Shook, Hardy & Bacon L.L.P.

# Product Liability Litigation Report

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## NINTH CIRCUIT TO RULE ON PLAINTIFFS' ENTITLEMENT TO INTEREST IN EXXON VALDEZ OIL SPILL

Remanding its reduced punitive damages award in the Exxon Valdez oil spill case to the Ninth Circuit Court of Appeals, the U.S. Supreme Court has expressly declined to consider whether plaintiffs were entitled to collect $488 million in interest. *Exxon Shipping Co. v. Baker*, No. 07-219 (U.S., order entered August 12, 2008). In June 2008, the Court reduced the $2.5 billion punitive damages award to $507.5 million. Details about its decision can be found in the July 10, 2008, issue of this Report.

Plaintiffs reportedly asked the Court after the ruling to confirm that they were entitled to interest on the award because the issue was unaddressed in its opinion. Exxon filed a brief arguing that interest should not be provided, "The court has held that $507.5 million is the legally correct amount necessary to deter Exxon and others from future oil spills," a deterrent effect that would be the same "whether post-judgment interest is paid or not."

According to the plaintiffs, "This case has now been pending for 19 and one-half years, including almost 14 years since the jury returned its verdict. This [C]ourt's opinion dictates a clear outcome to this litigation, and respondents believe it is plain that they are entitled to interest on the punitive award on the terms previously determined by the district court." A news source has noted that ExxonMobil's 2007 profits exceeded $40 billion. *See Product Liability Law 360*, August 12, 2008.

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## "ROGUE" JUROR PROPERLY EXCUSED FOR DISAGREEMENT WITH APPLICABLE LAW

A federal court in Massachusetts provides an extensive discussion of juror nullification and its significance to a democracy in an opinion supporting its decision to remove a juror from a panel deliberating in a federal drug-trafficking trial. ***U.S. v. Luisi*, No. 99-10218 (U.S. Dist. Ct., D. Mass, decided July 25, 2008)**. While the issue arose in a criminal proceeding, the court's exploration and analysis of juror nullification and the history of juries in the United States are also illuminating in the civil context.

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The dismissed juror was a technology coordinator at a Catholic high school and former official of an ultraconservative organization, the John Birch Society. During jury deliberations, he refused to apply the law, questioning whether Congress had the authority under the U.S. Constitution to pass laws related to drugs that did not cross state lines and asserting that "he did not accept the power of the judiciary to interpret the [Commerce] Clause to embrace any additional power." According to the court, this juror "was unable to set aside his personal beliefs and apply the law as instructed," and, thus, should be dismissed from the jury and replaced with an alternate.

Beginning its analysis by stating, "No other country has placed so much faith in the ability of ordinary citizens directly to participate in the function of the justice system," the court notes how the role of the jury in the U.S. legal system was a matter of some dispute in the eighteenth century due to the general lack of training for judges and lawyers. That situation changed, however, and, by the beginning of the nineteenth century, a clear delineation of function between judges and juries emerged.

The court discusses how significant juries are to judicial independence and laments the trend in the United States away from jury trials. The court blames the legal profession for the "vanishing" jury trial and observes that courts "have failed to defend the institution." Attributing this situation to a "settlement culture," the "overzealous" application of federal preemption in civil cases and the over-use of summary judgment, the court "decline[s] to preside over the decline of this nation's most vital expression of direct democracy, the American jury."

After establishing the jury's significance, the court then challenges those who have called for jurors' right to apply the law as they see fit, that is, to engage in "nullification." According to the court, "Nullification has no basis in law, but if citizens felt free to nullify, it would undermine not only the rule of law, but also the values at the core of our democracy. Moreover, nullification would fan the flames of anti-jury sentiment and contribute to the demise of the jury trial along with the independent judiciary." Hence, the court concludes that it had good cause to dismiss the recalcitrant juror.

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## SECOND CIRCUIT CERTIFIES QUESTION TO STATE COURT ABOUT DEFECTIVE MACHINE SELLER

The Second Circuit Court of Appeals has asked the New York Court of Appeals to decide whether the defendant is a "regular seller" of the machine that allegedly caused the plaintiff's injury and can be held strictly liable under New York law. ***Jaramillo v. Weyerhaeuser Co.*, No. 07-0507 (2d Cir., question certified August 1, 2008)**. The plaintiff sought to hold Weyerhaeuser Co. strictly liable for a personal injury he sustained in 2002 while operating an industrial machine that the company had purchased secondhand and owned for 15 years before selling it to plaintiff's employer in 1986. The trial court dismissed the complaint, concluding that defendant was a "casual" or "occasional" seller of such machines and thus, could not be held liable in strict liability under New York law.

