

**SPECIAL RATE  
FOR ASSOCIATES**  
*Details on page 5.*

# DRUG & MEDICAL DEVICE LITIGATION BOOT CAMP

July 30–31, 2018 | The Bellevue Hotel | Philadelphia



After each segment, hear commentary and feedback from our renowned judges:



Hon. Rex M. Burlison  
*Circuit Judge,*  
22nd Judicial Circuit  
State of Missouri



Hon. Michael J. Davis  
*Senior Judge*  
United States District Court  
District of Minnesota



Hon. William F. Highberger  
*Superior Court Judge, Complex  
Civil Litigation Program*  
Los Angeles Superior Court



Hon. Kenneth M. Hoyt  
*Senior Judge*  
United States District Court,  
Southern District of Texas

Hone-in your essential pre-trial, trial, and settlement negotiation skills in 2 days by watching top in-house and outside counsel in the country demonstrate:

- Ways to Develop the Company Strategy
- Best Practices on How to Use Motion Practice to Shape the Battlefields
- Deposition of the Treating Physician
- How to Effectively Use Key Case Milestones to Continue to Shape Your Story
- Conducting Voir Dire and Selecting the Right Jury
- How to Craft a Compelling Opening Statement
- How to Make Sure Your Company Story Is in the Record
- Cross Examination of a Science and Regulatory/FDA Expert
- How to Persuade Reluctant Jurors through Well-Crafted Closing Argument

**PLUS, hear from leading plaintiff's counsel, defense counsel and special master on key settlement issues in our SETTLEMENT MASTER CLASS (see page 5 for details)**

From the creators of the annual Drug and Med conference,

that has been the industry's premier products liability litigation event for the last 22 years, comes its summer companion: **Drug and Med Litigation Boot Camp**. Benchmark your advocacy strategy, settlement, and pre-trial tactics at the ultimate litigation boot camp for pharmaceutical and medical device manufacturers and their counsel.

Take part in this one-of-a-kind, short and to the point demonstration by top litigators in the country of what to do – and not do – when thinking through a case and taking part in a trial. Each segment will be evaluated by the judges currently sitting on the bench as well as the attendees who will have an opportunity to interact with presenters and judges throughout the event.

## Distinguished Faculty

Joseph G. Blute  
Member  
Mintz Levin

Sean K. Burke  
Partner  
Duane Morris

Hon. Rex M. Burlison  
Circuit Judge, 22nd Judicial Circuit  
State of Missouri

Lori G. Cohen  
Global Litigation Practice Co-Chair;  
Chair, Pharmaceutical, Medical Device  
& Health Care Litigation Group; Chair,  
Trial Practice Group  
Greenberg Traurig, LLP

Hon. Michael J. Davis  
Senior Judge  
United States District Court  
for the District of Minnesota

Randi S. Ellis  
Randi S. Ellis LLC

Sean Fahey  
Partner  
Pepper Hamilton LLP

James A. Frederick  
Partner  
Goodell, Devries, Leech  
& Dann, LLP

Ashley Garry  
Counsel, Litigation and Legal Compliance  
Eli Lilly and Company

Donald Le Gower  
Senior Counsel, Litigation  
Bristol-Myers Squibb

Hon. William F. Highberger  
Superior Court Judge,  
Complex Civil Litigation Program  
Los Angeles Superior Court

Hon. Kenneth M. Hoyt  
Senior Judge  
United States District Court,  
Southern District of Texas

Jobina Jones-McDonnell  
Vice President, Assistant General  
Counsel, Litigation & Risk  
Endo

John P. Lavelle, Jr.  
Partner  
Morgan, Lewis & Bockius LLP

Jo Ellen Livingston  
Founding Partner  
Livingston & Shepherd Trial  
Consulting, LLC

Stacey A. Martinez  
Partner  
Norton Rose Fulbright US LLP

Daniel L. Ring  
Partner  
Mayer Brown LLP

Christopher A. Seeger  
Founding Partner  
Seeger Weiss LLP

Robert R. Simpson  
Partner  
Shipman & Goodwin LLP

Brian L. Stekloff  
Founding Partner  
Wilkinson Walsh + Eskovitz

Bart C. Sullivan  
Partner  
FoxGalvin, LLC

Thomas J. Sullivan  
Partner  
Shook, Hardy & Bacon L.L.P

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# DAY ONE

## Monday, July 30, 2018



7:15

### Registration and Continental Breakfast

8:00

### Co-Chairs' Opening Remarks



**Ashley Garry**  
*Counsel, Litigation and Legal Compliance*  
**Eli Lilly and Company**



**Sean Fahey**  
*Partner*  
**Pepper Hamilton LLP**

8:15

### Developing the Company Strategy



**Ashley Garry**  
*Counsel, Litigation and Legal Compliance*  
**Eli Lilly and Company**



**Donald Le Gower**  
*Senior Counsel, Litigation*  
**Bristol-Myers Squibb**



**Stacey A. Martinez**  
*Partner*  
**Norton Rose Fulbright US LLP**

- Choosing the battles and battlefields
- Developing the end-game strategy: Working with in-house counsel to identify goals, targets, strategies of the litigation
- Key drivers in putting the defense team together
- Pros and cons of consolidation
- Impact of parallel proceedings

