2017 was a monumental year for LCJ. At the urging of its corporate members, LCJ asked the Advisory Committee on Civil Rules (the “Civil Rules Committee”) to undertake a rulemaking effort focused on multi-district litigation (MDL) because, in many instances, MDL cases are governed by ad hoc procedures that deprive parties of clarity and uniformity. 30(b)(6) Committee Chair Brittany Schultz, Ford, continued her quest to reform that rule, filing two comments with the Civil Rules Committee suggesting substantive improvements. LCJ also continued to urge mandatory disclosure of third party litigation funding (TPLF) in order to provide judges and parties much-needed transparency.

LCJ’s greatest strengths—the vision of its leaders and talents of its members—were vividly on display in 2017 as together we achieved remarkable results in our efforts to ensure a future civil justice system that’s fair and efficient for everyone. Although multidiistrict litigation (MDL) practices have been controversial for years, the divergence between those practices and the Federal Rules of Civil Procedure (FRCP) were not in focus before LCJ asked the Civil Rules Advisory Committee to examine whether the FRCP actually “govern the procedure in all civil actions and proceedings” as Rule 1 proclaims. The drafters of LCJ’s Request for Rulemaking brought their seasoned experience and compelling advocacy together in the arguments that convinced the Committee to undertake a year-long investigation into the MDL process with an eye towards possible rule amendments.

LCJ’s member experts also spurred action concerning Rule 30(b)(6), which had been left untouched following a 2006 Advisory Committee study concluding that the recurring problems of the rule could not be solved by amendment. The result of these efforts came to fruition this past November. The Civil Rules Committee met November 7, 2017 and decided to:

• form a subcommittee to examine the need to amend the Federal Rules of Civil Procedure (FRCP) to ensure their application in MDL cases and examine the need for disclosure of TPLF agreements; and
• proceed with drafting a possible amendment to Rule 30(b)(6) aimed at reducing costs and acrimony.

These advances would not have occurred without the leadership, support and work of LCJ’s member volunteers who contributed their ideas to the development of LCJ’s comments. These advances are encouraging, but our work on these issues is only just begun. LCJ is a small association with a big impact. Please help us do even more in 2018.

Sincerely,

Andrea B. Looney
Executive Director

This year, LCJ offered several well-considered ideas for reforming Rule 30(b)(6), which is unique among the discovery rules because it burdens the recipient with the duty to produce a witness who is prepared to discuss “information known or reasonably available to the organization.” That’s easier said than done when the deposition notice contains dozens of poorly worded topics drafted by lawyers who then blame defense counsel and/or the witness for not knowing what the deposition is about. LCJ’s arguments convinced the Committee to move forward with an amendment process that provides the opportunity for material improvements to the rule.

Progress in these areas is difficult because LCJ faces a determined and well-funded opposition that fiercely defends the litigation practices that give its side the advantage. Advocating for fairness means taking on some firmly entrenched ideas. But the effort is worth the sacrifice because otherwise, the unfairness and the costs of litigation will continue to force people with legitimate claims and defenses to opt out of the civil justice system altogether.

The volunteers who create LCJ’s thoughtful advocacy deserve our thanks and respect for dedicating time and energy to ensuring a future for civil justice. Many of them have told me that the work they’ve done with LCJ, working side-by-side with talented in-house counsel and experienced trial advocates, is among the most enjoyable and fulfilling of their careers. I hope you will join them in contributing to LCJ’s success.

Sincerely,

Alex Dahl
General Counsel
James M. Campbell is President and Member of Campbell Campbell Edwards & Conroy, P.C. Mr. Campbell focuses his practice on civil litigation and the defense of catastrophic product liability, toxic tort, medical device, pharmaceutical, professional liability, and negligence matters throughout the United States.

Mr. Campbell has tried more than 100 cases and serves as trial counsel for clients in industries that include automobiles, pharmaceuticals, medical devices, construction, heavy equipment, recreational products, chemicals, and material handling. He also defends a variety of professions in connection with alleged negligence, malpractice and breach of fiduciary duty claims. One of the firm’s principal trial attorneys, Mr. Campbell serves as national, regional and local trial counsel for a variety of major national and international corporations and insurers, and is responsible for supervising and coordinating litigation throughout the United States.

