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ABA Section of Litigation

Section Annual Conference

April 24–26, 2013
JW Marriott

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CHICAGO



18.5 hours of MCLE credit (including 7.3 hours of trial skills credit and 9.3 hours of ethics credit) have been requested in 60-minute states and 22.3 hours of MCLE credit (including 8.8 hours of trial skills credit and 11.2 hours of ethics credit) have been requested in 50-minute states.

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Principal, The Bellows
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Featured Plenaries

General Counsel Forum

Thursday, April 25, 2013

8:00 am - 9:30 am



Cornell Boggs
Senior Vice
President,
General Counsel
and Corporate
Secretary,
Dow Corning
Corporation



Barbara Daniele
Senior Vice
President and
General Counsel,
GE Capital
Americas



**Randy E.
Hayman**
General Counsel,
DC Water



**Dennis F.
Kerrigan Jr.**
Zurich North
America General
Counsel



**Patricia Lee
Refo**
Partner, Snell &
Wilmer LLP

Litigators Making a Difference

Friday, April 26, 2013

8:00 am - 9:30 am



**Marcia D.
Greenberger**
Co-President,
National Women's
Law Center



Neal K. Katyal
Former Acting
Solicitor General
of the United
States, and
Partner, Hogan
Lovells



Paul M. Smith
Partner, Jenner
& Block LLP



**Hon. Ann Claire
Williams**
U.S. Circuit Judge,
U.S. Court of
Appeals for the
Seventh Circuit

A Look Ahead

Friday, April 26, 2013

3:00 pm - 4:00 pm



David Axelrod
Former Senior
Advisor to the
President



Rahm Emanuel
Mayor of Chicago



**John J.
Cullerton**
Illinois Senate
President and
Partner, Thompson
Coburn LLP

Litigation Tracks

Trial Practice

Discovery/Witness

Ethics

Hot Topics

Financial Services

**Commercial &
Business Law**

Corporate Counsel

Products Liability

Employment & Labor

Securities

Mass Torts

Class Actions

International

Real Estate

Experts

Solo & Small Firm

Young Advocates

Business Torts

Children's Rights

Woman Advocate

Immigration

Minority Trial Lawyer

Why You Should Attend

The Section Annual Conference is THE conference for litigators, bringing together lawyers and judges from across the country for the latest in trial advocacy. With over 70 CLE programs, 200 nationally known speakers, and a variety of networking events, this conference provides exceptional CLE and valuable networking opportunities. If you register before 2/28/13, the cost is only \$500 (or \$350 for first-time attendees).

Who Should Attend

Anyone who litigates and wants to learn about the latest developments, tips and tactics.

Sponsors

The ABA Section of Litigation gratefully acknowledges the following organizations for their sponsorship of the Section Annual Conference.

Section Sponsors:

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Sponsor of the ABA Section of Litigation



NAVIGANT

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Networking Events

Wednesday, April 24

Committee Business Meetings

2:00 pm – 4:00 pm
No charge

Connect with litigators whose interests match yours. It's your opportunity to get involved and raise your profile.

Committees: Alternate Dispute Resolution; Bankruptcy & Insolvency; Business Torts; Condemnation, Zoning & Land Use; Commercial Business; Construction; Insurance Coverage; Minority Trial Lawyer; Solo & Small Firm; Trial Practice. For Thursday and Friday Committee Business Meetings, see pages 6-9.

Speed Networking Event

4:00 pm – 5:00 pm
No charge

Kick off your Section Annual Conference experience with a fast paced networking event and meet litigators from around the country, learn more about the Section of Litigation, and preview the SAC.

Networking Events

Wednesday, April 24

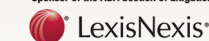
Opening Reception Honoring the Judiciary

5:00 pm – 7:00 pm

Meet federal and state judges from the Chicago area and beyond. No charge for conference attendees.

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Committee Dinners and Dine Arouds

7:30 pm

Meet the people who share your passion and experience while dining at one of Chicago's many excellent restaurants. For more details, visit www.ambar.org/sac2013.

Thursday, April 25

John Minor Wisdom and Diversity Leadership Awards Luncheon

12:15 pm – 1:45 pm
\$75 or a table of 10 for \$1000

This is one of the highlights of the conference. The John Minor Wisdom Public Service Award is presented in recognition of outstanding contributions to equality of justice. The Diversity Leadership Award recognizes individuals or entities who have demonstrated a commitment to promoting full and equal participation in the legal community. *The John Minor Wisdom Award is sponsored by Stone Pigman Walther Wittmann LLC. The Diversity Leadership Award is sponsored by Navigant.*



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Committee Expo & Reception

5:00 pm – 7:00 pm
No charge

Expect the unexpected. A favorite of many conference goers, the Committee Expo features unique presentations from over 40 committees with plenty to eat and drink. *Sponsored by Navigant.*

NAVIGANT
Litigation Advisory Services
Sponsor of the ABA Section of Litigation

Committee Dinners and Dine Arouds

7:30 pm

Meet the people who share your passion and experience while dining at one of Chicago's many excellent restaurants. For more details, visit www.ambar.org/sac2013.