## PRE-TRIAL

9:05

### Shaping the Pleadings: Best Practices on How to Use Motion Practice to Shape the Litigation and Battlefields



**John P. Lavelle, Jr.**  
*Partner*  
**Morgan, Lewis & Bockius LLP**

- Effectively using motions to dismiss, demurrers, preemption challenges to appropriately narrow the case(s) and increase likelihood of success in the litigation
- Key trends with *Iqbal* and *Twombly*
- Removal strategy and forum/venue challenges

9:50

### Morning Coffee Break

10:10

### Crafting a Compelling Company Story: Deposition of a Treating Physician



**James A. Frederick**  
*Partner*  
**Goodell, Devries, Leech & Dann, LLP**



**Robert R. Simpson**  
*Partner*  
**Shipman & Goodwin LLP**

- Learn from demonstration of an actual examination of a treating physician
- How to start strong and end strongly and safely
- Neutralizing the questioning of your adversary

- Using cross-examination of a hostile witness without discrediting the company
- Demonstrating that the risks of the product were disclosed, not withheld and known by the physician
- Using the medical records to control the witness
- How to lay the groundwork to confront the witness and impeach credibility at trial

11:00

### Crafting a Compelling Company Story: Written Discovery, Document Production and Witness Preparation Best Practices



**Jobina Jones-McDonnell**  
*Vice President, Assistant General Counsel, Litigation & Risk*  
**Endo**



**Thomas J. Sullivan**  
*Partner*  
**Shook, Hardy & Bacon L.L.P.**

- Use of written discovery and document production to test and then establish key points in your story
- State of the art witness preparation strategies for combating REPTILE attacks
- Developing affirmative testimony through depositions

12:00

### Networking Luncheon for Speakers and Delegates

1:00

### Key Pretrial Milestones: Effectively Using Key Case Milestones to Continue to Shape Your Story



**Sean K. Burke**  
*Partner*  
**Duane Morris**

- How to effectively use key case milestones, including exhibit lists, deposition designations to continue to help shape your story and narrow plaintiffs' case
- Dispositive motions and motions in limine strategy
- Daubert/Frye motions strategy

**Commentary by Judges, Chairs and Audience (1:50 – 2:10 PM)**

## TRIAL

2:10

### Conducting Voir Dire and Selecting the Right Jury



**Jo Ellen Livingston**  
*Founding Partner*  
**Livingston & Shepherd Trial Consulting, LLC**



**Bart C. Sullivan**  
*Partner*  
**FoxGalvin, LLC**

- Understanding unique jury preconceptions in drug and device cases, and how they may differ from traditional juror attitudes
- Identifying problem jurors – and jurors who do not have preconceived jury prejudices against the drug and device industries – by using well-tailored product-specific approaches
  - Characteristics to look for in the jury foreperson: how to identify who will be a good leader for the jury?
  - Being cognizant of trial attorney's demeanor : advice to younger trial attorneys on how not to make jury upset (i.e., frequent objecting, etc.)



# DAY TWO

## Tuesday, July 31, 2018



- Addressing biases against large corporations as played out in media coverage and recent verdicts
- Effectively using open-ended questions, challenges for cause and jury questionnaires provided to jurors in advance of voir dire
- Selecting important evidence that can influence case outcomes through intelligent analysis of juror responses
- Increasing the chances of selecting the right jury by knowing what to look for when retaining jury consultants
  - Given the scientific aspect to these cases, is having a more sophisticated jury a good thing?
- Utilizing jury research and selection paradigms to maximize favorable outcomes
- Predicting jury favorability by using psychological techniques
- Use of shadow juries to gain insights during trial

**Commentary by Judges, Chairs and Audience (3:10 – 3:30 PM)**

**3:30**

### Afternoon Refreshment Break

**3:50**

### Crafting a Compelling Opening Statement



**Lori G. Cohen**  
*Co-Chair, Global Litigation; Chair, Pharmaceutical, Medical Device & Health Care Litigation Group; Chair, Trial Practice Group*  
**Greenberg Traurig, LLP**