Mr. Campbell is a Fellow of the American College of Trial Lawyers, a Diplomate of the American Board of Trial Advocates (ABOTA), Fellow of the International Society of Barristers, and a Fellow of the Litigation Counsel of America. Mr. Campbell is a past president of the International Association of Defense Counsel, the Massachusetts Defense Lawyers Association, and the Massachusetts Chapter of ABOTA. He has served on the Board of the IADC Trial Academy and the ABA National Trial Academy. He has twice served on the Board of the DRI and the ABOTA National Board of Directors.

James M. Campbell, President
Campbell Campbell Edwards & Conroy, P.C.

For nearly three decades, LCJ has led the fight for better rules in the federal court system. Particularly in the area of discovery, the rules changes spearheaded by LCJ have had a positive impact on the nation’s courts. The organization is a major asset to the civil justice reform movement, and ILR looks forward to working with LCJ for many years to come.”

-Lisa A. Rickard
President, U.S. Chamber Institute for Legal Reform (ILR)
LCJ successfully led the corporate and defense bar efforts on discovery reform that culminated in the 2015 Amendments to the Federal Rules of Civil Procedure (FRCP). Our advocacy began in 2010, when LCJ produced a white paper arguing for (1) a rule requiring that discovery be proportional to the needs of the case; (2) a uniform federal preservation standard that disallows sanctions for negligent losses of information; and (3) a “requester pays” default rule for discovery. LCJ galvanized support for these reforms and the 2015 Amendments are a major improvement to discovery in civil litigation. LCJ is vigilantly monitoring case law interpretations of the 2015 Amendments, filing amicus briefs where appropriate to ensure the new rules are appropriately adopted by courts, and working with our defense bar partners to educate practitioners on the changes to discovery to ensure excessive and unnecessary discovery practice is curbed as intended. LCJ also urges states to adopt the federal rules and has had success in Oklahoma.

Rule 30(b)(6) has proven controversial and complicated since it was added to the FRCP in 1970. It requires organizations such as corporations, associations and government agencies to designate people to testify on their behalf about specific matters raised in litigation. The rule applies not only to litigants, but also to non-parties.

Some of the controversy around the rule relates to the following questions: Does the rule require designation of “the most knowledgeable person” on each topic? Should there be another mechanism besides a motion for protective order to object to topics or arrangements for depositions? Should there be limits to the number of topics, the number of witnesses, and the scope of the questioning? What is the evidentiary value of contradictory answers from different witnesses from the same organization, and what should be done where organizations have no knowledge on a particular topic? And, to what extent must witnesses disclose their preparation for depositions?

The Advisory Committee on Civil Rules plans to proceed with drafting a possible amendment to Rule 30(b)(6) aimed at reducing the costs and acrimony frequently associated with practice under the rule. LCJ is advocating for substantive improvements to the rule including creating an objection procedure and establishing presumptive limits on the number of topics that can be included in a notice. The Rule 30(b)(6) Subcommittee is recommending a meet-and-confer requirement in the hope it will help the parties resolve disagreements prior to a deposition. The Subcommittee plans to present draft language of such an amendment to the Committee in April 2018.

**REDUCE BURDENsome DISCOVERY**

**COMMITTEE CHAIR:** Robert Levy, Counsel, Exxon Mobil Corporation

According to Rule 1, the FRCP, “govern the procedure in all civil actions and proceedings in the United States district courts.” It is widely known, however, that the FRCP do not govern key elements of procedure in many MDL cases, which now constitute 45 percent of the federal docket. The reason is straightforward: the FRCP no longer provide practical presumptive procedures in MDL cases, so judges and parties are improvising. A solution is needed, and LCJ is urging the Civil Rules Advisory Committee to undertake an effort to remedy this situation by bringing MDL cases back within the existing and well-proven structure of the FRCP. While some ad hoc procedures have more merit than others, they all share the same lack of transparency, uniformity and predictability. Many common practices also cause an unbalanced litigation environment by failing to provide protections inherent in the FRCP. As a result of LCJ’s efforts, the Advisory Committee on Civil Rules voted on November 7, 2017, to form a subcommittee to examine the need to amend the FRCP to ensure their application in MDL cases.

LCJ also is committed to advocating LCJ consensus positions to achieve class action reforms. To that end, LCJ has submitted four comments to the Rule 23 Subcommittee and three comments to the Civil Rules Advisory Committee.

