The American Bar Association
Section of Litigation and the
Center for Continuing Legal Education
Present

The 8th Annual National Institute on

Class Actions

October 15, 2004
The Plaza Hotel
New York, NY

October 29, 2004
Hilton Riverside New Orleans
New Orleans, LA

Don’t Miss the TeleConference LIVE from our
October 29th program. See the Program Agenda for details.

6.83 hours of MCLE credit, including 1.0 hour of Ethics credit, have been requested in 60-minute states and 8.20 hours of MCLE credit, including 1.2 hours of Ethics credit, have been requested in 50-minute states.
Come to This Program If You Want to…

- Stay up-to-date on the latest developments in class actions including recent case law, class arbitration, removal and class action alternatives.
- Stay on top of the newest issues forming on the state class action front.
- Understand the current ground rules on communicating with members of a class.
- Get more bang for your CLE buck—lots of credit hours and sophisticated instruction from leading experts.

Who Should Attend?

- **Seasoned litigators** needing an update on recent decisions in this active area.
- **Litigators** who want an in-depth analysis of class action issues, not a superficial overview.
- **Counsel** who want to stay ahead of the curve on the latest techniques for litigating mass claims.
- **Litigators** who must know the ethical prescriptions concerning communications with members of a class.
- **Lawyers** who need CLE credits and want their time to be well spent

What Past Participants Have Said …

“A lively, stimulating discussion on a topical issue for many lawyers—well done!”

—**James D. Pagliaro**, Morgan, Lewis & Bockius LLP

“Up-to-the-minute information on trends and strategies from experts in the area.”

—**Alesia Holliday**, Williams Kastner & Gibbs LLC

“Excellent materials and speakers.”

—**Linda Perez Clark**, Breazeale, Sachse & Wilson

“An excellent treatment of all aspects of class action procedure—from the ‘nuts and bolts’ to the ‘cutting edge’.”

—**C. Dennis Hughes**, London & Yanley LLC

SPONSORS

This National Institute is presented by the Class Actions and Derivative Suits Committee, the Mass Torts Committee and the Products Liability Committee of the ABA Section of Litigation.

If you are a member of the Section of Litigation, you may join these Committees online by visiting [www.abanet.org/litigation/committee/join.html](http://www.abanet.org/litigation/committee/join.html)

The Section of Litigation and the ABA Center for CLE join in thanking Todd B. Hilsee and Hilsoft Notifications, and Analytics, Inc. for their generous support of this National Institute.
National Institute Faculty

Edward B. Adams
Fulbright & Jaworski LLP
Houston, TX

Scott J. Atlas
Vinson & Elkins LLP
Houston, TX

Dawn M. Barrios
Barrios, Kingsdorf & Casteix
New Orleans, LA

Elizabeth J. Cabraser
Lieff Cabraser Heimann & Bernstein, LLP
San Francisco, CA

Prof. John C. Coffee, Jr.
Adolf A. Berle Professor of Law
Columbia Law School
New York, NY

Hon. Marina Corodemus
Superior Court of New Jersey
New Brunswick, NJ

Robert M. Frisby
Assistant Director, Division of Enforcement
Federal Trade Commission
Washington, DC

Stephen Gardner
Law Offices of Stephen Gardner PC
Dallas, TX

Hon. James T. Genovese
27th Judicial District Court of Louisiana
Opelousas, LA

Diane Green-Kelly
Mayer, Brown, Rowe & Maw LLP
Chicago, IL

Jeffrey J. Greenbaum
Sills Cummis Epstein & Gross PC
Newark, NJ

Todd B. Hilsee
Hilsoft Notifications
Souderton, PA

John B. Isbister
Tydings & Rosenberg LLP
Baltimore, MD

Prof. Samuel Issacharoff
Harold R. Medina Professor in Procedural Jurisprudence
Columbia Law School
New York, NY

Dinita L. James
Ford & Harrison LLP
Tampa, FL

Alan S. Kaplinsky
Ballard Spahr Andrews & Ingersoll, LLP
Philadelphia, PA

Elaine D. Kolish
Associate Director for Enforcement
Federal Trade Commission
Washington, DC

Seth R. Lesser
Locks Law Firm, PLLC
New York, NY

Prof. Linda S. Mullenix
Morris and Rita Atlas Chair in Advocacy
University of Texas School of Law
Austin, TX

