

CAN YOU HEAR ME NOW? EMERGING PRODUCT LIABILITY EXPOSURES FOR CELL PHONES AND ACCESSORIES

H. MICHAEL O'BRIEN, *Wilson Elser Moskowitz Edelman & Dicker LLP*, White Plains, New York

Electronic Discovery

Chair

BRIAN A. BENDER, *Harris Beach PLLC*, New York, New York

Vice Chair

MARIANN E. BUTCH, *Benesch Friedlander Coplan & Aronoff LLP*, Cleveland, Ohio

IT AIN'T EASY BEING GREEN: MANAGING THE DIGITAL IMPLICATIONS OF AN INCREASINGLY PAPERLESS WORLD

GERARD G. BOCCUTI, *Wyeth Law Department*, Collegeville, Pennsylvania

AMY R. FREESTONE, *Faegre & Benson LLP*, Minneapolis, Minnesota

JAMES J. HARRIS, *Limited Brands Inc.*, Columbus, Ohio

DAVID PORTER, *Visual Evidence*, Cleveland, Ohio

Product Liability Conference

Food Law

Chair

SCOTT L. HAWORTH, *Sedgwick Detert Moran & Arnold LLP*, New York, New York
Vice Chair

T. SKY WOODWARD, *Womble Carlyle Sandridge & Rice*, Baltimore, Maryland

MANAGING LITIGATION RISKS BASED ON LOW-LEVEL CONTAMINANTS AND TOXINS IN FOOD

SCOTT T. RICKMAN, *Del Monte Foods*, San Francisco, California

DEFENDING FOODBORNE ILLNESS MASS TORTS

JOSHUA E. SWIGER, *Weinberg Wheeler Hudgins Gunn & Dial LLC*, Atlanta, Georgia

Hand and Power Tools

Chair

WILLIAM E. VITA, *Westerman Ball Ederer Miller & Sharfstein LLP*, Mineola, New York

Vice Chair

JAMES A. FOSTER, *Cassiday Schade LLP*, Chicago, Illinois

HOW TO INVESTIGATE A POWER TOOL ACCIDENT

WAYNE HILL, *Techtronic Industries North America Inc.*, Anderson, South Carolina

USING PLAINTIFF'S MEDICAL RECORDS TO MAKE YOUR CASE

DAVID B. THORNE, *Shook Hardy & Bacon LLP*, Kansas City, Missouri

MANAGING POWER TOOL LITIGATION: DIFFERENT APPROACHES

JAMES "DART" MEADOWS, *Balch & Bingham LLP*, Atlanta, Georgia

BETH SCHNEIDER NAYLOR, *Frost Brown Todd LLC*, Cincinnati, Ohio

SAM TERZICH, *ESIS*, Chicago, Illinois

DEVANE TIDWELL, *Newell Rubbermaid*, Huntersville, North Carolina

Mass Torts and Class Actions

Chair

JEFFREY A. HOLMSTRAND, *McDermott & Bonenberger PLLC*, Wheeling, West Virginia

Vice Chair

SEAN P. WAJERT, *Dechert LLP*, Philadelphia, Pennsylvania

TWO STEPS FORWARD, ONE STEP BACKWARD: AN UPDATE ON PREEMPTION ISSUES IN PRODUCT LIABILITY LITIGATION

ANTHONY SAMMONS, *Woodward Hobson & Fulton LLP*, Lexington, Kentucky

GREEN LIGHT FOR LITIGATION? THE LEGAL CHALLENGES ASSOCIATED WITH "GOING GREEN"

JOSEPH C. WEINSTEIN, *Squire Sanders & Dempsey LLP*, Cleveland, Ohio

SETTLEMENT ETHICS IN MASS TORTS/CLASS ACTION LITIGATION

JOHN BEISNER, *O'Melveny & Myers LLP*, Washington, D.C.

THURSDAY APRIL 16, 2009

3:45-5:45 P.M.

