

In-House Counsel
Blazing New Trails
Protect and Defend in 2012 and Beyond

*The Hyatt Regency Gainey Ranch Resort
Scottsdale, Arizona*

[Program Coursebook \(PDF\)](#)

[eCoursebook \(ePub\)](#)

for Nook, eReader, iPhone and iPad

[eCoursebook \(mobi\)](#)

for Kindle

Day 1 (Friday, Apr 27) – Opening Statements



8:00a – 8:05a
NETWORK CHAIR
Roger McCleary -- Beirne Maynard & Parsons
(Houston, TX)



8:05a – 8:10a
SEMINAR Co-CHAIRS
David Harris -- Lowenstein Sandler
(Rioseland, NJ)



Phillip Sykes -- Forman Perry Watkins Krutz
& Tardy (Jackson, MS)



Lee Hollis -- Lightfoot Franklin & White
(Birmingham, AL)
Scott O'Connell -- Nixon Peabody (Boston,
MA)

Session I



8:10a – 8:30a
**STRATEGIC POINTERS FOR NON-COMPETE
AND TRADE SECRET LITIGATION**
Steve Fogg
Corr Cronin Michelson Baumgardner & Preece
(Seattle, WA)

Employees and executives changing jobs can
put their companies on one side or the other
of non-compete and trade secret disputes
and suits. Trial lawyer Steve Fogg has
litigated these cases from both sides of the
fence. He shares strategic insights to achieve
your goals, whether as plaintiff or defendant.



8:30a – 8:50a
WORKPLACE PRODUCT LIABILITY CLAIMS
Sam Santo
Lowenstein Sandler (Roseland, NJ)
State law imposes strict liability in certain
workplace accident matters. Product
manufacturers are often barred from
contributory negligence and assumption-of-
the-risk-defenses. Trial lawyer Sam Santo
discusses ways to get that information to a
jury anyway.

8:50a – 9:10a
DEFENDING PRODUCT AND SERVICE

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



PROVIDERS OVERSEAS

Joe Krasovec
Schiff Hardin (Chicago, IL)

As U.S. companies expand their global footprints, conduct in other countries can lead to litigation here. Manufacturing processes and incidents occurring in foreign countries, violations of foreign standards and documents generated by overseas affiliates can become fodder for, if not the centerpiece of, claims brought in the United States. Trial lawyer Joe Krasovec presents strategies and tactics to increase the likelihood that what happens overseas stays there.

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

Most Guests are arriving on Thursday, April 26 and Departing on Sunday, April 29. Please enter your Arrival and Departure dates below.

Arrive: Apr Depart: Apr

CLE INFORMATION

Please enter below the State(s) that you are admitted to and your ID Number(s)

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



9:10a – 9:50a
PANEL: MANAGING THE TOP FIVE ISSUES IN CROSS-BORDER LITIGATION CASES

Moderator: David Neave
Blake Cassels & Graydon (Canada)
In a global economy, companies frequently face litigation involving the same products, goods or services in several countries. Our panel of in-house counsel and outside trial lawyers discuss the top five issues in cross-border litigation and provide practical tips on avoiding or effectively managing them.

With Discussion By:
Jill Lawrie – Blake Cassels & Graydon (Canada)
Liz Porter – St. Jude Medical (St. Paul, MN)
Rick Barnes – Goodell DeVries Leech & Dann (Baltimore, MD)

Seminar Agenda

- THU APR 7:00p Opening Reception and Dinner 26
- THU APR 10:00p Hospitality Suite 26
- FRI APR 7:00a Registration / Continental Breakfast 27
- FRI APR 8:00a CLE SuperCourse Day 1 Begins 27
- FRI APR 10:00a Spouse/Significant Other Cooking Demo 27
- FRI APR 12:00p CLE SuperCourse Day 1 Concludes 27
- FRI APR 1:00p Recreation: Golf, Spa, Horseback Riding, Jeep Tour 27
- FRI APR 6:30p Busses Board for Dinner at Grayhawk 27
- FRI APR 10:00p Hospitality Suite 27
- SAT APR 7:00a Continental Breakfast 28
- SAT APR 8:00a CLE SuperCourse Day 2 Begins 28
- SAT APR 12:00p CLE SuperCourse Day 2 Concludes 28
- SAT APR 1:00p Recreation: Golf, Spa, Cattle Drive, Rafting, Heard Museum 28
- SAT APR 7:00p Reception and Dinner 28
- SAT APR 10:00p Hospitality Suite 28

