

Emerging Responsibilities of In-House Counsel to Advise, Protect and Defend

*The Montage Resort and Spa
Laguna Beach, California*

Day 1 (Friday, Nov 6) – Opening Statements



8:30a – 8:35a
NETWORK CHAIR
Warren Platt -- Snell & Wilmer (Orange County, CA)



8:35a – 8:40a
SEMINAR Co-CHAIRS
Bruce Friedman -- Bingham McCutchen (Los Angeles, CA)



Tony White -- Thompson Hine (Columbus, OH)



James Miller -- Akerman Senterfitt (Miami, FL)



Scott O'Connell -- Nixon Peabody (Boston, MA)

Session I



8:40a – 9:00a
ANTITRUST: A NEW DAY IS DAWNING
David Harris -- Lowenstein Sandler (Roseland, NJ)
Changes in enforcement priorities at the Antitrust Division of DOJ and at the FTC promised by President Obama are upon us. Evidence includes the DOJ's joint opposition with the FTC against reverse payment settlements by pharmaceutical companies, investigation of the class action settlement allowing Google to digitize millions of books, the Clayton Act (Sec. 8) investigation of Google and Apple, and the investigation of the credit default swap market. Other cutting edge issues include the change in philosophy concerning monopoly power.



9:00a – 9:20a
PROTECTING YOUR CEO
Steve Fogg -- Corr Cronin Michelson Baumgardner & Preece (Seattle, WA)
Protecting the CEO from and at depositions. Avoiding disaster by preparing the CEO for personal confrontations, challenges to his/her authority, knowledge, awareness, performance. Neutralizing below-the-belt shots by examining attorneys and taking high ground in response. Teaching the CEO not to extrapolate/pontificate. The importance of rehearsing executives who think they can wing it.

9:20a – 9:40a
COPYCAT LIABILITY
Roger McCleary -- Beirne Maynard & Parsons

First Name:

Last Name:

Position/Title:

Company:

Business Phone:

Fax:

Home Phone:

Email:

Company Address1:

Company Address2:

City:

State:

Zip:

Name of Spouse or Sig. Other Attending:

Invited By: (Firm and Last Name)
If you weren't invited by a Network Firm, please let us know how you heard of us.

Comments:
Let us know of any special circumstances or requests that will help us make your stay with us more comfortable. E.g., nick names, two rooms, no room, dietary, children, no smoking



(Houston, TX)
Unintentional, even superficial use of copyrighted material can land your company in the grease. Ads, webpages, promotional materials, proposals and other company-generated publications are fertile ground for violations as well as declaratory, injunction, enforcement and damage actions. Everything from an Internet site to a song “hook” is fair game.



9:40a – 10:20a
PANEL DISCUSSION: CHANGING TIMES FOR IN-HOUSE/OUTSIDE COUNSEL RELATIONSHIPS AND ROLES
Moderator: Rod Heard -- Wildman Harrold (Chicago, IL)
In-house and outside counsel discuss law departments’ and law firms’ responses to the economic downturn, ratcheting regulatory environment and continuing expansion of litigation as individual and corporate plaintiffs seek additional pockets to fund basic needs, find bailouts.

With Discussion By:

Warren Platt – Snell & Wilmer (Orange County, CA)
David Schultz – Maslon Edelman Borman & Brand (Minneapolis, MN)
Pamela Johnson – Travelers
Don Lough – Ford Motor Company
Joan Humes – UnitedHealth Group

Refreshment and Coffee Break



Session II



10:50a – 11:10a
NUTS AND BOLTS OF INTERNATIONAL ARBITRATION
Luis O'Naghten -- Akerman Senterfitt (Miami, FL)
As global trade increases, so do disputes and arbitrations, often in foreign countries under unfamiliar rules, written and jurisdiction-specific (e.g., gap-filling). In-house counsel need to be familiar with the rules of international arbitration and how advocacy technique differs from jury/judge trials.

11:10a – 11:30a
PREPARING YOUR CLIENT TO TESTIFY
Overton Thompson -- Bass Berry & Sims (Nashville, TN)
Important roles for in-house counsel partnering with trial counsel to prepare

rooms, king size bed, non-standard arrival or departure needs, etc.