Biomechanics and Injury Causation

Chair

JILL D. JACOBSON, *Bowman and Brooke LLP*, Richmond, Virginia

Vice Chair

MARK S. GRANGER, *Morrison Mahoney LLP*, Boston, Massachusetts

THE CSI EFFECT: UNDERSTANDING OCCUPANT KINEMATICS AND INJURY MECHANICS IN ROLLOVER CRASHES

DEBORA MARTH, PH.D., *Safety Forensics PLLC*, Flat Rock, Michigan

HUMAN KINEMATICS AND INJURY PATTERNS IN PLANAR MOTOR VEHICLE COLLISIONS

MARK SOCHOR, M.D., M.S., *Piziali & Associates*, San Carlos, California

INFLECTING PAIN WHEN DISCUSSING INJURY: EFFECTIVE CROSS EXAMINATION OF PLAINTIFF'S BIOMECHANIC EXPERT AT TRIAL

SANDRA GIANNONE EZELL, *Bowman and Brooke LLP*, Richmond, Virginia

Building Products

Chair

RUSSELL B. MORGAN, *Bradley Arant Boulton Cummings LLC*, Nashville, Tennessee

Vice Chair
JAMES E. WEATHERHOLTZ, *Buist Moore Smythe McGee PA*, Charleston, South Carolina

BUILDING INFORMATION MODELING: IMPLICATIONS IN DEFENDING A BUILDING PRODUCT

WILLIAM J. HUBBARD, *Thompson Hine LLP*, Cleveland, Ohio

GREEN BUILDING PRODUCTS: WHAT MAKES A BUILDING PRODUCT GREEN AND WHO SAYS SO?

JACK ROBINSON DODSON III, *Bradley Arant Boulton Cummings LLC*, Jackson, Mississippi

WALTER MARLOWE, *Construction Specifications Institute*, Alexandria, Virginia
HEATHER TANSEY, *3M*, St. Paul, Minnesota

UPDATE ON CLASS ACTION FAIRNESS ACT AND DEVELOPMENTS IN CONSUMER PROTECTION LEGISLATION

WILLIAM S. THOMAS, *Rabbitt Pitzer & Snodgrass PC*, St. Louis, Missouri

Chemical and Toxic Torts

Chair

SARA M. TURNER, *Baker Donelson Bearman Caldwell & Berkowitz PC*, Birmingham, Alabama

THE ABCS OF TOXIC SOUP: AN IN-DEPTH LOOK AT CURRENT ISSUES OF CAUSATION IN CHEMICAL AND TOXIC TORTS

SARAH L. BREW, *Greene Espel PLLP*, Minneapolis, Minnesota

UTILIZING 21ST CENTURY SCIENCE AND DNA-BASED EVIDENCE IN TOXIC TORTS

BRUCE S. GILLIS, M.D., MPH, *The Cytokine Institute*, Santa Monica, California

STEALING A BABY'S BOTTLE: IS BISPHENOL-A REALLY HARMFUL?

CHRISTOPHER P. FLANAGAN, *Wilson Elser Moskowitz Edelman & Dicker LLP*, Boston, Massachusetts

MAUREEN T. F. REITMAN, Sc.D., *Exponent*, Bowie, Maryland

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

ANATOMY OF A LEAD PAINT RECALL AND CLASS ACTION SETTLEMENT

BART T. MURPHY, *Ice Miller LLP*, Lisle, Illinois

UNTANGLING THE WEB: RECONCILING AND DECIPHERING THE NEW AND PROPOSED STATE LAWS INTRODUCED IN THE WAKE OF THE 2007 CHILDREN'S PRODUCT RECALLS

LYNNE JONES BLAIN, *Harman Claytor Corrigan & Wellman PC*, Richmond, Virginia

SANDRA GIANNONE EZELL, *Bowman and Brooke LLP*, Richmond, Virginia
MERTON A. HOWARD, *Hanson Bridgett LLP*, San Francisco, California
AMY E. NEFF, *Evenflo Company Inc.*, Miamisburg, Ohio

