



DEPAUL UNIVERSITY  
COLLEGE OF LAW

THE 24th ANNUAL

# CLIFFORD SYMPOSIUM

ON TORT LAW AND SOCIAL POLICY



PATIENT SAFETY: HOW MIGHT THE LAW HELP?

APRIL 19 AND 20 • 2018

DEPAUL CENTER • ROOM 8005 • ONE EAST JACKSON BLVD. • CHICAGO, IL 60604



### PATIENT SAFETY: HOW MIGHT THE LAW HELP?

In 1999, the Institute of Medicine in its report, *To Err Is Human* made it clear that America faces a serious medical error problem, one that results in hundreds of thousands of deaths and injuries each year. Recent evidence indicates that the volume of iatrogenic injury has not been substantially reduced. At the same time, the number and impact of medical malpractice actions has been steadily shrinking. It seems clear that the answer to the medical error problem will not be found in traditional tort litigation. The 24th Annual Clifford Symposium is intended to explore alternative legal strategies that might encourage greater safety.

The symposium speakers will consider a range of interventions that might help to address the error problem. These will include legal steps to encourage use of artificial intelligence and big data to improve safety, alteration of policies regarding medical devices and dissemination of health-related information to consumers, more vigorous surveillance of the delivery of medical care, reduction of incentives for unnecessary treatment, encouragement of insurers' promotion of greater safety among their medical industry clients, reform of the structure of the delivery of healthcare and a number of others.





**THURSDAY, APRIL 19, 2018**

9:00 Registration and Continental Breakfast

10:00 Opening Remarks

**Jennifer Rosato Perea**  
Dean, DePaul University College of Law

**Stephan Landsman**  
Director, Clifford Symposium

10:15 **SESSION I: AN OVERVIEW OF THE ISSUES**

**Presenters:**

David Hyman - *Dealing with Bad Doctors: Naming and Blaming in a World Without Claiming*

Michelle Mello - *Legal and Policy Interventions to Improve Patient Safety: Progress Since the Institute of Medicine's Report*

Joanna Shepherd - *Pharmacy Regulation and Patient Safety*

David Studdert - *Bad Doctors*

**Discussant:** - Michael Saks

12:15-1:30 LUNCH

1:30-3:30 **SESSION II: REGULATORY RESPONSES**

**Presenters:**

Wendy Netter Epstein - *The Health Insurer Nudge*

Rita Redberg - *Improving the Safety of High Risk Medical Devices*

Andrew Ryan - *Improving Patient Safety through Policy: Is Payment Reform Up to the Task?*

Catherine Sharkey - *The FDA as Health Information Regulator*

**Discussant:** - Robert Rabin

3:30 Closing Remarks – Day 1

**FRIDAY, APRIL 20, 2018**

8:30 Registration and Continental Breakfast

9:00 **SESSION III: TECHNOLOGY RESPONSES**

**Presenters:**

Julia Adler-Milstein - *Achieving the Right Balance: Safer Care through HIT and Avoiding Safety Failures from HIT*

Ross Koppel - *Uses of the Legal System that Attenuate Patient Safety*

Nathan Cortez - *A Black Box to Improve Patient Safety?*

Jeffrey Silber - *When Public Reporting Can Mislead the Public: The Case of Medicine's Hospital Compare Mortality Model*

**Discussant:** Stephan Landsman

11:00 BREAK

11:15 **SESSION IV: OTHER INNOVATIONS**

**Presenters:**

Tom Baker and Charles Silver - *How Third-Party Insurers Protect Patients and Improve Safety*

Jean Mitchell - *Assessing Quality Data Reporting by Ambulatory Surgery Centers*

Katherine Zeiler and Bapu Jena - *Using Law to Identify Adverse Events*

**Discussants:** Allison Hoffman, Harold Bressler

1:15 Closing Remarks – Day 2

## THE CLIFFORD SYMPOSIUM ON TORT LAW AND SOCIAL POLICY



In 1994, **Robert A. Clifford ('76)** endowed a faculty chair in tort law and social policy. The chair gives meaningful expression to his belief that the civil justice system serves a number of vital interests in American society. The Clifford Chair at DePaul provides a vehicle for exploration of the civil justice system in an intellectually rigorous fashion.

In addition to providing support for faculty research and teaching, the endowment makes possible an annual symposium addressing a timely issue in the civil justice area. The purpose of the symposium is to bring the latest scholarship and advances in legal practice to lawyers and scholars who specialize in tort law, civil justice and related fields. Professor Stephan Landsman is the current organizer and director of the symposium underwritten by the Clifford Chair.

