AMERICAN BAR ASSOCIATION

2017 EMERGING ISSUES IN MOTOR VEHICLE PRODUCT LIABILITY LITIGATION



FEATURING IN-HOUSE SPEAKERS FROM:

FCA US
Ford Motor Company
General Motors
Honda North America
Hyundai Motor America
Isuzu North America
Kia Motor America
Mazda North America
Nissan North America
Robert Bosch LLC
Toyota Motor Sales

UNITING PLAINTIFF, DEFENSE, INSURANCE, AND CORPORATE COUNSEL TO ADVANCE THE CIVIL JUSTICE SYSTEM

TORT TRIAL & INSURANCE PRACTICE SECTION







GREETINGS:

Dear Friends and Colleagues:

Mark your calendars for April 6-7 and plan to attend the premiere national CLE on motor vehicle litigation. This program will again take place at the beautiful Arizona Biltmore Resort and Spa. Whether you represent defendants, plaintiffs or work in-house, this is a must-attend event if your practice includes motor vehicle related litigation or products liability law.

This program will feature leading figures from the industry, in-house counsel, and master trial and appellate lawyers covering the issues that are on the cutting edge of what is happening in both the industry and the courtroom. Among the faculty are leading trial lawyers from throughout the country, along with senior in-house counsel for manufacturers such as FCA, Ford Motor Company, General Motors, Toyota, Mazda, Nissan, Honda, Hyundai, Kia, Isuzu, and Bosch.

Our faculty of experienced counsel and experts will address legal and technical issues relevant to motor vehicle litigation, as well as recent developments in class actions, regulatory developments, litigating friction asbestos cases, trial related topics, and issues unique to component part manufacturers, tire companies, motorcycle manufacturers, and much more!

Be sure to set April 6-7 aside. We look forward to seeing you there!

EVENT CO CHAIRS

Ellen Farrell, Esq., Assistant General Counsel, Toyota Motor Sales, USA, Inc., Torrance, CA George Feygin, Esq., Senior Managing Counsel, Nissan North America, Inc., Nashville, TN Mark Goldzweig, Esq., Associate General Counsel, Kia Motors America, Torrance, CA Thomas Vanderford, Esq., Associate General Counsel, Hyundai Motor America, Fountain Valley, CA

PLANNING COMMITTEE

Suzanne Swaner, Bowman and Brooke LLP, Dallas, TX
Lee Kellner, Lavin O'Neil Cedrone & DiSipio, Philadelphia, PA
Anthony Sbarra, Hermes, Netburn, O'Connor & Spearing, P.C., Boston, MA
Lance Williams, McCranie, Sistrunk, Anzelmo, Hardy, Covington, LA
Amir Nassihi, Shook, Hardy & Bacon L.L.P., San Francisco, CA
Holly Polglase, Hermes, Netburn, O'Connor & Spearing, P.C., Boston, MA



PROGRAM AGENDA



DAY ONE —THURSDAY, APRIL 6, 2017

7:00 A.M. – 5:30 P.M. **REGISTRATION**

7:00 A.M. – 7:50 A.M. CONTINENTAL BREAKFAST

7:50 A.M. – 7:55 A.M. WELCOME & INTRODUCTION

Sam Poteet, Esq., Chair, ABA Tort Trial & Insurance Practice Section

Anthony Sbarra, Esq., Chair, Products Liability Committee

7:55 A.M. – 8:00 A.M. OPENING REMARKS FROM THE EVENT CO-CHAIRS

8:00 A.M. – 8:50 A.M. CURRENT TRIAL ENVIRONMENT: COMMUNICATING WITH JURORS IN THE AGE OF POPULISM AND DIVISION

The 2016 elections highlighted the divisions throughout the United States, with unprecedented levels of anger and distrust of the establishment, including many lawyers and corporate interests. This presentation will address challenges faced and ways to more effectively communicate with jurors who live in the Internet/social media and cable TV echo chamber, expecting instant

answers reinforcing their views.

SPEAKERS: Jeff Patterson, Esq., Hartline Dacus Barger Dreyer, Dallas, TX

Chris Spagnoli, Esq., Greene Broillett & Wheeler, Santa Monica, CA

8:50 A.M. – 9:30 A.M. MAX IMPACT – BRINGING 3D MODELING SOFTWARE OUT OF

THE OFFICE AND INTO THE COURTROOM.

Advances in 3D modeling software technology have greatly enhanced the ability to effectively present reconstruction to jurors. This presentation will provide an overview and cover the latest and greatest in using 3D Modeling

software as part of a reconstruction presentation.