COST EFFECTIVE LITIGATION: CONTROLLING THE "COSTS OF DEFENSE"—A VIEW FROM THE NATIONAL TRIAL COUNSEL'S PERSPECTIVE

WALTER C. GREENOUGH, *Schiff Hardin LLP*, Chicago, Illinois

Product Liability Conference

International Legal Issues

Chair

ROD FREEMAN, *Lovells LLP*, London, England

Vice Chair

ANDREW MORRISON, *Clayton Utz*, Melbourne, Australia

INTRODUCTION: CSR AS A GLOBAL CONCEPT FOR PRODUCT MANUFACTURERS

ROD FREEMAN, *Lovells LLP*, London, England

PUTTING YOUR MONEY WHERE YOUR MOUTH IS (OR LOSING OUT BIG) —
CSR ON THE OLD CONTINENT

CECILE DERYCKE, *Lovells LLP*, Paris, France

CSR AND THE DECISION TO RECALL: AN AUSTRALIAN PERSPECTIVE

JOCELYN KELLAM, *Clayton Utz*, Sydney, Australia

EXPORTING SAFETY: HOW CHINA IS DEALING WITH GLOBAL PRODUCT
SAFETY ISSUES

EUGENE CHEN, *Lovells LLP*, Shanghai, China

Manufacturers' Risk Prevention

Co-Chairs

KEVIN M. REYNOLDS, *Whitfield & Eddy PLC*, Des Moines, Iowa

JOHN A. RUPP, *Textron Inc.*, Providence, Rhode Island

Vice Chair

CHARLES A. STEWART III, *Bradley Arant Boult Cummings LLP*,

Montgomery, Alabama

THE NEW CONSUMER PRODUCT SAFETY ACT: THE SHORT AND LONG TERM
IMPLICATIONS OF RECALLS, DATABASES, WHISTLEBLOWERS AND OTHER
NEFARIOUS THINGS

Moderators

KEVIN M. REYNOLDS, *Whitfield & Eddy PLC*, Des Moines, Iowa

JOHN A. RUPP, *Textron Inc.*, Providence, Rhode Island

PRODUCT RECALLS

JASON L. HERTZBERG, PH.D., PE, *Exponent*, Wood Dale, Illinois

DATABASES

NEIL A. GOLDBERG, *Goldberg Segalla LLP*, Buffalo, New York

WHISTLEBLOWERS

KURT STITCHER, *Levenfeld Pearlstein LLC*, Chicago, Illinois

HEADS UP: PROPOSED CHANGES TO FRCP 26(A)(2) AND (B)(4)

KEVIN M. REYNOLDS, *Whitfield & Eddy PLC*, Des Moines, Iowa

Scaffolds, Cranes and Aerial Devices

Chair

THOMAS C. FEDERICO, *Morrison Mahoney LLP*, Boston, Massachusetts

Vice Chair

MARY ANNE MELLOW, *Sandberg Phoenix & von Gontard PC*, St. Louis,
Missouri

THE REAL CAUSE OF CRANE ACCIDENTS: AN ANALYSIS OF THE UNDERLYING
CAUSE OF THE RECENT INCREASE IN CRANE ACCIDENTS AND A DISCUSSION
OF THE DUTIES AND RESPONSIBILITIES IN ACCORDANCE WITH ASCE 93 AND
THE NEW ASME B30.5

JIM D. WIETHORN, PE, *Haag Engineering*, Sugar Land, Texas

CRANE COLLAPSE CRISIS: DEALING WITH A CRANE COLLAPSE CASE FROM
ACCIDENT INVESTIGATION TO THE IMPLEMENTATION OF NEW STATE AND
LOCAL REGULATIONS TO TRIAL TECHNIQUES

CARL J. SCHAERF, *Schnader Harrison Segal & Lewis LLP*, New York, New York

FRANCIS J. DEASEY, *Deasey Mahoney & Valentini Ltd.*, Philadelphia,
Pennsylvania

MARY ANNE MELLOW, *Sandberg Phoenix & von Gontard PC*, St. Louis,
Missouri

FRIDAY APRIL 17, 2009
8:15-10:15 A.M.

Agricultural/Construction/Mining/Industrial Equipment

Chair

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NICHOLAS C. PAPPAS, *Frost Brown Todd LLC*, Indianapolis, Indiana

DON'T TELL ME – SHOW ME: EFFECTIVE IDEAS FOR EMPLOYING DEMONSTRATIVE EVIDENCE IN ACMIE CASES

DANIEL J. LA FAVE, *Quarles & Brady LLP*, Milwaukee, Wisconsin

ROBERT J. MCGUIRL, *Law Offices of Robert J. McGuirl LLC*, Park Ridge, New Jersey

NEW TECHNOLOGIES AND THEIR IMPACT ON AGRICULTURAL AND INDUSTRIAL EQUIPMENT ACCIDENTS

DOUGLAS E. YOUNG, Ph.D., *Exponent*, Los Angeles, California

2008 ACMIE CASE LAW UPDATE

JARED A. HARTS, *Frost Brown Todd LLC*, Indianapolis, Indiana

Aviation and Aerospace

Chair

GREGORY W. CARBOY, *Cowles & Thompson PC*, Dallas, Texas

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MANUEL SALDAÑA, *Gordon & Rees LLP*, Newport Beach, California

DISCUSSION OF THE ISSUES FACING THE INDUSTRY

MATTHEW D. FLESHER, *Cessna Aircraft Company*, Wichita, Kansas

STEPHEN R. GINGER, *Teledyne Continental Motors Inc.*, Thousand Oaks, California

Fire and Casualty

Chair

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EXPLOSION IN THE CORNFIELD: STUDY OF AN ETHANOL PLANT EXPLOSION—LAW AND SCIENCE