Scott L. Nelson
Public Citizen Litigation Group
Washington, DC

Deana S. Peck
Quarles & Brady Streich Lang LLP
Phoenix, AZ

Prof. Nina Pillard
Georgetown University Law Center
Washington, DC

Hon. Jed S. Rakoff
U.S. District Court
Southern District of New York
New York, NY

Morris A. Ratner
Lieff Cabraser Heimann & Bernstein, LLP
New York, NY

Mary Catherine Roper
Drinker Biddle & Reath LLP
Philadelphia, PA

Prof. Edward F. Sherman
Moise F. Steeg, Jr. Professor of Negotiations
Tulane University Law School
New Orleans, LA

Ronald J. Sholes
Adams and Reese LLP
New Orleans, LA

Jose P. Sierra Esq.
Director of Litigation
Schering-Plough Corporation
Kenilworth, NJ

Prof. Jean Sternlight
Saltman Professor of Law
William S. Boyd School of Law
University of Nevada, Las Vegas
Las Vegas, NV

John M. Townsend
Hughes, Hubbard & Reed LLP
Washington, DC

Eric P. Tuchmann
General Counsel
American Arbitration Association
New York, NY

For more information about the National Institute, the ABA, the Section of Litigation and ABA-CLE:

Phone ABA Member Services at 800.285.2221 and Select Option ‘2’
Visit and shop our Web site in a secured credit card environment at www.abanet.org/cle
8:00 Registration and Continental Breakfast

9:00 Welcoming Remarks
John B. Isbister

9:10 New Developments in Class Action Law
Prof. John C. Coffee, Jr.

10:15 To Remove or Not to Remove
As highlighted by the ongoing debate in Congress, choice of forum is a critical strategic issue in many class actions. Our experts will discuss recent cases and current strategies for removing class actions to federal court—and resisting removal—with emphasis on the impact of supplemental federal jurisdiction and how the courts value demands for medical monitoring, injunctive relief, disgorgement and other group remedies in the context of the amount-in-controversy requirement.

Moderator: Mary Catherine Roper
New York
Hon. Jed S. Rakoff
New Orleans
Prof. Edward F. Sherman

10:45 Break

11:00 Crossing the State Line: State Law Class Actions
State law class actions have become an increasingly important feature on the class action landscape. Our panel will explore jurisdiction, choice of law, manageability, and other legal and practical issues that arise when state law claims are asserted on behalf of a statewide or multi-state class.

Moderator: Deana S. Peck
New York
Hon. Marina Corodemus
New Orleans
Hon. James T. Genovese
Edward B. Adams
Stephen Gardner
Prof. Linda S. Mullenix

12:30 Luncheon Speaker: The Federal Trade Commission’s Class Action Fairness Project
New York – Elaine D. Kolish
Associate Director for Enforcement, Federal Trade Commission
New Orleans – Robert M. Frisby
Assistant Director, Division of Enforcement, Federal Trade Commission

2:00 Let’s Talk—The Ethical and Practical Issues of Communicating with Members of a Class
Ethical prescriptions, the rules of procedure, commentary in the new Manual for Complex Litigation, and recent decisions limit communications that plaintiffs’ and defense counsel may have with members or potential members of a class. The panel will provide guidance on ex parte communications with the class, judicial limits on communications with the class, and pre- and post-certification communications with the class under Rule 23 including class notice and communications issues that require notice expertise.

Moderator: John B. Isbister
New York
Diane Green-Kelly
New Orleans
Scott J. Atlas
Todd B. Hilsee
Dawn M. Barrios
Morris A. Ratner

3:00 Break

3:15 Mass But Not Class?
The panel will explore the strategic advantages and drawbacks, and particularly the preclusive effect, of alternative aggregation procedures, including collective or opt-in actions, consolidation under federal Rule 42 or state equivalents, coordination through the federal MDL process, private attorney general actions under section 17200 of the California Business and Professions Code and other states’ “Little FTC Act” statutes, and issues-only classes under Rule 23(c)(4).

Moderator: Dinita L. James
New York
Elizabeth J. Cabraser
New Orleans
Prof. Samuel Issacharoff
Elizabeth J. Cabraser
Prof. Samuel Issacharoff
Jose P. Sierra
Ronald J. Sholes

4:15 How to Arbitrate a Class Action—Or Not
Whether arbitration clauses in consumer, employment, and investment agreements preclude class actions is a white-hot issue for courts, lawyers, and arbitration organizations. This panel will look at how arbitration agreements are drafted to bar class actions, whether such agreements violate public policy, whether class actions can or should be arbitrated, and how to proceed if a class action is referred to arbitration.

