



**LITIGATION MANAGEMENT SUPERCOURSE AGENDA**

Look! Up in the Sky! It's a Bird! It's a Plane!



**LITIGATION MANAGEMENT SUPERCOURSE RETURNS**

November 2 - 5, 2006

*The Breakers*  
Palm Beach, Florida



There is an art to feeling comfortable and relaxed amid so much luxury, and that's the beauty of The Breakers Palm Beach.

While our magnificent beachfront setting and historic architecture are inspiring, what sets us apart is our uncompromising service. Here, every guest is honored, every request accommodated, every stay a delight.

**Special Events for Spouses / Significant Others  
Friday, November 3, 10:00am**



**Executive Chef Cooking Demonstration**

In Japanese culture, sushi is considered to be an art form because its appearance is just as important as how it tastes.

Chefs from different regions of Japan roll it and arrange it on the plate according to their own styles, and they spend years learning the craft of sushi-making. The Breakers' very own sushi chef will teach you the art of making sushi in this hands-on demonstration.

**Saturday, November 4, 10:00am**

**Book Signing and Discussion  
with Author Maureen Meehan  
Aplin  
Ms. Alpin, author of the Mary**



Maureen Naplin, author of the MacIntosh legal thriller series, will discuss her series and latest novels for Network guests. Titles include "Geyser", "Snake River Secret", "Powder River Poison", "Pandemic Predator" and she is currently writing "Landmine". See [maureenaplin.com](http://maureenaplin.com) for more information.

#### THURSDAY, NOVEMBER 2, 2006

Thu -- 7:00p	<p>Opening Reception and Dinner in the Mediterranean Courtyard</p> 
Thu -- 10:00p	<p>Hospitality Suite and TRIAL.COM Hold 'Em Poker Tournament Cigars, Wine, Munchies and Lots of Talk - Magnolia Room</p> 

#### FRIDAY, NOVEMBER 3, 2006

Fri -- 7:30a	<p>Continental Breakfast and Registration in the Magnolia Room</p> 
Fri -- 8:30a	<p><b>OPENING REMARKS</b></p>  <p>Mike O'Donnell -- 2006 Chair <a href="#"><i>Wheeler Trigg Kennedy</i></a> Denver, CO</p>
Fri -- 8:35a	<p><b>WELCOME FROM SEMINAR CO-CHAIRS</b></p>  <p>Scott O'Connell <a href="#"><i>Nixon Peabody</i></a>; Boston, MA</p> <p>Molly Craig <a href="#"><i>Hood Law Firm</i></a>; Charleston, SC</p>



Mark Miller  
[Wildman Harrold](#); Chicago, IL

Fri -- 8:40a

Kelly  
Corr

[Corr Cronin  
Michelson  
Baumgardner &  
Preece](#)  
Seattle, WA



**HIGH PROFILE CASES: LITIGATION TACTICS  
AND MEDIA THEMES**

*K.I.S.S and the Achilles Heel*

Whether it's the DC Sniper civil litigation, the Seattle newspaper wars, *Courtney Love v. Nirvana*, foster care class actions, or the biggest bankruptcy in state history. Litigation jugular strikes and means to get messages across quickly and effectively.

Fri -- 9:00a

Gord  
McKee

[Blake, Cassels  
& Graydon](#)  
Toronto,  
Ontario



**TOP 10 LIST: CANADA CLASS ACTIONS  
IMPACT U.S. COMPANIES**

*A Growing Threat from Our Friends to the North*

What you need to know about the growth of class action litigation in Canada before it's too late. Plaintiff counsel on both sides of the border are working closely, sharing information, documents and experts, in coordinated attacks on U.S. defendants. Canada's less restrictive certification thresholds coupled with the threat of international class action litigation require that in-house counsel and insurers managing litigation develop strategies to prevent Canadian litigation from achieving results not possible in the U.S.