SPEAKER: Dana E. Thornton, B.S.M.E., Kineticorp, Denver CO

9:30 A.M. – 10:00 A.M. BIOMECHANICAL AND MEDICAL CONSIDERATIONS FOR

OBESE OCCUPANTS

These biomechanics will address biomechanical and medical issues

surrounding cases involving obese occupants.

SPEAKERS: Janine Smedley, Exponent, Phoenix, AZ

Sridhar Natarajan, M.D., Exponent, Phoenix, AZ







10:00 A.M. – 10:10 A.M. BREAK

10:10 A.M. – 10:40 A.M. CYBER SECURITY/HACKING ISSUES WITH VEHICLES: SAFETY

CONCERNS, LIABILITY ISSUES

With the "connected" car becoming the new norm, what are the key cybersecurity considerations, the potential impact of data breaches, hacking,

and related liability issues.

SPEAKERS: Thomas P. Branigan, Esq., Bowman and Brooke, Detroit, MI

Suzanne Swaner, Esq., Bowman and Brooke LLP, Dallas, TX

10:40 A.M. – 11:20 A.M. EFFICACY OF SIDE AIRBAGS IN MITIGATING INJURY

This biomechanic and trial lawyer will address the science and trial themes in

cases involving side airbags.

SPEAKERS: Lisa Gwin, Biodynamic Research Corporation, San Antonio, TX

Derek Whitefield, Esq., Dykema, Los Angeles, CA

11:20 A.M. - 12:00 P.M. AND NOW, THE LAW

This appellate update will cover what every products lawyer needs to know

about the developing legal issues in the world of automotive products liability.

SPEAKERS: Jeffrey Cohen, Esq., Carlton Fields, Miami, FL

Jill Wheaton, Esq., Dykema, Ann Arbor, MI

12:00 P.M. – 1:00 P.M. LUNCH

1:00 P.M. – 1:50 P.M. IN-HOUSE COUNSEL PANEL: ETHICAL AND PRACTICAL

CONSIDERATIONS IN SETTLING CASES

This esteemed panel of in-house counsel will provide their insights on trying and settling cases, and cover some of the ethical considerations that come

into play during the mediation and settlement process.

CO MODERATORS: Holly Polglase, Esq., Hermes, Netburn, O'Connor & Spearing, Boston, MA

Michael J. Halaiko, Esq., Miles & Stockbridge, Baltimore, MD

PANEL: Kristi Fielder, Esq., Corporate Counsel, General Motors Company,

Detroit, MI

John Gersch, Esq., Managing Counsel, Toyota Motor Sales, USA, Inc.,

Torrance, CA

Tom Vanderford, Esq., Associate General Counsel, Hyundai Motor

America, Fountain Valley, CA

Steven Grey, Esq., Chief Counsel, Product Legal, Isuzu North America, Inc.,

Anaheim, CA

George Feygin, Senior Managing Counsel, Nissan North America,

Nashville, TN

1:50 P.M. – 2:50 P.M. REGULATORY BLOCKBUSTER: WHAT'S NEW AND WHAT TO

EXPECT IN THE REGULATORY ARENA?

Buckle up and sit back as this panel of regulatory experts navigate you

through a year's worth of regulation and enforcement updates and what to

expect under the new administration.

MODERATOR: Anthony J. Monaco, Esq., Swanson, Martin & Bell, LLP, Chicago, IL

SPEAKERS: George Feygin, Esq., Senior Managing Counsel, Nissan North America,

Nashville, TN

Alan DeGraw, Esq., Senior Counsel - Product Litigation, FCA US LLC,

Detroit, MI

Erika Jones, Esq., Mayer Brown, Washington D.C

Jacqueline Glassman, Esq., King & Spalding, Washington D.C Granta Nakayama, Esq., King & Spalding, Washington D.C







2:50 P.M. - 3:00 P.M. **BREAK**

3:00 P.M. - 3:50 P.M. PUTTING ON THE BRAKES OR STEPPING ON THE GAS? THE

FUTURE OF AUTOMOTIVE ASBESTOS LITIGATION

Asbestos claims against automotive companies continue to proliferate. This distinguished panel will evaluate the current state of asbestos litigation, new theories, recent decisions, expert issues, and where we are headed.