Dessert Reception

9:00 pm – 10:30 pm
No charge

Wrap up the first day with fellow attendees as you enjoy desserts and drinks with Section Chair Bill Bay at a complimentary reception hosted by his firm Thompson Coburn and DecisionQuest.

Sponsored by DecisionQuest and Thompson Coburn LLP



Friday, April 26

Practice Area & Networking Discussion Luncheons

12:15 pm – 1:30 pm
\$25

Discuss the latest legal issues with attorneys in your practice area.

Committees: Business Torts; Class Action & Derivative Suites; Commercial & Business Litigation; Condemnation, Zoning & Land Use; Corporate Counsel; Employment & Labor Relations; Energy; Environmental; Ethics and Professionalism; Expert Witness; Insurance Coverage; Intellectual Property; LGBT Litigator; Mass Torts; Minority Trial Lawyer; Pretrial Practice & Discovery; Products Liability; Professional Liability Litigation; Real Estate Litigation; Solo & Small Firm; Trial Evidence: Trial Practice; Woman Advocate. *Sponsored by DecisionQuest*



Reception

4:00 pm – 5:00 pm
No charge

Join David Axelrod, other plenary speakers and fellow conference attendees for drinks following the last plenary session.

Thursday, April 25, 2013**7:00 am - 8:00 am Committee Business Meetings**

- Ethics & Professionalism
- Immigration
- Intellectual Property

- International
- LGBT Litigator
- Mass Torts

- Products Liability
- Trial Evidence

- Trial Practice
- Woman Advocate

8:00 am - 9:30 am General Counsel Forum

Hear from a energetic group of General Counsel on how increased globalization and changing technology and law are triggering ethics issues, impacting risk management, and reshaping the legal representation of corporations moderated by Patricia Lee Refo.

Speakers: **Cornell Boggs**, Senior Vice President, General Counsel and Corporate Secretary, Dow Corning Corporation, **Barbara Daniele**, Senior Vice President and General Counsel, GE Capital Americas, and **Randy E. Hayman**, General Counsel, DC Water, **Dennis F. Kerrigan Jr.**, Zurich North America General Counsel
Patricia Lee Refo, Partner, Snell & Wilmer LLP

Time/Track	Securities	Financial Services	Employment & Labor Relations	International	Immigration	Commercial & Business	Young Advocates	Products Liability & Trial Skills	Discovery/Witness & Woman Advocate	Ethics
9:40 am - 10:50 am	Futures and Futures Derivatives: I Thought They Were Securities. What Are They and How Are They Regulated?	Merger and Acquisition (M&A) Litigation: Current Issues and Trends	Employment Law Trends	Using U.S. Discovery in Aid of Foreign and International Proceedings	"Crimmigration"—Red Flags for Criminal Attorneys Representing Non-U.S. Citizens "	Countering the Empty Pocket Defense and Other Tips for Settling Commercial Cases in a Bad Economy	Alternative Dispute Resolution: Leaving the Courtroom, Is the Grass Really Greener on the Other Side?	Practical Strategies for Recognizing and Avoiding Problem Jurors	Working Without a Net: Walking the Tightrope of Corporate Representative Depositions	The Ethics of Cloud Computing
11:00 am - 12:10 pm	The Good, The Bad, and The Ugly: Ethical Issues in Class Action Settlements and Opt Outs	The SEC, FTC, Sarbanes-Oxley and IRS Whistleblower Acts	NLRB Developments—Appropriate Aggressiveness or a Moving Target?	The Opportunities and Risks of 28 U.S.C. §1782: U.S. Discovery "Assistance" to Foreign Legal Proceedings	World after <i>Padilla v. Kentucky</i> —Criminal Attorney's Duty to Advise Clients on Immigration Consequences of Their Convictions		Appeals: It's Not Over Until It's Over	Improper Statements and Conduct in Opening and Closing Arguments	Shave, Haircut or Total Makeover: The Reality of Trial Witness Preparation	The Ethics of Computer-Assisted Review

12:15 pm - 1:45 pm John Minor Wisdom and Diversity Leadership Awards Luncheon

Time/Track	Hot Topics & Corporate Counsel	Financial Services	Employment & Labor Relations	International	Experts	Commercial & Business	Young Advocates	Trial Practice & Trial Skills	Discovery/Witness	Ethics
2:00 pm - 3:10 pm	Using Value-Based Fees to Strengthen Client-Firm Relationships	Preparing for the Spotlight: Increased Scrutiny on the Private Equity Industry and How to Avoid Coming Pitfalls	The New Rules of the Game	A Panacea or a Plague: Third Party Funding in Complex Commercial and Investment Disputes	What Change Has Wrought?: Evaluating the Impact of Changes to the Federal Expert Disclosure Rules	When Your R&D Is No Longer a Trade Secret: Litigating and Calculating Damages	Trial Tactics	12 Sure Ways to Lose a Trial	Is There a Doctor in the House? Effective Depositions, Examination and Cross-Examination of Physicians as Fact or Expert Witnesses	The Ethics of Lawyer-Client Fallout