Fri -- 9:20a

Jerry  
Glas

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



**EXPERT WITNESSES AS TROJAN HORSES**

*Runaway Experts Can Appear in Every Case -  
- Defense Counsel Must Be Alert and Pro-  
Active to Prevent Devastating Opinion  
Testimony from Unqualified "Experts"*

Plaintiffs always call a neuropsychologist in brain trauma cases and anecdotes invariably jump out of their mouths, including lay and medical opinion testimony, neither of which they are qualified to give. Often they move to vocational rehabilitation testimony opining as to the ability of the plaintiff to work again. Sometimes toxicologists try to testify as to accident causation in alcohol impairment cases without accident reconstruction expertise. Such experts must be expected to try to bring in the entirety of plaintiff's case unless your defense counsel acts to prevent it. Illustrative video clips.

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

Moderator:  
Roger  
McCleary

[Beirne Maynard  
& Parsons](#)



**PANEL DISCUSSION: RISK MANAGEMENT  
TECHNIQUES OF IN-HOUSE COUNSEL  
MANAGING LITIGATION**

*Business and Legal Issues Facing Litigation  
Managers*

In-house counsel's responsibilities for setting litigation strategies in light of available insurance coverage and insurance market relationships, customer relations, employee availability, contractually-

**Houston, TX**

based risk shifting, early case evaluation, trial readiness committees of outside counsel, using counsel to manage repeat-use expert witnesses, consolidating discovery responses, try/settle decision analysis, testing defenses, themes and arguments before trial with moot argument before retired judges and representative jurors, managing the press in high profile litigation, and other topics

Tony Lathrop  
Moore & Van Allen  
Mark Zehler  
ConocoPhillips

Anne Dranginis  
Rome McGuigan  
Andy Upton  
CitiGroup

Bob Monnin  
Thompson Hine

**Fri -- 10:20a**

**Coffee and Refreshment Break in the Magnolia Room**



**Fri -- 10:50a**

Dan Stephenson

[Dykema](#)  
Ann Arbor, MI



**CHOOSING A CROSS-EXAMINATION STRATEGY BASED ON PERSONALITY AND BACKGROUND**  
*Tailoring attacks on Expert Witnesses*  
Every expert witness is different. Cross examination strategies should be tailored to the case strategy, the expert's history and personality, and the cross examiner's style. This presentation looks at four distinct types of experts: the professional witness, the nice guy, the prolific writer and the genius. Suggestions, based on trial experience, as to handling each type of expert effectively.

**Fri -- 11:10a**

Bruce Friedman

[Alschuler Grossman](#)  
Los Angeles, CA

**CLASS ACTION SETTLEMENT ISSUES**  
*Making Your Settlements Stick*  
Making your settlement stick with proper notice, equitable damages allocations, constitutionally compliant opt-out procedures; terminating risk exposure for all time, sufficiency of the purported class so as to avoid ever having to face similar claims in the future; precluding claimants who don't know they have a claim, or are not even born. Lessons learned from asbestos, cigarettes and other attempts in mass tort to cap liability; non-pecuniary settlements, funding class counsel's attorney fees; insurance coverage issues.

**Fri -- 11:30a**

Terry Sullivan

[Weinberg Wheeler Hudgins Gunn & Dial](#)  
Atlanta, GA



**KEEPING LAUGHTER IN YOUR CASES**  
*Ice-breakers and mood makers that can change a case's direction*  
Trials are pressure-filled experiences with lots of potential consequence on the line; everyone's worried. Used in small doses, humor can be the lubricant that loosens opinions and opens doors to great results. Self-deprecation as a disarming tool, humor as a trial weapon, exposing pomposity gracefully. Examples from history's trial greats.

**Fri -- 11:50a**

Lee Hollis

[Lightfoot Franklin & White](#)



**THINK YOUR CASE IS ABOUT THE MERITS? THINK AGAIN**  
*Avoiding the Mistakes that Turn Ordinary Cases Into Discovery Sanction Litigation*  
The plaintiff bar is a highly automated communications network sharing old and new information about defendants across jurisdictions and practice areas. Your company's answers to

**Birmingham,  
AL**

interrogatories in a Minnesota products case five years ago could wind up as evidence of discovery abuse when inconsistent answers are provided to similar questions in an unrelated tort case today in Georgia. Plaintiff lawyers with threadbare damages and tenuous liability often turn to discovery inconsistencies and other perceived defense "abuses" creating "gotchas" that transform meritless garbage cases into sanction nightmares, sometimes resulting in default judgments, struck defenses or other outcomes not otherwise obtainable, expected or explainable. Hear about some of those nightmares and learn what you can do to prevent them from darkening your company's doorstep.

