

The *Fordham Law Review* presents



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



FORDHAM UNIVERSITY
THE SCHOOL OF LAW

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

Panelists: Hon. John Dorsey, United States Bankruptcy Judge for the District of Delaware, Bankr. Del.

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, Lief Cabraser Heimann & Bernstein LLP

Hon. John Dorsey, United States Bankruptcy Judge for the District of Delaware, Bankr. Del.

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, Lief 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**