**REFORM MULTIDISTRICT LITIGATION (MDLS) AND IMPROVE RULE 23: CLASS ACTIONS**

**COMMITTEE CO-CHAIR:** Mary Massaros, Partner, Plunkett Cooney

According to Rule 1, the FRCP, “govern the procedure in all civil actions and proceedings in the United States district courts.” It is widely known, however, that the FRCP do not govern key elements of procedure in many MDL cases, which now constitute 45 percent of the federal docket. The reason is straightforward: the FRCP no longer provide practical presumptive procedures in MDL cases, so judges and parties are improvising. A solution is needed, and LCJ is urging the Civil Rules Advisory Committee to undertake an effort to remedy this situation by bringing MDL cases back within the existing and well-proven structure of the FRCP. While some ad hoc procedures have more merit than others, they all share the same lack of transparency, uniformity and predictability. Many common practices also cause an unbalanced litigation environment by failing to provide protections inherent in the FRCP. As a result of LCJ’s efforts, the Advisory Committee on Civil Rules voted on November 7, 2017, to form a subcommittee to examine the need to amend the FRCP to ensure their application in MDL cases.

LCJ also is committed to advocating LCJ consensus positions to achieve class action reforms. To that end, LCJ has submitted four comments to the Rule 23 Subcommittee and three comments to the Civil Rules Advisory Committee.

After receiving considerable input from LCJ and others, the Rule 23 Subcommittee is proceeding with rule amendments on the following topics:

- “Frontloading” information about settlements to the Court
- Excluding “preliminary approvals” of class certification and orders regarding notice
- Criteria for judicial approval of class-action settlements
- Excluding “preliminary approvals” of class certification and orders regarding notice
- Clarifying Rule 23(e)(1) notice triggers the opt-out period
- Broadening the means of notice to unnamed class members
- Handling objections to proposed settlements
- Criteria for judicial approval of class-action settlements

If everything proceeds according to schedule, the amendments will take effect on December 1, 2018.

**INTRODUCE COST ALLOCATION TO LITIGATION**

**COMMITTEE CHAIR:** John O’Tuel, Assistant General Counsel, GlaxoSmithKline

LCJ strongly supports amending the FRCP to require each party to pay the cost of the discovery it seeks. A “requester pays” rule would preserve the purpose of discovery – to permit parties to access information that will enable fact finders to determine the outcome of civil litigation – while aligning well-proven economic incentives with the reality of modern litigation. Today’s system undermines the fact-finding purpose in a significant fraction of cases, instead providing a mechanism for undue economic pressure that can overwhelm the search for truth and force parties to settle claims for reasons other than the merits. A “requester pays” default rule would be a self-executing restraint against runaway discovery requests, placing the cost-benefit decision with the party in the best position to limit those costs – the requesting party.
LCJ has advocated for reforms of procedural rules in order to: (1) promote balance and fairness in the civil justice system, (2) reduce the burdens associated with litigation, and (3) advance predictability and efficiency in litigation for 30 years. LCJ files briefs as an amicus curiae on behalf of our membership in cases of interest to advance these objectives. Given LCJ’s history, experience, and expertise on civil procedure, LCJ is particularly focused on cases interpreting those rules.

LCJ submitted an amicus brief on an appeal of several very burdensome discovery orders entered in a federal district case entitled LaBrier v. State Farm Insurance. The special master in the case entered two discovery orders against State Farm, requiring it to pull broad potential individual class member information from several different data sources and to give it to plaintiffs even though State Farm said it could not be done and was neither proportional to the needs of the case or appropriate prior to class certification. On September 25, 2017, the 8th Circuit held it was inappropriate to certify this class of plaintiffs and also said the discovery was “premature” and the issue moot.

This order will have national implications for State Farm and other insurance companies as these valuation cases are pending throughout the country. Special thanks to LCJ Member Bowman & Brooke for their work on the brief.