MODERATOR: Anthony Sbarra, Esq., Hermes, Netburn, O'Connor & Spearing,

Boston, MA

PANEL: Humma Siddiqi, Esq., Managing Counsel, Toyota Motor Sales, U.S.A., Inc.,

Torrance, CA

Sheila Doyle Kelley, Esq., Schnader Harrison Segal & Lewis,

San Francisco, CA

Tim Bouch, Esq., Leath, Bouch & Seekings, Charleston, SC George Chon, Esq., Senior Counsel, Honda North America, Inc.,

Torrance, CA

3:50 P.M. – 4:30 P.M. SIDE IMPACT STRATEGIES IN NEAR AND FAR SIDE IMPACTS

With the recent spike in automotive litigation involving near and far side impacts, it's more important than ever to understand key strategies in defending these complex cases. Todd Tracy and Kurt Kern will provide their

respective insights from each side of the bar.

SPEAKERS: Todd Tracy, Esq., Tracy Law Firm, Dallas, TX

Kurt Kern, Esq., Bowman and Brooke, Dallas, TX

4:30 P.M. – 5:00 P.M. WARRANTY TREND ANALYSIS AND PROJECTED LIFETIME FAILURE RATES FOR USE IN AUTOMOTIVE CLASS ACTION AND

PERSONAL INJURY CASES

These speakers will provide an overview of warranty data analyses that combine engineering and statistical approaches to address class action allegations involving automotive systems and components. The type and nature of warranty repair records and exposure data and methods to develop claim rates within the warranty period are addressed. In addition, statistical methods to project future claim rates and an overview of estimating economic

damages will be discussed.

SPEAKERS: Jeya Padmanaban, JP Research, Inc., Mountain View, CA

Robert Kuhn, JP Research, Inc., Mountain View, CA

5:00 P.M. – 5:30 P.M. THE FUTURE OF AUTOMOTIVE PATENT LITIGATION

> As new technology continues to be rolled out, automotive companies are facing ever increasing patent litigation threats. These patent lawyers will provide an overview of patent issues faced by the automotive industry.

Patrick Lujin, Esq., Shook, Hardy & Bacon, Kansas City, MO SPEAKERS:

Matthew Satchwell, Esq., DLA Piper, Chicago, IL

6:30 P.M. - 8:00 P.M. JOINT WELCOME RECEPTION WITH THE TOXIC TORTS &

ENVIRONMENTAL LAW COMMITTEE

DAY TWO — FRIDAY, APRIL 7, 2017

7:00 A.M. – 12:30 P.M. REGISTRATION

7:00 A.M. – 7:55 A.M. CONTINENTAL BREAKFAST

8:00 A.M. – 8:10 A.M. REMARKS BY THE EVENT CO-CHAIRS

8:10 A.M. – 9:00 A.M. RECENT VERDICTS AND LITIGATION TRENDS

> This presentation will provide an update on recent automotive products liability trial verdicts and new and emerging litigation trends.

SPEAKERS: Khaldoun Baghdadi, Esq., Walkup, Melodia, Kelly & Schoenberger,

San Francisco, CA

James Rogers, Esq., Law Offices of James S. Rogers, Seattle, WA John R. (Jay) Reid, Jr., McDonald Toole Wiggins, Orlando, FL

Jimmy Wilkins, Esq., Watkins & Eager, Jackson, MS







9:00 A.M. – 9:50 A.M. THE FUTURE IS HERE: LIABILITY ISSUES FROM SELF-

DRIVING VEHICLES, LANE DEPARTURE WARNINGS, AND

CRASH AVOIDANCE TECHNOLOGY

Vehicles with crash avoidance technology and fully autonomous vehicles are now here, and each month brings new developments. Hear this expert panel discuss the technology, regulation, and products liability considerations.

SPEAKERS: Jerry Johnson, Esq., Vice-President & Deputy General Counsel,

Robert Bosch LLC, Farmington Hills, MI

Gerard Cedrone, Lavin O'Neil Cedrone & DiSipio, Philadelphia, PA

David Cades, Exponent, Chicago, IL

9:50 A.M. - 10:20 A.M. PREPARING AND PRESENTING A CORPORATE WITNESS OF A JAPANESE AFFILIATE COMPANY FOR DEPOSITION AND

TRIAL

Preparing and presenting a company witness to testify at deposition or trial is always a serious endeavor, but the potential difficulty increases significantly when you include language and cultural differences when preparing a foreign company witness of a Japanese parent or affiliate company. This presentation will provide an overview of the issues and cover best practices to facilitate the process.

SPEAKER: Jeff Patterson, Esq., Hartline Dacus Barger Dreyer, Dallas, TX

10:20 A.M. - 10:30 A.M. BREAK

10:30 A.M. – 11:20 A.M. MANAGING THE CORPORATE COUNSEL RELATIONSHIP: THE INGREDIENTS FOR A SUCCESSFUL ATTORNEY CLIENT

RELATIONSHIP

Hear this prestigious corporate counsel panel cover best practices and helpful tips in maintaining and developing the corporate counsel

relationship.

