

ALI-ABA Course of Study
Litigating Medical Malpractice Claims

September 28 - 30, 2006
Boston, Massachusetts

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PROGRAM

Thursday, September 28, 2006

- 8:00 a.m. Registration and Continental Breakfast
9:00 a.m. Introductory Remarks and Course Overview
9:15 a.m. **Overview – Medical Malpractice Litigation: Myths and Facts**
— *Professor McClellan*
9:45 a.m. **Liability Theories against Physicians, Hospitals, and Managed Care Organizations** — *Professor McClellan*
10:30 a.m. Networking Break
10:45 a.m. **Special Problems of the Hospital as Defendant: Corporate Liability and Nursing Malpractice** — *Messrs. Appel and York*
11:15 a.m. **Defense Perspectives and Strategies** — *Messrs. Appel and York*
12:00 noon Questions and Answers
12:15 p.m. Lunch Break
1:30 p.m. **Protocols in Drug and Product Cases** — *Mr. Eaton*
2:15 p.m. **Evaluation: Cases To Take and Cases To Avoid** — *Messrs. Appel, Casby, Eaton, and York*
2:40 p.m. **Developing the Case for the Plaintiff** — *Mr. Eaton*
3:00 p.m. Networking Break
3:15 p.m. **Developing the Damage Case for the Plaintiff; Use of Demonstrative Evidence** — *Ms. Petrucelli*
4:15 p.m. **Evidence Based Practice: A Case Study** — *Mr. York*
4:45 p.m. Questions and Answers
5:00 p.m. Adjournment for the Day

Friday, September 29, 2006

- 8:00 a.m. Continental Breakfast
8:30 a.m. **Developing the Case for the Defendant** — *Mr. York*
9:15 a.m. **Preparing To Take the Physician's Deposition** — *Mr. Casby*
9:35 a.m. **Preparing the Physician for Deposition** — *Ms. Bobit*
10:00 a.m. Networking Break
10:15 a.m. **Finding and Working with the Medical Expert** — *Messrs. Casby and Foley*
11:00 a.m. **Presenting Expert Testimony at Trial** — *Judge Wiss*
11:30 a.m. **Preparing To Confront the Opposing Expert** — *Ms. Bobit and Messrs. Casby, Foley, and York*
12:00 noon Questions and Answers
12:15 p.m. Lunch Break

- 1:30 p.m. **The Functions and Performance of Juries in Medical Malpractice Cases** — *Dr. Biek*
- 3:15 p.m. Networking Break
- 3:30 p.m. **Trial Strategy Panel Discussion on Opening Statements, Motions during Trial, and Closing Arguments; View from the Bench**
— *Judge Wiss and Faculty Panel*
- 4:45 p.m. Questions and Answers
- 5:00 p.m. Adjournment for the Day

Saturday, September 30, 2006

- 8:30 a.m. Continental Breakfast
- 9:00 a.m. **Clinical Decision-Making; Internal Medicine; Obstetrics and Gynecology** — *Drs. Eisenstaedt, Hutchins, and Smith*
- 10:00 a.m. Networking Break
- 10:15 a.m. **Ethical and Legal Issues in Alternative Medicine, Innovative Therapies, and Human Experimentation** — *Dr. Gereau and Professor Haddon*
- 11:15 a.m. **Panel Discussion on Ethics** — *Professor McClellan and Faculty Panel*
- 12:15 p.m. Questions and Answers
- 12:30 p.m. Adjournment

Total 60-minute hours of instruction: 16.25, including two hours of ethics

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PLANNING CHAIRS

Professor Frank M. McClellan
I. Herman Stern Professor of Law
Temple University
James E. Beasley School of Law
1719 North Broad Street
Philadelphia, PA 19122

Stephen S. York, Esquire
McAloon & Friedman, PC
25th Floor
123 William Street
New York, NY 10038-3804

FACULTY

Brian E. Appel, Esquire
Law Office of Brian E. Appel
Suite 304
230 S Broad Street
Philadelphia, PA 19102

Michael A. Biek, Ph.D.
Director
DecisionQuest
Suite 204
402 South Allen Street
State College, PA 16801

Janet J. Bobit, Esquire
Hunter & Bobit, P.C.
83 Atlantic Avenue
Boston, MA 02110

Robert W. Casby, Esquire
Sugarman and Sugarman, P.C.
1 Beacon Street
Boston, MA 02108

Allen T. Eaton, Esquire
Eaton & McClellan
Suite 777
1111 14th Street, NW
Washington, DC 20005

Richard S. Eisenstaedt, M.D.
Board Certified Oncologist
Hematologist and Medical Director
Abington Memorial Hospital
1200 Old York Road
Abington, PA 19001

Philip J. Foley, Esquire
Ogden & Sullivan, P.A.
113 South Armenia Avenue
Tampa, FL 33609

Sezelle A. Gereau, M.D.
924 West End Avenue
New York, NY 10025

Professor Phoebe A. Haddon
Temple University
James E. Beasley School of Law
Room 804
1719 North Broad Street
Philadelphia, PA 19122

