

INFORMATION

DATE AND TIME: Friday, November 9, 2012, 9:00 a.m. to 4:00 p.m.

LOCATION: Suffolk University Law School, 120 Tremont Street, Boston.

TUITION: \$200; \$170 for Suffolk Alumni, attorneys admitted to the bar after 2011 and members of MATA. The course materials for this program will be published electronically and will be emailed to you prior to the conference. If you would like to purchase a hard copy, there will be an additional charge of \$35.00. Order it by October 26th and you may pick it up at the program.

CREDIT: Approved for CLE Credit in RI, NH, VT and ME.

WALK-INS: Please call 617.573.8627 to confirm space availability.

REFUNDS: There is a \$15 cancellation fee for those who cancel by Thursday, November 8, 2012. After that date, no refunds will be given.

SPECIAL NEEDS: If you have special needs addressed by the Americans with Disabilities Act, please notify us as soon as possible.

BOOK ORDERS: If you're unable to attend, you may order the course materials for \$79.00. Available in three formats: hard copy, a CD or electronically, after November 9, 2012.

Year admitted to the Bar _____ Suffolk Alumni? _____ MATA _____

Name(s) _____

Firm/Agency _____

Address _____

City _____ State _____ Zip _____

Phone _____

Email _____

(For program confirmation purposes only)

CLE Credit: New Hampshire Rhode Island Maine
all others will receive a CLE form suitable for submission to their jurisdiction

Please register me for Medical Malpractice/6th Lambert Conference
 Check this box if you want to a hard copy of the book for an additional \$35.00

Ordering Course Materials Only – \$79.00

Please send: CD Hardy Copy Electronically

PAYMENT METHOD

Check Payable to *Suffolk University*

American Express Discover MasterCard Visa

Account Number _____

Exp. Date _____ 3/4 Digit Sec. Code _____

Please return form with payment to:

Advanced Legal Studies/Suffolk University Law School
120 Tremont Street, Suite 120, Boston, MA 02108

P. 617.573.8627 F. 617.305.3099

Register on-line: www.law.suffolk.edu/als

Advanced Legal Studies

Center for CLE & Academic Conferences

120 Tremont Street, Suite 120, Boston, MA 02108-4977

617.573.8627 | als@suffolk.edu | www.law.suffolk.edu/als



ADVANCED LEGAL STUDIES

Center for CLE & Academic Conferences



6th Bi-Annual Thomas F. Lambert, Jr. Conference

MEDICAL MALPRACTICE: CURRENT ISSUES IN PHYSICIAN, MEDICAL DEVICES AND PHARMACEUTICAL LIABILITY

*Friday, November 9, 2012
Suffolk University Law School*

SPONSORED WITH THE
*Macaronis Institute for Trial & Appellate Advocacy
Massachusetts Academy of Trial Attorneys*



ABOUT THE CONFERENCE

Tort reform developments, the U.S. Supreme Court's recent preemption decisions, and rapidly evolving causes of action and defenses are reshaping the medical liability landscape. The Sixth Thomas F. Lambert, Jr. conference brings together top legal practitioners, trial judges and leading academics to reflect on these changes and the potential impact on medical malpractice cases involving physicians, medical devices, and pharmaceutical liability. As Thomas F. Lambert would put it, "A fence at the top of the cliff is worth more than an ambulance in the valley below." Forewarned is forearmed.

Learn about how to resolve challenging medical liability issues from leading Massachusetts jurists and attorneys who try these cases. Learn about how trial judges approach avant garde lost chance cases, high tech medicine cases, and informed consent. This practical conference presents an update on national tort reform as well as New England developments such as the New Hampshire radical reformation of its medical liability and Massachusetts' proposed Apology Bill. Leading trial attorneys will give their take on how these changes to medical liability law will impact practice. This conference will give attendees the latest update on the U.S. Supreme Court's preemption jurisprudence in medical device cases that are often partners in complex medical liability cases. While the emphasis will be on medical liability, there will also be an introduction to the products liability issues. The conference will present state of the art knowledge on what we know and still don't know about medical liability verdicts from a practical perspective. Attend and hear leading trial lawyers and defense attorneys provide the best available guidance on discovery, voir dire, trial tactics, and jury instructions in a field increasingly impacted by preemption and tort reform. Don't miss this opportunity to learn about the latest developments from the trial judges that try these complex cases with commentary from leading plaintiff and defense experts.