CO MODERATORS:

Lance Williams, Esq., McCranie, Sistrunk, Anzelmo, Hardy, Covington, LA Lee Kellner, Esq., Lavin O'Neil Cedrone & Disipio, Philadelphia, PA

PANEL: Ellen Farrell, Esq., Assistant General Counsel, Toyota Motor Sales,

USA, Inc., Torrance, CA

Mark Goldzweig, Esq., Associate General Counsel, Kia Motors

America, Torrance, CA

Charles Kim, Esq., Assistant General Counsel, Mazda North American

Operations, Irvine, CA

Dustin Lane, Esq., Senior Counsel - Product Litigation, FCA US LLC,

Detroit, MI

Brittany Schultz, Esq., Counsel, Ford Motor Company, Dearborn, MI

11:20 A.M. - 12:10 P.M. THE KEY DEVELOPMENTS IN PRODUCTS RELATED

CLASS ACTIONS

These class action litigators and in-house counsel will address the key class action developments affecting product manufacturers.

MODERATOR: Holly Smith, Esq., Shook, Hardy & Bacon, Kansas City, MO

PANEL: Jason Erb, Esq., Associate General Counsel, Hyundai Motor America,

Fountain Valley, CA

Jim Oliva, Esq., Senior Counsel, Honda North America, Inc.,

Torrance, CA

Eric Smith, Esq., Senior Counsel, Nissan North America, Nashville, TN Amir Nassihi, Esq., Shook, Hardy & Bacon, San Francisco, CA

Robert Nelson, Esq., Lieff Cabraser Heimann & Bernstein,

San Francisco, CA

12:10 P.M. **ADJOURN**

REGISTRATION FORM

ABA Tort Trial & Insurance Practice Section (TIPS)

EMERGING ISSUES IN MOTOR VEHICLE PRODUCT LIABILITY LITIGATION

The Arizona Biltmore Resort & Spa • Phoenix, AZ • April 6-7, 2017

REGISTRATION DEADLINE: March 17, 2017

1. REGISTRANT:	(Please print or type one	form per person; photocopy	this form for additional registrants)
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LAST NAME		FIRST NAME		
NAME AS YOU WISH IT TO APPEAR ON	YOUR BADGE			
FIRM/COMPANYWHAT STATE(S) ARE YOU	J LICENSED IN?			
ADDRESS				
CITY	STATE		ZIP	
(AREA CODE) BUSINESS		TELEPHONE		FACSIMILE
E-MAIL ADDRESS				
Are you attending your first TIPS Nat	☐ Yes ☐			
☐ I am a member of the ABA and wi	sh to join the Tort ⁻	Trial & Insura	nce Practice	Section.
☐ I have enclosed a separate check f	or \$50 made payal	ble to the An	merican Bar A	ssociation.
2. REGISTRATION FEES:	On or Before <u>3/17/17</u>	After 3/17/17	QTY	Total
TIPS Member	\$575	\$600		
ABA Member	\$625	\$650		
General Attendee	\$695	\$720		
Government Employee	\$395	\$420		
Insurance Company Employee	\$350	\$375		
Law Student	\$150	\$175		
3. MATERIALS				
☐ I will not be attending the meeting \$150.	g and wish to order	program ma	aterials on CI	D-ROM for
☐ I have registered for the 2017 Eme Meeting and also wish to order pro Law Program for \$150.00				
	TIPS	Member		\$
	Non-TIPS	Member	\$150	\$
4. TOTAL PAYMENT		TOTAL	\$	
5. PAYMENT INFORMATION				
☐ Check (made payable to the ABA) 🗖 American Ex	press 🛭 Ma	asterCard \Box	VISA
CREDIT CARD NUMBER	EX	PIRATION DATE		
SIGNATURE				

THREE WAYS TO REGISTER

1. ONLINE:

www.americanbar.org/ groups/tort_trial_ insurance_practice.html

2. MAIL:

Chicago, IL 60654

American Bar Association
Tort Trial & Insurance Practice Section
EMERGING ISSUES IN MOTOR VEHICLE
PRODUCT LIABILITY LITIGATION
Attn: Service Center/Meeting Event Code:
IL0417MV
321 North Clark Street, Floor 16

3. SECURE FAX
(312) 988-5850
On-site registrants
must pay the program
fee plus an additional
\$25 by check or credit
card.

