Message from 2016 Litigation Section Chair
Morris Ratner

Dear Members of the Section on Litigation:

We have a terrific panel this year at the Conference, co-sponsored by the Section on Torts, called “MDL Problems,” and taking place January 6, 2017 from 10:30 a.m. – 12:15 p.m.

The panel topic is:

MDLs comprise an increasingly significant portion of the federal docket and account for much of the growth in the civil side of the docket in the last few years. Trial court judges to whom the Judicial Panel on Multidistrict Litigation transfers cases, operating with little guidance from the MDL statute or the federal rules, have improvised ways to appoint counsel to leadership positions; control pleading, motion practice and discovery; and resolve mass torts via trial or aggregate settlements in a system expressly designed for pretrial purposes, only. Though creative, their solutions raise a number of concerns regarding litigant autonomy, agency costs, and the role of federal court judges in litigation. This program explores the MDL phenomenon and the problems it poses for our civil litigation system.

The all-star cast of panelists includes:

- Berkeley Law Assistant Professor Andrew Bradt (https://www.law.berkeley.edu/our-faculty/faculty-profiles/andrew-bradt/);
- Plaintiffs’ attorney Elizabeth Cabraser (http://www.lieffcabraser.com/attorneys/elizabeth-j-cabraser/);
- University of Connecticut School of Law Professor Alexandra Lahav (https://www.law.uconn.edu/faculty/profiles/alexandra-d-lahav);
- University of Texas School of Law Professor Linda Mullenix (https://law.utexas.edu/faculty/lsmull52/);
- Hon. Jon Tigar, United States District Court Judge (http://www.cand.uscourts.gov/jst); and

Our Board and Executive Committee this year was unusually active. We established a new Section website: https://aalsslitigationsection.com. We reached out to the ABA Litigation Section, mainly through the efforts of Executive Committee member Christine Goodman. And, of course, our Chair-Elect Kate Schaffzin put together this newsletter, and our Board and Executive Committee organized the panel which we hope you’ll enjoy.

I would like to thank the Section’s Board Kate Traylor Schaffzin, University of Memphis Cecil H. Humphreys School of Law, Chair-Elect; Kenneth Kandaras, The John Marshall Law School, Treasurer; and Michael W. Martin, Fordham Law School, Secretary. I would also like to thank this year’s Executive Committee: Paul Radvany, Fordham Law School; Ronald G. Aronovsky, Southwestern Law School; Bernadette Bollas Genetin, University of Akron School of Law; Christine Chambers Goodman, Pepperdine University School of Law; and Ettie Ward, St. John’s University School of Law.

Finally, I would like to thank the Section for letting me be of service this year as your Chair.

Morris Ratner
Litigation Section Chair
Associate Professor & Associate Dean
UC Hastings College of the Law
2017 Conferences of Interest

The Center for the Study of Dispute Resolution at the University of Missouri School of Law and the American Society of International Law (ASIL) Dispute Resolution and Midwest Interest Groups, in association with Young ICSID, are pleased to announce a works-in-progress conference focusing on international dispute resolution, broadly defined. More information on the event may be found on the event website (home page at http://law.missouri.edu/faculty/wip-issues-in-international-dispute-resolution/). The works-in-progress conference will take place on February 2 and 3, 2017, at the University of Missouri School of Law.

Litigation Section Member News

David R. Cleveland (Valparaiso) was awarded tenure and appointed as Associate Dean for Academic Affairs at Valparaiso University Law School. David is also the Interim Legal Writing Director at Valparaiso Law and serves on the Board of the Association of Legal Writing Directors. His most recent article on publication, citation, and precedent of court opinions was published this spring: Appellate Court Rules Governing Publication, Citation, and Precedential Value of Opinions: An Update, 16 J. App. Prac. & Process 101 (2016).


Christine Goodman (Pepperdine) published the second edition of her book, California Evidence in the Examples and Explanations series, as well as her article "Confrontation's Convolutions" in the Loyola University Chicago Law Review at volume 47, page 817.

Kenneth S. Klein (California Western) published Comparative Jury Procedures: What A Small Island Nation Teaches The United States About Jury Reform, 76 LA. L. REV. 447 (2015), and also placed Truth and Legitimacy (in Courts), as the lead article in 48 Loy. U. Cin. L.J. (forthcoming). Additionally, he gave two lectures – one on Evidence Law and the other on Structure of Courts to law students at the University of Maribor (Slovenia). He also presented on the Enforcement of Foreign Judgments in United States Courts at an international conference on enforcement of judgments in Potoroz, Slovenia, and researching Maltese Jury Law (as a case study of how to learn the law of young, small nations) at the Global Legal Skills Conference in Verona, Italy. Moreover, the students at California Western School of Law selected me as the Professor of the Year.

Michael Martin (Fordham) was named Director of Clinical Programs at Fordham Law School, as well as Executive Director of the Law School's non-profit legal service firm, Lincoln Square Legal Services, Inc., through which Fordham Law students perform their live-client clinical case work.

James R. Maxeiner (Baltimore) is publishing Failures of American Lawmaking in Historical and Comparative Perspectives with Cambridge University Press in 2017, as well as J.L. Telkampf: German Legal Scientist in the U.S. (1838-1847) in an Age of Reform, 50 Yearbook for German-American Studies in 2016.
Litigation Section Member News (cont.)


**Morris Ratner (UC Hastings)** published *Judicial Ethical Integrity, Challenges and Solutions*, 29 Hastings Int’l & Comp L. Rev. 149 (2016), and was the co-winner of the sixth annual Fred. C. Zacharias Memorial Prize for Scholarship in Professional Responsibility in 2015 for *Class Counsel as Litigation Funders*, 28 Geo. J. Legal Ethics (2015). He has two additional articles forthcoming: *Class Action Conflicts, 92 Wash. L. Rev. ___* (forthcoming 2017), and *Rationing Lawyers: From Cases to Tasks, ___ Fordham L. Rev. ___* (forthcoming 2017). Morris also served as Chair of the Litigation Section in the 2016 calendar year.

**Katharine Traylor Schaffzin (Memphis)** was elected to serve a Trustee on the University of Memphis’s inaugural Board of Trustees.


**Gregory C. Sisk (St. Thomas)** published the following Litigation With the Federal Government (West Academic Press, Hornbook Series, 2016).