



LITIGATION MANAGEMENT SUPERCOURSE AGENDA



Friday, January 27, 2006

in 18 pithy fast-moving and entertaining 20-minute segments, plus working lunch-breakout sessions, and including 1 hour of cutting-edge ethics issues featuring TRIAL LAWYERS

The Beverly Hilton
9876 Wilshire Boulevard
Beverly Hills, CA 90210

8:30 a.m. to 4:25 p.m.
includes breakfast and a working lunch
CLE Approval for the State of California:
6.00 General CLE hours, 1.00 Ethics hours

NOTICE: This is not your everyday CLE course; these are not your everyday litigators. These are trial lawyers.

You won't hear endless streams of case citations, theory, academic wonder and picking apart of appellate decisions.

You will hear a lot of practical advice that you can use immediately. And come prepared to have some fun.

These are trial lawyers. You've probably heard about them. You may even know a trial lawyer.

Trial lawyers are the jet fighter pilots of the legal profession. You'd know that if you ever called one in only weeks before trial and asked them to save your company/case/job. They say what's on their minds and tell it like it is.

They are result oriented, eschew bean counting and paper mill litigation, and live to try cases. They are tough hombres.

They present, argue and persuade for a living, day in and day out.

Many first chair more trials every year than most litigators see in a lifetime.

Hear a decidedly fresh perspective and approach to CLE, and experience a terrific set of CLE presentations.

Take Friday, January 28, and join us for our highly-regarded LITIGATION MANAGEMENT SUPERCOURSE, now entering its 12th year. General counsel, bring your entire in-house litigation management department.

The program and lunch are on us.

FRIDAY, JANUARY 27, 2006	
8:30a - 9:00a	Continental Breakfast
9:00a	OPENING REMARKS Michael O'Donnell -- 2006 Chair Wheeler Trigg Kennedy Denver, CO



9:05a



WELCOME FROM SEMINAR CO-CHAIRS

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

Mark Miller
Wildman Harrold; *Chicago, IL*

9:10a

Tony Lathrop

Moore & Van Allen

Charlotte, NC



PRODUCT COUNTERFEITING CAN BE DANGEROUS TO YOUR COMPANY'S HEALTH

Strap on your side arm, partner. We're going riding with the Marshal Yes, hard to believe but true. You and the local U.S. Marshal can raid that dastardly villain who's been copying your products, barge into his factory, guns drawn, take his papers and computers, and effectively shut him down. But you'd better be right. Trial lawyer Tony Lathrop shares Draconian remedies to organize and lead raids impounding counterfeit and bootleg copies of your product. Pleadings, legal standards and strategies under federal trademark and copyright law (Lanham Act).

9:30a

GinaMarie Slattery

Snell & Wilmer
Tuscon, AZ



DEALING WITH THE MEDIA IN A STRANGE NEW WORLD

The old ways of dealing with the media in litigation are gone forever. The plaintiff bar has sophisticated strategies for using the media to influence and manipulate the jury pool. Clients who continue to take the "no comment" approach are conceding the "high ground" and immediately putting themselves on the defensive. Knowing the gradually loosening ethical and court rules on media contact and devising an effective media plan are critical in high stakes litigation.

9:50a

Kelly Corr

Corr Cronin
Michelson,
Baumgardner &
Preece
Seattle, WA



HIGH PROFILE CASES: LITIGATION TACTICS AND MEDIA THEMES

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, Former Assistant U.S. Attorney Kelly Corr discusses litigation jugular strikes and means to get messages across quickly and effectively.

10:10a

Linda Woolf

Goodell DeVries
Leech & Dann
Baltimore, MD



DRAFTING AND ENFORCING NON-COMPETITION PROVISIONS FOR THE GLOBAL ECONOMY

Why Traditional Standards for Reasonableness No Longer Work Mobile workforces and reasonable restrictions for companies with a global customer-base. Linda Woolf, who recently used a ex