GENERAL INFORMATION

Registration Deadline: Friday, March 17, 2017 Hotel Deadline: Tuesday, March 14, 2017

ADVANCE REGISTRATION

Visit the TIPS website to register at www.abanet.org/tips or complete the registration form included in this brochure for Emerging Issues in Motor Vehicle Product Liability to be held at the Arizona Biltmore Resort & Spa. The registration fee includes admission to the program, course materials, continental breakfast, breaks and welcome reception. If you wish to have your name appear on the pre-registration list distributed at the program, ALL registration forms must be received no later than the registration deadline of March 17, 2017. Registration reservations will be confirmed in writing within 10 business days.

ON-SITE REGISTRATION

On-site registrations will be accepted if space is available. Call Donald Quarles at 312.988.5708 or email donald. quarles@americanbar.org, 72 hours prior to the program to confirm that space is available. Onsite registrants must pay the program fee by credit card or check made payable to the American Bar Association. A \$25 fee will be charged to individuals registering on-site.

CANCELLATION POLICY

No registration fee refunds will be granted for cancellations received after March 17, 2017. In order to receive a refund (less a \$50 administrative fee), the ABA must receive written cancellation by March 17, 2017. Registrants who are unable to attend may send a substitute or will receive course materials in lieu of a refund

HOTEL INFORMATION

A limited number of rooms have been blocked for program registrants at the Arizona Biltmore Resort & Hotel. Hotel reservations can be made by calling the hotel directly at 602.955.6600 or toll-free at 800.950.0086. The room block will be held until Tuesday, March 14, 2017 or until exhausted. After that date, reservations will be confirmed based on availability. To receive the special ABA negotiated hotel room rate of \$275.00 single/double plus 12.27% tax, identify yourself as attending the ABA Tort Trial & Insurance Practice Section Motor Vehicle & Toxic Tort meeting when making reservations.

Hotel check-in is 4:00 p.m. and checkout is 12:00 p.m. (noon). All reservations must be guaranteed by credit card or deposit check. Individuals with guaranteed reservations must cancel their reservations 72 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.

ABA NEGOTIATED AIRFARE DISCOUNTS - AVAILABLE ONLINE! AIRLINE INFORMATION

With ABA Egencia, you can automatically obtain ABA negotiated airfare discounts for travel to the ABA Meetings. ABA Egencia enables you to purchase the best airfare at the time of booking, by providing you with the ability to search for and compare fares from virtually every airline serving the destination. Reservations with

ABA Egencia can be made online or offline. For offline reservations, call (877) 833-6285. ABA Egencia is available online via ABA Travel Services. ABA airfare discounts on some carriers may also be obtained by purchasing your tickets under the ABA Discount Codes directly from the airline or through your travel agent. Discounts can also be obtained directly from the airlines.

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Discount available at: www.united.com Online Discount Code: **ZXDR621691**

Delta: Call 800.328.1111

Discount available at: www.delta.com Meeting Event Code: **NMP56** Online Discount Code: **NMP56**

CLE INFORMATION

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 11.83 CLE credit hours in 60-minute states, and 14.20 credit hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.americanbar.org/groups/tort_trial_insurance_practice.html or contact Donald Quarles at donald. quarles@americanbar.org or 312.988.5708.

MEMBERSHIP INFORMATION

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at www.abanet.org/tips/memberapp.html or call 800.285.2221. Membership in TIPS includes three industry-leading periodicals, discounts of up to 20% on many TIPS CLE programs, and other career and practice enhancing benefits. Join TIPS today!

PERSONS WITH DISABILITIES

Services for persons with disabilities are available. If special arrangements are required for an individual to attend this program, please notify the ABA promptly at 312.988.5708. Reasonable advance notice is requested.

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Information on this and other TIPS CLE programs is available online at www.abanet.org/tips. Visit us and get connected!

SCHOLARSHIPS AVAILABLE!

ATTENTION TIPS MEMBERS: Scholarships are available for all Section activities, courtesy of the TIPS Scholarship Fund. The Fund, established with the International Risk Management Institute ("IRMI") and supported by subscriptions to the IRMI CGL reporter, is intended to increase membership involvement in TIPS activities among minorities, solo and small firm practitioners, government attorneys, women, and young lawyers by providing financial support to those who would otherwise be unable to participate. For programs with tuition costs over \$500, qualifying attorneys will receive at least a 50% reduction in the course fee(s). To request an application or receive additional information, visit www.abanet.org/tips/scholarship.html or contact Daniel Chavez at 312.988.5561.



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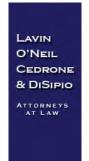




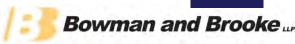




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Tort Trial & Insurance Practice Section AMERICAN BAR ASSOCIATION 321 North Clark Street Chicago, Illinois 60654



CONFERENCE

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