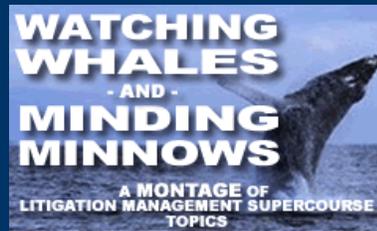




LITIGATION MANAGEMENT SUPERCOURSE AGENDA

Watching Whales and Minding Minnows



April 27-30, 2006

**The Montage Resort and Spa
Laguna Beach, California**

Situated on a coastal bluff in the picturesque arts community of Laguna Beach, Montage Resort & Spa 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.

Oceanfront opulence abounds at Montage. With lush landscaping and pristine white sand beaches, this is a retreat unlike any other-- offering elegant accommodations, a beachfront spa, three sparkling swimming pools and regional, distinctive dining.



Special Events for Spouses / Significant Others

Friday, April 28, 10:00am



Not Just Your Grandmother's Jewelry
Our hosts, Rebecca Parsons and Lanier Whilden of Tassels & Bows, invite you to bring a piece of antique or vintage jewelry for a verbal appraisal and suggestions on how to care for and wear it. A very informative and interactive event that's not to be missed.

Saturday, April 29, 10:00am

Executive Chef Cooking Demonstration
Montage Executive Chef James Boyce will invite you into his kitchen for a cooking demonstration and tasting as he presents his own cuisine with international influences and regional ingredients at Studio, the Resort's signature restaurant. Bon Appetite!



THURSDAY, APRIL 27, 2006

Thu -- 7:00p

Welcome! Oceanfront Opening Reception and Dinner



Thu -- 10:00p

Hospitality Suite in the Sunset Suite

Cigars, Wine, Munchies and Lots of Talk



FRIDAY, APRIL 28, 2006

Fri -- 7:30a

Continental Breakfast in the Grand Ballroom Foyer



Fri -- 8:30a



OPENING REMARKS - Grand Ballroom 2, 3

Mike O'Donnell -- 2006 Chair
Wheeler Trigg Kennedy
 Denver, CO

Fri -- 8:35a



WELCOME FROM SEMINAR CO-CHAIRS

Scott O'Connell
Nixon Peabody; Boston, MA
Mark Miller
Wildman Harrold; Chicago, IL

Fri -- 8:40a

Marshall Grossman

Alschuler, Grossman, Stein & Kahan
 Los Angeles, CA

DEMOLISHING EXPERT WITNESSES AND EXPERT WITNESS MALPRACTICE

Since Daubert, expert witness work is not a free ride. Learn techniques built on decades of experience destroying opposing experts and delivering friendly experts unscathed after cross-examination.

Fri -- 9:00a

Hal Morlan

Akerman Senterfitt
 Orlando, FL

**EXPERT WITNESS SELECTION, CARE AND CONTROL
 A How-To Guide on Expert Witness Management**

Your defensive case rides on the performance of expert witnesses whose testimony can be concise, on point and persuasive. But, it could also be wandering, self-absorbed and disregarded. With experts charging as much as or more than attorneys, and with their impact on results being at least as much as counsel's, experts must be carefully selected, managed and monitored, unnecessary writings must be



avoided, and witnesses must stay focused. Hal Morlan reaches into his 29 years of trial experience to give us guidance and tips in this highly determinative area of litigation management.

Fri -- 9:20a

Jeffrey Hines

[Goodell DeVries Leech & Dann](#)
Baltimore, MD



WINNING MASS TORT LITIGATION STRATEGIES

Well-rounded defense programs coordinate insurance coverages, data management, national and local counsel roles, legislative efforts, public and press relations re great results and set-backs, national defense groups, and case management orders, among other things. Planning "evergreen" defense programs for suitability in every jurisdiction for all time and especially beyond the lifetimes of employees and other witnesses, coordinating defense strategies with similarly situated defendants, grooming and controlling defense experts, establishing national defense groups with other manufacturers in all jurisdictions, including related products.

