

From Trouble to Trial to Triumph Effective Litigation Management Techniques and Tips

*The Grand Del Mar
San Diego, CA*



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

[eCoursebook \(ePub\)](#)

for Nook, eReader, iPhone and iPad

[eCoursebook \(mobi\)](#)

for Kindle

Day 1 (Friday, Nov. 9) – Opening Statements



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



8:05a – 8:10a
SEMINAR Co-CHAIRS
Jeff Williams -- Schiff Hardin (San Francisco,
CA)



Phillip Sykes -- Forman Perry Watkins Krutz
& Tardy (Jackson, MS)
Lee Hollis -- Lightfoot Franklin & White
(Birmingham, AL)
Stacie Hartman -- Schiff Hardin (Chicago,
IL)

Session I



8:10a – 8:30a
**SIFTING THROUGH THE ASHES – USING
FIRE SCIENCE IN THE DEFENSE OF A
PRODUCT LIABILITY CLAIM**

Jon Barton
Sandberg Phoenix & von Gontard (St. Louis,
MO)

Effective plaintiff attorneys can pin fire origin
and cause on virtually any product, even on
computer programming and other
intellectual property. Trial lawyer Jon Barton
discusses fire origin science, burn pattern
analysis and evidence left behind by fires and
raises what is often the only defense
available after a target product has been
consumed.

8:30a – 8:50a

First Name:

Last Name:

Position/Title:

Company:

**Business
Phone:**

Fax:

Cell 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



PROTECTING PUNITIVE DAMAGE CAPS

Walter Boone
Forman Perry Watkins Krutz & Tardy
(Jackson, MS)
Plaintiffs are attacking valuable non-economic and punitive damage caps that would otherwise limit your company's liability. Trial lawyer Walter Boone gives you the arguments and authorities you and your defense counsel will need to preserve those hard-fought protections.



8:50a - 9:10a
TOP TEN LITIGATION RISK ASSESSMENT TIPS FOR 2013

Sherrie Farrell
Dykema (Detroit, MI)
Decreasing legal budgets, increasing focus on compliance, and a more litigious environment are expected to continue into 2013. Litigation risk assessment can help you decide where to direct limited resources by providing management with an early concise evaluation of the risks and costs of each litigated matter, an impartial assessment of strengths and weaknesses, significant legal issues, summary of the facts, budget and possible and probable outcomes. Benefits include reductions in the number of litigated matters, legal fees and discovery expenses, and improved decision-making by business units, thereby facilitating customer relations and increased future business.



9:10a - 9:50a
PANEL: RARE COMMODITIES - TRYING AND WINNING A CLASS ACTION - GRAPHICALLY DISPLAYED

Moderator: David Neave
Blake Cassels & Graydon (Canada)
A panel of trial lawyers and in-house counsel with recent experience successfully defending a precedent-setting product liability class action trial in Canada, following MDL and class litigation in the US, will discuss strategies for defending such cases. A presentation of the innovative trial graphics used in the trial is included.

With Discussion By:
Gord McKee - Blake Cassels & Graydon (Canada)
Liz Porter - St. Jude Medical (St. Paul, MN)
Jill Lawrie - Blake Cassels & Graydon (Canada)

Refreshment and Coffee Break



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

Most Guests are arriving on Thursday, November 8 and Departing on Sunday, November 11. Please enter your Arrival and Departure dates below.

Arrive: Nov Depart: Nov

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:

Seminar Agenda

- THU NOV 8 7:00p Opening Reception and Dinner on the Reflection Lawn
- THU NOV 8 10:00p Hospitality Suite - Burgundy/Champagne Room
- FRI NOV 9 7:00a Registration / Continental Breakfast - West Foyer
- FRI NOV 9 8:00a CLE SuperCourse Day 1 Begins
- FRI NOV 9 10:00a Spouse/Significant Other Cooking Demo - Manchester Salon
- FRI NOV 9 12:00p CLE SuperCourse Day 1 Concludes
- FRI NOV 9 1:00p Recreation: Golf, Spa, Kayaking, Hiking
- FRI NOV 9 7:00p Reception and Dinner at Addison
- FRI NOV 9 10:00p Hospitality Suite - Burgundy/Champagne Room
- SAT NOV 10 7:00a Continental Breakfast - West Foyer
- SAT NOV 10 8:00a CLE SuperCourse Day 2 Begins
- SAT NOV 10 12:00p CLE SuperCourse Day 2 Concludes
- SAT NOV 10 1:00p Recreation: Golf, Spa, Boat Cruise
- SAT NOV 10 7:00p Reception and Dinner on the Reflection Lawn
- SAT NOV 10 10:00p Hospitality Suite - Burgundy/Champagne Room