According to the appeals court, the defendant has a division through which the company "generally disposes of its obsolete or otherwise unneeded

equipment." The machine at issue had been sold through the efforts of this division, which is tasked with "maintaining cash flows by providing for the timely disposal of surplus assets, recovering the maximum value from surplus assets, and increasing the margins on third-party sales by offering refurbished equipment and engaging in full-time sales efforts." The division "markets Weyerhaeuser's used equipment by distributing quarterly catalogs, advertising in trade journals, telemarketing, and conducting market research on potential buyers and dealers of used equipment." While the parties disagreed somewhat on the precise amount, the division, with 15 employees and three facilities, grossed between $7.5 and $8.5 million in the year the defendant sold the machine that allegedly injured the plaintiff.

The court discussed evidence that the defendant "owns patents related to technology used in [the machine], and that the company maintains relationships with [their] manufacturers. It has occasionally made recommendations to manufacturers about how to improve [the machine's] design, including with regard to safety features." The machine in question had undergone some $250,000 in modifications and rebuilds while in defendant's possession.

The court explained the distinction between an "ordinary seller," which can be held liable in strict products liability, and an "occasional seller," which generally cannot, and observed, "[w]hile the reasons behind the ordinary seller rule and occasional seller exception are clear, where to draw the line between ordinary and occasional sellers is not." Also complicating the issue in this case is that the product involved is secondhand and "the New York Court of Appeals has expressly noted that the question whether the doctrine of strict products liability applies to regular sellers of *used* goods is an open question in New York."

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## EIGHTH CIRCUIT AFFIRMS EXCLUSION OF PLAINTIFF'S EXPERT IN OTC COLD REMEDY CASE

The Eighth Circuit Court of Appeals has affirmed the summary dismissal of personal injury claims against the maker of an over-the-counter (OTC) cold remedy and determined that a trial court did not abuse its discretion in excluding the testimony of plaintiffs' causation expert. ***Polski v. Quigley Corp.*, No. 07-3350 (8th Cir., decided August 13, 2008)**. The plaintiffs alleged that their use of a nasal spray with zinc caused them to lose their sense of taste and impaired their sense of smell. Their otolaryngology expert "opined that the spray emitted from the Cold-Eeze bottle traveled into the nasal cavity and through the straight passageway to the olfactory epithelium, resulting in the zinc ions in the spray coming into direct contact with the olfactory epithelium of the user." The manufacturer challenged his opinion that its product, used as directed, puts zinc gluconate directly on the olfactory epithelium, an anatomically inaccessible part of the human nose, and because neither the expert nor anyone else had ever tested the theory, the trial court found his testimony "not sufficiently reliable to be admitted."

According to the plaintiffs, the theory cannot ethically be tested on live humans "because research has shown that zinc may cause loss of smell and taste if it comes into contact with the olfactory epithelium." The trial court disagreed, observing that the theory "could have easily and ethically been tested by placing a substance with similar dispersal qualities to Cold-Eeze but lacking

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zinc or any other potential toxin into a Cold-Eeze bottle and administering the substance to participants as directed by Cold-Eeze's instructions. Following such an experiment, participants could be examined to determine whether the administered substance actually came into contact with the olfactory epithelium."

Agreeing, the appeals court found "no abuse of discretion in the district court's exclusion of Dr, Jafek's testimony. Dr. Jafek's causation theory relied on an unproven and indeed untested premise" and was, accordingly, inadmissible under the standard established by *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), for the admissibility of expert testimony.

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## CALIFORNIA COURT SAYS PLAINTIFF'S PERSONAL INFORMATION IRRELEVANT TO BAD TIRE CLAIMS

A California appellate court has reversed a judgment in favor of a tire manufacturer, finding that the jury was prejudiced by improperly admitted testimony about the plaintiff's illicit, intimate conduct. **Winfred D. v. Michelin N. Am., Inc. No. B195416 (Cal. Ct. App., decided August 7, 2008)**. The plaintiff sustained a severe brain injury after a rented cargo van he was using to transport produce to Las Vegas rolled over when the right rear tire delaminated. The tire manufacturer defended his product defect claims by contending that the van was overloaded. Due to his brain injuries, plaintiff was unable to recall whether he had loaded the van correctly before the accident, but his and others' testimony tended to show that it was his practice to do so.

