Dear PLF Member,

The Forum Year 2007/2008 is coming to an end and we would like to take this opportunity to thank you for your ongoing support.

It has again been a busy year in terms of events and research activities. We have seen a number of new members join the PLF and would thus like to welcome to the Forum: Old Square Chambers, McGrigors, Skadden, Arps Slate Meagher and Flom LLP, and Stiefel Laboratories.

A whole series of lively PLF Seminars took place during the current year, on topics as diverse as:
- Collective Redress in Europe: where now?;
- Product Liability and Mass Torts in a Global Market Place;
- An EU/US Roundtable Perspective on Current Issues in Pharmaceutical Litigation—Insurance, Corporate & Private Outside Counsel;
- The Reform of Group Actions under English law;
- Third Party Funding of Litigation: Recent Developments and Comparative Perspectives.

These seminars brought together guest speakers from the UK and abroad, and we were particularly fortunate this year to be addressed by many distinguished speakers, including:

- The Rt Hon Sir Anthony Clarke, Master of the Rolls
- Diana Wallis MEP, Vice President of the European Parliament
- Robert Musgrove, CEO, Civil Justice Council
- Cornelia Kutterer, Senior Legal Advisor, The European Consumers’ Organisation (BEUC)
- Professor Rachael Mulheron, Queen Mary University
- Neil H Andrews, Cambridge University
- Professor Geraint Howells, Lancaster University

If you were unable to attend any of these events, the seminar papers & materials are available for download on the members-only resources page of our website (www.biicl.org/plf). Do not hesitate to contact us if you should require assistance in accessing these.

Our Product Liability Alerter produced with our partner Linex Legal is proving to a big success, with a bi-weekly compilation of articles on topical issues, reaching product liability practitioners all around the world. Further details can be found on the Linex Legal website: www.linexlegal.co.uk/productliability. All members of the PLF are automatically added to the
email distribution of the Product Liability Alerter. Do let us know if you would like any of your colleagues to be added to the distribution list. This year, we also introduced a new feature in partnership with Linex Legal, whereby the Editorial of the Alerter is contributed by PLF Members.

We are already busy preparing events for the 2008/2009 Forum Year and look forward to seeing you at the next event on 23 October on the topic of Regulation & Licensing of Medicines - reforms in light of Seroxat.

Yours faithfully,

Duncan Fairgrieve,
Director, Product Liability Forum
PLF Report 2007/2008

At a glance:

Upcoming Events

• Public Conference on 25 September 2008: Innovation in Life Sciences
• PLF Seminar on 23 October 2008 (17.00 - 19.00) : Regulation & Licensing of Medicines - reforms in light of Seroxat

Past Events

(i) Exclusive Forum Events

• 15 November 2007: Collective redress in Europe: where now?
• 22 January 2008: Third Party Funding of Litigation: Recent Developments and Comparative Perspectives
• 16 April 2008: The Reform of Group Actions under English Law

(ii) Public Events organized by the PLF and Tort Law Centre

• 7 June 2007, Product Liability and Mass Torts in a Global Market Place.

1. Research Activities

• Product Liability Database
• Publications

2. Membership

• Full members
• Associate membership via the Product Liability Alerter

3. Product Liability Alerter
Past Events

Exclusive PLF Events:


Speakers

- **Mary Alice Barrett**, Litigation Counsel for BMS
- **James Bird**, Partner at the Life Sciences Group, JLT Risk Solutions Limited
- **Bruce Parker**, Venable, LLP (Baltimore, MD)

This joint event brought together PLF members with prominent IADC participants and addressed recent issues relating to pharmaceutical product liability and insurance.

15 November 2007: Collective redress in Europe: where now?

Chair:

- **Professor Geraint Howells**, Lancaster University

Speakers:

- **Diana Wallis MEP**, Vice President of the European Parliament
- **Cornelia Kutterer**, Senior Legal Advisor, The European Consumers' Organisation (BEUC)
- **Stijn Franken**, Nauta Dutilh, and **Dr Ianika Tzankova**, Nauta Dutilh/Tilburg University

This seminar examined recent developments concerning multiparty litigation at a national and European level, including a report of the European Commission conference on collective redress, which took place on 9 & 10 November 2007.

22 January 2008: Third Party Funding of Litigation: Recent Developments and Comparative Perspectives

Chair:

- **Professor Mark Mildred**, Nottingham Trent University

Speakers:

- **Christian Stuerwald**, Allianz Litigation Funding
- **Paul Lomas**, Freshfields
- **Mark Wells**, Calunius Capital LLP
- **Dr Rachael Mulheron**, Queen Mary University of London


This seminar focused on the recent development of third party funding of litigation, as new players enter the market, and an alternative sources of funding become increasingly important in the present litigation climate.
16 April 2008: The Reform of Group Actions under English Law

Chair:
• Rt Hon Sir Anthony Clarke, Master of the Rolls

Speakers:
• Professor Rachael Mulheron, Queen Mary University
• David Body, Irwin Mitchell
• Neil H, Andrews, Cambridge University
• Professor Geraint Howells, Lancaster University
• Anne Ware, Covington and Burling

Panelists included speakers from academia and practice and represented a variety of views on this topic. This event gave participants an opportunity to discuss the proposals for reform of this topic, following the release of the research work commissioned by the Civil Justice Council on the reform of collective redress.