Bowman and Brooke is a nationally recognized trial firm with one of the largest product liability practices in the country. In 2018 the firm was recognized for the eighth time as a Law360 Product Liability Practice Group of the Year. The firm’s attorneys defend a variety of corporate clients, including many Global 500 companies, in widely publicized catastrophic injury and wrongful death matters and other complex litigation throughout all 50 states. The firm has offices in Minneapolis, Phoenix, Detroit, San Jose, Los Angeles, Richmond, Columbia, Dallas, Austin, San Diego, Miami, Orlando and New Brunswick. For more information please visit www.bowmanandbrooke.com.
defense. He also provides daily updates of class action related news at twitter.com/ClassStrategist.

He maintains the Class Action Countermeasures blog, which discusses the strategic considerations involved in class action government investigations into allegations of automotive defects and breach of privacy regulations.

In addition to his class action practice, he has defended mass tort cases involving financial regulations, patent misuse cases, and in 2017.

LCJ would like to acknowledge these individuals meaningful reform. and rule makers to give serious consideration to provided compelling reasons for judges, Congress and formal comments and public testimony, and the efforts of those members who shaped LCJ's leadership to LCJ's highly respected advocacy experts who contribute ideas, experience and meaningful reform.

LCJ would like to acknowledge these individuals and thank them for their invaluable contributions in 2017.

BRITTANY SCHULTZ | Ford Motor Company

Brittany Schultz is an attorney in Ford Motor Company’s Office of the General Counsel. She joined Ford in 2014 after a 13 year career as a trial lawyer defending large corporations in product liability and commercial matters. She also has an extensive discovery practice while in private practice. At Ford, she works in the litigation and regulatory group with a focus on discovery and government investigations. She earned her Bachelors of Arts degree from the University of Michigan and her law degree from Wayne State University. She was recently appointed as the Chair of the LCJ Rule 30(b)(6) Committee.

MARY NOVACHEK & SUSAN BURNETT | Bowman and Brooke LLP

A leader of Bowman and Brooke’s Discovery Coordination and eDiscovery Practice, Mary Novachek has served as National Discovery Counsel and document counsel for automotive, pharmaceutical and medical device clients involved in complex product liability litigation including mass torts, class actions and multidistrict litigation. Mary frequently appears in court to defend clients on vexatious and hotly contested discovery issues, and has litigated ESI issues related to preservation, spoliation, keyword searching, collection methods, backup tapes and computer assisted review. She is a member of Lawyers for Civil Justice, the Sedona Conference ES! Working Group, and is a regular lecturer and author on eDiscovery issues.

Susan Burnett is a partner with more than 24 years of experience primarily in the defense of medical device and pharmaceutical product liability litigation, including multiple mass torts and various toxic torts claims. Susan’s versatile experience includes serving as co-counsel in an appeal before the Fifth Circuit involving a national, no-injury class of consumers and insurers in a pharmaceutical product liability case, as well as arguing and defending in the Fifth Circuit a summary judgment based on the national Vaccine Act in a case alleging brain injury to a child. She has been instrumental in defending numerous cases involving class action allegations and complex Daubert issues, in removing a variety of types of cases to federal court and is well-versed in appellate and error preservation issues. Along with an AV Preeminent rating by Martindale-Hubbell, Susan is admitted in Texas, including every federal district court in Texas, as well as the United States Court of Appeals for the Fifth Circuit and the United States Supreme Court and is a member of Sidley’s Electronic Discovery Task Force.

LEE MICKUS | Taylor | Anderson LLP

Lee Mickus defends manufacturers and other business interests in product liability and tort lawsuits around the country. He has successfully tried cases to juries in Colorado, Texas, California, Montana, New York, Florida and several other states. In his litigation practice, Lee has worked with a wide range of products and industries, including automobiles, pharmaceuticals, medical devices, industrial machinery, recreational equipment and financial planning.

Lee also draws upon his courtroom experience to identify and develop legislative reforms that end abusive practices and bring common sense to the litigation process. He has testified before several state legislatures on bills affecting a wide range of civil justice issues, such as product liability, seat belt evidence, punitive and compensatory damages, and prejudgment interest. He also has submitted numerous amicus briefs on behalf of business interests and civil justice groups in cases that threaten to expand liability unreasonably.