Refreshment and Coffee Break



Session II



10:20a – 10:40a
THE TEN COMMANDMENTS OF CROSS EXAMINATION

Hugh Gottschalk
Wheeler Trigg O'Donnell (Denver, CO)
Cross-examination is the heart of the adversary process. Every other part of a trial involves self-serving and biased presentations of a party's case and arguments. Cross-examination is the adversary system's method for getting at truth, and it is the only part of a trial that involves direct, human conflict. Trial lawyer Hugh Gottschalk discusses the elements of effective cross-examination, illustrated by some of Hollywood's most memorable courtroom scenes.

Recreation



10:40a - 11:00a

JURORS + INTERNET = TROUBLE

Warren Platt

Snell & Wilmer (Orange County, CA)

Jurors are instructed to consider only the evidence presented at trial and not to read newspaper articles or watch television coverage of their case. Nevertheless, jurors search the Internet and thereby provide trial lawyers and judges with a whole new set of issues to consider. "Google mistrials" may be a part of every trial lawyers' vernacular. Trial lawyer Warren Platt discusses this intriguing, disturbing development.



11:00a - 11:20a

ARE CLASS ACTIONS ON SHAKEY LAST LEGS?

How In-house Counsel are Affected by Recent SCOTUS Decisions

Scott O'Connell

Nixon Peabody (Boston, MA)

The permissible scope of class actions has been substantially narrowed. In-house counsel should be incorporating class-waiver arbitration provisions which are now presumptively valid (Concepcion). Classes defined by extrapolation and data models have been dealt a death blow rendering them vulnerable to Daubert challenges (Walmart). Efforts to pursue state court class actions will increase because failure in federal court will not bar re-litigation in state court (Bayer).



11:20a - 12:00p

PANEL: CHALLENGES IN GLOBAL AND DOMESTIC INTERNAL INVESTIGATIONS

Moderator: Tony Lathrop

Moore & Van Allen (Charlotte, NC)

Increased regulation and heightened enforcement require that companies be prepared to conduct internal investigations satisfactory to enforcers. In-house counsel must carefully consider whether and how to investigate suspected violations, and develop cost-effective strategies to address privilege issues, confidentiality concerns, as well as incentives to whistleblowers provided under the Dodd-Frank Act. Our panel will discuss the challenges posed by an internal investigation, and strategies to minimize corporate exposure.

With Discussion By:

Ashley Watson - Hewlett-Packard (Palo Alto, CA)

Greg Thomas - Fisk Electric (Houston, TX)

Randall Lewis - Danone Asia (Salem, OR)

Dawson Horn - Tyco International

Patricia Brown Holmes - Schiff Hardin (Chicago, IL)



Golf

Welcome to a golfer's paradise in the Valley of the Sun, where 27 holes of championship golf await you. Surrounded by incredible scenery, under beautiful blue skies, Gainey Ranch offers a year-round exciting challenge for golfers of any skill level. Each of the three distinct nine-hole courses of our Scottsdale golf resort, designed by Benz and Poellot, offers a different experience for players.



Horseback Riding

Travel along with our knowledgeable cowboy and cowgirl guides along the picturesque wilderness trails of Arizona. We'll take you where civilization is a faint memory and yet still have you back in plenty of time for our Network dinner.



Desert Jeep Tour

Climb aboard our rugged 4-wheel drive, open-air jeeps and Blazers for the "western experience" of a lifetime. Witness the awesome grandeur of the Sonoran Desert as your friendly Cowboy guides gently bounce your group through a maze

of cactus-lined trails and desert riverbeds. Your guides will spin yarns of the Old West and teach you the survival techniques used by our Native American Indians centuries ago.