Fri -- 9:40a

Tom Tardy

[Forman Perry Watkins Krutz & Tardy](#)
Jackson, MS



DEFENDING MASS TORT CASES BY EXPOSING PLAINTIFF FRAUD

Judge Jack's landmark holding in silica litigation where massive fraud by plaintiff attorneys and doctors has been exposed and criminal investigations have been launched may be only the tip of the iceberg as professional plaintiff victims of every mass tort imaginable are being exposed. Doctors whose diagnoses once served as the basis for hundreds of millions of dollars of settlements are now pleading the Fifth Amendment in an effort to avoid spending years in jail for perjury. Almost half a dozen have already recanted prior testimony. Defendants are now searching more than one million social security records for additional evidence of fraud. Can this be the beginning of the end of damageless mass tort litigation?

Fri -- 10:00a (40 min.)

Moderator: Scott O'Connell

[Nixon Peabody](#)
Boston, MA



PANEL DISCUSSION: CORPORATE GOVERNANCE

Discussion of the development and implementation of corporate governance, ethics, and compliance programs, including management structures and control systems, to prevent and detect violations of law.

Elements of a comprehensive compliance program including reviewing and revising existing policies, programs, and procedures, drafting a code of business conduct and related policies, and structuring and documenting compliance oversight, reporting, auditing, and monitoring procedures and training programs.

Issues such as board of directors and committee composition, practices and procedures, directors' duties and responsibilities, and compliance with applicable federal laws, state laws, and the regulatory requirements of the Securities and Exchange Commission, the New York Stock Exchange, the Nasdaq Stock Market and the American Stock Exchange.

- Compensation decisions of directors under business judgment rule (Walt Disney shareholder case)
- Document retention policies and witness tampering (Arthur Anderson case)
- E-mail preservation and sanctions for failure to preserve (Philip Morris case)

Tom Myrick
Partner
Moore & Van Allen

Name
Title
Company/Firm

Bruce Friedman
Partner
Alschuler Grossman

Fri -- 10:40a

Coffee and Refreshment Break



Fr -- 11:10a (40 min.)

Moderator: Bob Kerrigan

[Deutsch Kerrigan & Stiles](#)
New Orleans, LA



PANEL DISCUSSION: PARTNERSHIP AND MANAGEMENT OF IMPORTANT LITIGATION

It has been 25 years since in-house counsel first began to take a significant role in the management of their companies' important litigation. Since then real partnerships and joint decision-making have become the norm rather than the exception for important litigation. With large self-insured retentions, retrospectively rated coverages and fronting policies, the real party at financial risk and the decision maker have finally coalesced and it's in-house counsel whom we find taking the lead in protecting the interests of his/her corporate defendant. This panel discusses the changes in-house and outside counsel have seen in managing important litigation and projects where things are going in the future.

Jeff Williams
Partner

Russ Mirabile
Sr. Vice President

Steve Johnson
Partner

Fri -- 11:50a

Sam Santo

Lowenstein Sandler
Roseland, NJ



E-DISCOVERY: BURDENSOME, RISKY, EXPENSIVE AND UNAVOIDABLE

A brief summary of where we've been, and where we're going. Plus, some 'best practice' tips to help your company navigate the mine field and tame the beast.

Fri -- 12:10p

Phil Scaletta

Ice Miller
Indianapolis, IN



LESSONS LEARNED IN COMMERCIAL LITIGATION Experience-Based Changes Made Now Can Improve Future Experience

Bite-sized practice pointers for in-house counsel's risk management, avoidance and transfer efforts. Discussion will cover contractual risk transfer, document creation, management and retention issues; evidence preservation issues; employee awareness and email techniques with examples from FEMA's experience in the recent Hurricane Katrina disaster; using defensive document preparation methods; words, phrases and terms that can turn a result; contractual risk transfer pointers using insurance, contract and indemnification provisions.

Fri -- 12:30p

David Neave

Blake Cassels & Graydon
Canada



CANADIAN STRIKE SUITS: COMING TO A COMPANY NEAR YOU The impact of Canadian strike suits on American public companies.