Apparently in possession of detailed and damning information about plaintiff's personal life, including alleged bigamy, illegitimate children and adultery, defendant used the information during his deposition to try to show that he remembered only information that helped his claim but asserted memory loss when challenged with negative facts. The trial court allowed the damaging personal evidence to be introduced over objection at trial, concluding that (i) plaintiff's opening statement, alluding to the American dream, opened the door to the evidence; (ii) the evidence was admissible as to his credibility; (iii) the evidence showed that his brain injury was not as serious as claimed; and (iv) the evidence that plaintiff had a family in Las Vegas permitted an inference that he overloaded the van to make enough money to support two families.

The appeals court, finding the evidence irrelevant for any purpose other than impeachment, noted that collateral matters can be admissible for impeachment purposes, but that "the collateral character of the evidence reduces its probative value and increases the possibility that it may prejudice or confuse the jury." The court was particularly concerned about the numerous trial references to the names of the plaintiff's second wife and subsequent mistress as well as his illegitimate children, stating that this evidence implicated "privacy concerns and the reputations of nonparties." The evidence of plaintiff's sexual conduct was deemed by the court to be "highly prejudicial and inflammatory."

Noting that the state supreme court "has recognized that witnesses have a 'strong reason' to lie about an irrelevant or collateral matter," the court also determined that "Michelin should not have been allowed to inquire into Winfred's private life. 'A party may not cross-examine a witness upon collateral matters for the purpose of eliciting something to be contradicted.' As a result, Michelin could

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not turn the trial into a game of 'gotcha.'" In this regard, the court also noted, "It is one thing to impeach a witness with respect to mistaken or knowingly false answers that are relevant to substantive issues but something else entirely to 'test' the witness's memory on private or intimate subjects."

As for the plaintiff's relationships providing a motive for him to overload the van with produce, the court found the financial evidence in the case "virtually nonexistent." "Accordingly, there is no proof that Winfred supported one family, much less two, and, if so, in what amounts." The court also noted, "A rich man's greed is as much a motive to steal as a poor man's poverty." Concluding that "the jury likely discredited Winfred's testimony that, in accordance with his 20-year habit and custom, he placed no more than 2,000 pounds of produce in the van on the day of the accident," the court linked their verdict to Michelin painting Winfred "[f]rom start to finish … as a liar, cheater, womanizer, and a man of low morals based principally, if not solely, on what we have concluded was inadmissible evidence." The case was remanded for a new trial.

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## ALL THINGS LEGISLATIVE AND REGULATORY

**Civil Rules Advisory Committee Proposes Changes to FRCP 26 and 56**

The U.S. Judicial Conference has **announced** the availability of federal procedural rules changes for public comment. Federal Rule of Civil Procedure 26 would be amended to (i) require a party, as to an expert witness not required to prepare a detailed report, to "disclose the subject matter of the expected expert testimony and a summary of the expected facts and opinions," and (ii) "limit discovery of drafts of expert disclosure statements or reports and, with three exceptions" (communications about compensation, the facts and data the expert considered in forming an opinion and the assumptions the expert relied on in forming an opinion), "of communications between expert witnesses and counsel regardless of form (oral, written, electronic, or otherwise)."

Rule 56 would be amended "to improve the procedures for presenting and deciding summary judgment motions and to make the procedures more consistent with those already used in many courts." The proposed revisions are procedural only, and would also address "the consequences of failing to respond or responding in a way that does not conform to the rule and recognizing the well-established practice of granting summary judgment on part or all of a claim or defense." The advisory committee is particularly interested in comments on "whether to retain the current language carrying forward the present Rule 56 language that a court 'should' grant summary judgment when the record shows that the movant is entitled to judgment as a matter of law, recognizing limited discretion to deny summary judgment in such circumstances."

Comments must be submitted no later than February 17, 2009, and hearings will be held in Washington, D.C. on November 17, 2008; in San Antonio, Texas, on January 14, 2009; and in San Francisco, California, on February 2, 2009. Those wishing to testify must notify the Secretary to the Judicial Conference Committee on Rules of Practice and Procedure (Standing Committee) at least 30 days before the hearing.

