Mass Torts Evolve: The Intersection of Aggregate Litigation and Bankruptcy

February 25, 2022 | 9 a.m. - 5:10 p.m.
Fordham Law School
Costantino Room
150 West 62nd Street, Second Floor
New York, NY
This symposium addresses the novel intersection of civil procedure and bankruptcy law. Corporate defendants – including Purdue Pharma, Boy Scouts of America, and USA Gymnastics – facing substantial numbers of mass tort claims have filed for bankruptcy to exploit statutory loopholes and impose a new bargain on tort victims. This interdisciplinary event will feature panels discussing bankruptcy preemption and multi-district litigation, due process, representation issues regarding unidentified victims, settlement dynamics in complex cases, and victims’ rights.

Agenda

9:00 - 9:10 a.m. | Welcome and Introduction
Dean Matthew Diller, Paul Fuller Professor of Law and Dean of Fordham University School of Law

9:10 - 10:40 a.m. | Panel 1: The New Mass Torts Bargain: Pulling the Bankruptcy Lever
(1.5 Professional Practice CLE)
Moderator: Kenneth Ayotte, Professor of Law, Berkeley Law School
Jessica Lauria, Partner, White & Case LLP
Adam Levitin, Anne Fleming Research Professor of Law, Georgetown University Law Center
Samir Parikh, Professor of Law, Lewis & Clark Law School
Anupama Yerramalli, Counsel, Latham & Watkins LLP

10:40 - 11:00 a.m. | Break

11:00 a.m. - 12:30 p.m. | Panel 2: Settlement Dynamics in Mass Torts
(1.5 Professional Practice CLE)
Moderator: Theodore Rave, Professor of Law, University of Texas School Of Law
Panelists: Zachary Clopton, Professor of Law, Northwestern Pritzker School of Law
Andrew Dawson, Vice Dean for Academic Affairs and Judge A. Jay Cristol Professor of Bankruptcy Law, University of Miami School of Law
Tancred Schiavoni, Chair of the Insurance Practice, O’Melveny & Myers LLP
Raymond Silverman, Partner, Parker Waichman LLP
Lindsey Simon, Assistant Professor of Law, University of Georgia School of Law

12:30 - 1:00 p.m. | Lunch Break

1:00 - 2:00 p.m. | Keynote Address of the Future of Mass Torts
Elizabeth Cabraser, Founding Partner, Lieff Cabraser Heimann & Bernstein LLP
Hon. Patti Saris, United States District Court of Massachusetts

2:00 - 3:30 p.m. | Panel 3: Interest Representation and the Inconvenience of Due Process
(1.5 Professional Practice CLE)
Moderator: Sergio Campos, Professor of Law, University of Miami School of Law
Panelists: Andrew Bradt, Professor of Law, Berkeley School of Law
Samuel Issacharoff, Bonnie and Richard Reiss Professor of Constitutional Law, NYU School of Law
Robert Klonoff, Jordan D. Schnitzer Professor of Law, Lewis & Clark Law School
Hon. David Proctor, United States District Judge of the United States District Court for the Northern District of Alabama

3:30 - 3:40 p.m. | Break

3:40 - 5:10 p.m. | Panel 4: Reassessing Litigation Objectives Through the Prism of Victims’ Rights
(1.5 Professional Practice CLE)
Moderator: Ted Janger, David M. Barse Professor of Law, Brooklyn Law School
Panelists: Sheila Birnbaum, Co-chair of Product Liability and Mass Torts practice, Dechert LLP
Elizabeth Chamblee Burch, Professor of Law, University of Georgia School of Law
Elizabeth J. Cabraser, Founding Partner, Lieff Cabraser Heimann & Bernstein LLP
Alexandra Lahav, Ellen Ash Peters Professor of Law, University of Connecticut School of Law
Edward Neiger, Co-Managing Partner, Ask LLP

5:10 p.m. | Concluding Remarks