Moderator: Scott L. Nelson
New York
Alan S. Kaplinsky
New Orleans
Prof. Nina Pillard
Alan S. Kaplinsky
Prof. Jean Sternlight
John M. Townsend
Eric P. Tuchmann

5:15 Adjourn
PROGRAM TUITION
Attend the entire program, the luncheon, the breakfast, network with other registrants and faculty, and pay only...
- $575 for the General Public
- $450 for ABA Members ($125 Savings)
- $325 for Section of Litigation Members ($250 Savings)

Become a member of the Section of Litigation for $45 and save on this Institute.

In addition to receiving the written course materials, attendees will receive the 2004 version of the Survey of State Class Action Law, a $60 value.

GROUP AND OTHER DISCOUNTS
Register three or more people at the same time to receive an additional $50 reduction on each program tuition! Larger group discounts and special rates for full-time law students, academics, and government employees are also available. For more information contact Ninah Smith at 312.988.6209.

Every registrant will receive a copy of the informative course materials book and the Survey of State Class Action Law. Both can be used as comprehensive resources long after the program is held. Each registrant also will be eligible for MCLE accreditation in those states that require continuing legal education.

MCLE
Mandatory Continuing Legal Education (MCLE) accreditation has been requested from all states that require continuing legal education. 6.83 hours, including 1.0 hour of Ethics credit have been requested from states that recognize a 60-minute credit hour; and 8.2 hours, including 1.2 hours of Ethics credit from those states granting credit hours on a 50-minute basis.

For NY-licensed attorneys: This transitional CLE program has been approved for all NY-licensed attorneys in accordance with the requirements of the New York State CLE Board for New York MCLE (6.0 total NY MCLE credits).

If you have questions regarding MCLE application and approval, please contact the ABA MCLE Unit at 312.988.6217.

SCHOLARSHIPS
Scholarships to defray tuition expense for National Institutes are available upon application. Preference will be given to public interest lawyers, government lawyers, and law professors. For more information contact Ninah Smith at 312.988.6209. Scholarship applications must be received in the ABA offices no later than thirty days prior to the program.

SERVICES FOR PERSONS WITH DISABILITIES
If special arrangements are required, please contact Nadine McIntyre at 312.988.6199. Reasonable advance notice is requested.

IN-PERSON REGISTRATION
If you plan to register in person please call the ABA at least 24 hours in advance to confirm that the program is being held as scheduled and that space is available. Cash payments will not be accepted.

CANCELLATIONS
Refund requests for National Institute presentations will be honored on the following basis:

<table>
<thead>
<tr>
<th>Day of Cancellation*</th>
<th>Amount of Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 business days or more</td>
<td>100% Refund</td>
</tr>
<tr>
<td>4 to 7 business days</td>
<td>100% Refund</td>
</tr>
<tr>
<td><strong>3 business days or less</strong></td>
<td>minus $50 administrative fee</td>
</tr>
</tbody>
</table>

*“Day of Cancellation” is the day the cancellation is received, by telephone or in writing, by the ABA. It is calculated based on ABA business days remaining before the National Institute presentation for which registered. Written confirmation of refund requests must be received within 14 days following the...
National Institute presentation. Substitute registrants are welcome.

** No refund will be made for cancellations received after this time.

**PROGRAM CONFIRMATION**

Written confirmation of your registration will be sent to you upon receipt. Please bring it with you to the National Institute as proof of registration. If you do not receive the confirmation notice prior to the presentation, please call the ABA at least 24 hours in advance to confirm that your registration was received and that the program is being held as scheduled.

**HOTEL INFORMATION**

**New York - October 15, 2004**

The Plaza Hotel
New York, NY
P 800.441.1414
F 212.759.3167
Rate: $369.00 single/double

**New Orleans, LA - October 29, 2004**

Hilton Riverside New Orleans
New Orleans, LA
P 504.561.0500
F 504.584.3979
Rate: $169.00 single/double

All room rates are subject to city occupancy and sales tax. One night's deposit required for reservation. Unclaimed rooms will be released twenty-one days before the program, after which the hotel will accept reservations on a space-available basis. **Mention this ABA meeting to receive the special discounted rate.**

**AIRLINE INFORMATION**

The ABA has secured discounted rates with American, Delta, and US Airways for all National Institute participants. Make your reservations early and for additional airline information call:

American Airlines  Delta Airlines  US Airways
800.433.1790  800.241.6760  877.874.7687
ABA Code: 16666  ABA Code: 189419A  ABA Code: 36632473

**ABA SECTION OF LITIGATION**

Join this dynamic section when registering for this program, at the cost of $45 over regular ABA membership, and save up to $250 on this program's tuition.