Recreation



10:20a – 10:40a
PATENT LITIGATION 101 – STRATEGIES EVERY IN-HOUSE LAWYER MUST KNOW
 Steve Hankins
 Schiff Hardin (San Francisco, CA)
 Your company is sued for patent infringement and your CEO asks, "What's our gameplan? What's our exposure?" "Hum-a-na, hum-a-na" is not what she's looking for. A customer is informed that your company is infringing a competitor's patent. You're going to need trial lawyer Steve Hankins' common sense, not-too-technical guide of what to do when that happens.



10:40a – 11:00a
DIVERSITY IN THE COURTROOM – PUTTING THE ODDS IN YOUR FAVOR
 Kevin Clark
 Lightfoot Franklin & White (Birmingham, AL)
 The trial lawyer who ignores diversity considerations at trial does so at her peril. Trial lawyer Kevin Clark will demonstrate the importance of diversity in modern-day trials through the use of anecdotes and personal examples. He will explain how diversity should be a fundamental part of trial preparation from the outset of the case through closing argument. Come learn how unleashing the benefits of diversity can be part of a winning trial strategy.



11:00a – 11:20a
CAREFUL WHAT YOU WISH FOR: THE POSITIVES AND NEGATIVES OF ARBITRATION AND MEDIATION
 Larry Polk
 Sutherland Asbill & Brennan (Atlanta, GA)
 Alternative dispute resolution is a common feature in many commercial and consumer contracts. Sutherland partner Larry Polk will discuss the benefits associated with ADR, as well as drawbacks we need to be aware of such as arbitrator qualification, rules of evidence and procedure, and limited appeal rights. Special attention will be given to the experience of brokerage firms in arbitration, twenty five years after the landmark McMahon decision allowing compulsory arbitration of customer disputes.



11:20a – 12:00p
PANEL: KNOW WHAT YOU DON'T KNOW – JURY RESEARCH
 Moderator: Scott O'Connell
 Nixon Peabody (Boston, MA)
 Framing issues properly for the jury and positioning your case to maximize juror attitudes is mission critical. This panel, including a leading jury research consultant, will explore effective juror research techniques to help frame your case for success.

With Discussion By:
Joel Hoxie – Snell & Wilmer (Phoenix, AZ)
Richard Gabriel – Decision Anayisis (Los



Golf
 With stunning Los Peñasquitos Canyon as his canvas, Tom Fazio created a masterpiece of dramatic elevations, diverse bunkering and lush fairways. Graced by Pacific breezes from the nearby coast, and awash with Southern California glow, The Grand Golf Club is San Diego's premier golf resort. This challenging and unforgettable experience is reserved exclusively for resort guests.



Kayak the 7 Caves of La Jolla
 Experience amazing ocean and wildlife views on a two-hour kayak tour of the La Jolla Sea Caves and the fascinating marine paradise of the La Jolla Ecological Reserve. Guided by a passionate and well-trained kayak enthusiast, even first-time kayakers are welcome for a chance to see seals, sea lions and sometimes dolphins in the gentle waves of the Pacific.



Mesa to Sea Nature Hike
 A descent from the famous cliff top groves of Torrey Pines State Reserve to the pristine beach below offers a unique perspective of the area's mysterious coastal ecosystems. This private guided two-hour, moderate downhill hike is approximately 2.5 miles with sweeping vistas of the Pacific Ocean. Suitable footwear recommended.



San Diego Boat Cruise
 Salty bay breezes, sparkling waves and matchless natural beauty make San Diego perfect for cruising. Step aboard our presidential yacht, the High Spirits, where you will enjoy gracious hospitality and impressive views of the Coronado Bridge, Cabrillo National Monument and playful California sea lions.



The Grand Day Spa
 Retreat from the world and slip into a relaxed state at The Spa at The Grand Del Mar, San Diego's premier resort spa. As you surrender into utter bliss, you'll understand just why it is one of only 30 Five-Star spas in the country. Embracing the creative and rejuvenating spirit of the Renaissance, The Spa delivers a sublime experience of relaxed, renewed and restorative wellness. Indulge. You'll emerge completely revitalized.