	<p>parte TRO motion to settle a non-competition issue, will focus on protections for technology-based companies. How non-solicitation and confidentiality provisions work to protect trade secrets and confidential information.</p>
<p>10:30a</p> <p>John Fitzpatrick</p> <p>LeClairRyan Richmond, VA</p>	 <p>GENERAL COUNSEL'S BEST TRIAL LAWYER INTERVIEW METHODS When the GC gets involved in selecting counsel, you know the matter's important. Firms send their best closers for the dog and pony show, people who've won beauty contests before. But what should in-house counsel really be asking? Miracle worker and celebrated trial lawyer John Fitzpatrick gives you the hard questions that separate jury trial lawyers from everyone else. Learn what they are and how to get the answers you deserve. Better to learn them now than to have to explain to your Board of Directors how you missed asking them when you had the chance to do so.</p>
<p>10:50a - 11:20a</p>	<p>Coffee and Refreshment Break</p> 
<p>11:20a</p> <p>Keith Phoenix</p> <p>Sandberg, Phoenix & von Gontard St. Louis, MO</p>	 <p>INJURY MAY NOT BE AS CATASTROPHIC AS IT IS MADE TO APPEAR Combat-tested trial lawyer Keith Phoenix brings us a case study involving a brain-damaged plaintiff who won a \$5 million settlement against two defendants but took nothing from a target defendant. Discussion of how family members and a forensic psychologist were used by the defense and how plaintiff's treating doctor was positioned to abandon an earlier brain injury diagnosis. After being confronted with the 'new' defense and other developments, the plaintiffs dismissed their lawsuit and then faced a fraud investigation by the federal government.</p>
<p>11:40a</p> <p>Bob Kerrigan</p> <p>Deutsch Kerrigan & Stiles New Orleans, LA</p>	 <p>LESSONS LEARNED FROM HURRICANE KATRINA AND THE NEW ORLEANS EXPERIENCE Forget what you thought you knew about disaster recovery and business continuity planning. Hurricane Katrina and the New Orleans Experience have just made everything you thought, knew, planned, said and wrote obsolete. You need a new book -- a book that expands your horizons beyond the traditional scope of planning on a building-, block-, neighborhood-, or even city-wide basis. Your new book needs a national perspective. When the floor drops out from beneath you, your people and your operations need to be harnessed to support points states and even time zones away. Fresh from New Orleans, senior partner and trial lawyer Bob Kerrigan tells it like it is.</p>
<p>12:00p</p> <p>Larry Stein</p>	<p>VERTICAL INTEGRATION IN THE MEDIA INDUSTRY The Industry's leading expert lays out the battle lines</p>

Alschuler
Grossman
Los Angeles, CA



Vertically integrated media conglomerates have provided fertile ground for litigation in the entertainment industry due to self-dealing and at least the appearance of impropriety that inevitably arises when affiliated entities sit across from each other at the bargaining table. The impact of consolidation of media companies on contractual relations, the industry, talent, and the public. Featured in a recent story by *Los Angeles Lawyer*, titled "[Vertically Challenged](#)", Larry Stein is Hollywood's "go to" lawyer, with an impressive list of star actors, producers and film makers frequently making headlines for his A+ results in cases where self-dealing to the detriment of profit participants has spawned litigation against studios and networks. Stein will explain how vertical integration can artificially decrease license fees and injure profit participants.

12:20p

Phil
Scaletta

Ice Miller
Indianapolis, IN



LESSONS LEARNED IN COMMERCIAL LITIGATION

Experience-Based Changes Made Now Can Improve Future Experience

Phil Scaletta summarizes 29 years of litigation experience in 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.

12:40p

David
Harris

Lownestein
Sandler
Roseland, NJ



HOW MUCH IS YOUR INTELLECTUAL PROPERTY WORTH?: A CLIENT'S AND LAWYER'S PERSPECTIVE

Lowenstein & Sandler Litigation

Department Chair David Harris presents a case study on the need to protect intellectual property against a clever and recalcitrant infringer. Costs of persistent protection as well as related legal and business strategies.

1:00p

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.

