



DEPAUL UNIVERSITY

COLLEGE OF LAW

THE 26TH ANNUAL CLIFFORD SYMPOSIUM ON TORT LAW AND SOCIAL POLICY



THE OPIOID CRISIS:

WHERE DO WE
GO FROM HERE?

WEBINAR MAY 28-29, 2020

CLIFFORD SYMPOSIUM

ON TORT LAW AND SOCIAL POLICY

THE OPIOID CRISIS: WHERE DO WE GO FROM HERE?

The darkest days of America's opioid crisis may be behind us. For the first time in four years, American life spans are increasing—apart from the effects of Covid-19—as opioid deaths decline. We have, however, a long way to go, both to heal sorely damaged communities and to learn from the catastrophe. At the 26th Clifford Symposium, some of America's leading experts will consider the legal and public health implications of the scourge and our responses to it. The symposium will begin with reports from the front lines of the opioid litigation by those intimately involved in the matter. It will then turn to consideration of the procedural mechanism that has framed our primary response to the crisis—multi-district litigation. Symposium faculty will then discuss some of the substantive legal tools being used or considered to address the problem and those who caused it, most particularly tort claims (especially public nuisance) and criminal sanctions. The symposium will then examine a range of public health initiatives to assist in the nation's recovery. Finally, a number of prior litigation experiences (especially the tobacco imbroglio) will be examined as signposts to where our responses may lead us.

WEBINAR PROGRAM

THURSDAY, MAY 28

Opening Remarks (15 minutes)

Robert Clifford

Clifford Law Offices

Jennifer Rosato Perea

Dean, DePaul University College of Law

Stephan Landsman

Director, Clifford Symposium, DePaul University College of Law

SESSION I: REPORTS FROM THE FRONT LINES (60 minutes)

Kenneth Feinberg, Law Offices of Kenneth Feinberg, Mediator Purdue Pharma Bankruptcy

David Nachman, New York State Attorney General's Office

William Rubenstein, Harvard University, Advisor to the Court in the Federal MDL

SESSION II: MDL MACHINERY (90 minutes)

Law, Federalism and the Opioid Crisis

Abbe Gluck, Yale University

Information as a Public Good

Elizabeth Burch, University of Georgia

Alexandra Lahav, University of Connecticut

Opioid Cases and State MDLs

Zachary Clopton, Northwestern University

Theodore Rave, University of Houston

DISCUSSANT:

Judith Resnik, Yale University

SESSION III: TORT SOLUTIONS (60 minutes)

Revenue and Responsibility

John Goldberg, Harvard University

Benjamin Zipursky, Fordham University

Nuisance Framing

Catherine Sharkey, New York University

DISCUSSANT:

Stephan Landsman, DePaul University College of Law



SESSION IV: LEGAL LEVERS FOR INDIVIDUAL AND CORPORATE ACCOUNTABILITY (60 minutes)

Corporate Misconduct in the Drug Industry

Richard Ausness, University of Kentucky

Irresponsible Owners: Purdue Pharma and the Limits of Criminal Law

Miriam Baer, Brooklyn Law School

Legal Restrictions on Opioid Prescribing

Michelle Mello, Stanford University

DISCUSSANT:

Michelle Mello, Stanford University

FRIDAY, MAY 29

SESSION V: PUBLIC HEALTH RESPONSES (90 minutes)

No Moral Panic: Public Health Responses to Illicit Fentanyl

Daniel Ciccarone, University of California, San Francisco

Improving Access to Treatment in Rural Communities

Sheri Doyle, The Pew Charitable Trusts

Using Litigation to Effectively Abate Opioid Health Harms

Rebecca Haffajee, Rand Corporation and University of Michigan

The Evolving Opioid Crisis: Evidence-Based Approaches to a Public Health Problem

Elizabeth Salisbury-Afshar, American Institutes for Research

DISCUSSANT:

David Hyman, Georgetown University

SESSION VI: THE PAST AS PROLOGUE (60 minutes)