Serenely nestled amidst Los Peñasquitos Canyon Preserve, this premier San Diego resort destination seamlessly combines the old-world charm of a Mediterranean estate with the modern luxury of an elegant resort.

Angeles, CA)

Day 2 (Saturday, Nov. 10) – Welcome Back



8:05a – 8:10a
SEMINAR Co-CHAIRS
Jeff Williams -- Schiff Hardin (San Francisco, CA)
Phillip Sykes -- Forman Perry Watkins Krutz & Tardy (Jackson, MS)
Lee Hollis -- Lightfoot Franklin & White (Birmingham, AL)
Stacie Hartman -- Schiff Hardin (Chicago, IL)

The result: a destination unparalleled by San Diego hotels and lauded by Condé Nast Traveler as one of the "World's Best Places To Stay".
Little wonder, given the sun-drenched climate, stunning natural beauty,
championship golf course and irresistible dining.

Session III



8:10a – 8:30a
**FROM EINSTEIN TO Doofenschmirtz:
DESTROYING YOUR OPPONENT'S EXPERT
AND PROTECTING YOUR OWN**
David Schultz
Maslon Edelman Borman & Brand
(Minneapolis, MN)
Using illustrations from real trials trial lawyer David Schultz discusses strategies for transforming the other side's "Einstein" into a Dummkopf. David will focus on strategies to research an expert's background, his/her opinions and the science underlying those opinions, as well as using that research to limit, exclude and destroy your adversary's expert.



8:30a – 8:50a
**DISCOVERY TACTICS: USE AND ABUSE OF
RULE 30(B)(6) CORPORATE WITNESS
DEPOSITIONS**
David King
Bass Berry & Sims (Nashville, TN)
Depositions directed to an organization (a Rule 30(b)(6) deposition) afford aggressive plaintiffs opportunities for abuse, prejudice and burden. Overbroad notices and questions of corporate witnesses, including questions about legal and expert theories, are just some of the tricks for which you need to be prepared. Trial lawyer David King will discuss responses to 30(b)(6) notices, objections to "contention discovery," the duty to designate knowledgeable persons and non-evasively answer questions, and more.



8:50a – 9:10a
**UNCLEAR INSURANCE COVERAGE AND
CATASTROPHIC LOSS**
Linda Woolf
Goodell DeVries Leech & Dann (Baltimore, MD)
Large losses, high self-insured retentions and primary and excess insurers reserving rights on coverage. What's an insured to do? Taking control of out-of-control situations. Protecting your client while insurers protect their limits.

9:10a – 9:50a
PANEL: TRADE SECRET LITIGATION



Moderator: Matt Prewitt
Schiff Hardin (Chicago, IL)
Every in-house litigation manager gets at least one trade secret case in his/her career. Trade secret litigation poses difficulties, including the need to shut down infringement asap, while at the same time having to disclose the trade secret to prove that it was taken by the defendant. That disclosure has to be done in such a way as not to publish the secret beyond the court and the litigants. And defendants can turn the table to put the plaintiff on the defensive. What did you do to protect that so-called trade secret? Who had access to it? Our panel of in-house and outside trial counsel will discuss some of the finesses of trade secret litigation, current litigation techniques and important decisions, so you can be prepared.

With Discussion By:

Peter Reyes – Cargill (Wayzata, MN)
Dorothy Capers – US Foods (Rosemont, IL)
Mike Fried – LVL Claims (New York, NY)
Tony White – Thompson Hine (Columbus, OH)

Refreshment and Coffee Break



Session IV



10:20a – 10:40a
WHY WE WON THE ACC VALUE CHALLENGE, AND WHAT YOU CAN LEARN FROM IT
Michael Williams
Wheeler Trigg O'Donnell (Denver, CO)
One of this year's ACC Value Champion awards went to Wheeler Trigg O'Donnell and the in-house legal department of Whirlpool Corporation for delivering substantial value to their client company. Trial lawyer Michael Williams will describe how in-house counsel and their outside law firms can partner to improve the efficiency and effectiveness of the legal function while controlling costs improving legal outcomes. Hear examples of easily replicated practices that work.