1:20p

**WORKING LUNCH
BREAK-OUT
SESSIONS
(60 min.)**

6 Simultaneous Break-out Sessions with Lunch
Choose your focus areas when you register at the front desk.

A

**LITIGATION
MANAGEMENT**

Santa Monica Suite

**Tom Tardy
Forman Perry Waitkins
Krutz & Tardy
Jackson, MS**

**Tony Lathrop
Moore & Van Allen
Charlotte, NC**

B

**LITIGATION
MANAGEMENT**

Canon

**Bruce Friedman
Alschuler Grossman
Los Angeles, CA**

**Bobby Hood, Jr.
Hood Law Firm
Charleston, SC**

C

**LITIGATION
MANAGEMENT**

Maple

**Steve Johnson
Gibbons, Del Deo, Dolan,
Griffinger & Vecchione
Philadelphia, PA**

**Steve Kravit
Kravit, Hovel, Krawczyk &
Levenson
Milwaukee, WI**

D

**LITIGATION
MANAGEMENT**

Wilshire Ballroom

**Alex Marconi
Snell & Wilmer
Phoenix, AZ**

**Jeff Williams
Morgenstein & Jubelirer
San Francisco, CA**

E

**EMPLOYMENT
LITIGATION**

Beverly Hills Salon

**David Nagle
LeClairRyan
Richmond, VA**

**Steve Mooney
Weinberg Wheeler
Hudgins Gunn & Dial
Atlanta, GA**

**BUILDING A DIVERSE
TRIAL TEAM**

**Banks Sewell
Lightfoot Franklin &**

F

Rodeo Gallery

White
Birmingham, ALKevin Zielke
Dykema
Detroit, MI

2:20p

Ken
MillsBlake Cassels &
Graydon
Canada**CRITICAL THINGS YOU NEED TO KNOW ABOUT CONDUCTING AMERICAN LITIGATION INVOLVING CANADIANS**

If you find yourself north of the border there are several key differences from what you may be used to in the United States when litigating in Canada. Canada trial lawyer Ken Mills provides a primer on topics ranging from deposition of Canadian witnesses for U.S. proceedings to the unwillingness of Canadian courts to award substantial punitive damages or readily embrace jury trials in civil cases.

2:40p

Kevin
ZielkeDykema
Detroit, MI**MANAGING CONSTRUCTION LITIGATION: THE RIGHT TOOLS FOR THE JOB**

Delay costs, lost productivity, liquidated damages, extended overhead, lien foreclosure actions. When construction projects do not go as planned, the sheer number and dollar amount of the claims, counterclaims and third-party claims can be staggering. A practical framework for dealing with construction disputes, along with several decision-making tools to increase prospects of success at every stage of the process.

3:00p

Shawn
ParrishMorgenstein &
Jubelirer
San Francisco, CA**DEFENDING SECTION 17200 CLAIMS**

10 Ways to Beat Section 17200 cases
Defending against the most malleable, ubiquitous and plaintiff-friendly causes of action since the inception of tort law. Every commercial complaint has one and trial lawyer Shawn Parrish will show you how to beat them. Effective use of the new standing requirement. Removal to federal court under the new Class Action Fairness Act. Winning tactics for unfair business practice cases and class action litigation. Limitations on profit disgorgement and other remedies. Pre-emption knockouts.

AN HOUR OF ETHICS

3:20p

Jeff
ParsonsBeirne Maynard &
Parsons
Houston, TX**WITH LIBERTY AND JUSTICE UNDER SIEGE**

Trial lawyer Jeff Parsons examines the recent and alarming upsurge in lawyer-, judge- and justice-bashing, comparing it with dangerous historical precedents. He advocates education to prepare the public in advance for justice bashers and to impair their recruiting potential. He examines our country's founding fathers' belief in justice as one of three essential cornerstones of our democracy; our nation's historical respect for and adherence to the Rule of Law; the role of the judge, the jury and higher courts in our system of jurisprudence; and the continuing role of our justice system in preserving individual liberties and our system of democratic government.

<p>3:40p</p> <p>Tracy VanSteenburgh</p> <p>Halleland Lewis Nilan & Johnson Minneapolis, MN</p>	 <p>PERSONALITY AND INTEGRITY TESTING Trial attorney Tracy Van Steenburgh explores the advantages and pitfalls of integrity and personality testing in screening employees. Although helpful in reducing employee turnover and improving employee performance, it may also violate state statutes, the Americans with Disabilities Act and other laws. Find out how to do it right.</p>
<p>4:00p</p> <p>Joseph Ortego</p> <p>Nixon Peabody New York, NY</p>	 <p>E-DISCOVERY ETHICAL CONSIDERATIONS: YOU THOUGHT YOU HEARD THE LAST WORD 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. Trial lawyer Joe Ortego tells you what you need to know today to stay out of trouble tomorrow.</p>
<p>4:20p</p>	 <p>CLOSING REMARKS Michael O'Donnell -- 2006 Chair Wheeler Trigg Kennedy Denver, CO</p>

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 25 member law firms and more than 4,000 attorneys in 90 offices throughout the United States and Canada. The Network is well-known for its outstanding CLE programs. Since 1993, we have produced more than 25 cutting-edge CLE programs on trial and litigation management topics.

Tuition is \$600, but complimentary for in-house counsel, including breakfast, lunch and all materials

(due to limited capacity of 150 attendees, insurance company staff defense counsel cannot be considered in-house counsel for tuition purposes)

--- ONLINE REGISTRATION ---

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:

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