- See an opening statement that creates a compelling defense
- See how to use information gleaned during voir dire to tailor your opening statement
- Teaching the jury about the complex medical and scientific information to come
- Demystifying medical topics
- Defusing negative perceptions about the industry
- Personalizing the company
- Helping the jury focus on the value/efficacy of the product
- Expressing sympathy for the plaintiff without making your opponent's case
- Characterizing your opponent's case and finding points of agreement
- Capitalizing on overstatements by your adversary
- Overcoming the inherent difficulty of going second

**Commentary by Judges, Chairs and Audience (4:40 – 5:00 PM)**

**5:00**

### Making Sure Your Company Story is in the Record: Best Practices for the Less Glamorous, but Equally Important, Aspects of a Trial



**Daniel L. Ring**  
*Partner*  
**Mayer Brown LLP**

- Making sure all exhibits are properly admitted
  - Keeping track of exhibits and being prepared for anticipated objections for admitting exhibits
- The work that must be done before the next morning in Court
- Effective use of trial briefs and motions to renew motions in limine as evidence becomes more certain and eliminate claims
- Revisiting jury instructions/jury verdict forms
  - reading jury instructions earlier in the process (i.e., before the time for it comes in a trial)
- Strategies for preserving issues on appeal without angering the Court or jury

**5:45**

### Conference Adjourns to Day Two

**7:30**

### Continental Breakfast

**8:00**

### Co-Chairs' Recap of Day One

**8:15**

### Cross-Examination of a Science Expert



**Joseph G. Blute**  
*Member*  
**Mintz Levin**

- Conveying easy to understand scientific concepts to the jury
- Exacting jury-friendly concessions from the opposing expert
- Highlighting the expert's misuse of statistical data and methodology
- How to undercut attempts to confuse principles of burden of proof with principles of statistical significance

**Commentary by Judges, Chairs and Audience (9:05 – 9:35 AM)**

**9:35**

### Cross-Examination of a Regulatory/FDA Expert



**Brian L. Stekloff**  
*Founding Partner*  
**Wilkinson Walsh + Eskovitz**

- Using the expert to establish the expertise of the FDA and pervasiveness of FDA review and oversight
- Successfully showing – through cross – that the regulatory/FDA expert lacks sufficient qualifications in the area of proposed testimony
- Using prior reports and testimony to demonstrate that the expert's opinions are boilerplate and full of biases
- Following the money: Using the total dollar figures the expert has made providing testimony against him/her

**Commentary by Judges, Chairs and Audience (10:25 – 10:55 AM)**

**10:55**

### Morning Coffee Break

**11:15**

### Persuading Reluctant Jurors Through a Well-Crafted Closing Argument



**Michael K. Brown**  
*Partner*  
**Reed Smith LLP**

- How to organize your closing to work in your themes, undermine plaintiff's themes, review the evidence, and bring home your arguments?
- What not to do?
- Use of slides/graphics to track your arguments
- How to educate the jury while also empowering them?

**Commentary by Judges, Chairs and Audience (12:05 – 12:35 PM)**

**12:35**

### Conference Ends (Lunch for Settlement Master Class Attendees)

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# POST-CONFERENCE WORKSHOP



1:45 – 4:45 PM (Registration starts at 1:15 PM)

## Settlement Master Class



**Randi S. Ellis**  
Randi S. Ellis LLC



**Sean P. Fahey**  
Partner  
Pepper Hamilton LLP



**Christopher A. Seeger**  
Founding Partner  
Seeger Weiss LLP

Hear from from leading plaintiff's counsel, defense counsel and a Special Master on the key settlement issues, including:

- Developing and implementing your end game strategy
- Understanding the timing issues that drive or prevent settlements
- Establishing values with and without the use of bellwether trials
- Pros and cons of different settlement models
- Pros and cons of engaging the Court in the settlement efforts



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Telephone: 1-888-421-1442  
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## Registration Information

Conference Code

891L18-PHI

| Registration Type   | Register & Pay by<br>May 25, 2018 | Register & Pay by<br>June 29, 2018 | Register & Pay after<br>June 29, 2018 |
|---|-----------------------------------|------------------------------------|---------------------------------------|
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# DRUG & MEDICAL DEVICE LITIGATION BOOT CAMP

July 30–31, 2018 | The Bellevue Hotel | Philadelphia

American Conference Institute  
45 West 25<sup>th</sup> Street, 11<sup>th</sup> Floor  
New York, NY 10010

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Post-Conference Workshop on July 31:  
**SETTLEMENT MASTER CLASS**

**SPECIAL RATE  
FOR ASSOCIATES**

*Details on page 5.*

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July 30–31, 2018 | The Bellevue Hotel | Philadelphia

*The ultimate two-day interactive pre-trial, trial, and settlement skills  
master class for pharma and med device companies and their counsel*



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