Canada may soon become a jurisdiction of choice for class action strike suits brought against U.S. public companies. Ontario and British Columbia have both enacted statutory causes of action for secondary market transactions which will allow disappointed investors to band together to seek damages for what they say are a company's misrepresentations or failures to make timely disclosure. These new causes of action do not include some of the protective safeguards to frivolous strike suits that are afforded under U.S. law. As a result, the Canadian strike suit may be coming to a client near you soon.

Fri -- 12:50p

Steve Mooney

Weinberg Wheeler Hudgins Gunn & Dial
Atlanta, GA



SEAL THE DEAL -- CLOSING STATEMENTS AND WITNESS CROSS-EXAMINATIONS JURIES CAN'T IGNORE A Serious but Humorous Review of Some of the Best (and Worst) Closings and Crosses in History

Trial lawyers have used everything from obscene gestures to self-denigration to win over jurors. Here's a generous helping of some of the best (and worst) ways to get the jury to see it your way.

Fri -- 1:30p

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Golf Tournament at Talega

Talega Golf Club presents a look and feel unlike any other course in Southern California. Talega Golf Club's distinctive white marble sand bunkers and great service are two of the many reasons it has been selected "Best Daily Fee Golf Course" by readers and experts at OC Golf, LA Golf and SD Golf Magazines. We invite you to experience Southern California's best-- located just three miles from the Pacific Ocean. Hole Tours: [3](#), [7](#), [13](#), [18](#). [Visit Talega Site.](#)



Nature Walk and Photo Safari

Learn photography along the shores of Laguna Beach with our nature photographer. Our hands-on class provides each guest with individual attention for all levels of photographic experience. Everyone will have a good time and learn how to take better photographs.



The Montage Spa

Situated on one of the world's most beautiful beachfront settings, this unique retreat offers a peaceful sanctuary to help you re-connect with nature -- and yourself -- through serene surroundings and therapeutic treatments. Our breathtaking indoor/outdoor oceanfront facilities, complete with floor-to-ceiling windows to fully capture the 160-degree vistas, feature soothing treatments and expert guidance to help instill a sense of well-being and more

balanced living.



Tennis

Come and play at Laguna Niguel Racquet Club, offering 22 plexi-pave courts in a truly majestic setting. The full-service pro shop offers the latest in fashions for men and women, including top of the line shoes and state of the art tennis racquets. Our resident tennis pro will organize a variety of tournaments for both avid and casual competitors, with an emphasis on fun and participation.

Fri -- 6:30p
Busses Board

Dinner at Aliso Creek

The moment we turn off Coast Highway into Aliso Creek, you are in for one delightful surprise after another. This tranquil, rustic location is tucked into the breathtakingly beautiful canyon with flower-lined walkways and scenic views encompassing Laguna's only golf course. Our reception and dinner outside the Canyon Lodge American Grill will feature fine dining and entertainment to highlight your experience. You will appreciate the comfortable ambiance accented by heavily beamed ceilings, massive fireplaces, warm wood walls and nature's boldest colors for vibrancy - truly a splendid mountain lodge.

Fri -- 7:00p

Dinner

Fri -- 10:00p

Hospitality Suite in the Sunset Suite

Cigars, Wine, Munchies and Lots of Talk



SATURDAY, APRIL 29, 2006

Sat -- 7:30a

Continental Breakfast in the Grand Ballroom Foyer



Sat -- 8:30a



WELCOME FROM SEMINAR CO-CHAIRS

Scott O'Connell

Nixon Peabody; Boston, MA

Mark Miller

Wildman Harrold; Chicago, IL

Sat -- 8:40a

Mark Miller

*Wildman Harrold
Chicago, IL*



CLASS ACTION FAIRNESS ACT OF 2005

Can it de-CAFA-nate the class action industry?

Learn how this new law can affect your company's class action exposure. CAFA requires most class action suits that heretofore could be litigated in state court to be moved to the Federal courts. The law will make it much more difficult to bring class action suits. And, it gives the Federal government - by way of judicial appointments - the ability to somewhat control what was previously under state control. CAFA covers claims for false advertising, violations of consumer protection laws, and product liability.