**Fri -- 12:30p**

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**Golf Tournament - Ocean Course**  
With two championship courses, The Breakers is the destination of choice for avid golfers, as well as vacationers who enjoy the game. From the first tee until the final approach on the 18th hole, these meticulously designed courses entice and challenge golfers of all levels.



**Worth Avenue Shopping**  
Worth Avenue known throughout the world for over a half a century as a center for understated elegance, trend setting fashion and exquisite dining. Over 200 fine shops and boutiques are available to serve to your every

need to your utmost satisfaction.



**Palm Beach Bike Tour and Photo Safari**

Learn photography along the shores of Palm 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 Breakers Spa**

The Spa at The Breakers brings you oceans of calming possibilities. Recognized as one of the top spas in North America, our expansive oceanfront destination pampers you with both indoor and outdoor

indulgences - from stress-relieving massages to rejuvenating body wraps, revitalizing scrubs, nourishing facials and more. Tone your body in our oceanview fitness center, outdoor lap pool and whirlpool spa. Relax, rejuvenate and reawaken your senses.



**Tennis**

Voted one of the "top 50 tennis resorts" by Tennis Magazine, The Breakers offers tennis clinics, game matching and private lessons with USPTA/USPTR certified professionals. Perfect your game with our Network

Tennis pro, Richard Block, whose tennis team recently won the USTA 3.5 Men's League Sectionals and will be competing for the National title this year in Arizona.

**Fri -- 6:30p**

**Busses Board**

**Dinner at Club LaSalle at Ragtops, featuring The Blues Brothers**

Fri -- 7:00p

Dinner



Fine dining awaits you at Club LaSalle at Ragtops surrounded by rare collectable automobiles from every era. After dinner, it is the distinct pleasure of the management to present to you, the evening's star attraction. Here they are back after their exclusive three year tour of Europe, Scandinavia and the sub continent. Won't you welcome from Calumet City Illinois, the show band of Joliet Jake and Elwood Blues -- The Blues Brothers! Dance the night away to their greatest hits as they welcome our TRIAL.COM guests, along with several representatives of the Illinois law enforcement community waiting for Jake and Elwood after the show.

Fri -- 10:00p

Hospitality Suite and TRIAL.COM Hold 'Em Poker Tournament  
Cigars, Wine, Munchies and Lots of Talk - Magnolia Room



**SATURDAY, NOVEMBER 4, 2006**

Sat -- 7:30a

Continental Breakfast in the Magnolia Room



Sat -- 8:30a

WELCOME FROM SEMINAR CO-CHAIRS



**Scott O'Connell**  
*Nixon Peabody*; Boston, MA



**Molly Craig**  
*Hood Law Firm*; Charleston, SC

**Mark Miller**  
*Wildman Harrold*; Chicago, IL



Sat -- 8:40a

Joe  
Ortego

[Nixon Peabody](#)  
New York, NY



**E-DISCOVERY: YOU THOUGHT YOU HEARD THE LAST WORD**

*Practical, Personal and Common Sense Approaches*

Responsibilities of in-house counsel to preserve, maintain and produce documents in litigation, cost-allocation methods, proposed e-discovery amendments to the Federal Rules of Civil Procedure; harsh penalties for e-discovery violations. What you need to know today to stay out of trouble tomorrow.

Sat -- 9:00a

Mary Anne  
Mellow

[Sandberg, Phoenix & von Gontard](#)  
St. Louis, MO



**STRATEGIC IMPLICATIONS OF JOINT AND SEVERAL LIABILITY, INDEMNITY AND CONTRIBUTION**

*Minimizing Risk by Maximizing Your Reach Out*

Most states limit joint and several liability, but many do not. Common knee-jerk reaction to a new case is to cross-claim against co-defendants and bring in third-parties for contribution or indemnity. However, strategic legal and business reasons may counsel a different course. Until juries can be instructed on the implications of joint and several liability, in-house counsel must consider all possible fallout and implications.

