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## Video Of January 2008 Vioxx Settlement Panel Discussion Is Available Online

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POSTED: Wednesday, January 09, 2008

FROM BLOG: [Drug Injury Watch](#) - Prescription Drug Side Effects News and Information from Attorney Tom Lamb

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### Lawyers And Law Professors Discuss The Good, The Bad, And The Ugly Of Merck's Proposed "Global Settlement" Of All U.S. Vioxx Lawsuits

(Posted by Tom Lamb at [DrugInjuryWatch.com](#))

We learned from a January 9, 2009 post, "[Webcast of Vioxx Settlement Panel](#)" -- which we found when taking our daily look at the [Drug and Device Law blog](#) -- that you can now view online for free C-SPAN's broadcast of "[The Vioxx Settlement panel discussion](#)" which took place in Washington, D.C. on the afternoon of January 7, 2008 at the American Enterprise Institute (AEI).

In addition, on [the AEI web page for this January 2008 panel discussion of Merck's proposed Vioxx settlement](#) there is a link to the video, at top of right side bar. (One small advantage to using this means of viewing "The Vioxx Settlement" event is that you don't have to watch some of those people in attendance eat their lunch at the start, as you do on the C-SPAN webcast.)

From that [the AEI "The Vioxx Settlement" web page](#) we get this introduction to the panel members:

At this event cosponsored by AEI and the Federalist Society, a panel of experts will explore these and other questions. Speakers include Vanderbilt law professor Richard Nagareda, author of *Mass Torts in a World of Settlement*; Virginia legal ethics professor George Cohen; author and leading pharmaceutical mass torts defense attorney Mark Herrmann; Andy Birchfield, a member of the Vioxx Plaintiffs' Steering Committee; and Ted Frank, director of the AEI Legal Center for the Public Interest. AEI resident scholar John E. Calfee will moderate.

A January 7, 2008 post on "The BLT: The Blog of Legal Times" entitled "[AEI on Vioxx](#)" provides this same-day report on what was said about Merck's Vioxx Settlement Program by some of the panel members:

In November of last year, Merck & Co. negotiated a settlement

proposal with plaintiffs attorneys that, if 85 percent of the claimants agree to it, will give \$4.85 billion to the thousands of claimants and their lawyers. But as the AEI panel showed, opinions vary greatly on the settlement.

Mark Herrmann, a defense attorney with Jones Day in Chicago, said the settlement "made sense. It was logical, and it, in fact, was predictable from the start."

But George Cohen, a law professor at the University of Virginia, had some ethical concerns with the proposed settlement. The terms of the agreement could stand in the way of lawyers giving their clients adequate advice. "The temptation will be, I fear, that lawyers will want to recommend this to people even if it's not in their best interest," says Cohen.

Andy Birchfield, an attorney at Beasley Allen and co-lead counsel on the Plaintiffs' Steering Committee for the federal Vioxx litigation, countered that the settlement had been designed so that plaintiffs attorneys couldn't "game the system" or cherry pick the best cases to leave out of the settlement.

As a caveat, we point out that this "The Vioxx Settlement" webcast weighs-in at just over two hours in duration (according to the C-SPAN site). While we understand that most of our readers will not have sufficient curiosity about Merck's proposed Vioxx Settlement Program to sit in front of their computer that long, we wanted to make these webcast links available to those of you who do have the requisite interest and time.

**P.S.** A January 10, 2008 article, "[Vioxx Settlement Plan Heads for Key Deadlines](#)", published by *The Wall Street Journal*, provides additional details about Merck's proposed Vioxx Settlement Program and its current status. (1/10/08)

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