Sat -- 9:00a

Lee Hollis

*Lightfoot Franklin &
White
Birmingham, AL*



REASONS NOT TO ARBITRATE

Even though you have an arbitration provision, if the other side sues you might want to go with it rather than to move to compel arbitration. Or you might want to sue and try to slip out of the arbitration provision. The decision to arbitrate should not be automatic given today's sometimes lackluster panels, ridiculous fees, commissions to arbitration organizations, arbitrators' conflicts of interest given their natural desire to be re-hired and the unavoidable impact on their case decisions, especially on the likelihood of defense awards. Arbitration and litigation compared on many fronts, including the independence of a life-tenured

judge motivated to control his/her docket versus that of an hourly rate arbitrator with demands to produce billable hours on matters in his/her docket.

Sat -- 9:20a

Tony White

*Thompson Hine
Columbus, OH*



JURORS SAY THE DARNEDEST THINGS

Jurors in the box are sedated beasts before the sedative wears off. What they say and do during deliberation often has no connection with the official evidence and everything to do with the unofficial "facts" they gather while watching the trial and by combing their collective memories and lifetime travails for relevant experiences (and TV shows) on which to base their decisions. Take a ride on the wild side with trial lawyer Tony White who recently spent two weeks as a juror in a civil case. Things are not what they appear behind the wooden door.

Sat -- 9:40a (40 min.)

**Moderator:
Mike O'Donnell**

*Wheeler Trig
Kennedy
Denver, CO*



PANEL DISCUSSION:

COUNSEL SELECTION PROGRAMS: THEORY AND PRACTICE

It started long ago, one company gave it a name ("convergence") and others tailored it to their own needs (e.g., Pfizer's "3P" program). Whatever you call it, and however it's organized, it means great control for in-house counsel over counsel selection, task assignment and costs. But what about results? Traditional counsel selection methods compared with pre-qualification programs. In-house and outside counsel offers views from their perspectives.

Hugh Gottschalk
Partner
Wheeler Trigg Kennedy

Michael Baumel
Vice President
CNA Healthpro

John Fitzpatrick
Partner
LeClairRyan

Sat -- 10:20a

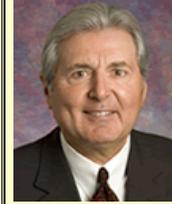
Coffee and Refreshment Break



Sat -- 10:50a

Alex Marconi

Snell & Wilmer
Phoenix, AZ



THE COMPANY REPRESENTATIVE AT TRIAL

Do you call your company's "central casting" for a "Senator" character or use a real person who can relate to the jury, especially if there's a chance (s)he'll be called to testify, overheard in the court hallways, button-holed by the press? Processes for selecting and grooming good company witnesses to sit through trials, consult with counsel and to be there if and when needed.

Sat -- 11:10a

**Moderator:
Roger McCleary**

Beirne Maynard
& Parsons
Houston, TX



**PANEL DISCUSSION ON
THE COMPANY REPRESENTATIVE -- A JUDICIAL PERSPECTIVE**
How judges see company representatives. What company representatives can do to help and hurt their clients.

PANEL

Judge (ret.) Anne C. Dranginis

Partner
Rome McGuigan (Hartford, CT)

Judge (ret.) Michael Chavies

Partner
Akerman Senterfitt (Miami, FL)

Sat -- 11:30a



CLOSING REMARKS BEFORE BREAK-OUT SESSIONS

Mike O'Donnell -- 2006 Chair
Wheeler Trigg Kennedy
Denver, CO

Sat -- 11:35a (60 min.)