Public Event

7 June 2007: Product Liability and Mass Torts in a Global Marketplace

In June 2007, we ran a hugely successful conference on the broad theme of “Product Liability and Mass Torts in a Global Marketplace”, bringing together leading American and European speakers from practice, policy and academia. Topics covered included the recent developments in product liability litigation in Europe and the US, the introduction of group actions in Europe, the pre-emption debate in the U.S and European comparisons, the development of U.S.-style discovery around the world (including e-Discovery), as well as a consideration of multi-party claims in financial services and the environmental sphere., sponsored by Lovells and 4 New Square.

Speakers included Mr Justice Underhill; Jeremy Stuart-Smith QC, 4 New Square; Sarah Houlton, Global Correspondent, Pharmaceutical Executive Magazine; John Meltzer, Lovells; Paula M Stannard, Acting General Counsel, US Department of Health & Human Services; Professor Salvatore Vincenzo, Head of Legal, EMEA; Dr Peter Feldschreiber, MHRA; Jeffrey Bucholtz, US Department of Justice; Simon Gregor, Director of Communications, Medicines and Healthcare Products Regulatory Agency; Andrew Baum, Pharmaceutical Research Team, Morgan Stanley; Martyn Day, Leigh Day and Co; Nicholas Diamand, Lieff, Cabraser, Heimann & Bernstein, LLP, New York; Ina Brock, Lovells; Professor Marco Bona, Università «Bocconi» di Milano; and Rob Weiner, Arnold & Porter.

Research Activities

• Product Liability Database

The Product Liability Database is developing well. During the Forum Year we have added reports so that the database now covers 19 countries and we are currently awaiting completion of further reports.

• Publications

Product Liability & Safety

Duncan Fairgrieve and Professor Geraint Howells have jointly produced a piece on the Commission’s Third Review of the Product Liability Directive. This was published in the 2007 edition of the Modern

Another major article by Duncan Fairgrieve and Professor Geraint Howells on the reform of group actions in Europe will be emerging later this year.

Comparative Law

Duncan Fairgrieve published in January 2006 a comparative Franco-British study on Freedom and Rights, entitled *Droits et Libertés en France et au Royaume-Uni*, and co-authored with two judges from the French Supreme Administrative Court, the Conseil d'Etat, Monsieur le Président Bernard Stirn and Mattias Guyomar. The book examines a number of contemporary public law topics in a comparative perspective, and is published by Odile Jacob.

Duncan Fairgrieve has recently produced a BIICL-published book entitled *Accountability; Independence and the Judiciary*, with the then Lord Chief Justice of France, Guy Canivet, and Professor Mads Andenas.

Dr Fairgrieve has also recently co-authored a book entitled *Common Law et tradition civiliste – convergence ou concurrence ?* published in pocket format in 2006 by French publishers, Presses Universitaires de France. The publication examines the architecture, institutions and socio-legal context of the common law and civil law systems, as exemplified by France and England.
Membership

Full Membership

The Forum Year 2007/2008 has seen an increase in membership numbers. Members include:

- Four New Square
- Arnold & Porter LLP
- Ashurst
- Berryman Lace Mawer
- British American Tobacco
- Clifford Chance
- Covington & Burling LLP
- Davies Arnold Cooper
- Dechert LLP
- Freshfields Bruckhaus Deringer
- Gough Square Chambers (Claire Andrews)
- Henderson Chambers
- Kennedys
- Irwin Mitchell
- Lovells
- Old Square Chambers
- McGrigors
- Skadden, Arps Slate Meagher and Flom LLP
- Smith & Partners
- Reed Smith LLP
- Reynolds Porter Chamberlain LLP
- Sidley Austin LLP
- Shook Hardy & Bacon LLP
- Stiefel Laboratories
- Weil, Gotshal and Manges

Benefits of Full Membership:

- 12 months subscription to the Product Liability Alerter
- An invitation to exclusive Forum events. These are all CPD regulated events.
- Access to a web-based database of legislation and judicial decisions on Product Liability which is regularly updated, authoritative and user-friendly, and includes analysis from a European-wide network of academics and practitioners; Members of the Forum are allowed exclusive access to the legal materials (statutes, regulations, decisions etc) in original language, and in translated summary. Exclusive access is granted to Members for access to the analytical materials. The database covers all relevant legal sources applying to Product Liability in the relevant countries, whether that legislation, regulations or case-law. It is regularly updated whenever new information, such a case law, legislation or commentaries become available. National experts alert the team of new developments within their country.
• The opportunity to participate in an independently-run Forum that aims to influence policy, and which provides an arena for ongoing and constructive debate with regulators and other decision-makers. A recent example of this was the PLF Response to the European Commission questionnaire on the application of the PL Directive.
• Opportunity to act as speakers at both the PLF and Public events.
• Attendance at a preferential rate to all public events relate to the field.

From the calendar year 2008, being a member of the PLF also includes a corporate membership in the BIICL for one designated member of the participating organisation.

The benefits include:

• Free subscription to the ICLQ (International and Comparative Law Quarterly) both in print and online
• Bulletin of Legal Developments every two weeks via email
• 40% discount on all BIICL events. Priority booking for all Institute public events
• The Institute holds approx 200 CPD regulated events per year
• Networking opportunities. We hold receptions after a large proportion of our events enabling you to meet professionals from all areas of the legal profession.
• 40% discount on the BIICL publications
• Members rates for accommodation at Goodenough Club, WC1

Product Liability Alerter

The Product Liability Alerter, a co-operation between the PLF and Linex Legal, is proving a big success. Every two weeks this product liability devoted email service reaches over 1500 recipients around the globe, including law firms in China, South Korea, Japan, Australia and South Africa.

The idea behind the alerter is a merger of the practice and academic legal worlds with a strong international presence. Apart from providing our members with valuable resources and legal updates, the alerter also fulfills an important publicity function for the Forum and its members.