### SYMPOSIUM FACULTY

Julia Adler-Milstein, University of California, San Francisco

Tom Baker, University of Pennsylvania

Nathan Cortez, Southern Methodist University

Wendy Netter Epstein, DePaul University

Allison Hoffman, University of Pennsylvania

David Hyman, Georgetown University

Anupam Babu Jena, Harvard Medical School

Ross Koppel, University of Pennsylvania

Stephan Landsman, DePaul University

Michelle Mello, Stanford University

Jean Mitchell, Georgetown University

Robert Rabin, Stanford University

Rita Redberg, University of California, San Francisco

Andrew Ryan, University of Michigan

Michael Saks, Arizona State University

Catherine Sharkey, New York University

Joanna Shepherd, Emory University

Jeffrey Silber, University of Pennsylvania

Charles Silver, University of Texas

David Studdert, Stanford University

Katherine Zeiler, Boston University

### PAST CONFERENCE TOPICS:

**2017**

The Impact of Dark Money on Judicial Elections and Behavior

**2016**

Privacy, Data Theft and Corporate Responsibility

**2015**

The Supreme Court, Business and Civil Justice

**2014**

In Honor of Jack Weinstein

**2013**

Brave New World: The Changing Face of Litigation and Law Firm Finance

**2012**

A Celebration of the Thought of Marc Galanter

**2011**

Festschrift for Robert Rabin

**2010**

The Limits of Predictability and the Value of Uncertainty

**2009**

Rising Stars: A New Generation of Scholars Looks at Civil Justice

**2008**

The Challenge of 2020: Preparing a Civil Justice Reform Agenda for the Coming Decade

**2007**

Distortions in the Attorney/Client Relationship: Threats to Sound Advice?

**2006**

Is the Rule of Law Waning in America?

**2005**

Who Feels Their Pain? The Challenge of Non-Economic Damages in Civil Litigation

**2004**

Starting Over: Redesigning the Medical Malpractice System

**2003**

After Disaster: The September 11th Compensation Fund and the Future of Civil Justice

**2002**

Export Import: American Civil Justice in a Global Context

**2001**

Smoke Signals: Civil Justice in the Wake of the Tobacco Wars

**2000**

Civil Litigation and Popular Culture

**1999**

Judges as Tort Lawmakers

**1998**

The American Civil Jury: Illusion and Reality

**1997**

Contingent Fee Financing of Litigation in America

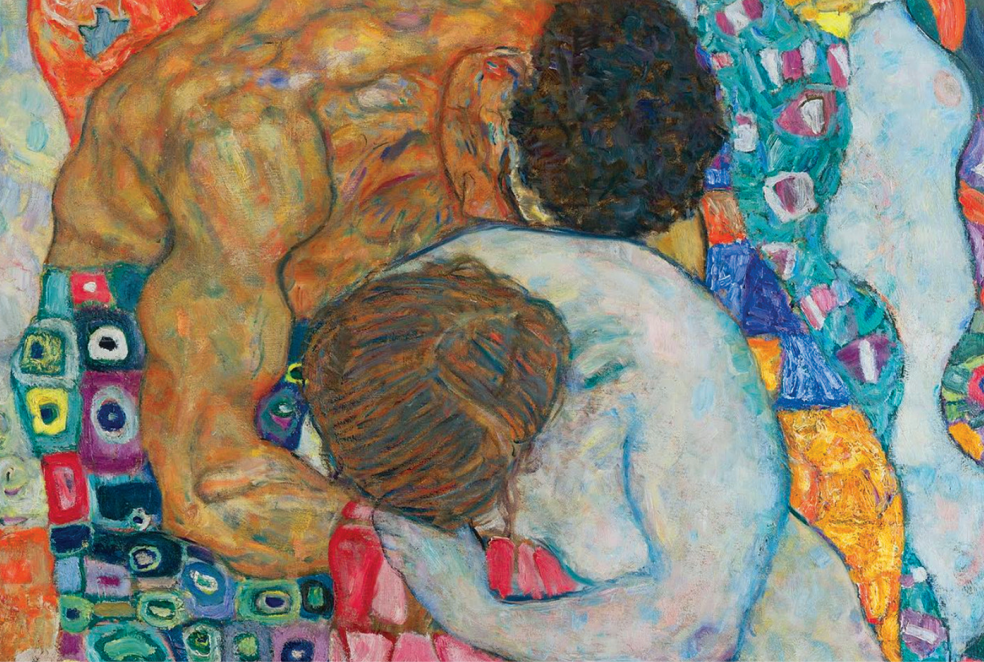
**1996**

Tort Law and the Science of the Twenty-First Century

**1995**

ADR and Torts: Implications for Practice and Reform





Gustav Klimt, *Death and Life*, 1910-1911, reworked 1915-1916  
© Leopold Museum, Vienna, Austria

## REGISTRATION

The Clifford Symposium is free and open to the public. Because of space limitations, however, those interested in attending are encouraged to register in advance. Registrants will be given preference with regard to attendance, luncheon and distribution of materials. Registration must be completed no later than **Friday, April 13, 2018**. Walk-ins are welcome, but space is not guaranteed.

Reservations are accepted by phone at (312) 362-8372 or online at [2018cliffordsymposium.eventbrite.com](https://2018cliffordsymposium.eventbrite.com).

DePaul Center, Room 8005  
One East Jackson Boulevard  
Chicago, Illinois

DePaul University College of Law is an accredited Illinois MCLE provider. This program has been approved for up to **8.0 hours of CLE credit**.

Day 1 – up to 4.0 General CLE credits  
Day 2 – up to 4.0 General CLE credits