JOHN V. MCCOY, *McCoy & Hofbauer SC*, Waukesha, Wisconsin

MARK MULCAHY, *SEA Inc.*, Columbus, Ohio

Product Licensing

Chair

JOSEPH L. MOONEY, *Goldberg Segalla LLP*, Buffalo, New York

Vice Chair

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PRODUCT LIABILITY PROBLEMS FACING FRANCHISORS

CARRI BRYAN, *Quizno's*, Denver, Colorado

BURKELEY N. RIGGS, *Moye White LLP*, Denver, Colorado

A BRAVE NEW WORLD: THE DAWN OF HYPER-COMPLEX LITIGATION

LAURA CLARK FEY, *Shook Hardy & Bacon LLP*, Kansas City, Missouri

Recreational Products

Chair

CORTNEY G. SYLVESTER, *Halleland Lewis Nilan & Johnson PA*, Minneapolis, Minnesota

THE PERFECT STORM: CPSIA PROMISES A ROUGH RIDE

JOHN W. MOSS, *Winston & Strawn LLP*, Chicago, Illinois

Product Liability Conference

CURRENT ISSUES AFFECTING RECREATIONAL PRODUCTS COUNSEL

BRIAN N. JOHNSON, *Halleland Lewis Nilan & Johnson PA*, Minneapolis, Minnesota

RICK TIPTON, *Easton-Bell Sports Inc.*, San Diego, California

ANNUAL CASE LAW UPDATE

ROBERT F. WALKER, *Baker Donelson Bearman Caldwell & Berkowitz PC*, Jackson, Mississippi

Trial Techniques and Technology

Chair

PETER J. ROTOLO III, *Chaffe McCall LLP*, New Orleans, Louisiana

Vice Chair

R. THOMAS WARBURTON, *Bradley Arant Boult Cummings LLP*, Birmingham, Alabama

DOCUMENTS: USING PROPER TECHNOLOGY AND TECHNIQUES FOR EFFECTIVE REVIEW, PRODUCTION AND PRESENTATION

JENNIFER M. DELMONICO, *Murtha Cullina LLP*, New Haven, Connecticut

JENNIFER L. HAMILTON, *Deere & Company*, Moline, Illinois

JOHN C. WYMAN, *Murtha Cullina LLP*, Boston, Massachusetts

EFFECTIVE PRESENTATION OF SIMULATIONS AND OTHER COMPLEX TRIAL EVIDENCE

THEODORE R. VAUGHAN, PE, *Vector Scientific Inc.*, Los Angeles, California

R. THOMAS WARBURTON, *Bradley Arant Boult Cummings LLP*, Birmingham, Alabama

JEFFREY B. WHEELER, *Vector Scientific Inc.*, Los Angeles, California

GENERAL INFORMATION

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This seminar has been approved for MCLE credit by the State Bar of California in the amount of 18.25 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.

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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 25, 2009** (please allow 10 days for processing). Registrations received after **March 25, 2009**, will be processed on-site.

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FACULTY

CYNTHIA P. ARENDS is a shareholder with Halleland Lewis Nilan & Johnson PA in Minneapolis. Ms. Arends' practice focuses on product liability and commercial litigation. She serves as editor of DRI's Product Liability Committee newsletter, *Strictly Speaking*, membership chair of DRI's Commercial Litigation Committee, and vice chair of DRI's Young Lawyers Committee. Ms. Arends is a frequent author and presenter on product liability and litigation strategy and was five times named a *Super Lawyers* "Minnesota Rising Star."

THE HONORABLE PETER W. BOWIE is currently the Chief Judge of the United States Bankruptcy Court for the Southern District of California. In 1995, he was appointed by the late Chief Justice Rehnquist to the Codes of Conduct Committee of the Judicial Conference of the United States. He was later appointed by the Judicial Conference as a liaison to the ABA's Joint Commission to Evaluate the Model Code of Judicial Conduct, where he continues to serve.

DAVID T. BUENTE, JR. is a partner in the Washington, D.C. office and is head of Sidley Austin LLP's environmental practice group. Mr. Buente concentrates his practice in defending environmental regulatory enforcement cases brought by the DOJ/EPA, state attorneys general and NGOs, and toxic tort litigation. Prior to joining Sidley in 1990, he was with the DOJ, where he was the chief of its environmental enforcement section. Mr. Buente is active in DRI's Toxic Torts and Environmental Law Committee and its Climate Change Litigation Task Force.