Most Guests are arriving on Thursday, November 5 and Departing on Sunday, November 8. Please enter your Arrival and Departure dates below.

Arrive: ^{Nov} Depart: ^{Nov}

PLEASE ENTER BELOW THE STATE(S) THAT YOU ARE ADMITTED TO AND YOUR ID NUMBER(S)

State1: ID:
State2: ID:
State3: ID:
State4: ID:

CLE INFORMATION

Seminar Agenda

- THU NOV 5 7:00p Opening Reception and Dinner – Ocean Lawn
- THU NOV 5 10:00p Hospitality Suite in Executive Suite 266
- FRI NOV 6 7:30a Registration / Continental Breakfast (Grand Ballroom Foyer)
- FRI NOV 6 8:30a CLE SuperCourse Day 1 Begins
- FRI NOV 6 10:00a Spouse/Significant Other Cooking Demonstration
- FRI NOV 6 12:30p CLE SuperCourse Day 1 Concludes
- FRI NOV 6 1:00p Afternoon Recreation: Golf, Spa, Shopping, Nature Walk
- FRI NOV 6 6:30p Busses Board for Dinner
- FRI NOV 6 10:00p Hospitality Suite in Executive Suite 266
- SAT NOV 7 7:30a Continental Breakfast (Grand Ballroom Foyer)
- SAT NOV 7 8:30a CLE SuperCourse Day 2 Begins
- SAT NOV 7 10:00a Spouse/Significant Other Beach Walk Yoga
- SAT NOV 7 12:40p CLE SuperCourse Day 2 Concludes
- SAT NOV 7 1:30p Afternoon Recreation: Golf, Boat Cruise, Spa
- SAT NOV 7 7:00p Reception and Dinner featuring the Surf City All Stars
- SAT NOV 7 10:00p Hospitality Suite in Executive Suite



company witnesses to testify. Explaining the scope of examination, dealing with credibility issues, admissions, compromising documents. Locking your client into his/her story, protecting against impeachment, finding goblins in your witness' past, and the makings of a good corporate representative.

Explaining the format of the testimony, applicable privileges, the importance of objections, responding to questions, and explaining that the lawyer represents the company. Practice run-throughs, pre-dispute document management and retention, litigation holds, ethical considerations, and more.



11:30a - 11:50a

PREDATORY RAIDING AND HIGH-END EXECUTIVE DEFECTIONS

Joel Hoxie -- Snell & Wilmer (Phoenix, AZ)
Competition for top-level executive talent and their specialized knowledge and information has never been greater. Competitive zeal often crosses the line.

Overzealous raiding of competitor's top-level talent poses great risk for companies trying to buy a competitive edge. Companies victimized by raids have options, even when their defecting executives are not bound by traditional non-compete agreements. The line between legitimate and unfair competition can get blurry. Hear some helpful guidance for corporate counsel on both sides of the issue.

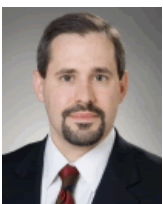


11:50a - 12:10p

DEFENDING ENVIRONMENTAL CLASS ACTIONS
Cooper Ashley -- Maslon Edelman Borman & Brand (Minneapolis, MN)

Environmental class actions pose unique problems for defendants and outside counsel. Regulatory, political, scientific and public relations issues can be the perfect storm of a failed defense, an unfortunate settlement or an adverse verdict and, invariably, more cases. Coming off a recent victory for their client in which they defeated class certification and obtained a complete defense verdict after a seven week jury trial, an in-house lawyer and his outside trial attorney share the keys to the successful defense of environmental class actions.

With Discussion By:
John Allison - 3M



12:10p - 12:30p

EFFECTIVE ELECTRONIC CASE MANAGEMENT
Andrew Cox -- Thompson Hine (Cleveland, OH)

Cost effective case management tools to reduce massive amounts of data in complex litigations. Culling information for a

Recreation



Golf at Talega / Monarch Beach
Few golf experiences can match the blend of stunning natural beauty and variety of challenges presented by these two extraordinary golf courses. Set along the dramatic bluffs of Southern California, Talega and Monarch Beach offer intriguing layouts in the Scottish links tradition which include sweeping views to the sea. These championship courses offer an unending variety of play.



