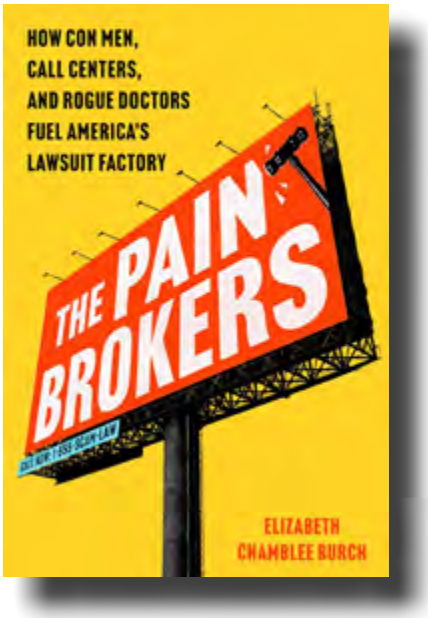
Recommended Reading for the Appellate Lawyer: Some Thoughts from your Reviewer

By Courtney Lavender

As an appellate attorney at Plunkett Cooney, PC, I am honored to work with and learn from Mary Massaron. I now have the opportunity to continue her longstanding contribution of writing book reviews for our community.

In this issue, I would like to draw attention to a book that unveils the truth behind some multidistrict litigation lawsuits. The book exposes systemic failings of the legal and medical systems and uncovers irreversible harms inflicted on unsuspecting women who did nothing wrong except place their trust in the wrong people, who preyed on their fears. This nonfiction narrative centers on three women, whose experiences drive the story and force the reader to remember the very real people behind the legal captions.



The Pain Brokers: How Con Men, Call Centers, and Rogue Doctors Fuel America's Lawsuit Factory

By Elizabeth Chamblee Burch
Atria/One Signal Publishing, 2026

Elizabeth Chamblee Burch is an award-winning scholar, the Fuller E. Callaway Chair of Law at the University of Georgia School of Law, and an expert on mass torts and class actions. *Pain Brokers* is her third academic book about mass torts and class actions. The story, which centers on three women who had pelvic mesh implants (medical devices used to support weakened pelvic tissues in women and to treat stress urinary incontinence and pelvic organ prolapse) is includes information from interviews, court filings, depositions, and other legal and medical records.

This book is more than a narrative about the harrowing experiences of women who were grossly exploited for financial gain—it is an exposé of systemic failings in the legal and medical fields and a call to action. Burch's book details the professional ecosystem surrounding pelvic mesh multidistrict litigation and follows advertisers who identify potential claimants; call centers that screen and sort them; doctors who create or embellish claims; lawyers who assemble claims and lawsuits; multidistrict litigation judges who manage thousands of cases; and defendants who seek global resolution. By focusing on such a wide cast of characters, Burch shows the reader an entire system in which suffering, medical treatment, client consent, and attorney fees become tradable cogs in a larger machine.

This book will be of particular interest to those who regularly deal with mass torts, multidistrict litigation, products liability, complex civil disputes, or medical devices. It explains the dense, intricate world of multidistrict litigation with a focus on the human element: the injured individuals at the heart of the lawsuits. Burch uses the experiences of three women pushed into pelvic-mesh litigation to expose a dark side of the mass tort system and identifies the call centers, lead generators, middlemen, doctors, lawyers, and funders who transformed people into inventory to create a lawsuit factory.

Burch's book begins by introducing the reader to the women at its center and shows the reader how the women were conned into becoming involved in multidistrict litigation. As many scams do, the pelvic mesh fraud scheme began with a phone call. But this one involved a caller who knew the women's most intimate details, including their medical history and experiences with pelvic mesh. From there, the caller instilled fear in the women before transferring them to middlemen, who then referred them to funders, lawyers, and doctors who were interested in only one thing: making as much money as possible as quickly as possible. The women were so thoroughly scared and poorly informed throughout the process that they agreed to medical procedures, financing agreements, and legal representation that no person would agree to under ordinary circumstances.

