

PUBLISHER

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WE ARE MOURNING THE UNEXPECTED DEATH of a friend, colleague, and visionary, Francis McGovern, whose contributions to the resolution of mass torts are highlighted in an interview (see page 12) about the proposed negotiation class in the opioid litigation, a novel approach under review before the Sixth Circuit Court of Appeals.

I first met Francis in the early 1990s. I was a young judge attending a civil rules committee meeting. We were at dinner when Francis came striding into the room, generating excitement all around him. You could tell by his confident presence and the way the judges on the committee reacted to him that he was special. He was brimming with energy, good cheer, and Southern charm.



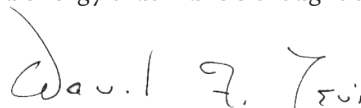
FROM THE PUBLISHER

That evening began my long friendship with Francis. My appreciation for him deepened when I became dean at Duke Law in 2007. Francis came to Duke in 1997 as a tenured professor and quickly established himself as one of the top scholars and practitioners of alternative dispute resolution. He also was a skillful and dedicated teacher. When we began offering an LLM to sitting judges, Francis was eager

to participate in the program. He particularly enjoyed teaching a course each summer with Judge Lee Rosenthal on new and difficult problems facing judges in the field. He created Duke's Mass-Tort MDL Certificate Program to help attract and prepare more attorneys for the complex practice of MDL. Many who loved and admired him — judges and lawyers, colleagues and friends — have spoken about Francis's tremendous impact on the field of MDL and his presence in their lives.

It's hard to think about the field of MDL without Francis in it. He was not only an expert in MDL but also one of its great innovators. He saw it as a way to achieve justice for more people, more efficiently, and with less burden on the courts. He was constantly thinking of ways to improve systems and processes, to be fairer, to give voice and relief to people who had suffered. At our MDL Certificate Program last year, he encouraged a new generation of attorneys to explore the field. "You have the ability to do what I think is the most fun in MDL, which is to help [it] evolve through this oral tradition, using pragmatism and taking advantage of the personalities that you have to deal with. It's enormous fun, and it's a great place to exercise your brain cells." In the very difficult, very high-stakes work of MDL, Francis saw obstacles as opportunities, difficult people as "personalities," intractable problems as puzzles to solve. He was passionate about his work to the end.

May we meet the many challenges of our times with the same optimism, creativity, and energy that Francis brought to everything he did.



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