City Slickers Cattle Drive

Head 'em up! Move 'em out! This authentic Western adventure will satisfy the cowboy in every heart. Fulfill your Wild West dreams in the mountainous terrain of the rugged desert landscape. Accompanied by an experienced wrangler, you'll follow the trails on horseback in search of wayward cattle on the authentic cattle drive through the Sonoran desert. Become a cowhand for the day and ride the open range to your heart's content.



Funwater Float River Rafting

Paddle your way down a river teaming with spectacular wildlife and fantastic desert landscape. Not to worry -- this is a flatwater river adventure, perfect for all, from beginner to expert. You and your crew paddle in our guided raft under the

guidance of our professional guides. The only requirement being everyone is ready to have an exciting fun filled river adventure.

Day 2 (Saturday, Apr. 28) - Welcome Back



8:05a - 8:10a

SEMINAR Co-CHAIRS

David Harris -- Lowenstein Sandler (Rioseland, NJ)

Heard Museum Tour

The Heard Museum in Phoenix explores American indianhistory through the voices of native people while celebrating the



Phillip Sykes -- Forman Perry Watkins Krutz & Tardy (Jackson, MS)
 Lee Hollis -- Lightfoot Franklin & White (Birmingham, AL)
 Scott O'Connell -- Nixon Peabody (Boston, MA)

Session III



8:10a - 8:30a
TO APPEAL OR NOT TO APPEAL - THAT IS THE QUESTION
 Jill Wheaton
 Dykema (Ann Arbor, MI)
 Factors to consider when deciding whether to appeal an adverse decision, and strategies to increase your chances of success when you are in the appellate courts.



8:30a - 8:50a
REMOVAL TO FEDERAL COURT - THE NEW RULES
 Kevin Schiferl
 Frost Brown Todd (Indianapolis, IN)
 Affecting nearly every diversity case filed in or removed to federal court, the new Federal Court Jurisdiction and Venue Clarification Act of 2011 requires all federal practice litigators to reconsider longstanding litigation strategies. Removal of multiple defendant suits, venue, the rule of unanimity, supplemental jurisdiction of unrelated state claims, residency and how the amount in controversy is determined are all affected. Litigation managers must know these important changes.



8:50a - 9:10a
MANAGING YOUR CASE FROM PRODUCT FAILURE THROUGH TRIAL
 Cooper Ashley
 Maslon Edelman Borman & Brand (Minneapolis, MN)
 Trial lawyer Cooper Ashley completed a 2-week federal jury trial recovering more than \$1M as a result of damage to product caused by an outside vendor. Consider how you would manage the investigation, testing, recall, customer communications and trial of a product failure case.



9:10a - 9:50a
PANEL: IT'S NOT 50/50 - EARLY CASE EVALUATION
 Moderator: James Miller
 Akerman Senterfitt (Miami, FL)
 Whether we proceed to trial or settle, it's vitally important to arrive at as accurate an assessment of the case as early as possible. The importance today of electronic evidence, particularly e-mail, further complicates this process. Our panel of experienced trial lawyers and in-house counsel discuss their experiences with different methods and tools



creative innovations of today's most masterful artists. Our expert docent guide you you through the changing nature of Native art from ancestral artifacts to cutting-edge art drawing from its collection of 40,000 objects in their 10 exhibit galleries. The Heard Museum is renowned for its ever-changing exhibitions, exceptional shops and cultural festivals.



The Spa Avania
 It's your body's fundamental daily journey toward balance — and it's the foundation for everything we do at Spa Avania. Against the vibrant hues of the Arizona desert comes the first Scottsdale spa resort where every detail has been seamlessly choreographed to the science of time. A uniquely holistic approach that bases your total-immersion experience on the inescapably cyclical needs of your body at key periods of the day.

Set amidst flowering cactus and framed against the majestic McDowell Mountains lies the Hyatt Regency Scottsdale Resort and Spa at Gainey Ranch.

Here, breathtaking desert vistas blend with intriguing Native American culture and pampering amenities to create an experience designed to please every guest.

for early case assessment and offer their advice on how to better evaluate your cases and how to do it sooner.