JULIE YAP | Seyfarth Shaw LLP

Julie Yap is a partner in Seyfarth Shaw’s Labor & Employment department based in the Sacramento office. Her practice focuses on employment litigation and includes the defense of class and multi-plaintiff actions arising out of alleged violations of federal and state statutes prohibiting discrimination and harassment in employment, as well as the defense of class and collective actions arising out of alleged violations of federal and state wage and hour laws. Prior to joining Seyfarth, Ms. Yap was a Supeme Court Fellow in the Court’s Administrative Office of the United States Courts where she researched and drafted memoranda on proposed amendments to Federal Rules. Additionally, Ms. Yap was a career judicial clerk for the Honorable Frank C. Damrell, Jr., of the United States District Courts for the Eastern District of California, where she also provided research and assistance to Judge Damrell with his work as a member of the Judicial Panel on Multidistrict Litigation. Ms. Yap is also an adjunct professor at the University of the Pacific, McGeorge School of Law.
MARY NOLD LARIMORE | Ice Miller LLP

Mary Nold Larimore’s primary practice concentration is in litigation, focusing on product liability litigation, the defense of pharmaceutical and drug and device manufacturers, chemical companies, toxic tort litigation and commercial litigation. Mary has served as national, regional and local counsel in drug, device and chemical exposure litigation, as well as expert witness counsel. She regularly addresses scientific, epidemiologic and complex medical issues in multi-jurisdictional litigation.

Mary was the first woman from the State of Indiana to be inducted as a Fellow in the American College of Trial Lawyers, and has served as Chair of the Supreme Court Committee on Rules of Practice and Procedure, and two five-year terms by appointment of the Chief Justice. She is a member of American College of Trial Lawyers (appointed to the Complex Litigation Committee in 2015), Defense Research Institute, Defense Trial Counsel of Indiana, International Association of Defense Counsel, Lawyers for Civil Justice, United States Supreme Court Historical Society, and a past member of Defense Research Institute Drug and Device Steering Committee and National Center for State Courts.

MALINI MOORTHY | Bayer

Malini Moorthy manages, directs and sets strategy for all litigation of Bayer Corporation and its U.S. operating companies, Bayer HealthCare, Bayer MaterialScience and Bayer CropScience. Prior to joining Bayer, Malini was the head of the Civil Litigation Group at Pfizer Inc, where she managed Pfizer’s civil litigation docket and set strategy in the areas of product liability, securities, antitrust, commercial and asbestos-related litigation. In addition, she managed e-discovery operations and civil justice reform. Malini gained widespread attention for her handling of some of the most challenging mass torts in the biopharmaceutical industry, garnering numerous professional awards and honors in the process. Prior to joining Pfizer, Malini spent many years as a litigation associate at law firms in the U.S. and Canada, including the New York office of Salans, now known as Dentons, and Genest/Murray DesBrisay Lamek and McCarthy Tétrault, both in Toronto.

CHRIS GRAMLING | Eli Lilly and Company

Chris is Assistant General Counsel at Eli Lilly and Company. In his current role, he is legal counsel for several brands and molecules in the BioMedicines business unit. Prior to this role, he managed a variety of product liability and other non-intellectual property litigations for the company and coordinated various civil justice reform efforts impacting product liability litigation. Before joining Lilly, he was a partner at Shack, Hardy & Bacon’s Kansas City, Missouri office where he handled product liability litigation matters for a variety of pharmaceutical and medical device manufacturers. He has a law degree from Vanderbilt University and an undergraduate degree from Colgate University. He is former president of the Heart of America Shakespeare Festival in Kansas City, Missouri.
David Bazelon of the U.S. Court of Appeals for the District of Columbia Circuit. and Safety Department. He earned both his B.A., summa cum laude and Phi Beta Kappa, and his J.D. from Yale. Following frequently teaches economics courses to law professors and federal and state judges.

Joanna Shepherd teaches analytical methods for lawyers, law and economics, torts, judicial behavior, and legal and economic issues in health policy. Before joining Emory, Shepherd was an assistant professor of Economics at Clemson University and worked at the Federal Reserve Bank of Atlanta. In addition to her position at the law school, she currently serves as an adjunct professor in the Emory Department of Economics.