Professor Francis L. Hutchins, Jr., M.D.
Drexel University College of Medicine
Department of Obstetrics and Gynecology
Mail Stop 495
245 North 15th Street
Abington, PA 19001

Jodi M. Petrucelli, Esquire
Sugarman and Sugarman, P.C.
13th Floor
1 Beacon Street
Boston, MA 02108

The Honorable Mary E. Wiss
San Francisco Superior Court
Department 504
400 McAllister Street
San Francisco, CA 94102

David Gary Smith, M.D.
Program Director, Internal Medicine
Residency Program
Abington Memorial Hospital
Suite 2B
1200 Old York Road
Abington, PA 19001

FACULTY BIOGRAPHIES

Planning Chairs

Frank M. McClellan, Philadelphia, Pennsylvania

Professor of Law, Temple University, Beasley School of Law

Eaton & McClellan, Philadelphia

B.A., Rutgers University; J.D., Duquesne University; LL.M., Yale University

Former Professor, Duquesne University School of Law

Awards: I. Herman Stern Chair for Excellence in Teaching; Friel-Scanlon Award (Temple University, 1995, for outstanding Scholarship); Lindback Award (Temple University, 1986, for distinguished Teaching)

Memberships: American Law Institute; American Bar Association; Board of Directors of The Aids Law Project; To Our Children's Future With Health, Inc.; Philadelphia Fight (Center for Treatment of HIV/AIDS Patients); Member of Advisory Board, Pennsylvania Department of Health, Office of Health Equity; Former Member of National Institutes of Health, Heart, Lung and Blood Advisory Council; Ethics Committee, St. Christopher's Hospital for Children

Publications: MEDICAL MALPRACTICE: LAW, TACTICS AND ETHICS (Temple University Press, 1994); TORT LAW: CASES, MATERIALS AND PROBLEMS (3rd ed.2002)

Stephen S. York, New York

McAloon & Friedman, P.C.

B.A., Syracuse University; J.D., Brooklyn Law School

Memberships: American Bar Association; New York State Bar Association

Publication: Medicolegal Issues and Risk Reduction in Family Planning Practice (Contributing Author), in FERTILITY CONTROL (Little, Brown & Co. 1985)

Faculty

Brian E. Appel, Philadelphia

Law Office of Brian E. Appel

B.A., Swarthmore College; J.D., Temple University

Adjunct Professor, Rutgers (Camden) School of Law (1977-95); Adjunct Professor, Temple University School of Law (1973-present); Trial Advocacy Trainer, National Institute for Trial Advocacy (1973-); Planner and Presenter of the ALI-ABA Skills Course: "Persuasion Workshop: The Elements of Advocacy"

Government and Public Service: First Deputy City Solicitor, City of Philadelphia (1985-87)

Michael Biek, State College, Pennsylvania

Director, DecisionQuest

B.A., University of California, Santa Barbara; M.A. and Ph.D., Texas A&M University

Janet J. Bobit, Boston, Massachusetts

Hunter & Bobit, P.C.

B.S.N., Michigan State University; M.A., New York University; J.D., Boston College

Memberships: Massachusetts Bar Association; American Health Lawyers Association

Robert W. Casby, Boston, Massachusetts

Sugarman and Sugarman, P.C.

B.A., Boston College; J.D. Suffolk University

Memberships: American Bar Association; Association of Trial Lawyers of America; American Board of Trial Advocates; Massachusetts Bar Association (Civil Litigation Section; Judicial Administration Section); Massachusetts Academy of Trial Attorneys (Board of Governors, 1995-); Federal Legislative Committee, 1995-); American Board of Trial Advocates (Advocate; President, Massachusetts Chapter, 1999-2000; National Board of Directors, 1999-)

Fellowships: American College of Trial Lawyers; International Academy of Trial Lawyers; Massachusetts Bar Foundation

Allen T. Eaton, Washington, D.C.

Eaton & McClellan

B.S., West Virginia State College. J.D., George Washington University

Adjunct Professor, American University College of Law (1989-1993)

Member, Washington, D.C. Lawyers Committee for Civil Rights Under Law (Board of Directors 1988-94); National Bar Association; District of Columbia Bar; Trial Lawyers Association of Metropolitan Washington, D.C. (Board of Governors 1988-92); Trial Lawyers for Public Justice; George Washington American Inn of Court

Publications: Strict Liability for Prescription Drug Injuries: The Improper Marketing Theory, 26 ST. LOUIS U.L.J. No. 1 (1981); Explosion in Mass Tort Litigation – Handling and Maintaining Mass Tort Cases, NATIONAL BAR ASSOCIATION MAGAZINE, Vol. 2, No. 2, 1988

Richard S. Eisenstaedt, M.D., Abington, Pennsylvania

Chair, department of Medicine, Abington Memorial Hospital

Professor of Medicine, Temple University School of Medicine

M.D., University of Illinois College of Medicine

Residency Training: New England Medical Center Hospitals, Internal Medicine; New England Medical Center Hospitals, Hematology-Internal Medicine

Philip J. Foley, Tampa, Florida

Ogden & Sullivan, P.A.