Laguna Beach Nature Walk
Paradise Found! Join our naturalist for a walk along the Pacific Ocean bluffs just steps away from the Montage lobby. Make sure to bring your camera along (or pick up a TRIAL.COM disposable one) to take some breathtaking shots of the beach, wildlife, surf and the locals.



Laguna Shopping Shuttle
Hop on our Shopping Shuttle to visit over 100 art galleries showcasing all types of art, from painting and photographs to sculpture and modern art. But amazing art isn't the only shopping experience you'll find in Laguna Beach. You'll discover an incredible selection of boutiques, jewelry and gifts. And for those hard-to-find items, Laguna Beach boasts plenty of specialty stores that are sure to make your shopping experience a success.



Pacific Sea Life Cruise
Enjoy the beautiful Orange County coastline on this Adventure Cruise on the 95' Dana Pride which features indoor and outdoor seating and a full lunch spread. Blue and gray whales, Bottlenose and Risso's dolphin and California sea lions should be swimming alongside during lunch on the 95' Dana Pride, the coast's premier year round whale watching facility, departing from adjacent Newport Harbor.

Rejuvenate at Spa Montage
Here where mountains and sea converge, Spa Montage draws inspiration from nature to help bring all aspects of your life into artful balance. Their skilled therapists are the artists who will expertly guide your

database of key exhibits and deposition testimony. Flexibility to continually build on the litigation team's collective work product and avoid duplicative costs as matters progress toward resolution.



discovery of new personal wellness solutions. Using an array of non-invasive techniques and indigenous botanical products, therapists offer a wide range of massage bodywork, water and bath therapies, facials, wraps and scrubs to deliver cleansing, detoxifying, energizing or relaxing results.

Day 2 (Saturday, Nov. 7) – Welcome Back



8:35a – 8:40a
SEMINAR Co-CHAIRS
Bruce Friedman -- Bingham McCutchen
(Southern CA)
Tony White -- Thompson Hine (Columbus,
OH)
James Miller -- Akerman Senterfitt (Miami,
FL)
Scott O'Connell -- Nixon Peabody (Boston,
MA)

Situated on a coastal bluff in the picturesque arts community of Laguna Beach, Montage Laguna Beach offers a unique mix: the amenities and conveniences of an ultra luxury beachfront hotel, coupled with the warmth and appeal of a cozy craftsman-style inn. It's the ideal Southern California beach resort.

Oceanfront opulence abounds at Montage. With lush landscaping and pristine white sand beaches, this is a Laguna Beach resort retreat unlike any other Southern California beachfront resorts or hotels. From its gracious craftsman-style architecture and the rugged coastline views to a multitude of services and amenities, this world-class Laguna Beach resort offers a masterful mix of nature, art and luxury.

Session III



8:40a – 9:00a
WINNING WITH STORIES – BUILDING RAPPORT
IN THE COURTROOM
Steve Mooney -- Weinberg Wheeler Hudgins
Gunn & Dial
(Atlanta, GA)
Innovation and creativity are key to grabbing and keeping jurors' interest. You have to tell a story. And you have to connect with the jurors. Eye contact, thought contact. A virtual Vulcan mind-meld. And you have to know where to draw the line. Here are some examples of good stories and bloopers.



9:00a – 9:20a
HOW TO WIN OR LOSE YOUR CASE DURING
THE OPENING STATEMENT
Marshall Grossman -- Bingham McCutchen
(Santa Monica, CA)
Trial lawyer Marshall Grossman will discuss the differences between opening statements that provide a path to victory and those that foretell disaster. He is fresh off a \$600 million dollar settlement during the trial of *Grupo Televisa v. Univision* in Los Angeles federal court.