Much of Shepherd's research focuses on topics in law and economics, especially on empirical analyses of legal changes and legal institutions. Her recent research has empirically examined issues related to the healthcare industry, tort reform, employment law, litigation practice, and judicial behavior. She has published broadly in law reviews, legal journals and economics journals. Shepherd has been featured on several TV and radio programs and has been interviewed about her research in numerous newspapers including The Wall Street Journal and The New York Times. Shepherd's research has been cited by numerous courts, including the Supreme Court of the U.S. in Glossip v. Gross (2015) and Williams-Yulee v. Florida Bar (2015). In addition, she has testified about her empirical work before the U.S. House of Representatives Judiciary Committee, before the Committee on Law and Justice of the National Academy of Sciences, and before several state legislative committees. Shepherd has also been invited to present her scholarly work by faculties at leading universities around the country including Stanford Law School, The University of Chicago Law School, NYU School of Law, The University of Michigan School of Law, Northwestern University School of Law, Duke Law School, Georgetown School of Law, Vanderbilt Law School, and The University of Southern California School of Law. She also frequently teaches economics courses to law professors and federal and state judges.

E. Donald Elliott is Professor (Adjunct) of Law at Yale Law School and a leading academic scholar, as well as practitioner, in the fields of administrative and environmental law. He is “one of the most well-known, well-regarded environmental law professors in the nation,” according to John Cruden, former President of the Environmental Law Institute, and now Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice. Elliott has been on the Yale Law faculty since 1981 and currently teaches courses in environmental law, energy law, administrative law and civil procedure. He is also senior of counsel in the Washington D.C. office of Covington & Burling LLP, and co-chair of the firm’s Environmental Practice Group. From 2003 until he joined Covington in 2013, he was a partner in Willkie Farr & Gallagher LLP, chairing the firm’s worldwide Environment, Health and Safety Department. He earned both his B.A., summa cum laude and Phi Beta Kappa, and his J.D. from Yale. Following graduation, he was a law clerk for Gerhard Gesell in the U.S. District Court for the District of Columbia, and for Chief Judge David Bazelon of the U.S. Court of Appeals for the District of Columbia Circuit.

PAUL STANCIL | Professor, BYU Law

Professor Paul Stancil joined the BYU Law School faculty Fall 2014. Before coming to BYU, Professor Stancil taught law at the University of Illinois College of Law for eight years and spent ten years in private practice as an antitrust and intellectual property attorney.

Professor Stancil's research focuses upon the game theory of litigation, legislation, and regulation, and more specifically upon the role transaction costs play in determining legal outcomes. He is particularly interested in the ways transaction costs interact with the procedural rules governing litigation. Professor Stancil's recent articles have been published in the Virginia Law Review, the William & Mary Law Review, the Illinois Law Review, and the Baylor Law Review. He has also published articles in the Cardozo Law Review and the Temple Law Review.

BYU Law Professor Paul Stancil has been appointed to serve on the Utah Advisory Committee on Civil Rules. The committee is tasked with advising the Utah Supreme Court on the rules and procedures governing civil cases in Utah courts. Professor Stancil's background as both a practitioner and an academic gives him insight as he participates in projects the committee is implementing to study the current function of the system and the likely impact of potential reforms to Utah civil procedure. Currently he is helping the committee structure a pilot project exploring the impact of “active case management” judging.

Before entering teaching, Professor Stancil practiced antitrust and intellectual property law as a shareholder of Godfrey & Kahn in Milwaukee and as an associate at Baker Botts in Houston and Crenshaw, Dupree & Milam in Lubbock, Texas. In his private practice, Professor Stancil represented both corporate and individual clients in connection with a variety of antitrust and patent infringement matters. Professor Stancil also taught antitrust law at the University of Houston as an adjunct professor. Professor Stancil received his bachelor's in economics and Spanish from the University of Virginia. He also earned his J.D., Order of the Coif, from the University of Virginia School of Law.

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LCJ MEMBERSHIP MEETINGS

LCJ holds meetings that turn information into action. Twice yearly, LCJ assembles nationally recognized policy makers and practitioners, including rule makers, members of Congress, distinguished judges and other opinion leaders, to discuss the latest developments in civil justice reform. LCJ conducts dynamic interactive sessions where members identify priorities and develop strategies to promote litigation reform.

Speakers from recent conferences have included:
- former U.S. Supreme Court Justice John Paul Stevens;
- Attorneys General Eric Holder and Michael Mukasey;
- U.S. Senator Chuck Grassley, U.S. Senator John Cornyn; and
- Several members of the U.S. Judicial Conference’s rule writing committees, including Judge John Bates, U.S. District Court (D.C.), Judge Jeffrey Sutton, U.S. Court of Appeals for the Sixth Circuit; Judge David Campbell, U.S. District Court (AZ), and Judge Amy St. Eve, U.S. District Court (N.D.I.L.)

