

DePuy Hip Recall and Avandia Updates

November 3, 2010 | Fontainebleau Miami Beach, Miami



CONFERENCE CHAIRS:

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8:15	<p>Registration and Continental Breakfast Sponsored by: Brook Hollow Financial</p>		
8:45	<p>Introduction & Opening Remarks</p>		
9:00	<p>Critical Facts for Your Case</p> <ul style="list-style-type: none"> • What is DePuy? • Who is your typical claimant? What kind of claimant do you want? • The extent of the recall • DePuy Orthopedics, Inc.'s knowledge of defect, corrective surgery offers & concerns, and other potential actions against treatment providers • The keys to this design defect case • Comparisons to Zimmer • Implications of the European settlements and litigations abroad • Every attorney's client is some doctor's patient: How to counsel clients on the medical and legal paths that lie ahead • How to really measure the damages in these cases? <ul style="list-style-type: none"> - Past medical expenses, the costs of future medical expenses and lost income - What about complications and undergoing unnecessary surgical procedures? How to evaluate those risks and injuries • Unique preservation issues <p>Bruce Steckler, Esq., Baron & Budd, P.C., Dallas Laurence Berman, Esq., Levin, Fishbein, Sedran & Berman, Philadelphia Robert Brown, Esq., Baron & Budd, P.C., Dallas Samuel Davis, Esq., Davis, Saperstein & Salomon, P.C., Teaneck, NJ Michael Goetz, Esq., Morgan & Morgan, Tampa, FL</p>	1:45	<p>Best Practices for Complying with New Medicare Reporting Requirements—What Every Attorney Needs to Know</p> <ul style="list-style-type: none"> • The Medicare Medicaid and SCHIP Extension Act (MMSEA)-what is it and why is it important to most personal injury matters • What is so important about October 1, 2010 and January 2, 2011-What you need to know now • Best practices for handling claims and compliance strategies, including how to improve government response timelines • The roles and benefits of using a third party administrator (TPA) and understanding the system-set-aside arrangements <p>Ervin Gonzalez, Esq., Colson Hicks Eidson, Coral Gables, FL Jennifer Jordan, JD, MSSCC, General Counsel, MEDVAL, LLC, Columbia, MD</p>
10:15	<p>Medical Issues and Analysis of the DePuy Hip Implant</p> <ul style="list-style-type: none"> • Metal on Metal Bearing Surfaces in THRs: design rational and general concerns • The DePuy ASR Implant: a focused analysis of specific design and manufacturing failures • Unique Causation and Damage issues with the DePuy ASR <ul style="list-style-type: none"> - Is implant wear seen in the ASR actually a direct and proximate cause of the damages we are seeing? - Complex Revision Surgery - Pseudotumor - Chromium & Cobalt Ions • Metal Allergy v. Metallosis v. ALVAL or ARMD lesions • Patient Evaluation Protocols: medical records; x-rays and imaging studies; metal ion levels; explant analysis; tissue biopsies; and more clients on the medical and legal paths that lie ahead • What documents do you need from your client and why <p>Ben Gordon, Jr., Esq., Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A., Pensacola, FL Herbert Phillips IV, MD, Esq., McGuire, Wood & Bisette, P.A., Asheville, NC Douglass Kreis, Esq., Aylstock, Witkin, Kreis & Overholtz PLLC, Pensacola, FL R. Eric Kennedy, Esq., Weisman Kennedy & Berris, Cleveland</p>	2:30	<p>Ethical Concerns Related to Settlement Offers, Advertising, Fee Structures, Disclosures and More</p> <ul style="list-style-type: none"> • Ethical issues - Explaining the offers of settlement clearly, Model Rule 1.4 - Offers of settlement to those who may or may not have counsel, Model Rules 4.1 through 4.3 • Duty and Model Rule 1.6 (b)-Are attorneys obligated to disclose if their client suppressed dangers of a drug or device • Unauthorized practice of law, pro hac vice issues, and local counsel issues-Model Rule 5.5 • Marketing for drug and device cases using marketing firms, placement services, selling case leads, etc. -Model Rules 5.7 and 7.2-7.5 • Model Rule 1.5-Fee structures and multi-state practices • Model Rule 1.16-Disengagement and what to do when multiple attorneys have been solicited by a client via marketing tool or service <p>Joseph Rice, Esq., Motley Rice LLC, Mt. Pleasant, SC Jamie Sheller, Esq., Sheller, P.C., Philadelphia Brian Michaels, Esq., General Counsel, Brook Hollow Financial, Chicago Esther Berezofsky, Esq., Williams Cuker & Berezofsky, Cherry Hill, NJ</p>
11:30	<p>Morning Break</p>	3:30	<p>Afternoon Break</p>
11:45	<p>DePuy Litigation Update</p> <ul style="list-style-type: none"> • Number of potential claimants and damage projections, individually and nationally • The MDL hearing • Number of state cases and their status <p>Joseph Zonies, Esq., Reilly Pozner LLP, Denver Ellen Relkin, Esq., Weitz & Luxenberg, P.C., New York Dana Taschner, Esq., The Lanier Law Firm, Los Angeles</p>	3:45	<p>Pharmacological Dangers for Diabetics: Avandia</p> <ul style="list-style-type: none"> • The road traveled so far for Avandia-the work of the PSC from inception through the Daubert hearings, plus state case updates • Perspectives on medicine and causation issues-overcoming risk factors, the defense's position and studies, and the analyses and studies supporting plaintiffs' cases • In-depth discussion of Daubert and the injuries, the science, causation and liability • The upcoming trial schedules in both the MDL • Discovery issues, including medical expert depositions and the remaining international depositions • FDA's recent regulatory activity • Probable trial issues and resolution prospects either through a universal settlement offer, individual firm negotiations and/or further litigation • The possibility of Lone Pine orders in both the MDL and the MTP, counterbalanced by potential MDL remand • The future status of the California and E. St. Louis litigation • The recent European ban <p>Benjamin Anderson, Esq., Anderson Law Offices, LLC, Cleveland, OH Vance Andrus, Esq., Andrus•Boudreaux, P.L.C., Denver Turner Branch, Esq., The Branch Law Firm, Albuquerque, NM</p>
12:30	<p>Networking Luncheon</p>	5:00	<p>Adjourn & Cocktail Reception</p>

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