ERWIN CHEMERINSKY is Dean and Distinguished Professor of Law at the University of California Irvine, School of Law. Prior to holding his current position, for four years he was the Alston & Bird Professor of Law and professor of political science at Duke University in Durham, North Carolina. Professor Chemerinsky is renowned as a scholar of constitutional law and the federal courts, an appellate advocate and an author of six books and more than 100 law review articles. He frequently argues appellate cases, including cases before the U.S. Supreme Court.

THE HONORABLE MING W. CHIN became an Associate Justice of the Supreme Court of California in March 1996, having previously served as the Presiding Justice and Associate Justice of the First District Court of Appeal in San Francisco, and as a superior court judge in Alameda County. Recently, Justice Chin was the author of the California Supreme Court's opinion in *Johnson v. American Standard, Inc.*, in which the court adopted the "sophisticated user" defense in product liability cases.

AMANDA M. CIALKOWSKI is a shareholder with Halleland Lewis Nilan & Johnson PA in Minneapolis. She focuses her practice on product liability and toxic tort cases. In 2007, Ms. Cialkowski was named one of the top product liability lawyers in the nation by Legal Media Group. She has also been repeatedly named a *Super Lawyers* "Rising Star." She is actively involved in DRI, and is the program chair for DRI's 2009 Product Liability Conference.

TOM COVE is the president and CEO of the Sporting Goods Manufacturers Association (SGMA) in Washington, D.C. Mr. Cove represents the interests of the nation's sporting goods manufacturers by directing SGMA's overall strategy and positioning among legislative, industry and media influences. SGMA's membership consists of more than 700 leading manufacturers and distributors of athletic equipment, footwear and apparel. Mr. Cove assumed leadership of the sporting goods industry's largest trade association in 2005, after 13 years building the organization's advocacy and public policy presence in Washington, D.C.

ALLISON A. DAVIS is a partner in Davis Wright Tremaine LLP's San Francisco office. Ms. Davis has both a litigation and counseling practice, representing large U.S. and international corporate clients in complex litigation, including as a national coordinator in class actions and other multiple case litigation. She has tried many jury trials, as well as defended mergers in antitrust proceedings in front of the Federal Trade Commission and the Antitrust Division of the Department of Justice.

BETH S. DORRIS is a partner in the natural resources department of the Los Angeles office of Best Best & Krieger LLP. Ms. Dorris represents public and private clients in a wide range of environmental and land use issues, including those arising under RCRA, CERCLA, the Clean Water Act, CEQA, NEPA and other federal and state environmental laws. She also has defended companies in a variety of environmental citizen suits brought under the Clean Water Act, Proposition 65 and other environmental laws.

DANIEL E. EATON is a partner with Seltzer Caplan McMahon Vitek in San Diego. He concentrates on defending and advising employers on a full range

of employment issues. Mr. Eaton is the former chair and a current member of the San Diego County Bar Legal Ethics Committee, for which he has written numerous articles and presented numerous seminars. He has served as on-air legal analyst for San Diego 6-TV News and regularly appears as the legal analyst on the KPBS radio program “These Days.”

BARRY W. FORD is a partner with the law firm of Baker Donelson Bearman Caldwell & Berkowitz PC in its Jackson, Mississippi office. He concentrates his practice on product liability and commercial litigation. Prior to joining Baker Donelson, he was a state court trial judge.

JOHN P. “JACK” FREEDENBERG, a founding partner of Goldberg Segalla LLP in Buffalo, New York, concentrates his practice in the areas of product liability, catastrophic personal injury and intellectual property litigation. Mr. Freedenberg serves as national coordinating counsel for two major manufacturers and has handled the defense of numerous product liability actions in the U.S. These have included catastrophic personal injury cases and major fire damage cases, and have involved appliances, household products, controls, power generating equipment, electrical systems and aircraft engines. He is chair of DRI’s Product Liability Committee.

ROD FREEMAN is a partner in the London office of the European-based international law firm, Lovells LLP. He is internationally recognized as one of Europe’s most experienced product liability practitioners. He defends major international product manufacturers in product liability cases in Europe, and advises them on complex aspects of European product regulation and product recalls. Mr. Freeman has been appointed chair of the Leadership Council of DRI Europe.

TERRANCE W. GAINER is senior counsel with McDonald’s Corporation in its tort litigation practice group in Oak Brook, Illinois, which has the responsibility for overseeing all product and premises liability litigation initiated against McDonald’s throughout the United States. Mr. Gainer also provides legal counsel to senior management in various departments within the company, including worldwide safety and security. As part of his role as counselor, Mr. Gainer is involved in and provides advice on many aspects of the business, from food safety to PlayPlace safety.