ATTEND AND LEARN:

- How to try and defend medical malpractice lawsuits
- How to implement the latest strategies for choosing and instructing juries
- How to prepare your case in light of tort reforms and preemption
- How to present your case on informed consent and lost chance
- How to understand basic medical product issues that arise in medical malpractice cases

PANELISTS

PROFESSOR MICHAEL L. RUSTAD, CO-CHAIR

Thomas F. Lambert Jr. Professor of Law & Co-Director Intellectual Property Law Concentration, Suffolk University Law School

PROFESSOR GABRIEL TENINBAUM, CO-CHAIR

Suffolk University Law School

ANTHONY E. ABELN, ESQ.

Morrison Mahoney LLP

HONORABLE THOMAS P. BILLINGS

Superior Court

MAX BORTEN, M.D., J.D.

Gorovitz & Borten, PC

HONORABLE MARGOT BOTSFORD

Supreme Judicial Court

LEO BOYLE, ESQ.

Meehan Boyle Black & Bogdanow, PC

HONORABLE RICHARD J. CHIN

Superior Court

ELIZABETH A. CUSHING, VICE PRESIDENT CLAIMS

CRICO

JOANNE DOROSHOW, EXECUTIVE DIRECTOR

Center for Justice & Democracy, New York Law School

HONORABLE GERALDINE S. HINES

Superior Court

TIM C. KELLEHER, ESQ.

Cooley Manion Jones LLP

CAROL A. KELLY, ESQ.

Murray, Kelly & Bertrand

ANDREW C. MEYER, JR., ESQ.

Lubin & Meyer PC

JOHN P. RYAN, ESQ.

Sloane & Walsh, LLP

TORY A. WEIGAND, ESQ.

Morrison Mahoney LLP

BENJAMIN R. ZIMMERMANN, ESQ.

Sugarman & Sugarman, P.C.

AGENDA

9:00 A.M. WELCOME AND INTRODUCTIONS

Michael L. Rustad

9:15 A.M. THE NATIONAL PICTURE ON MEDICAL MALPRACTICE DEVELOPMENTS

- HR 5 and Preemption Issues (Drugs and Devices)
- HHS Pilot Program
- Medical Malpractice in Budget Proposals
- Possible Impact of Affordable Care Act
- State Tort Reforms – Caps; Medical Malpractice Litigation Alternatives
- Drug Industry Immunity via ALEC
- Changes in NH
- Recent Supreme Court Cases

Moderator: *Michael L. Rustad* | **Panelists:** *Joanne Doroshow*

10:15 a.m. Q & A and Discussion

10:30 A.M. NETWORKING BREAK

10:45 A.M. LATEST PRACTICE DEVELOPMENTS

- How to Present or Defend on New or Expanded Causes of Action – e.g. Loss of Chance
- Curbside Consults

Moderator: *Gabriel Teninbaum*

Panelists: *Max Borten, Tory A. Weigand, Anthony E. Abeln*

11:45 A.M. Q & A AND DISCUSSION

12:00 P.M. LUNCH

1:00 P.M. MA HEALTH CARE REFORM – “APOLOGY BILL”

Moderator: *Carol A. Kelly*

Panelists: *Leo Boyle, Elizabeth A. Cushing and Tim C. Kelleher*

2:00 P.M. NETWORKING BREAK

2:15 P.M. WHAT WE KNOW AND DO NOT KNOW ABOUT MEDICAL MALPRACTICE CASES FROM TRIBUNAL THROUGH TRIAL: A VIEW FROM THE BENCH AND TRIAL ATTORNEYS

Moderator: *Andrew C. Meyer, Jr.*

Honorable Margot Botsford, Honorable Thomas P. Billings, Honorable Richard J. Chin, Honorable Geraldine S. Hines, John P. Ryan, Benjamin R. Zimmermann

3:15 P.M. Q & A AND DISCUSSION

4:00 P.M. CONCLUDE