

The
Ritz-Carlton
Hotel

921 Canal St.
New Orleans

23rd Annual Complex Litigation Symposium

*Co-Sponsored by the Louisiana State Bar Association
Insurance, Tort, Workers Compensation and Admiralty Law Section*

November 10, 2023



SEMINAR CHAIR

Richard J. Arsenault • Neblett, Beard & Arsenault • Alexandria

PROGRAM

8:15-8:45 a.m.

Registration

8:45-9:00 a.m.
(.25 credits)

Program Overview

9:00-9:45 a.m.
(.75 credit)

EXIT STRATEGIES, RESOLUTIONS OPTIONS AND DEALING WITH THE “TAIL” —
Global versus inventory settlements ► Aggregate settlements and the associated ethical rules including the fee disgorgement risk ► Quasi class actions and the Court’s resolution role, if any ► Special Master functions ► Ethical obligations for counsel on both sides of the “V” ► drafting Master Settlement Agreements ► Establishing Qualified Settlement Funds ► Walk Away Rights, Clawbacks, Substitutions, and Participation Thresholds ► Appeals, Extraordinary Circumstances Awards and Setting Reserves ► Confidentiality/Public Statements/Penalties ► Allocating Settlement Proceeds ► Addressing Liens

Moderator: Richard J. Arsenault • Neblett, Beard & Arsenault • Alexandria

Panelists: Hon. Glenn Norton (ret.) • Norton Dispute Resolution • St. Louis, MO
John Hooper • King & Spalding • New York, NY
Blake Deady • Archer Systems • Houston, TX
Sean Fahey • Troutman Pepper Hamilton Sanders • Philadelphia, PA
Alexander Calfo • King and Spalding • Los Angeles, CA

9:45-10:30 a.m.
(.75 credits)

PROLIFERATION OF MASS TORT ENVIRONMENTAL LITIGATION —
Camp Lejeune ► Maui Wildfire ► East Palestine Train Derailment ► Michigan Flint Water ► PFAS ► Doe Run ► PCB’s ► Emission Cases ► Brazil Dam ► Tennessee Coal Ash ► Hurricane Disasters

Moderator: Hunter Shkolnik • Napoli Shkolnik • New York, NY

Panelists: Rhon Jones • Beasley Allen Law Firm • Montgomery, AL
Mikal Watts • Watts Guerra • San Antonio, TX
Dustin Carter • Neblett, Beard & Arsenault • Alexandria
Shean Williams • The Cochran Firm • Atlanta, GA

10:30-10:45 a.m.

Break

10:45-11:15 a.m.
(.5 credits)

THE BANKRUPTCY OPTION IN THE MASS TORT LANDSCAPE —

Johnson & Johnson: LTL Management ► 3M: Aearo Technologies ► Texas Two-Step ► Financial Distress and Good Faith Requirements ► Breast Implant MDL...
Dow Chemical/Dow Corning Bankruptcy ► Channeling injunctions ► Subsidiary and successor liability

Moderator: Erin Copeland • Fibich, Leebron, Copeland & Briggs • Houston, TX

Panelists: Michael Morgan • Morgan & Morgan • Orlando, FL
Melanie Muhlstock • Parker Waichman • Port Washington, NY
Dawn Chmielewski • Neblett, Beard & Arsenault • Alexandria
Rachel Lanier • The Lanier Law Firm • Houston, TX

11:15 a.m.-12:15 p.m.
(1 credit)

PROFESSIONALISM IMPLICATIONS ASSOCIATED WITH ARTIFICIAL INTELLIGENCE —

What are “Artificial Intelligence: and “Machine Learning”? ► Potential Applications of AI for MDLs and attorneys ► Future MDL’s and litigation issues resulting from use of AI technology ► “Generative AI” chatbots such as Chat-GPT, Google Bard, etc. ► Ethical Considerations and Challenges ► Federal Rules of Civil Procedure Relevant to Court Managing AI Use

Moderator: Richard J. Arsenault • Neblett, Beard & Arsenault • Alexandria

Panelists: Hon. R. David Proctor • USDC, Northern Dist. of AL • Birmingham, AL
Hailey Watts • Watts Guerra • San Antonio, TX
W. Chase Gore • Neblett, Beard & Arsenault • Alexandria
Sean Parker • SmartAdvocate • Port Washington, NY
Sarah Lanier • Houston, TX
Katherine Cornell • Attorney at Law • Houston, TX
Lee Floyd • Breit Biniazan • Richmond, VA
Amber Laborde • Neblett, Beard & Arsenault • Alexandria

12:15-1:30 p.m.

