

The 18th Annual Georgia Symposium on Legal Ethics and Professionalism

CONFLICTS OF INTEREST IN MULTI-PARTY LITIGATION

Agenda

815 REGISTRATION
(All attendees must check in upon arrival.)

930 KEYNOTE PRESENTATION

Hon. Gerald B. Tjoflat, U.S. Court of Appeals, Eleventh Circuit, Jacksonville, FL

1030 PANEL DISCUSSION: CONFLICTS OF INTEREST IN PUBLIC DEFENDER OFFICES

Public defender offices serve a crucial public interest, but they are uniquely prone to a number of conflicts of interest. Clients indicted together may have adverse interests but few other options for defense counsel. Every state structures its public defender offices differently; in some states, public funding regulations may incentivize high client volume over quality counsel. The panelists have extensive experience in state and federal public defender offices and are also leading scholars on the unique conflicts those offices face.

Moderator: *Russell C. Gabriel*, Clinical Professor & Criminal Defense Practicum Director, University of Georgia School of Law

Panelists:

Margareth Etienne, Associate Dean, Professor of Law, and Nancy Snowden Research Scholar in Law, University of Illinois College of Law

Pamela R. Metzger, Director of the Deason Criminal Justice Reform Center and Professor of Law, Southern Methodist University Dedman School of Law

Judith P. Miller, Assistant Clinical Professor of Law, University of Chicago Law School

1145 LUNCH (included in registration fee)
[location]

100 PANEL DISCUSSION: CONFLICTS OF INTEREST IN MULTI-DISTRICT LITIGATION

While multi-district litigation promises plaintiffs and defendants flexibility in litigating and settling mass tort claims, it also presents conflicts of interest, some of which are familiar from the class action setting, and some of which are just being explored by scholars, litigants, and courts. This panel will discuss cutting-edge questions about the economic incentives posed by MDL practice and procedures. In class actions, class counsel must act in the best interest of the class members as a whole, but in nonclass MDLs, lead attorneys' ethical obligations to their individual clients may conflict with their fiduciary obligations to the plaintiffs as a whole. And lead attorneys have a strong economic incentive to encourage all claimants to agree

to a settlement package. Settlements can provide substantial benefits to lead plaintiff attorneys in the form of common-benefit fees, but only if enough plaintiffs opt-in to the settlement program to meet a defendant's closure goals. The panel includes some of the leading MDL plaintiff attorneys in the country and the leading scholars on MDL procedures and incentives.

Moderator: *Elizabeth Chamblee Burch*, Charles H. Kirbo Chair of Law, University of Georgia School of Law

Panelists:

Jay Edelson, Edelson PC

Charles M. Silver, Roy W. & Eugenia C. McDonald Endowed Chair in Civil Procedure, Co-Director – Center on Lawyers, Civil Justice, and the Media

Genevieve Zimmerman, Meshbesger & Spence, Minneapolis, MN

215 BREAK

230 PANEL DISCUSSION: CONFLICTS OF INTEREST IN CAUSE-LAWYERING

Cause-lawyering comes in many shapes and sizes. For all of them, there can be tension between the interests of a particular client and the lawyer's public policy goals. This panel explores those tensions and how lawyers can best serve their clients while advancing legal change. The panelists include lawyers with extensive cause-lawyering experience in a variety of fields and the leading scholar of legal ethics and cause-lawyering.

Moderator: *Nathan S. Chapman*, Assistant Professor, University of Georgia School of Law

Panelists:

Scott L. Cummings, Robert Henigson Professor of Legal Ethics, UCLA School of Law

Eric Rassbach, Deputy General Counsel, Becket Fund for Religious Liberty, Washington, DC

Gerry Weber, Senior Counsel, Southern Center for Human Rights, Weber Law Offices, Atlanta, GA

400 ADJOURN