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**ABA Adopts Model Rule Requiring In-House Counsel Registration**

During its recently concluded annual meeting, the American Bar Association (ABA) adopted a model rule that would require in-house lawyers practicing in a state other than the one where they are admitted to the bar to register with the state and comply with its rules of professional conduct. The rule is not binding, but in those states adopting it, the lawyers who register would be subject to the host state's disciplinary regulations and must comply with continuing legal education (CLE) requirements. According to a news source, 32 states already require out-of-state registration for in-house counsel, and 15 more are apparently considering adopting similar requirements. The Association of Corporate Counsel does not believe in-house attorney registration is necessary but ultimately supported the ABA's action. It was apparently approved by an overwhelming voice vote in the House of Delegates. *See Product Liability Law 360*, August 12, 2008.

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## THINKING GLOBALLY

**Adam Liptak, "In U.S., Expert Witnesses Are Partisan," *The New York Times*, August 12, 2008**

*New York Times* national legal correspondent Adam Liptak writes about how difficult it is for judges and juries in the United States to decide which party's expert witnesses to believe because their opposing conclusions are paid for by the party that hires them and they tend to cancel each other out. Liptak describes how other countries handle the "partisan" witness dilemma, most by placing the selection of neutral, independent expert witnesses in judges' hands, and discusses an experiment in Australia referred to as "hot tubbing."

Under this system, the parties' experts meet in court at the same time and engage in a give and take with each other, the lawyers and the judges, "finding common ground and sharpening the open issues." Australian judges have reportedly embraced this approach, finding that the experts "are able to more effectively respond to the views of the other expert or experts." Critics contend, however, that hot tubbing "drives the attorneys nuts" and is based on a "simplistic model of expertise" that may not always work because "science can be very acrimonious."

According to Liptak, England has adopted "radical measures" to address the expert bias problem, including placing the experts under the court's control and requiring one expert in many cases. Experts are also apparently required to pledge that their duty is to the court and not to the party that pays their bills. U.S. lawyers are not likely to call for changes—renowned trial lawyer Melvin Belli was once quoted as saying, "If I got myself an impartial witness, I'd think I was wasting my money." A New York University law professor observed, "Many judges, if not most, have been trial lawyers, and they are suspicious that any expert is truly neutral. The virtue of our system is that it allows people to sort of balance things out."

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## LEGAL LITERATURE REVIEW

**Michelle Fujimoto, Laurel Harbour, Greta McMorris, & Erin Sparkuhl, "Importing Products: Legal Risks and Defense Strategies," *Defense Counsel Journal*, July 2008**

Shook, Hardy & Bacon lawyers discuss the legal fallout from recent recalls of defective products, mostly involving goods, such as toys and pharmaceuticals, manufactured outside the United States. They caution "American manufacturers, importers and retailers … to consider the legal risks of importing products and strategies for minimizing these risks." The article reports on class action lawsuits, multi-district litigation, attorney general actions, and shareholder lawsuits that followed recalls in 2007 and provides practical tips on evidentiary issues, venue selection, joinder, and potential defenses. Noting that governments have begun taking action to address the problem, the authors conclude, "there may be a silver lining to the 2007 recalls. As companies go forward in 2008, the measures taken by U.S. and foreign governments and the private sector in response to the recalls may reduce legal fallout in the future."

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**Victor Schwartz, Kevin Underhill, Cary Silverman, & Christopher Appel, "Governments' Hiring of Contingent Fee Attorneys Contrary to Public Interest," Washington Legal Foundation *Legal Backgrounder*, August 8, 2008**

Discussing the California Supreme Court's decision to hear an appeal in a case challenging the ability of local governments to hire private attorneys on a contingency fee basis to pursue public nuisance claims against former lead paint and pigment manufacturers, Shook, Hardy & Bacon attorneys make the case for not allowing such arrangements. They contend that these agreements violate constitutional principles of separation of powers and raise questions when the private firms hired are "political donors, friends, or colleagues of the hiring government official—creating, at the very least, the appearance of impropriety." The article observes how the lawsuits pursued by private lawyers at the behest of state attorneys general "predictably resulted in exorbitant fee awards at the public's expense, siphoning off dollars that could otherwise be used to support public programs or reduce taxes." The authors conclude by urging the California Supreme Court to protect the public interest by affirming its seminal 1985 ruling that "rejected such fee arrangements as against principles of ethics and fundamental fairness."