Super Litigation for Super Cases: From the Electric Equipment Cases to the Ultimate MDL

Andrew Bradt, University of California, Berkeley

The Legacy of Tobacco Litigation and Lessons for Opioids

Nora Engstrom, Stanford University

Robert Rabin, Stanford University

DISCUSSANT:

Marc Galanter, University of Wisconsin

Concluding Remarks

SYMPOSIUM FACULTY

Richard Ausness

University of Kentucky

Miriam Baer

Brooklyn Law School

Andrew Bradt

University of California,
Berkeley

Elizabeth Burch

University of Georgia

Daniel Ciccarone

University of California,
San Francisco

Zachary Clopton

Northwestern University

Sheri Doyle

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Stephan Landsman

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Michelle Mello

Stanford University

David Nachman

New York State Attorney
General's Office

Robert Rabin

Stanford University

Theodore Rave

University of Houston

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William Rubenstein

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Elizabeth Salisbury-Afshar

American Institutes for Research

Catherine Sharkey

New York University

Benjamin Zipursky

Fordham University





In 1994, Robert A. Clifford ('76) endowed a faculty chair in tort law and social policy. The chair gives meaningful expression to his belief that the civil justice system serves a number of vital interests in American society. The Clifford Chair at DePaul provides a vehicle for exploration of the civil justice system in an intellectually rigorous fashion.

In addition to providing support for faculty research and teaching, the endowment makes possible an annual symposium addressing a timely issue in the civil justice area.

The purpose of the symposium is to bring the latest scholarship and advances in legal practice to lawyers and scholars who specialize in tort law, civil justice and related fields. Professor Stephan Landsman is the current organizer and director of the symposium underwritten by the Clifford Chair.

PAST CONFERENCE TOPICS

2019

Rising Stars: A New Generation of Legal Scholars Looks at Civil Justice

2018

Patient Safety: How Might the Law Help

2017

The Impact of Dark Money on Judicial Elections and Behavior

2016

Privacy, Data Theft and Corporate Responsibility

2015

The Supreme Court, Business and Civil Justice

2014

In Honor of Jack Weinstein

2013

Brave New World: The Changing Face of Litigation and Law Firm Finance

2012

A Celebration of the Thought of Marc Galanter

2011

Festschrift for Robert Rabin

2010

The Limits of Predictability and the Value of Uncertainty

2009

Rising Stars: A New Generation of Scholars Looks at Civil Justice

2008

The Challenge of 2020: Preparing a Civil Justice Reform Agenda for the Coming Decade

2007

Distortions in the Attorney/Client Relationship: Threats to Sound Advice?

2006

Is the Rule of Law Waning in America?

2005

Who Feels Their Pain? The Challenge of Non-Economic Damages in Civil Litigation

2004

Starting Over: Redesigning the Medical Malpractice System

2003

After Disaster: The September 11th Compensation Fund and the Future of Civil Justice

2002

Export Import: American Civil Justice in a Global Context

2001

Smoke Signals: Civil Justice in the Wake of the Tobacco Wars

2000

Civil Litigation and Popular Culture

1999

Judges as Tort Lawmakers

1998

The American Civil Jury: Illusion and Reality

1997

Contingent Fee Financing of Litigation in America

1996

Tort Law and the Science of the Twenty-First Century

1995

ADR and Torts: Implications for Practice and Reform

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REGISTRATION

The Clifford Symposium Webinar is free and open to the public, but registration must be completed no later than

Wednesday May 27, 2020.

To register please visit clifford2020.eventbrite.com for one or both dates. Registration also can be made by phone at 312-362-8372.

DePaul University College of Law is an accredited Illinois MCLE provider.

This program has been approved for up to **7.00 hours of CLE credit.**

This is a two day only opportunity to earn CLE credit.

Day 1 - up to 4.50 General CLE credits.

Day 2 - up to 2.50 General CLE credits.