Sat -- 9:20a

Joel  
Hoxie

[Snell & Wilmer](#)  
Phoenix, AZ



**IN-HOUSE COUNSEL EXPOSURE TO SEC ENFORCEMENT ACTIONS**

*Don't let the SEC's increased focus on in-house counsel as gatekeepers scare you*

The SEC will sanction in-house counsel for conduct that would give rise to an enforcement proceeding against a non-lawyer but it won't sanction an in-house lawyer for merely giving bad advice. Sarbanes-Oxley's focus on lawyers as gatekeepers who can prevent corporate frauds will be addressed in light of several recent SEC enforcement actions: In the *Matter of Google, Inc. and David C. Drummond*; In the *Matter of John E. Isselmann, Jr.*; and In the *Matter of Ira Weiss*.

Sat -- 09:40a  
(40 min.)

Moderator:  
Linda  
Woolf

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



**PANEL DISCUSSION: IN-HOUSE COUNSEL CALLED TO TESTIFY**

*That's the Last Place You Want to Be – How Can You Avoid It, and What To Do If You Can't*

Issues to be discussed include the extent to which the attorney-client communication privilege and the work product doctrine can protect you; how activities performed by an in-house lawyer that would ordinarily or could be performed by a business person can subject an in-house attorney to deposition or trial testimony; how to assure that you are adequately represented during trial; protections afforded in-house counsel by his/her company's bylaws and D&O insurance; exceptions for companies where in-house attorneys serve as claim representatives; exposure of lawyers working on deal teams in mergers and acquisitions when due diligence becomes an issue; cases where an "advice of counsel"

defense waives privilege and puts your in-house counsel at risk of being required to testify; the Shelton Rule and situations where a lawyer is the person with the best knowledge; reasons not to designate a lawyer as your 30(b) witness. Situations where you need a lawyer to defend the validity of an investigation (e.g., employment cases). Illustrative videos.

Jim Balich Morgenstein & Jubelirer	Paul Lavelle LVL Claims	Alice Hector Akerman Senterfitt
Denise Lazar Wildman Harrold	Jeffrey Hines Goodell DeVries	

Sat -- 10:20a

Coffee and Refreshment Break in the Magnolia Room



Sat -- 10:50a

Walter  
Boone

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



**INSURANCE COVERAGE LITIGATION AFTER NATURAL DISASTERS**

*Lessons Learned in Mass Disaster Cases*  
The litigation landscape on the Gulf Coast has been altered just as fundamentally as the physical landscape as a result of Hurricane Katrina. Thousands of cases are currently

pending, including those filed by Senator, and Former Majority Leader, Trent Lott, U.S. Representative Gene Taylor, and many federal and state court trial judges on the Mississippi Gulf Coast. One case has already gone to trial. Get an up-to-date summary of current insurance coverage litigation arising out of Hurricane Katrina, recent decisions, the legal issues being litigated.

Sat -- 11:10a

John  
Fitzpatrick

[LeClairRyan](#)  
Richmond, VA



**DEFEATING FAILURE TO WARN CLAIMS**  
*Winning "Indefensible" Lawsuits and Other Impossible Assignments In-House Counsel Face*

There was nothing any company could have told the Navy during WWII that would have tempered its "insatiable appetite" for asbestos. Nevertheless virtually every shipyard asbestos case alleges that the product manufacturer defendant failed to warn about the dangers of asbestos. Lessons learned and how juries react to effective futility, impossibility and other defenses. Applications of winning approaches to other product litigation.