**STANDING COMMITTEE ON CONTINUING LEGAL EDUCATION**

Under the guidance of the Standing Committee on Continuing Legal Education, the Center for Continuing Legal Education administers and produces National Institutes, VideoLaw Seminars, Satellite Seminars, TeleConferences, other technology-based offerings, and written Course Materials to assist lawyers' continuing legal education efforts.

R. Clark Wadlow, Chair, *Sidley Austin Brown & Wood LLP*, Washington, DC

**ABA CENTER FOR CONTINUING LEGAL EDUCATION**

Peter Glowacki, Director
Darren Baylor, Associate Director, *CLE Courses*
Nadine McIntyre, Marketing Manager
Ninah Smith, Administrative Support
Registration and Order Form

I will be attending:

- October 15, 2004 — New York
- October 29, 2004 — New Orleans

$575 General Public
$450 ABA Member ($125 Savings)
$325 Section of Litigation Member ($250 Savings)

Two or more people have registered with me. Please apply the $50 tuition reduction to my tuition rate indicated above.

Class Actions

- Live from New Orleans — October 29th
- Crossing the State Line: State Law Class Actions

- $85 Section of Litigation Members
- $125 ABA Members
- $150 All Other Registrants
- $60 Additional Registrants on the same phone line

Products and Order Form

Send me the Class Actions AudioCD Package N04CACC (CD and course materials) available within two weeks following the program at the special price of $575, plus $24.95 for domestic shipping and handling. ($525 if ordered by October 15, 2004 - Early Bird)

Send me the Class Actions Audiotape Package N04CACA (tapes and course materials) available within two weeks following the program at the special price of $575, plus $24.95 for domestic shipping and handling. ($525 if ordered by October 15, 2004 - Early Bird)

Send me the Class Actions Course Materials N04CACB at the special prepublication price of $150, plus $17.95 for domestic shipping and handling.

District of Columbia residents add 6% use tax, Illinois residents add 8.75% sales tax, and Maryland residents add 5% sales tax, before including domestic shipping and handling charges. Price is subject to change after 10/15/2004.

*Shipping and handling charges subject to change without notice.

Send me the ABA-CLE product catalog.
Send me the ABA-CLE calendar for upcoming events.

ABA MEMBERSHIP

I am interested in becoming a member of the American Bar Association. Please send me information and membership forms.

I am an ABA Member, but want a further reduction on my tuition. Please enroll me in the Section of Litigation for this program. Please enroll me in the Section of Litigation, even if I am not an ABA Member.

ABA # ____________________

To register and order:

Phone: 800.285.2221 Select Option 2 or 312.988.5522 (credit card only)
Fax: 312.988.5850 (credit card only)
Visit our secured Web site at www.abanet.org/cle/programs/n04cac1

MasterCard  VISA American Express
Card No. _____________________________________ Exp. Date  _______
Signature  ____________________________________________________

or Mail form and payment (with your check payable to the American Bar Association or with VISA, MasterCard or American Express information) to:
American Bar Association
Financial Services, Dept. N04CAC1/N04CAC2
P.O. Box 19078
Chicago, IL 60614-9078

(No P.O. Boxes Please)

Class Actions

FOR OFFICE USE ONLY:  ID N04CAC1  ACK ______________________  SR ____________________
Please refer to this SOURCE CODE when placing your order (if blank, refer to the code above your mailing address): N04CAC1234

ABA # 525 ABA Members
ABA # 450 ABA Membership
ABA # 490 ABA Section of Litigation Members
ABA # 575 General Public
ABA # 425 ABA Section of Litigation

October 29, 2004 — New Orleans
October 15, 2004 — New York
I will be attending:

TO REGISTER AND ORDER:  Phone 800.285.2221 Select Option 2 or 312.988.5522 (credit card only)
JOIN THE ABA SECTION OF LITIGATION AND SAVE $250 ON THIS NATIONAL INSTITUTE

American Bar Association
Center for Continuing Legal Education
321 N. Clark, Suite 1900
Chicago, Illinois 60610

Friday, October 29, 2004
12:00 pm–1:30 pm
Eastern Time

To register or for additional information, call 800.285.2221 and select option “2” or visit our Web site at www.abanet.org/cle/programs/t04cac1

Register Online at www.abanet.org/cle/programs/n04cac1.html