



Windy City
Litigation Management

Please register by June 13, 2012

Friday, June 15, 2012

The Metropolitan Club – Willis Tower
Chicago, IL

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

[eCoursebook \(ePub\)](#)

for Nook, eReader, iPhone and iPad

[eCoursebook \(mobi\)](#)

for Kindle

Tuition Free for Attorneys
Breakfast and Lunch Included

Friday, June 15 – Opening Statements



9:00a – 9:05a
NETWORK CHAIR
Roger McCleary -- Beirne Maynard & Parsons
(Houston, TX)



9:05a – 9:10a
SEMINAR Co-CHAIRS
David Harris -- Lowenstein Sandler
(Roseland, NJ)
Steve Fogg -- Corr Cronin Michelson
Baumgardner & Preece (Seattle, WA)

Session I



9:10a – 9:30a
DEFENDING PRODUCT AND SERVICE
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.



9:30a – 9:50a
CIVIL LESSONS FROM CRIMINAL TRIALS
Jack Sharman
Lightfoot Franklin & White (Birmingham, AL)
In an era of over-criminalization, in-house
counsel cannot ignore the possibility of
criminal investigation and prosecution of
their corporate clients. Fundamental lessons
from criminal trials are often ignored by in-
house counsel. Sometimes, thinking like a
criminal defense lawyer can help you to win

First Name:

Last Name:

Position/Title:

Company:

**Business
Phone:**

Fax:

Email:

**Company
Address1:**

**Company
Address2:**

City:

State:

Zip:

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:

If you experience problems with the form above,
you may also register by phone -- 914.332.4400

Seminar Agenda

FRI JUN 15	7:30a	Continental Breakfast and Program Registration
FRI JUN 15	9:00a	Opening Statements
FRI JUN 15	9:10a	CLE Session I
FRI JUN 15	10:50a	Coffee and Refreshment Break
FRI JUN 15	11:20p	CLE Session II
FRI JUN 15	1:00p	CLE Session III – Working-Lunch Break-Out Sessions
FRI JUN 15	2:00p	CLE Session IV – Ethics
FRI JUN	3:00p	Closing Statements

your civil case. Trial lawyer Jack Sharman provides insights into criminal courtroom tools that can be used in the defense of your civil problem..



9:50a – 10:10p
MANAGING INSTANT COMMUNICATIONS IN MODERN LITIGATION

Catherine Ahlin-Halverson
Maslon Edelman Borman & Brand
(Minneapolis, MN)

eDiscovery includes text messages and instant messages that relate to work but often are not retained pursuant to a company's document retention policies. Some courts addressing this growing component of communications have ordered preservation and production. Trial lawyer Catherine Ahlin will give us pointers on handling this new body of messages that a company in litigation may be required to preserve and produce.



10:10a – 10:30a
CLASS ACTION UPDATE

Tony Lathrop
Moore & Van Allen (Charlotte, NC)
The Supreme Court recently upheld a contract provision that prohibited class arbitration, reversing lower court rulings. The court held that class arbitration greatly increases the risks to defendants that errors will go uncorrected. This presentation will provide practical, timely information for in-house counsel regarding class action waivers in contractual arbitration provisions.



10:30a – 10:50a
KNOW YOUR PRODUCT

Greg Marshall
Snell & Wilmer (Phoenix, AZ)
Trial lawyer Greg Marshall will give in-house counsel his perspective on where to go, with whom to speak, and what to do to learn about the product that you will be defending. An intimate knowledge and understanding of your product's engineering, design and manufacture is essential to a good defense, as Greg's defense of a wrongful death case involving a Russian made MiG 21 fighter jet will attest.

Refreshment and Coffee Break



Session II

11:20a – 11:40a
HOW PRE-EMPTION OF CLAIMS AGAINST GENERICS IS AFFECTING PRODUCT LIABILITY LAW
Steve Imbriglia



Gibbons (Philadelphia, PA)

Trial lawyer Steve Imbriglia shows how trial lawyers are attempting to circumvent a recent Supreme Court decision pre-empting claims against manufacturers of generic drugs and describes the impact of those efforts on product litigation generally. Brand name manufacturers are being targeted for liability resulting from plaintiffs' use of generic products.



11:40a – 12:00p

IN-HOUSE EXPERTS AND THE NEW FEDERAL RULES

Josh Fleming

Frost Brown Todd (Indianapolis, IN)

Trial lawyer Josh Fleming will discuss the balance between the protection and the discovery of in-house expert work product, including drafts of reports. Amendments to Rule 26 simultaneously expand and focus the scope of discovery of witness work product while creating procedural traps for the unwary.



12:00p – 12:20p

LEGAL PROJECT MANAGEMENT: DON'T START BUILDING WITHOUT A BLUEPRINT

Lew Wiener

Sutherland Asbill & Brennan (Washington, DC)

Build a bridge, a building, even a shed without a blueprint? No chance. Clients need to know in advance the beginning and end points of matters as well as the benchmarks along the way. Veteran trial attorney Lew Wiener will discuss the essentials of LPM: partnering with clients, scoping, transparency, identifying mission critical tasks and having the right team in place, all designed to provide clients with efficient, cost effective, value added legal services. "Fees for Services Rendered" Not anymore.



12:20p – 12:40p

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.