Highlights from the 2017 meetings included:
- Senator Orrin Hatch, now in his seventh term as Utah’s senator, the most senior Republican in the Senate, sharing his insight about current congressional priorities and President Trump with LCJ members.
- Learning whether the U.S. Supreme Court decision in Bristol-Myers Squibb would slam the door on forum shopping directly from the experts who argued the case all the way to the Supreme Court.
- D.C. Attorney General Karl Racine and fellow panelists describing the breadth of the opioid epidemic and possible policies to address it, including the pros and cons of pursuing compensation in the civil justice system.
- Rule 30(b)(6) Subcommittee Members, Judge JOAN N. ERICKSEN District Judge, District of Minnesota, and CRAIG B. SHAFFER, U.S. Magistrate Judge, District of Colorado debating with LCJ Members about the challenges related with depositions of organizations.
- Garnering insights from corporate counsel about the challenges related to business litigation including David Leitch, Global General Counsel, Bank of America; Jon Wasserman, V.P. and Associate General Counsel, Litigation and Government Investigations, Bristol-Myers Squibb; Joseph Braunreuther, Head of Litigation, Johnson & Johnson; Ann Cathcart Chaplin, Deputy General Counsel Litigation, GM; Sheila Bradbeck, V.P. & Asst. General Counsel, Pfizer; Senator William “Mo” Cowan, V.P. Litigation and Legal Policy GE; Connie Lewis Lensing, Senior V.P. FedEx Express; Connie Matteo, Assistant General Counsel, Pfizer; John O’Tuel III, Asst. General Counsel, GSK; Tim Pratt, former General Counsel Boston Scientific; Jeffrey Jackson, former General Counsel State Farm; and Jack Balagia, former General Counsel, ExxonMobil.
WHAT'S NEXT

The leadership of the organized defense bar – DRI – Voice of the Defense Bar, the Federation of Defense & Corporate Counsel, and the International Association of Defense Counsel - formed LCJ in 1987 with the financial support of several “Fortune 500” companies. The purpose of the organization was to develop a network of broad, national support for ongoing legal reform initiatives.

Initial goals included:
- Increase public awareness of ever expanding size of damage awards
- Limit/eliminate punitive damages
- Limit unwarranted discovery
- Encourage the judiciary to take a more active role in case management
- Deliver quality legal services at a reasonable cost
- Limit or eliminate joint and several liability
- Eliminate the collateral source rule

LCJ now has a special focus: it is dedicated to ensuring the judiciary secures the just, speedy, and inexpensive determination of every action and proceeding as outlined in Rule 1.

LCJ is presently urging for:
- Improvements to MDLs, class action rules, and Rule 30(b)(6) deposition procedures
- Disclosure of third party litigation funding
- Making requesters pay some or all discovery costs, and
- Judicial independence

Your combined membership funds enable the corporate and defense bar to efficiently advocate consensus positions. Belonging to LCJ is the most economical way to support legal reform.

EVERYONE IS TALKING ABOUT LCJ. ARE YOU?

LCJ’s strength is our volunteer experts from our member companies and law firms. We continue to build a track record of successful advocacy only with the participation of leaders like you. But, there’s always room for improvement. Do you know of a colleague who might support our mission?

Please take a moment and provide the name and contact information of someone you think might be interested in becoming a corporate member.

We will work with you to extend an invitation to your colleague to attend the next LCJ membership meeting, at no cost.

CORPORATION: ____________________________________________
NAME: ____________________________________________________
EMAIL: ____________________________________________________
TELEPHONE: ________________________________________________
YOUR NAME: _______________________________________________
YOUR EMAIL: ________________________________________________

“I have been particularly impressed with LCJ’s network of defense bar leaders who are not afraid to take on the plaintiffs’ bar in both the legislative and judicial arenas. LCJ represents a true partnership of corporate defense counsel and defense trial lawyers. I believe this program deserves our full support.”

—Michael Harrington
Sr. Vice President and General Counsel
Eli Lilly and Company

Refer a colleague to join you at the next LCJ Membership Meeting...FOR FREE.