Throughout the book, Burch shows how individual pain and suffering can devolve into illegitimate and inflated claims at the hands of people who swore—and, in some cases, were ethically bound—to help them. She does so through the real experiences, feelings, and thoughts of the three main women; a

defense lawyer and unlikely ally; a plaintiff's lawyer from a small town; and some of the actors who perpetuated the fraudulent scheme. Burch also discusses processes and roadblocks familiar to litigators. She takes the reader through the legal process, explaining how individual claims are consolidated, how state cases are removed to federal court for multidistrict resolution, and how judicial rulings impact the strategy of the parties in those federal cases. Burch even includes court rulings

Although Burch's book never overtly tells the reader how to feel or what to think, it points out an issue with any litigation, but especially multidistrict litigation: the difficulty of recognizing that each name in a case caption belongs to a real person with real experiences. She focuses on the human element and the consequences of our focus on efficiency and procedure while also recognizing the value of multidistrict litigation.

This book has something for everyone. Although it focuses on the experiences of plaintiffs during multidistrict litigation, it also reflects the difficulties that defense lawyers face in defending against claims that stem from fraudulent schemes and preventing future exploitation. In sum, *Pain Brokers* is essential reading for anyone who cares about whether the civil justice system serves the people it is supposed to protect. Burch has written the definitive account of a system that touches countless lives and billions of dollars, and she has done so with clarity, rigor, and moral seriousness. Even if you do not come away agreeing with all her prescriptions, you will come away understanding the mass-tort ecosystem far better than you did before.

About the Author

Courtney Lavender *graduated from Wayne State Law School, and is currently a Council Member for the Michigan State Bar Appellate Practice Section. She is an appellate attorney at Plunkett Cooney, practicing in state and federal courts, with a focus on municipal and employment law. She is also a Fellow for the Lawyers for Civil Justice.*

Selected Decisions of Interest to the Appellate Practitioner

By Barbara H. Goldman

Appellate jurisdiction – time for appeal

McCall v WC Hockey

___ Mich ___ (Docket nos., 170141, 170139, 170140, rel'd 6/3/26)

Panel: Supreme Court

Trial court: Muskegon Circuit Court

The Supreme Court denied the appellant's motion to file a late application for leave to appeal. "[L]ate applications will not be accepted absent circumstances not present in this case."

Appellate jurisdiction – briefing

United States v Farris

Docket no. 25-5623, rel'd 3/3/26

Panel: Clay, Gibbons, Hermandorfer

Trial court: United States District Court for the Eastern District of Kentucky

The defendant's appointed appellate counsel "[b]y his own admission . . . used artificial intelligence to draft the briefs in this case and then filed them without properly verifying the cited legal authorities," which resulted in "multiple misrepresentations of law." The Sixth Circuit became suspicious when the file name of one brief was "CoCounsel Skill Results," "CoCounsel" being a Westlaw AI program. It then identified several issues with case citations that involved "[more than] citation mix-ups or transcription errors." The panel issued a show-cause order, essentially requiring the lawyer to show that he had written the briefs. In response, he claimed that he had used AI for the drafts but worked to supplement them. He admitted, however, that he had "failed to adequately review and verify the draft brief[s]." The court imposed a number of penalties on the attorney. Then, citing anther recent "artificial-intelligence misstep," the panel "reiterate[d] [that]" "[a]ttorneys have an ethical obligation to verify the citations and propositions they submit to courts; that obligation reflects duties of competence and candor that apply no matter the tools attorneys use."

Sanctions on appeal
Whiting v Athens, TN

___ F4th ___ (Docket nos. 24-5918, 24-5919, rel'd 3/13/26)

Panel: Stranch, Bush, Murphy

Trial court: United States District Court for the Eastern District of Tennessee

The Sixth Circuit sanctioned the plaintiff-appellant's attorneys for briefing that "repeatedly misrepresented the record,