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**Phil Goldberg, "Will Proposed Changes to Medicare Law Inspire New Wave of Health Care-Related Tort Suits?," Washington Legal Foundation *Legal Backgrounder*, August 8, 2008**

Shook, Hardy & Bacon Public Policy Associate **Phil Goldberg** writes about proposed legislation that would allow anyone causing injury to a Medicare beneficiary to be sued for related health care expenses paid by Medicare. According to Goldberg, the proposed legislation, which has been circulated by Senator Charles Grassley (R-Iowa), would change the fundamental purpose of the Medicare as Secondary Payer Act (MSP) from allowing the enforcement of existing, delinquent debts to a mechanism for "seeking double the funds

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Medicare spent related to the plaintiff's injury—even before it has been decided that the producer did anything wrong."

The proposal would apparently (i) allow MSP actions to establish that someone owes Medicare a debt; (ii) expand the types of MSP defendants from primary health plans and plaintiffs who have recovered Medicare costs to anyone simply accused of "owing" a Medicare debt, such as a defendant in a Medicare beneficiary's lawsuit; (iii) widen the scope of MSP actions to include quasi-class actions; and (iv) weaken the causation standard, allowing liability to be based on "statistical or epidemiological" evidence. Goldberg explains how these provisions "would completely redefine health care litigation" and open the door to claims by class action and mass action lawyers who could arguably bring suit against product manufacturers in the absence of clients under the proposal.

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## LAW BLOG ROUNDUP

**Does Study of Erroneous Settlement Decisions Consider Non-Monetary Factors?**

"For example, what about plaintiffs who believe it more important to get the information they are seeking, which they wouldn't obtain without a trial? What about those motivated by a desire to publicly expose a harmful practice that would continue if they settled?" Drum Major Institute Civil Justice Fellow Kia Franklin, suggesting that the new study on mistaken decisions about settling or going to trial may be a result of factors other than money. The study is discussed in "The Final Word" of this Report.

Tortdeform, August 11, 2008.

**Accounting Rules Generate Heat**

"We're up to 217 responses, and comments continue to be overwhelmingly critical." The National Association of Manufacturers' Carter Wood, blogging about the proposed accounting rule changes made by the Federal Accounting Standards Board that will expand the loss contingencies that must be disclosed. We discussed the rule in the August 6, 2008, issue of this Report. Major pharmaceutical companies weighed in on the side of the critics in their comments, concerned about the rule's potential for undermining the attorney-client privilege and unfairly opening to litigation adversaries a window to company strategies.

Point of Law, August 12, 2008.

**Tit for Tat**

"[I]t's not true that tort reform is a 'catchall phrase for legislative measures designed to make it harder for individuals to sue businesses'—many tort reforms make it easier for individuals with legitimate claims to sue businesses. Tort reforms are simply measures to improve the accuracy and efficiency of the civil

justice system; they're opposed by trial lawyers because they derive billions of dollars of wealth from inaccuracies and inefficiencies in the civil justice system, and supported by businesses and consumers that are the victims of such inaccuracies and inefficiencies." American Enterprise Institute Fellow Ted Frank, responding to a *Forbes.com* story about tort reform and the presidential candidates. Frank disputed most of the article, but agreed with its conclusion that "the outlook for federal tort reform is grim."

Overlawyered, August 11, 2008.

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## THE FINAL WORD

**Jonathan Glater, "Study Finds Settling Is Better Than Going to Trial," *The New York Times*, August 8, 2008**

This article reports that a soon-to-be released study of civil lawsuits finds that litigants make the wrong decision about settling a case or going to trial more often in cases where their lawyers will be paid a share of the verdict. According to co-author Randall Kiser, a consulting firm analyst, "The lesson for plaintiffs is, in the vast majority of cases, they are perceiving the defendant's offer to be half a loaf when in fact it is an entire loaf or more."

The authors surveyed trial outcomes from the four decades preceding 2004 and apparently found that over time, poor decisions have become more frequent. And while 61 percent of plaintiffs make the wrong decision, that is, they recover about $43,000 less than offered when they opt to go to trial, and defendants err only 24 percent of the time, defendants' errors are more costly at an average of $1.1 million. The study, to be published in the September issue of the *Journal of Empirical Legal Studies,* reportedly tried to account for confounding factors, such as the lawyer's experience, law firm size and rank of her law school, but found that the most significant factor in poor decision-making was the type of case. Apparently, defendants err most often in cases where insurance in unavailable.

