

**New York State Bar Association
Annual Meeting of the
Food, Drug and Cosmetic Law Section**



THURSDAY, JANUARY 26, 1995

8:45 A.M.

PROGRAM

**BELASCO/BROADHURST SUITES, 5TH FLOOR
NEW YORK MARRIOTT MARQUIS
1535 BROADWAY**

**SECTION CHAIR
JAMES M. SERAFINO, ESQ.**
Colgate Palmolive
New York City

***FOOD, DRUGS, COSMETICS AND MEDICAL DEVICES—CURRENT TRENDS IN
PRODUCT LIABILITY AND ADVERTISING PRACTICE***

8:45 a.m. • BUSINESS MEETING

9:00 a.m. INTRODUCTORY REMARKS

JAMES M. SERAFINO, ESQ.
Section Chair

9:15 a.m. SHEILA L. BIRNBAUM, ESQ.
Skadden, Arps, Slate, Meagher & Flom
New York City

Currently representing Dow Corning in breast implant litigation nationally, Ms. Birnbaum will lead off the program with a discussion of her current assignment and the effect of the recent medical device cases on preemption. Other topics will include medical device reporting, user reporting, design validation and their impact on product liability.

10:00 a.m. GEOFFREY R.W. SMITH, ESQ.
Piper & Marbury
Washington, DC

Continuing the theme of preemption and product liability, our speaker will discuss the new drug approval process and its effect on product liability. Mr. Smith is a partner in the law firm of Piper & Marbury in Washington, DC and is a nationally recognized expert in pharmaceutical and device law in the product liability and regulatory areas.

10:45 a.m. BARRY J. CUTLER, ESQ.
McCutchen, Doyle, Brown & Enerson
Washington, DC

The program continues its concentration on product liability from the outside looking in. Barry J. Cutler, formerly Director of the FTC's Bureau of Consumer Protection and now a partner in the Washington, DC office of McCutchen, Doyle, Brown & Enerson, will explore the relationship between consumer law and policy and product liability issues. Topics will include the inherent tension between advertising and product liability practices, and how the Daubert (Bendectin) decision may provide a standard for substantiating advertising claims.

11:30 a.m. LAWRENCE E. SAVELL, ESQ.
Chadbourne & Parke
New York City

The session will conclude with a presentation by Lawrence Savell, who is associated with the New York City office of Chadbourne & Parke. Mr. Savell specializes in products liability litigation and will discuss how the promotional language contained in advertisements for foods, drugs, cosmetics and medical devices can be crafted to minimize the risk of product liability actions and maximize the likelihood of winning if sued.



If you need assistance relating to a disability, please contact the NYSBA Meetings Department sufficiently in advance so that we can make every effort to provide reasonable accommodations.



New York Marriott Marquis
January 23-28, 1995

**NEW YORK STATE BAR ASSOCIATION
FOOD, DRUG AND COSMETIC LAW SECTION**

ANNUAL MEETING
Thursday, January 26, 1995
New York Marriott Marquis
1535 Broadway
New York City

PROGRAM
8:45 a.m.
Belasco/Broadhurst Suites - 5th Floor

First