**BREAK-OUT
SESSIONS**

A

**LITIGATION
MANAGEMENT**

Room: **Gallery 2**

Moderated by:
Kelly Corr
Corr Cronin Michelson
Baumgardner & Preece

with discussion by:
Bobby Hood, Jr.
Hood Law Firm

Eliot Jubelirer
Morgenstein & Jubelirer

B

**LITIGATION
MANAGEMENT**

Room: **Gallery 1**

Moderated by:
Teresa Bartosiak
Sandberg, Phoenix & von Gontard

with discussion by:
Gwyn Quillen
Alschuler Grossman

Krista Nicholson
Blake Cassels & Graydon

Linda Woolf
Goodell DeVries Leech & Dann

C

**COMMERCIAL
LITIGATION**

Room: **The Boardroom**

Moderated by:
John Worden
Morgenstein & Jubelirer

with discussion by:
Kevin Fitzgerald
Nixon Peabody

Kevin Zielke
Dykemat

D

**LITIGATION
MANAGEMENT**

Room: **Grand Ballroom 1**

Moderated by:

with discussion by:
David Neave
Blakes Cassels & Graydon

Heather Northrup

Alex Marconi
Snell & Wilmer



Sat -- 12:50p

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Golf Tournament at Monarch Beach

Few golf experiences can match the blend of stunning natural beauty and variety of challenges presented at Monarch Beach Golf Links. Here, along the dramatic bluffs of Southern California, master architect, Robert Trent Jones, Jr., has fashioned an intriguing layout in the Scottish links tradition on one of the select few oceanfront golf courses in California. Commanding sweeping views to the sea, this par-70 championship course offers an

unending variety of play.

Whale Watching Boat Cruise

Our luncheon cruise will leave the shores of Laguna Beach and embark on a whale watching and dolphin sighting tour. Our naturalists on board will tell you the types of whales you'll encounter and other points of interest.



The Montage Spa

Situated on one of the world's most beautiful beachfront settings, this unique retreat offers a peaceful sanctuary to help you re-connect with nature – and yourself – through serene surroundings and therapeutic treatments. Our breathtaking indoor/outdoor oceanfront facilities, complete with floor-to-ceiling windows to fully capture the 160-degree vistas, feature soothing treatments and expert guidance to help instill a sense of well-being and more

balanced living.



Tennis

Come and play at Laguna Niguel Racquet Club, offering 22 plexi-pave courts in a truly majestic setting. The full-service pro shop offers the latest in fashions for men and women, including top of the line shoes and state of the art tennis racquets. Our resident tennis pro will organize a variety of tournaments for both avid and casual competitors, with an emphasis on fun and participation.

Sat -- 7:00p

Dinner

Oceanfront Dinner featuring the Surf City Allstars



The Surf City Allstars were formed in the early 80's when Jan Berry couldn't always perform with Jan & Dean, due to occasional health problems. The Allstars are now a full time endeavor for Dean and the band. The Surf City Allstars are the best surfin' beach party band around on a par with their friends, the Beach Boys. Each member has had a long career in surf and beach music. When you hear the band, you get Dean Torrence singing all the Jan & Dean hits; Surf City, Little Old Lady from Pasadena, Drag City, Deadman's Curve, etc. as well as the songs that Dean sang with the Beach Boys, such as Barbara Ann.

The Allstars bring you all the Beach Boy's hits not only because of Jan & Dean's involvement, but because most of the band members have also toured or recorded with the Beach Boys as well. The Allstars are rounded out with Gary Griffin on keyboards (Beach Boys, Jan & Dean), David Logeman on drums (Jan & Dean, Mike Love's California Beach Band, Beach Boys), and Don Raymond on guitar/bass (Ventures, Jan & Dean). The band is also very pleased to add Philip Bardowell on guitar and vocals. Philip took Carl Wilson's place with the Beach Boys for the last few years. Most recently, the Allstars added Matt Jardine from the Beach Boys on vocals.

Sat -- 10:00p

Hospitality Suite

Cigars, Wine, Munchies and Lots of Talk



This CLE program is produced by The Network of Trial Law Firms, Inc., a not-for-profit business league organized as a 503(c)(6) corporation, on behalf of its 27 member law firms and more than 6,000 attorneys in 105 offices throughout the United States and Canada.

The Network is well-known for its outstanding CLE programs. Since 1993, we have produced more than 30 cutting-edge CLE programs on trial and litigation management topics.

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Last Name:

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

Most Guests are arriving on
Thursday, April 27 and Departing on Sunday, April 30
Please enter your Arrival and Departure dates below.

