

Texas Law Review Symposium
Judicial Management of MDLs and Other Consolidations

University of Texas School of Law
January 27-28, 2023

Friday, January 27, 2023

- 8:00-8:45 Breakfast at Texas Law – Jamail Pavilion
- 8:45-8:50 Welcome – Dean Chesney
- 8:50-9:00 Welcome – Symposium Co-Sponsors, Arnold & Itkin and Barnes & Thornburg
- 9:00-10:30 **Session 1: The Political Economy of MDLs**
Moderator: Jim Murdica (Barnes & Thornburg)
- Lynn A. Baker (Texas) & Andrew Bradt (Berkeley) - "MDL Myths"
 - Commentator: Jim Pfander (Northwestern)
 - Tom Baker (Penn) – "Where's the Insurance?"
 - Commentator: David Hyman (Georgetown)
- 10:30-10:45 Break
- 10:45-12:15 **Session 2: The Judicial Role in Claim Integrity**
Moderator: Jason Itkin (Arnold & Itkin)
- Teddy Rave (Texas) – "MDL and the Field of Dreams"
 - Commentator: Myriam Gilles (Cardozo)
 - Nora Freeman Engstrom (Stanford) & Todd Venook (Stanford) – "Harnessing Common Benefit Fees to Promote MDL Integrity"
 - Commentator: Bob Bone (Texas)
- 12:15-1:30 Lunch at Texas Law – Main Atrium
- 1:30-3:00 **Session 3: Judicial Practices in Consolidations**
Moderator: Judge Lee Rosenthal (S.D. Tx.)
- David Noll (Rutgers) & Adam Zimmerman (Loyola LA/UCLA) --
Judicial Control of Lawyers in MDLs: The Appointment Process
 - Commentator: Deborah Hensler (Stanford)
 - Charlie Silver (Texas) – "The Suspect Restitutionary Basis for Fee Awards in MDLs"
 - Commentator: Sam Issacharoff (NYU)
- 3:00-3:15 Break

3:15-4:45 **Session 4: The Role of State Courts in Mass Torts (including Federal-State Coordination)**

Moderator: Zach Clopton (Northwestern)

- Erin Copeland (Fibich, Leebron, Copeland & Briggs)
- Judge Carolyn Kuhl (Calif. Superior Ct., L.A.)
- Kurt Arnold (Arnold & Itkin)
- Judge Eldon Fallon (E.D. La.) – if trial schedule permits
- Shannon McClure Roberts (Reed Smith LLP)

Saturday, January 28, 2023

8:00-8:50 Breakfast at Texas Law – Jamail Pavilion

8:50-9:00 Opening Remarks – Conference Organizers

9:00-10:30 **Session 5: Bankruptcy as a Tool for Resolution of Mass Torts**

Moderator: Jay Westbrook (Texas)

- Jonathan Lipson (Temple) – "'Special': Remedial Schemes and Mass Tort Bankruptcies"
 - Commentator: Lindsey Simon (Georgia)
- Melissa Jacoby (North Carolina) – "Sorting Bugs and Features of Mass Tort Bankruptcy"
 - Commentator: Judge William J. Lafferty, III (N.D. Cal. -- Bank.)

10:30-10:45 Break

10:45-12:15 **Session 6: Innovations in Resolution and Settlements**

Moderator: Howie Erichson (Fordham)

- Kendra Lounsberry (Barnes & Thornburg)
- Elizabeth Cabraser (Lief Cabraser)
- Judge Robin Rosenberg (S.D. Fla.)
- Judge Dan Polster (N.D. Ohio)
- Judge William Orrick (N.D. Calif.)

12:15-12:20 Concluding Remarks – Conference Organizers and Co-Sponsors

12:20-1:20 Lunch at Texas Law – Jamail Pavilion