FULTON “TONY” GALE, FAIA, is the corporate architect for Starbucks Coffee Company in Seattle. For over 30 years, Mr. Gale has been a prime motivator in the development of environmentally sensitive design on both a building and city scale. As chair of Starbucks 94 employee High Performance Building Team since May 2005, he has led the development of the company’s sustainable building initiative. Recently, Mr. Gale joined Ben Packard, Vice President of Global Responsibility, in making the video, “The Case for Green Buildings: Real People and Real Benefits.”

NEIL A. GOLDBERG is a founding partner in the Buffalo, New York law firm of Goldberg Segalla LLP. His practice focuses on the defense of complex litigation and catastrophic injury cases. Mr. Goldberg is a past president of DRI and Lawyers for Civil Justice, a former chair of DRI’s Product Liability Committee and former member of DRI’s Law Institute. He is the editor and contributing author of seven books on the defense of complex personal injury cases.

JAMES T. HOLDEN is vice president and general manager, specialty vehicles division and assistant general counsel with Coachmen Industries Inc. in Middlebury, Indiana. He concentrates his practice in commercial litigation, general corporate law and business development activities. Prior to joining Coachmen, Mr. Holden served as general counsel and director of legal services for Rhino Linings Corporation in San Diego. He is a member of the State Bars of California and Pennsylvania, as well as DRI, the IADC and the Association of Corporate Counsel.

JAMES A. KOHM serves as the associate director for the Enforcement Division of the FTC’s Bureau of Consumer Protection in Washington, D.C. He oversees enforcement of all consumer protection orders, the commission’s Hispanic Initiative, and a myriad of FTC rules and guides. Previously, Mr. Kohm served as the bureau’s chief of staff with responsibility for the commission’s seven regional offices. He also oversaw the commission’s implementation and enforcement of the CAN-SPAM Act and numerous additional projects and federal court actions to combat unfair and deceptive practices.

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 (Product Liability Committee, 2008 Program Chair; Membership Committee, Chair of Large Law Firm Initiative),

Product Liability Conference

IADC (member, 2007 Trial Academy Faculty), and the South Carolina Defense Trial Attorneys' Association.

LAUREN LACEY is counsel at The Hershey Company in Hershey, Pennsylvania. She concentrates on marketing and advertising law and FDA regulatory compliance issues. Ms. Lacey also handles product liability cases and serves as the company's e-discovery counsel. Prior to joining Hershey, she was an associate at a law firm in Baltimore, where she practiced drug/medical device and medical malpractice defense work while being actively involved with DRI's Young Lawyers Committee.

JACK LAFFEY is a shareholder in the Milwaukee office of Whyte Hirschboeck Dudek SC. Mr. Laffey's practice is concentrated in the area of product liability, transportation litigation, toxic tort, catastrophic injury defense and a variety of insurance and commercial litigation matters. He represents companies and insurers involved in these areas. Mr. Laffey is DRI's Law Institute liaison for this seminar and a former chair of its Trucking Law Committee.

R. CRAIG MAYFIELD is a shareholder with the firm of Hill Ward Henderson in Tampa, Florida. His practice includes trial and appellate representation of numerous industrial, pharmaceutical, commercial and consumer industries in a variety of product liability matters. Mr. Mayfield is a member of DRI's Young Lawyers Committee, where he serves as seminar planning subcommittee chair and currently serves as chair for DRI's 2009 Young Lawyers Seminar in Las Vegas.

WENDY PATRICK MAZZARELLA is a San Diego County deputy district attorney, named by her peers as one of the top 10 criminal attorneys in San Diego by the *San Diego Daily Transcript* in both 2008 and 2007. Ms. Mazzarella is chair of the San Diego County Bar Association's Legal Ethics Committee and a member of the California State Bar Committee on Professional Responsibility and Conduct. She teaches ethics around the country on a regular basis for various legal and business organizations.

TERRY L. MEDLEY is the global director of corporate regulatory affairs for DuPont in Wilmington, Delaware. He leads DuPont's nanotechnologies safety health and environment advisory team, and he served as the DuPont project lead for development of the June 21, 2007, Environmental Defense Fund-DuPont Nano Risk Framework. Mr. Medley is the chair of the American Chemistry Council's Nanotechnology Panel and chair of the Business Industry Advisory Committee (BIAC) delegation to the Organization for Economic Co-operation and Development (OECD)'s Expert Group on Nanotechnology.