** Please note that the Montage is sold out for the evening of April 30.

Arrive: ^{Apr} Depart: ^{Apr}

CLE INFORMATION

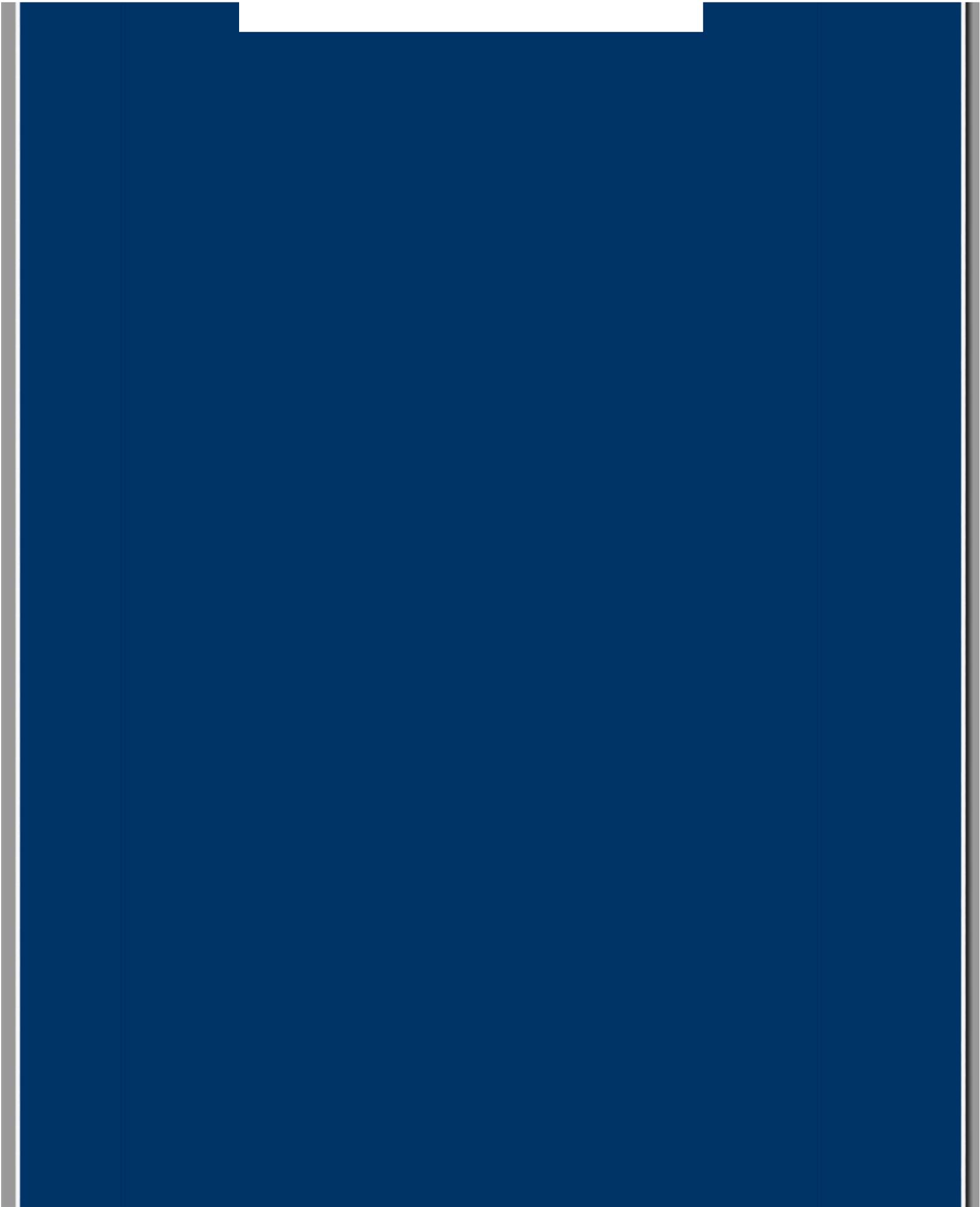
Please enter below the State(s) that you are admitted to
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