10:40a – 11:00a
TRULY CATASTROPHIC AND CASCADING LITIGATION
Forrest Wynn
Beirne Maynard & Parsons (Houston, TX)
By now everyone knows that the April 20, 2010 Deepwater Horizon accident and oil spill in the Gulf of Mexico resulted in significant litigation for the parties that were

directly involved with drilling operations. Less publicized, but just as important, has been the litigation impacting the offshore industry. Trial lawyer Forrest Wynn examines the secondary and tertiary litigation created by government and industry, to the spill, as well as new issues arising in offshore litigation. The ripple effect of the Macondo accident will be seen in disputes for years to come, and has revealed new considerations for companies before and during litigation.

Closing Statements Before Break-Outs



11:00a – 11:05a
NETWORK VICE-CHAIR
Jim Miller -- Akerman Senterfitt (Miami, FL)

Litigation Management Break-Outs (1 Hour)



SESSION A:
WHAT'S KEEPING YOU UP AT NIGHT?
LITIGATION MANAGEMENT FROM AN IN-
HOUSE PERSPECTIVE
Moderator: Tony Lathrop
Moore & Van Allen (Charlotte, NC)
Room: Ballroom A-1

Discussion Group Leaders:

Paul Killeen – Golden Living (Plano, TX)
Mike Fried – LVL Claims (New York, NY)
Michael Alford – Raymond James Financial
(St. Petersburg, FL)
Hal Morlan – Akerman Senterfitt (Orlando,
FL)
Chandler Bailey – Lightfoot Franklin & White
(Birmingham, AL)
Nicole Bearce – Lowenstein Sandler
(Roseland, NJ)
Cooper Ashley – Maslon Edelman Borman &
Brand (Minneapolis, MN)
Olga Greenberg – Sutherland Asbill &
Brennan (Atlanta, GA)



SESSION B:
LITIGATION MANAGEMENT
Moderator: Joel Hoxie
Snell & Wilmer (Phoenix, AZ)
Room: Ballroom A-2

Discussion Group Leaders:

Kelly Witte – Cummins (Indianapolis, IN)
Ryan McManis – Level 3 Communications
(Denver, CO)
Emily Harris – Corr Cronin (Seattle, WA)
Susan Artinian – Dykema (Detroit, MI)
Joe Cincotta – Gibbons (Philadelphia, PA)
Sam Santo – Lowenstein Sandler (Roseland,
NJ)
Hugh Gottschalk – Wheeler Trigg O'Donnell
(Denver, CO)

SESSION C:
LITIGATION MANAGEMENT
Moderator: Stacie Hartman
Schiff Hardin (Chicago, IL)



Room: Ballroom A-3

Discussion Group Leaders:

Rita Castro – United Rentals (Greenwich, CT)

Melanie Gaston – Blake Cassels & Graydon
(Canada)

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

Chilton Simmons – Hood Law Firm
(Charleston, SC)

Joe Ortego – Nixon Peabody (New York, NY)

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



SESSION D:

LITIGATION MANAGEMENT

Moderator: Jim Miller

Akerman Senterfitt (Miami, FL)

Room: Ballroom C-1

Discussion Group Leaders:

William Hedden – Panasonic (Secaucus, NJ)

Laura Buckland – T-Mobile USA (Bellevue,
WA)

Byron Hayes – Zimmer (Warsaw, IN)

Michael Moore – Corr Cronin (Seattle WA)

Melanie Margolin – Frost Brown Todd
(Indianapolis, IN)

Alan Gries – Gibbons (Philadelphia, PA)

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

John Worden – Schiff Hardin (San Francisco,
CA)

Michael O'Donnell – Wheeler Trigg
O'Donnell (Denver, CO)



SESSION E:

LITIGATION MANAGEMENT

Moderator: Miguel Pozo

Lowenstein Sandler (Roseland, NJ)

Room: Ballroom C-2

Discussion Group Leaders:

Peter Reyes – Cargill (Wayzata, MN)

Eddie Clopton – Excelon (Chicago, IL)

Lance McPherson – MTV Networks (New
York, NY)

Duane Cantrell – Progress Rail Service
(Albertville, AL)

Shacara Delgado – Realogy (Parsippany, NJ)

John Cochrane – Razor USA (Cerritos, CA)

Matt Schuler – Tokio Marine (Pasadena, CA)

Steve Fogg – Corr Cronin (Seattle WA)

Ike Ryan – Deutsch Kerrigan & Stiles (New
Orleans, LA)

Rick Barnes – Goodell DeVries Leech & Dann
(Baltimore, MD)

Steve Rowe – Lightfoot Franklin & White
(Birmingham, AL)

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