12:40p – 1:00p

ARBITRATION: GREAT EXPECTATIONS,



UNFULFILLED PROMISES

John Worden

Schiff Hardin (San Francisco, CA)

Want limited appellate recourse, an uneven playing field, questionable objectivity, lack of transparency, increased costs? Well then, arbitration is for you. Trial lawyer John Worden examines the concessions that corporate litigants make in selecting arbitration over jury trials, including the virtual absence of appellate rights, no opportunities for dispositive motions, routine flaunting of evidentiary rules, and other downsides that increasingly counsel against mandatory arbitration.

Session III – Working–Lunch Break–Outs



1:00p – 2:00p

SESSION A:

LITIGATION MANAGEMENT AND THE

CHANGING

IN–HOUSE/OUTSIDE COUNSEL RELATIONSHIP

Moderator:

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

Erie Room

With Discussion By:

Nelson Alexander -- Frost Brown Todd (Indianapolis, IN)

Matt Fischer -- Schiff Hardin (Chicago, IL)

Duris Holmes -- Deutsch Kerrigan & Stiles (New Orleans, LA)

David Schultz -- Maslon Edelman Borman & Brand (Minneapolis, MN)



1:00p – 2:00p

SESSION B:

LITIGATION MANAGEMENT AND THE

CHANGING

IN–HOUSE/OUTSIDE COUNSEL RELATIONSHIP

Moderator:

Beau Cole -- Forman Perry Watkins Krutz & Tardy (Jackson, MS)

Ohio Room

With Discussion By:

Cooper Ashley -- Maslon Edelman Borman & Brand (Minneapolis, MN)

Steve Fogg -- Corr Cronin (Seattle, WA)

Brian Josias -- Schiff Hardin (Chicago, IL)

Chilton Simmons -- Hood Law Firm (Charleston, SC)



1:00p – 2:00p

SESSION C:

LITIGATION MANAGEMENT AND THE

CHANGING

IN–HOUSE/OUTSIDE COUNSEL RELATIONSHIP

Moderator:

David Harris -- Lowenstein Sandler (Roseland, NJ)

Michigan Room

With Discussion By:

Christina Dimock -- Corr Cronin (Seattle, WA)

Wally Greenough -- Schiff Hardin (Chicago, IL)

Jonathan Judge -- Schiff Hardin (Chicago, IL)

TL Summerville -- Dykema (Detroit, MI)

1:00p – 2:00p

SESSION D:

LITIGATION MANAGEMENT AND THE CHANGING

IN-HOUSE/OUTSIDE COUNSEL RELATIONSHIP

Moderator:

Christine Welstead -- Akerman Senterfitt (Miami, FL)

Superior Room



With Discussion By:

Kevin Dufrane -- Dykema (Detroit, MI)

Paul Greenwalt -- Schiff Hardin (Chicago, IL)

Gord McKee -- Blake Cassels & Graydon (Canada)

1:00p – 2:00p

SESSION E:

LITIGATION MANAGEMENT AND THE CHANGING

IN-HOUSE/OUTSIDE COUNSEL RELATIONSHIP

Moderator:

Tony White -- Thompson Hine (Columbus, OH)

Ontario Room



With Discussion By:

Alan Gries -- Gibbons (Philadelphia, PA)

Sondra Hemeryck -- Schiff Hardin (Chicago, IL)

Matthew Prewitt -- Schiff Hardin (Chicago, IL)

Session IV – One Hour of Ethics

2:00p – 2:20p

ETHICS: ETHICAL MORASSES FACING IN-HOUSE COUNSEL MANAGING LITIGATION

David Spector

Akerman Senterfitt (West Palm Beach, FL)

Ethical considerations in protecting privileged pre-merger/acquisition communications

from disclosure to the new owner; ramifications of a stock sale vs. an asset sale.

-- and -- Ethical pitfalls and avoiding individual liability under SarBox, 10b(5), RIF employment litigation, unauthorized practice of law charges and conflict of interest claims.

Trial lawyer David Spector addresses pre- and post-closing ethical and privilege considerations in mergers and acquisitions, and avoiding ethical errors while managing litigation.

2:20p – 2:40p

ETHICS: PITFALLS IN SETTLEMENT NEGOTIATIONS

Carolyn Fairless





Wheeler Trigg O'Donnell (Denver, CO)
Settlement negotiations put demands on attorneys to put their clients' cases in the best light. Puffery and misrepresentation are often separated by only a thin line. It's easy to violate ethical proscriptions when communicating with others involved, including opposing parties, opposing counsel, a mediator and your own client. And there are limits on what you can and what you cannot ask for. Trial lawyer Carolyn Fairless gives us some easy-to-follow guidelines and interesting practical examples.



2:40p – 3:00p
ETHICS: ONLINE INVESTIGATION OF PARTIES, WITNESSES AND JURORS, ONE CLICK AT A TIME
Jerry Glas
Deutsch Kerrigan & Stiles (New Orleans, LA)
Trial lawyer Jerry Glas will discuss ethical considerations when investigating (through facebook, myspace, blogs, twitter, etc.) opposing parties and witnesses, as well as jurors during and after jury selection. There's a gold mine of information online waiting to be found, and lawyers who don't pick it clean could be toying with malpractice. Things you can't ask during voir dire may be openly stated in personal profiles but "friending" jurors and judges is probably not a good idea. And, jurors search the Internet. What your trial lawyer ought to be asking and finding herself.

Closing Statements



3:00p – 3:05p
NETWORK CHAIR
Roger McCleary -- Beirne Maynard & Parsons
(Houston, TX)