Luncheon — *Co-Sponsored by the LSBA Insurance, Tort, Workers Compensation and Admiralty Law Section and Neblett, Beard & Arsenault*

1:30-2:30 p.m.
(1 credit)

ETHICAL CONUNDRUMS ASSOCIATED WITH LITIGATION FUNDING AND NON-LAWYER FIRM OWNERSHIP —

The *Manual for Complex Litigation* Addresses the Obligation of Transferee Judges in Connection with Appointing Steering Committees ► What should that include regarding the inquiry associated with a lawyer’s ability to finance the litigation and provide the requisite expertise and infrastructure? ► Can the court accept attestations from the lawyers regarding their financial status? ► What documentation should a lawyer present regarding financial status? ► Can the Court on a regular basis continue to seek information regarding the lawyer’s current financial status? ► Must a lawyer provide loan documents including whether the loan is non-recourse along with the applicable interest rates? What if any control the lender has over the lawyer? ► What control will non-lawyers have over lawyers that are in the same firm? ► How will the courts control non-lawyers? ► Should states adopt the Arizona model of eliminating its version of Rule 5.4 entirely and allow firms to be owned by non-lawyers?

Moderator: Richard J. Arsenault • Neblett, Beard & Arsenault • Alexandria

Panelists: Hon. Eldon E. Fallon • USDC, Eastern Dist. of LA • New Orleans
Hon. Robert M. Dow, Jr. • USDC, Northern Dist. of IL • Chicago, IL
Hon. Carl J. Barbier • USDC, Eastern Dist. of LA • New Orleans
Hon. Ed Kinkeade • USDC; Northern Dist. of TX • Dallas, TX
Hon. James Stanton (ret.) • Stanton Law Firm • Dallas, TX
Lana Varney • King and Spalding • Austin, TX
Sara Papantonio • Levin Papantonio Thomas Mitchell Echsner Rafferty & Proctor • Pensacola, FL

2:30-3:15 p.m.
(.75 credit)

MASS TORT UPDATE: KEY LITIGATION DEVELOPMENTS —

Chemical Hair Straightener ► Acetaminophen/Autism ► Ozempic ► Roundup ►
Zantac ► Infant Formula ► Talc ► 3M ► Tepezza ► Elmiron ► Opioids ► Paragard
► Exactech ► Mesothelioma/Lung Cancer

Moderator: Eric Holland • Holland Law Firm • St. Louis, MO

Panelists: Michael London • Douglas & London • New York, NY
Lindsey Cheek • The Cheek Law Firm • New Orleans
David Selby II • Bailey & Galyen • Birmingham, AL
Adam Levitt • Wolf Haldenstein Adler Freeman & Herz • Chicago, IL
Bradley Honnold • Goza & Honnold • Overland Park, KS
Paul J. Pennock • Morgan & Morgan • New York, NY

3:15-3:30 p.m.

Break

3:30-4:30 p.m.
(1 credit)

KEY DEVELOPMENTS THAT MOVE THE NEEDLE —

Jurisdiction: *Mallory v. Norfolk Southern* Upheld Pennsylvania's "Registration" Statute,
Providing More Jurisdictional Options ► Preemption ► Lone Pine Orders ► *Daubert*

Moderator: Shannon Pennock • Pennock Law Firm • New York, NY

Panelists: Patrick Galligan • Neblett, Beard & Arsenault • San Diego, CA
Sharon Desh • Winston & Strawn • Chicago, IL
Aaron Heckaman • Bailey Cowan Heckaman • Houston, TX
Katherine Cornell • Attorney at Law • Houston, TX
Colleen Garvey • Stranch, Jennings & Garvey • St. Louis, MO