With Discussion By:

Greg Marshall – Snell & Wilmer (Phoenix, AZ)

Joe Ortego – Nixon Peabody (New York, NY)

Joe Stroud – GE Capital, Americas (Salt Lake City, UT)

Justin Pitt – Community Health Systems (Franklin, TN)

Refreshment and Coffee Break



Session IV



10:20a – 10:40a

GOVERNMENT INVESTIGATIONS: IN-HOUSE PREPARATION AND RESPONSE

Nathan Hochman

Bingham McCutchen (Santa Monica, CA)

Federal corporate criminal investigations will get an election year boost. Former USDOJ AAG Nathan Hochman discusses recent law enforcement trends targeting corporations, including FCPA, healthcare, tax, securities and banking violations. He will highlight best practices to prepare for such investigations, address them when they occur, and emerge victorious when they conclude.



10:40a – 11:00a

A PREEMPTIVE STRIKE AGAINST EMPLOYMENT CLAIMS

Danya Blair

Beirne Maynard & Parsons (Houston, TX)

Your company's HR personnel are on the front lines with problem employees prior to litigation. Trial lawyer Danya Blair provides practical insights and tips for in-house counsel to get involved early with HR to investigate, discipline and terminate problem employees as your best weapon in avoiding costly employment claims.

Closing Statements Before Break-Outs



11:00a – 11:05a

NETWORK CHAIR

Roger McCleary -- Beirne Maynard & Parsons (Houston, TX)

Litigation Management Break-Outs (1 Hour)

SESSION A:

LITIGATION MANAGEMENT

Moderator: Alex Marconi

Snell & Wilmer (Phoenix, AZ)



Room: Vaquero E1

Discussion Group Leaders:

Tony White – Thompson Hine (Columbus, OH)

Mary Anne Mellow – Sandberg Phoenix & von Gontard (St. Louis, MO)

Lee Hollis – Lightfoot Franklin & White (Birmingham, AL)



SESSION B:

LITIGATION MANAGEMENT

Moderator: David Harris

Lowenstein Sandler (Roseland, NJ)

Room: Vaquero F1

Discussion Group Leaders:

Dawson Horn – Tyco International

John Sandberg – Sandberg Phoenix & von Gontard (St. Louis, MO)

Name Name – Firm/Company (City, ST)

Name Name – Firm/Company (City, ST)



SESSION C:

Alternate Fee Arrangements

Moderator: John Worden

Schiff Hardin (San Francisco, CA)

Room: Vaquero G1

Discussion Group Leaders:

Alan Gries – Gibbons (Philadelphia, PA)

Mark Sadler – Travelers (St. Paul, MN)

Name Name – Firm/Company (City, ST)

Name Name – Firm/Company (City, ST)



SESSION D:

LITIGATION MANAGEMENT

Moderator: David King

Bass Berry & Sims (Nashville, TN)

Room: Vaquero E2

Discussion Group Leaders:

Joe Cincotta – Gibbons (Philadelphia, PA)

Name Name – Firm/Company (City, ST)

Name Name – Firm/Company (City, ST)

Name Name – Firm/Company (City, ST)



SESSION E:

LITIGATION MANAGEMENT

Moderator: Bob Kerrigan

Deutsch Kerrigan & Stiles (New Orleans, LA)

Room: Vaquero F2

Discussion Group Leaders:

Blaine Edwards – BJ Services (Houston, TX)

Name Name – Firm/Company (City, ST)

Name Name – Firm/Company (City, ST)

Name Name – Firm/Company (City, ST)



SESSION F:

DOCUMENT DISCOVERY

Moderator: Phillip Sykes

Forman Perry Watkins Krutz & Tardy (Jackson, MS)

Room: Vaquero G2

Discussion Group Leaders:

Henry King – Electric Insurance
Company(Beverly, MA)

Bobby Hood Jr. – Hood Law Firm
(Charleston, SC)

Ted LeClercq – Deutsch Kerrigan & Stiles
(New Orleans, LA)

Name Name – Firm/Company (City, ST)