MICK MONAHAN is the director of U.S. regulatory affairs and assistant general counsel at Mattel Inc. in El Segundo, California. Mr. Monahan concentrates his practice in regulatory matters, including Consumer Product Safety Commission and Federal Trade Commission regulations. He is a member of the State Bar of California.

FIONNA S. MOWAT, PH.D., is a principal scientist at Exponent in Menlo Park, California, whose areas of interest are exposure assessment from chemicals, mineral fibers and nanoparticles. Dr. Mowat has assessed exposure of nanomaterials in the occupational setting, consumer products, and the environment, with particular focus on metal oxides and carbon nanotubes. She has performed reviews of products containing metal oxides (*e.g.*, personal care items), and has presented a risk assessment framework for assessing nanomaterial exposures in consumer products.

JOHN P. NOYES practices with Adorno & Yoss in Fort Lauderdale, Florida, concentrating his practice in product and premises liability, professional malpractice, commercial litigation, admiralty and maritime law. Previously, Mr. Noyes was national coordinating counsel (in-house) for Office Depot Inc. in Delray Beach, Florida, where he oversaw all of the company's insurable litigation throughout the United States.

THE HONORABLE LEO PAPAS, formerly Presiding Magistrate Judge, has been a federal judge in the United States District Court for the Southern District of California since June 1991. Magistrate Judge Papas was chosen Outstanding Judge of the Year in 2003 by the San Diego County Bar Association and in 2007, by the Consumer Attorneys of San Diego. He is a judicial advisor to the San Diego County Bar Ethics Committee and an active member of the San Diego County Bar Association Children at Risk Committee.

LINDENE PATTON is chief climate product officer for Zurich Financial Services in New York City. She is responsible for product development and proposition management related to climate change. Ms. Patton is an advisory board member for the University of California at Santa Barbara's Bren School of Environmental Science and Management. She also serves on numerous government and non-

governmental advisory boards, including the U.S. Environmental Protection Agency Environmental Financial Advisory Board. Ms. Patton is an attorney licensed in California and the District of Columbia and an industrial hygienist.

ELLEN R. PECK is a sole practitioner from Escondido, California. Her practice is limited to legal and expert services concerning the professional responsibilities of lawyers and regulation of the practice of law. Ms. Peck is a co-author of The Rutter Group's *California Practice Guide - Professional Responsibility*. She is a past chair and member of the State Bar's Committee on Professional Responsibility and Conduct and the Los Angeles County Bar Association Committee on Professional Ethics.

THOMAS C. REGAN is a partner in the Newark office of LeClairRyan. Mr. Regan concentrates his practice in product liability defense, general aviation defense and bodily injury litigation. He is also involved in insurance coverage advice and litigation, as well as LeClairRyan's relatively new green development practice group. Mr. Regan is a trustee for CASA of Morris and Sussex Counties in his home state of New Jersey. He was selected as a *Super Lawyers* "Rising Star" from 2006–2008.

JONATHAN T. RODRIGUEZ is a partner in the construction practices group of Sedgwick Detert Moran and Arnold LLP in its San Francisco office. Mr. Rodriguez focuses his practice on construction law. He is a LEED AP (Leadership in Energy and Environmental Design Accredited Professional) and a member of the Associated General Contractors of America Contract Documents and Green Addendum Committees and the ABA's Forum on the Construction Industry. Mr. Rodriguez is a frequent lecturer on green construction and construction claims.

SHAYON SMITH is corporate counsel for Steelcase Inc., headquartered in Grand Rapids, Michigan. She concentrates her practice in the management of disputes and potential disputes, legal claims and litigated matters involving the company, its subsidiaries and affiliates, including matters involving product liability. Before joining Steelcase, Ms. Smith was an associate at a law firm in Baltimore, where she practiced in drug/medical device and toxic tort defense work.

W. DAVIS SMITH is vice president and associate general counsel for Sempra Energy in San Diego, and general counsel for the Sempra Utilities. Sempra Energy is a San Diego-based Fortune 500 energy services holding company whose subsidiaries provide electricity, natural gas and value-added products and services. In his current job, Mr. Smith is responsible for the legal affairs and delivery of legal services for the Sempra Utilities. Before holding his current position, Mr. Smith was a litigation attorney for Pacific Enterprises, the parent company of Southern California Gas Co.

TIFFANEE WADE-HENDERSON is senior counsel—litigation for International Paper (IP) in Memphis, Tennessee. She joined the company in March 2008, where she provides legal advice and litigation supervision for the papers division. Prior to joining IP, Ms. Wade-Henderson was a shareholder with an international law firm, where she focused on civil defense litigation with an emphasis in commercial and transportation litigation, product liability and insurance. She has substantial experience representing manufacturers, insurance companies and corporations in personal injury, wrongful death, business tort and complex litigation.

