

Fairness to Whom?

Perspectives on the Class Action Fairness Act of 2005

The University of Pennsylvania Law Review 2007-2008 Symposium

Friday, November 30 & Saturday, December 1, 2007



3400 Chestnut Street
Philadelphia, PA 19104-6204
www.pennumbra.com

Friday, November 30

1:00 PM - 2:00 PM
2:00 PM - 2:15 PM
2:15 PM - 3:45 PM

Registration

Introductory Remarks

CAFA in Historical and Social Context

Geoffrey Hazard (Penn Law & University of California, Hastings College of the Law) – Moderator
Stephen Burbank (Penn Law)
Edward Purcell (New York Law School)
Stephen Subrin (Northeastern University School of Law)

Break

3:45 PM - 4:00 PM
4:00 PM - 5:30 PM

CAFA and Jurisdictional Policy

David Shapiro (Harvard Law School) – Moderator
Richard Marcus (University of California, Hastings College of the Law)
Chief Judge Anthony Scirica (United States Court of Appeals for the Third Circuit)
Tobias Barrington Wolff (Penn Law)

Reception

5:30 PM

Saturday, December 1

8:00 AM - 8:30 AM
8:30 AM - 10:00 AM

Breakfast and Registration

CAFA and Regulatory Policy

Catherine Struve (Penn Law) – Moderator
Samuel Issacharoff (New York University School of Law)
Richard Nagareda (Vanderbilt University Law School)
William Rubenstein (Harvard Law School)
Catherine Sharkey (New York University School of Law)

Break

10:00 AM - 10:15 AM
10:15 AM - 11:45 AM

CAFA and Federalism

Arthur Miller (New York University School of Law) – Moderator
Judith Resnik (Yale Law School)
Suzanna Sherry (Vanderbilt University Law School)
Linda Silberman (New York University School of Law)

Break

11:45 AM - 12:00 PM
12:00 PM - 1:30 PM

Lunch

The Impact of CAFA on the Legal Profession

Deborah Hensler (Stanford Law School) - Moderator
Elizabeth Cabraser (Lief Cabraser Heimann & Bernstein, LLP)
John Coffee (Columbia Law School)
Howard Erichson (Seton Hall University School of Law)

Break

3:00 PM - 3:15 PM
3:15 PM - 4:45 PM

The Impact of CAFA on the Federal Courts

Stephen Burbank (Penn Law) - Moderator
Kevin Clermont (Cornell Law School)
Theodore Eisenberg (Cornell Law School)
Emery Lee (Federal Judicial Center)
Judge Lee Rosenthal (United States District Court for the Southern District of Texas)
Thomas Willging (Federal Judicial Center)

The Class Action Fairness Act of 2005 (“CAFA”) is one of the most significant pieces of legislation affecting litigation in the federal (and state) courts since the Judiciary Act of 1789. Enacted after eight years of intense lobbying by interest groups on both sides of the aisle, a presidential veto, and a fragile bipartisan compromise, CAFA opens the federal courts to most large class actions, whether brought there originally or by defendants’ removal from state courts. Although it is too soon to reach a definitive view of the effects of this statute on litigation, federalism, and law enforcement, it is an appropriate time to frame the historical, normative, and empirical questions that should be addressed in reaching such a view, as well as to venture some preliminary assessments. To that end, the *University of Pennsylvania Law Review* will convene a symposium on November 30 and December 1, 2007, at which many of the nation’s most prominent scholars of litigation, judges, and practicing lawyers will consider CAFA from six different perspectives: history, jurisdictional policy, federalism, regulatory policy, impact on the federal courts, and impact on the legal profession. The papers and some of the commentary will be published in Volume 156 of the *University of Pennsylvania Law Review*. But the symposium’s written record cannot replicate the give-and-take, the questions and answers, and the opportunities for informal discussion that should make this symposium extraordinarily valuable for all lawyers, judges, and scholars interested in class actions.

CLE & REGISTRATION INFORMATION

This program has been approved for 3 hours on Friday and 6 hours on Saturday of substantive law credit for Pennsylvania lawyers. Credit may be available in other jurisdictions. If you are interested in CLE credit for this event, you must bring a check in the amount of \$75 for both days, or \$25 for Friday and \$50 for Saturday (\$50 for both days or \$25 for each day for public interest attorneys) to the event. The check should be payable to the *Trustees of the University of Pennsylvania* and must be exclusively for CLE.

Information is also available online at www.pennumbra.com/symposia

Last Name _____ First Name _____ M.I. _____

Name Preferred on Badge _____

Title _____ Organization _____

Telephone _____ E-Mail _____

Address _____

City _____ State _____ Zip _____

Fees include admission to all Symposium programs, a wine and cheese reception on Friday evening and continental breakfast and lunch on Saturday. **Please make checks payable to the *University of Pennsylvania Law Review*.**

- \$200 Practicing Attorneys and Business Professionals
- \$100 Professors and Government and Non-Profit Employees
- \$25 Students
- Free for University of Pennsylvania faculty, staff, and students

Please cut along the dotted line and mail completed form with payment to:
University of Pennsylvania Law Review
3400 Chestnut Street
Philadelphia, PA 19104