Sat -- 11:30p



**CLOSING REMARKS BEFORE BREAK-OUT SESSIONS**

Mike O'Donnell -- 2006 Chair  
[Wheeler Trigg Kennedy](#)  
Denver, CO

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

**BREAK-OUT SESSIONS**

**LITIGATION MANAGEMENT**  
**Room: Gold Room**

**A** Moderated by:  
Alex Marconi  
[Snell & Wilmer](#)

with discussion by:  
Steve Johnson  
[Gibbons, Del Deo](#)

David Harris  
[Lowenstein Sandler](#)

		John Moore <b>Swiss Re</b>
<b>B</b>	<p><b>WOMEN IN-HOUSE MANAGING LITIGATION and the Women Attorneys They Manage</b> Room: <b>Gulstream 4</b></p> <p>Moderated by: Linda Woolf <a href="#">Goodell DeVries Leech &amp; Dann</a></p>	<p>with discussion by: Teresa Bartosiak <a href="#">Sandberg Phoenix &amp; von Gontard</a></p> <p>Tracy Van Steenburgh <a href="#">Halleland Lewis Nilan &amp; Johnson</a></p> <p>Maureen Middleton <b>PRIMERICA</b> A Citi Company</p>
<b>C</b>	<p><b>PATTERN LITIGATION MANAGEMENT</b> Room: <b>Flagler Boardroom</b></p> <p>Moderated by: Mike O'Donnell <a href="#">Wheeler Trigg Kennedy</a></p>	<p>with discussion by: Bob Kerrigan <a href="#">Deutsch Kerrigan &amp; Stiles</a></p> <p>Ed Murphy <a href="#">Beirne Maynard &amp; Parsons</a></p> <p>Mike Fried </p>
<b>D</b>	<p><b>LITIGATION MANAGEMENT</b> Room: <b>Ponce de Leon 5</b></p> <p>Moderated by: Bobby Hood <a href="#">Hood Law Firm</a></p>	<p>with discussion by: Rod Heard <a href="#">Wildman Harrold</a></p> <p>Tony White <a href="#">Thompson Hine</a></p> <p>Bob Romano <b>WMH   TOOL GROUP®</b></p>
<b>E</b>	<p><b>LITIGATION MANAGEMENT</b> Room: <b>Ponce de Leon 6</b></p> <p>Moderated by: Mike Nilan <a href="#">Halleland Lewis Nilan &amp; Johnson</a></p>	<p>with discussion by: Steve Kravit <a href="#">Kravit Hovel Krawczyk &amp; Levenson</a></p> <p>Phil Whistler <a href="#">Ice Miller</a></p> <p>Bill Scarff </p> <p>Paul Killeen <b>golden ventures</b></p>

Sat -- 1:00p

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Golf at the Championship Course  
With two championship courses, The Breakers is the destination of choice for avid golfers, as well as vacationers who enjoy the game. From the first tee until the final approach on the 18th

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hole, these meticulously designed courses entice and challenge golfers of all levels.



**Lunch Cruise on the Lady Windridge**  
Welcome aboard our legendary lunch cruise as we see the wonderful sights along the Inter-coastal Waterway. Busses will board at the Breakers lobby to bring us to the Palm Harbor Marina where our captain and crew will be waiting. Enjoy the three-hour tour in the world-famous Florida sunshine.



**The Breakers Spa**  
The Spa at The Breakers brings you oceans of calming possibilities. Recognized as one of the top spas in North America, our expansive oceanfront destination pampers you with both indoor and outdoor

indulgences - from stress-relieving massages to rejuvenating body wraps, revitalizing scrubs, nourishing facials and more. Tone your body in our oceanview fitness center, outdoor lap pool and whirlpool spa. Relax, rejuvenate and reawaken your senses.



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Tennis pro, Richard Block, whose tennis team recently won the USTA 3.5 Men's League Sectionals and will be competing for the National title this year in Arizona.

Sat -- 7:00p

Dinner

**Barbecue Dinner Feast**



Sat -- 10:00p

**Hospitality Suite and TRIAL.COM Hold 'Em Poker Finals**  
Cigars, Wine, Munchies and Lots of Talk - Magnolia Room



**SUNDAY, NOVEMBER 5, 2006**

Sun -- 8:30a

**Business Meeting For Network Member Firms:**  
Breakfast Meeting - Gold Room

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.

The Network of Trial Law Firms  
Fighting for Truth, Justice and the American (and Canadian, too) Way.

--- ONLINE REGISTRATION ---

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

Most Guests are arriving on  
Thursday, November 2 and Departing on Sunday, November 5  
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:

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