SAUL WILENSKY is a partner in the New York City office of Schnader Harrison Segal & Lewis LLP. He specializes in the defense of product liability lawsuits relating to design, manufacture and repair of products and services. Mr. Wilensky has tried some of New York's leading product liability cases, including *Robinson v. Reed-Prentice*, *Liriano v. Hobart* and *Godoy v. Abamaster*. He is an active member of DRI's Product Liability Committee.

GARY A. WOLENSKY is a partner with Snell & Wilmer LLP in its Costa Mesa, California office. He focuses his practice in product liability defense litigation of automobile, consumer goods, sporting equipment, medical devices, industrial equipment manufacturers and other product industries, as well as for amusement park companies. Mr. Wolensky has tried catastrophic product liability cases for many companies and has worked with manufacturers regarding possible and actual recalls, in development of product warnings, instructions and instruction manuals, and has helped manufacturers develop risk management programs.

T. SKY WOODWARD is a member of Womble Carlyle Sandridge & Rice PLLC in its Baltimore office. She defends businesses in complex civil litigation, including product liability, toxic tort, mass tort, environmental, real estate and land use matters. Ms. Woodward is active in DRI's Product Liability and Toxic Torts and Environmental Law Committees, including service as vice chair of the Food Law SLG, and chair of the Indoor Air Quality/Mold SLG, respectively. She is a past president of the Maryland Defense Counsel Inc.

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March 5–6	SHARING SUCCESS—A SEMINAR FOR WOMEN LAWYERS <i>Loews Santa Monica Beach Hotel</i> , Santa Monica, CA
March 11–13	MEDICAL LIABILITY AND HEALTH CARE LAW <i>Walt Disney World Dolphin</i> , Lake Buena Vista, FL
March 18–20	DAMAGES <i>Bellagio</i> , Las Vegas, NV
March 19–20	TOXIC TORTS AND ENVIRONMENTAL LAW <i>Arizona Biltmore</i> , Phoenix, AZ
April 1–3	INSURANCE COVERAGE AND CLAIMS INSTITUTE <i>The Westin Michigan Avenue Chicago</i> , Chicago, IL
April 15–17	PRODUCT LIABILITY CONFERENCE <i>Hilton San Diego Bayfront</i> , San Diego, CA
April 22–24	COMMERCIAL LITIGATION <i>Wyndham Chicago</i> , Chicago, IL
April 22–24	LIFE, HEALTH, DISABILITY AND ERISA CLAIMS <i>Sheraton New York Hotel & Towers</i> , New York, NY
April 30–May 1	EMPLOYMENT LAW <i>JW Marriott Orlando, Grande Lakes</i> , Orlando, FL
May 7–8	ELECTRONIC DISCOVERY <i>Hilton New York</i> , New York, NY
May 13–14	CULTURE CLASH! DATA PROTECTION, FREEDOM OF INFORMATION AND DISCOVERY—HOW TO PROTECT YOUR BUSINESS IN TRANSNATIONAL DISPUTES <i>Hotel Vierjahreszeiten Kempinski</i> , Munich, Germany
May 14–15	DRUG AND MEDICAL DEVICE LITIGATION <i>Sheraton New York Hotel & Towers</i> , New York, NY
June 4–5	YOUNG LAWYERS <i>Caesars Palace</i> , Las Vegas, NV
June 11–12	DIVERSITY FOR SUCCESS <i>Swissôtel</i> , Chicago, IL
June 18–19	BAD FAITH <i>Seaport Hotel</i> , Boston, MA
August 17–18	DRI'S NATIONAL WORKERS' COMPENSATION REVIEW <i>Orlando World Center Marriott</i> , Orlando, FL
September 10–11	CONSTRUCTION LAW <i>The Palace Hotel</i> , San Francisco, CA
September 10–11	NURSING HOME/ALF LITIGATION <i>The Westin Kierland</i> , Scottsdale, AZ
September 24–25	STRICTLY AUTOMOTIVE <i>Hilton Torrey Pines</i> , San Diego, CA
November 5–6	APPELLATE ADVOCACY <i>Hilton Torrey Pines</i> , San Diego, CA
November 12–13	ASBESTOS MEDICINE <i>Fontainebleau Miami Beach</i> , Miami, FL
December 3–4	INSURANCE COVERAGE AND PRACTICE <i>Sheraton New York Hotel & Towers</i> , New York, NY

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