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## UPCOMING CONFERENCE AND SEMINARS

**BNA Legal & Business Edge**, Arlington, Virginia – September 18-19, 2008 – "E-Discovery for the Enterprise: Preparing Your Corporate Clients for the Realities of the Post Rules Amendment World." Shook, Hardy & Bacon Pharmaceutical & Medical Device Litigation Partner **Madeleine McDonough** will participate in a panel discussion about e-discovery/risk management and preservation issues involving electronically stored information such as e-mails, voice mail, instant messages, and text messages.

**American Conference Institute**, Boston, Massachusetts – September 23-24, 2008 – "Managing Legal Risks in Structuring & Conducting Clinical Trials." Shook, Hardy & Bacon Pharmaceutical & Medical Device Litigation Partner **Madeleine McDonough** will join a former FDA enforcement lawyer to discuss issues arising from compliance with state and federal laws requiring the registration of clinical trials and disclosure of results.

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**Lorman Education Services**, Kansas City, Missouri – September 25, 2008 – "Document Retention and Destruction in Missouri." Shook, Hardy & Bacon eDiscovery, Data & Document Management Partner **Christopher Cotton** will present an "E-Discovery Update," focusing on evolving law, litigation issues and coordination within a company.

**Practicing Law Institute (PLI)**, Chicago, Illinois – October 29, 2008 – "PLI's Electronic Discovery and Retention Guidance for Corporate Counsel 2008." Shook, Hardy & Bacon Tort Partner **Amor Esteban** will join a distinguished faculty of presenters addressing "Judicial Insight into How Evidentiary Hearings Are Decided Under the Amended Federal Rules." The panel will focus on how the courts handle claims that electronically stored information is inaccessible. Seminar brochure not yet available.

**American Conference Institute**, Chicago, Illinois – October 29-30, 2008 – "Defending and Managing Automotive Product Liability Litigation." Shook, Hardy & Bacon Tort Partner **H. Grant Law** will serve on a panel discussing "Preemption: Examining the Current Viability of the Defense in Auto Product Liability Cases."

**Brooklyn Law School**, Brooklyn, New York – November 13-14, 2008 – "The Products Liability *Restatement*: Was It a Success?" Shook, Hardy & Bacon Public Policy Partner **Victor Schwartz** will present along with a number of other distinguished speakers, including *Restatement* reporters James Henderson and Aaron Twerski. Seminar brochure not yet available.

**American Conference Institute**, New York, New York – December 9-11, 2008 – "13th Annual Drug and Medical Device Litigation." Shook, Hardy & Bacon Pharmaceutical & Medical Device Litigation Partner **Madeleine McDonough** will discuss "Successfully Asserting the Preemption Defense Post-*Riegel* and in Anticipation of *Levine*," and International Litigation and Dispute Resolution Partner **Simon Castley**, who is managing partner of SHB's London office, will serve on a panel to consider "Coordinating the Proliferation of Mass Tort Litigation Outside the U.S.: International Class Action and Product Liability Litigation Trends." Seminar brochure not yet available.

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## ABOUT SHB

Shook, Hardy & Bacon is widely recognized as a premier litigation firm in the United States and abroad. For more than a century, the firm has defended clients in some of the most substantial national and international product liability and mass tort litigations.

Shook attorneys have unparalleled experience in organizing defense strategies, developing defense themes and trying high-profile cases. The firm is enormously proud of its track record for achieving favorable results for clients under the most contentious circumstances in both federal and state courts.

The firm's clients include many large multinational companies in the tobacco, pharmaceutical, medical device, automotive, chemical, food and beverage, oil and gas, telecommunications, agricultural, and retail industries.

With 93 percent of its nearly 500 lawyers focused on litigation, Shook has the highest concentration of litigation attorneys among those firms listed on the AmLaw 100, *The American Lawyer's* list of the largest firms in the United States (by revenue).


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## OFFICE LOCATIONS

**Geneva, Switzerland**
+41-22-787-2000

**Houston, Texas**
+1-713-227-8008

**Irvine, California**
+1-949-475-1500

**Kansas City, Missouri**
+1-816-474-6550

**London, England**
+44-207-332-4500

**Miami, Florida**
+1-305-358-5171

**San Francisco, California**
+1-415-544-1900

**Tampa, Florida**
+1-813-202-7100

**Washington, D.C.**
+1-202-783-8400