B.A., College of the Holy Cross; J.D., Suffolk University

Memberships: New York State Bar Association; Massachusetts Bar Association; New York County Bar Association; The Florida Bar Association; American Board of Trial Advocates

Sezelle A. Gereau, M.D., New York

Assistant Professor, Otolaryngology, Head and Neck Surgery, Children's Hospital of New York
Medical Liaison, Wellness Center, Riverside Church, New York

Attending Otolaryngologist, Continuum Center for Health and Healing

Diplomat, American Board of Otolaryngology, Head and Neck Surgery

B.A., Yale University; M.D., Mt. Sinai School of Medicine of the City University of New York

Residency Training: Montefiore Medical Center, Otolaryngology; Mt. Sinai Medical
Center, General Surgery

Fellow, American Academy of Otolaryngology, Head and Neck Surgery

Fellow, Society for Ear, Nose and Throat Advances in Children

Phoebe A. Haddon, Philadelphia, Pennsylvania

Professor of Law, James E. Beasley School of Law, Temple University

B.A., Smith College; J.D., Duquesne University; LL.M., Yale University

Memberships: American Law Institute; ABA Council of the Section on Legal Education and
Admission to the Bar; Past co-President, Society of American Law Teachers and
Executive Committee of the Association of American Law Schools

Publications: TORT LAW: CASES, MATERIALS, PROBLEMS (3d ed. 2002, with Phillips, Terry,
Maraist, McClellan & Gilligan), CONSTITUTIONAL LAW: CASES, HISTORY & DIALOGUES
(1996, 2001 & 2006, with Araiza & Roberts); numerous articles on ethics, professionalism,
constitutional law and jury decision-making

Francis L. Hutchins, Jr., M.D., Philadelphia, Pennsylvania

Consultant in Women's Health

Adjunct Professor of Medicine, Department of Obstetrics and Gynecology, Drexel University
College of Medicine

Former Medical Director, Women's Health, Tap Pharmaceutical Products, Inc.

Former Professor and Chairman, Department of Obstetrics & Gynecology, Howard University

Former Clinical Adjunct Professor, School of Science and Health, Philadelphia College of
Textiles and Science

B.S., Duquesne University; M.D., Howard University Medical School

Professional Experience: Clinical Professor, Department of OB/GYN, Thomas Jefferson
University Hospital, Philadelphia (1998-2000); Clinical Associate Professor, Department
of OB/GYN, Allegheny University of the Health Sciences, Philadelphia (1994-1998);
Clinical Associate Professor, Department of OB/GYN, Thomas Jefferson University
Hospital, Philadelphia (1991-1998); Clinical Associate Professor, Department of OB/GYN,
Medical College of Pennsylvania, Philadelphia (1994-1995); Clinical Associate Professor,
Hahnemann University Hospital, Philadelphia (1985-1994)

Publications include 15 articles in peer reviewed journal, two books, and 16 book
contributions

Jodi M. Petrucelli, Boston, Massachusetts

Sugarman & Sugarman, P.C.

J.D., Boston College Law School

Fellow, Massachusetts Bar Foundation

Memberships: American Bar Association; Massachusetts Bar Association; Women's Bar Association; Massachusetts Academy of Trial Attorneys; Association of Trial Lawyers of America

David Gary Smith, M.D., Abington, Pennsylvania

Program Director, Internal Medicine Residency Program, Abington Memorial Hospital

M.D., Temple University School of Medicine

Residency Training: Temple University Hospital, Internal Medicine; Yale University School of Medicine, Internal Medicine; Barnes-Jewish Hospital, Internal Medicine

Mary E. Wiss, San Francisco

Judge, San Francisco Superior Court

B.A., University of San Francisco; M.S., Lone Mountain College; J.D., University of San Francisco

Current Association and Positions: California Judges Association, Member, Executive Board 2006

Past Association Positions: San Francisco Trial Lawyers Association (President, 1997);

Consumer Attorneys of California (formerly California Trial Lawyers Association; Board of Governors, 1995); Lawyers Club of San Francisco (President, 1994); Queen's Bench of the Greater Bay Area (President, 1988)

Publications (Partial List) (Texts): Co-Author, CALIFORNIA TORT DAMAGES, California

Continuing Education of the Bar, 2002; Co-Author, Chapter 10, PHYSICAL AND MENTAL EXAMINATIONS, California Continuing Education of the Bar, 2006

Publications (partial list)(articles): Wheeler Motions: Overlooked and Underused in Civil Cases, Continuing Education of the Bar, June 2005; Ten Lessons on the Art of Losing, USF LAWYER, Summer 2003; Hear No Evil, See No Evil, Speak No Evil: Voir Dire to Sensitize and Synthesize Your Jury, FORUM, Vol. 26, No. 4, May 1996