9:20a – 9:40a
CRUSHIN' A CONCUSSION
Jerry Glas -- Deutsch Kerrigan & Stiles (New Orleans, LA)
There may be as many as 4 million head concussions in North America in 2009. Unlike actress Natasha Richardson's case, most head concussions are mild. However, in the courtroom no concussion is mild; no plaintiff reports a complete recovery. Here's where to look for records, what to expect of experts and what to show the jury to get a favorable assessment of damages and

recovery.



9:40a - 10:00a

CLASS ACTION LITIGATION TRENDS

Linda Woolf -- Goodell DeVries Leech & Dann (Baltimore, MD)

Class actions remain at the top of many companies' high risk litigation inventories. Examine growth areas, including trends in consumer fraud class action litigation. Impact of Class Action Fairness Act, roles of in-house counsel and insurers in settlements; impact of *In re Tobacco II Cases* and *In re Hydrogen Peroxide*.



10:00a - 10:20a

ARBITRATION PROVISIONS TO AVOID CLASS ACTIONS

John Vaught -- Wheeler Trigg O'Donnell (Denver, CO)

Talk about nipping a lawsuit in the bud. Practice pointers for in-house counsel drafting arbitration clauses in commercial contracts to avoid class action litigation. What works, what doesn't, and where.

Refreshment and Coffee Break



Session IV



10:50a - 11:30a

PANEL DISCUSSION: IN-HOUSE COUNSEL MAINTAINING PRIVILEGE

Moderator: David Neave -- Blake Cassels & Graydon

(Vancouver, BC, Canada)

U.S. in-house counsel dealing with counterparts in Europe and elsewhere, or with subsidiaries in other countries, must be mindful of the distinction between privileges in the U.S. and privileges as limited in other jurisdictions. Impact on corporate policies, board meetings, and day-to-day correspondence between the corporation's employees and its in-house legal department find the differing roles in litigation.

With Discussion By:

Joseph Ortego - Nixon Peabody (New York, NY)

Ken Mills - Blake Cassels & Graydon (Calgary, ALB, Canada)

Jack Sharman - Lightfoot Franklin & White (Birmingham, AL)

Ben Jeffers - Dykema (Detroit, MI)

Closing Statements Before Break-Outs

11:30a - 11:40a



network VICE-chair
Tony White -- Thompson Hine (Columbus, OH)

Litigation Management Break-Outs (1 Hour)



SESSION A:
LITIGATION MANAGEMENT
Moderator:
Alex Marconi -- Snell & Wilmer (Phoenix, AZ)

Room: Grand I

Discussion Group Leaders:

Bobby Hood, Sr. – Hood Law Firm
(Charleston, SC)
Florine Clark – Red Robin International
Don Parshall, Jr. – Nissan North America
George Kalapos – Unimin
John Romeo – American Water



SESSION B:
INSURANCE COVERAGE: GETTING TO
COVERAGE
Moderator:
Aidan McCormack -- Nixon Peabody (New
York, NY)

Room: Gallery II

Discussion Group Leaders:

Greg Takehara – Affinity Insurance
Steve Andrews – Insight
Raymond Cashman – Chubb Group
Lilian Morvay – Catlin
Tony Lathrop – Moore & Van Allen
(Charlotte, NC)



SESSION C:
E-DISCOVERY -- WHAT OTHER IN-HOUSE
COUNSEL ARE DOING
Moderator:
Mark Yacano -- LeClairRyan (Richmond, VA)

Room: Gallery I

Discussion Group Leaders:

Sam Santo – Lowenstein Sandler (Roseland,
NJ)
Jonathan Barton – Sandberg, Phoenix & von
Gontard (St. Louis, MO)



SESSION D:
LITIGATION MANAGEMENT
Moderator:
Phillip Sykes -- Forman Perry Watkins Krutz
& Tardy (Jackson, MS)

Room: The Boardroom

Discussion Group Leaders:

Lee Hollis – Lightfoot Franklin & White
(Birmingham, AL)
Bobby Hood, Jr. – Hood Law Firm
(Charleston, SC)
Ellen Darling – Snell & Wilmer (Orange
County, CA)
Steve Fogg – Corr Cronin Michelson
Baumgardner & Preece (Seattle, WA)
Paul DeGiulio – Allied World Assurance

