



CALL FOR PAPERS

Trends in Consumer Litigation The Interplay of FDA Regulation and Litigation

Over the last twenty years, changes in the legal environment have led to a sustained increase in the number and variety of consumer-based legal actions involving the business practices and products of Food and Drug Administration (FDA)-regulated companies at both the federal and state level. The consumer litigation trend has resulted in “regulation by litigation,” as the public turns to the courts for consumer protection in areas historically regulated by the government agencies charged with protecting public health and safety.

The *Food and Drug Law Journal (FDLJ)* is planning a special issue for release in September 2006, which will look at the interplay of regulation and litigation. Specifically, how the regulatory strategies adopted by FDA impact litigation risks for the regulated industries, and conversely, how the courts, in turn, are regulating FDA.

The goal of the *FDLJ* is to present a variety of perspectives regarding this important issue. Topics for articles might include:

- Litigation trends concerning FDA-regulated products and their impact on the food, drug, and device industries (e.g., obesity litigation, Vioxx).
- The role of the Department of Justice’s Office of Consumer Litigation and how it works with FDA as it enforces and defends FDA’s consumer protection programs.
- What kinds of cases are being brought against FDA-regulated industries and how does this differ from the litigation arena a few years back?
- Should Congress step in?
- The effect of state consumer protection laws and the question of preemption.
- A discussion of the Class Action Fairness Act, which provides new procedural protections for companies involved in nationwide class action litigation, as well as in mass litigations consolidated in state court.
- Consumer litigation and class actions: Misuse?
- A discussion of the global effect of U.S.-based consumer litigation.
- Deregulation v. regulation: What does the future hold for FDA?

In addition to traditional law review-type articles, we also are looking for essays and opinion pieces that will open doors to further discussion. These articles do not need to be in law review format; while footnoted articles are encouraged, footnotes are not required.

Article proposals should be set forth in a brief email to the VP, Publications and Programs, Rita Fullem (rita@fdli.org).

The email should note the proposed title, a brief description of the topic to be addressed, and the name and affiliation of the proposed author(s). Proposals will be considered in the order received.

Manuscripts for accepted proposals will be due on or before May 15, 2006, for the September 2006 *FDLJ* theme issue.

Authors should consult the *FDLJ* Instructions for Authors for guidelines on manuscript submission and preparation at <http://www.fdpi.org/pubs/infojournal.html>.

**If you have any questions, please contact the VP, Publications and Programs,
Rita Fullem, by email at rita@fdli.org, or by phone at 202-371-1420**