2:00 pm - 3:00 pm Committee Business Meetings: Corporate Counsel • Energy

Time/Track	Hot Topics	Hot Topics	Hot Topics	Immigration	Products Liability & Trial Skills	Hot Topics	Young Advocates	Trial Practice & Trial Skills	Discovery/Witness & Corporate Counsel	Minority Trial Lawyer
3:20 pm - 4:30 pm	The Seventh Circuit: A Tradition of Legal Innovation and Excellence	Recognition of LGBT Relationships: Litigation Update 2013	Practicing in the Aftermath of Disaster	What Relief is Available to Your Client: How to Structure Plea Deals to Minimize Negative Immigration Impact of Ultimate Conviction	Changes to Removal and Remand Procedures	The Latest on Amendments to the Federal Civil Rules	Discovery: Dipping in the Well of Evidence	How to Change Your Style at Trial	Client Oriented eDiscovery Plans	Beyond Bias: Deconstructing Stereotypes

5:00 pm - 7:00 pm Committee Expo & Reception**7:30 pm Committee Dinners & Dine Arouds****9:00 pm - 10:30 pm Dessert Reception**

Friday, April 26, 2013

7:00 am - 8:00 am Committee Business Meetings: Civil Rights Litigation • Securities

8:00 am - 9:30 am Litigators Making a Difference

Judge Ann Williams of the Seventh Circuit will moderate a dynamic panel with some of the country's top litigators in cases that have made a difference across the legal landscape and have impacted social change.

Speakers: **Marcia D. Greenberger**, Co-President, National Women's Law Center, **Neal K. Katyal**, Former Acting Solicitor General of the United States and Partner, Hogan Lovells, **Paul M. Smith**, Partner, Jenner & Block LLP, and **Hon. Ann Claire Williams**, U.S. Circuit Judge, U.S. Court of Appeals for the Seventh Circuit

Time/Track	Real Estate	Mass Torts	Class Action	Business Torts	Experts	Solo & Small Firms	Young Advocates	Trial Skills	Hot Topics	Ethics
9:40 am - 10:50 am	Catastrophic Events . . . The Aftermath for Commercial Properties	The First 48 Hours – Crisis Management and Litigation Planning During Mass Disasters	Buy This All-Natural Product and Become Stronger, Healthier, and Sexier: The Latest in False Advertising Consumer Class Actions	The Business Case for Diversity: Reality or Wishful Thinking?	Best Practices for Working with Experts	Solo and Small Firms Roundtable: Success Stories, Business Models, and Marketing Tips for the Solo and Small Firm Lawyer	Mastering Depositions	Winning Bench Trials	Empowering People to Make Their Own Second Chances: A Rewarding Pro Bono Opportunity	Litigating Ethically (Quiz Show)
11:00 am - 12:10 pm	The Future of Hydraulic Fracturing Litigation	Mass Disaster — Litigating the Mass Tort Disaster Case	Another Day, Another Forum: Strategies for Litigating Class Actions and Derivative Suits In Multiple State and Federal Courts	Litigation Holds, Anticipated Litigation and Social Media, Oh My!	A Primer: Getting the Most Out of Your Experts — Do's and Don'ts in the Use of Expert Witnesses: Learning from the Experts	Beyond the Business Case — Diversity and the Small/Medium Firm	Children's Rights The Impact of Violence	Dealing with Attorneys Who Don't Play Well in the Sandbox: Identifying Tactics Intended to Derail Your Arbitration and How Best to Thwart Them.	Woman Advocate & Minority Trial Lawyer Why Diversity Matters in Rainmaking	Revealing Confidential Information to Resolve Lateral Lawyer Conflicts: Assessing the Impact of the Recently Adopted Exception to Confidentiality Under Model Rule of Professional Conduct 1.6

12:15 pm - 1:30 pm Practice Area & Networking Lunches

- Business Torts
- Class Action & Derivative Suites
- Commercial & Business Litigation
- Condemnation, Zoning & Land Use
- Corporate Counsel

- Employment & Labor Relations
- Energy
- Environmental
- Ethics and Professionalism
- Expert Witness

- Insurance Coverage
- Intellectual Property
- LGBT Litigator
- Mass Torts
- Minority Trial Lawyer

- Pretrial Practice & Discovery (with meeting)
- Products Liability
- Professional Liability Litigation
- Real Estate Litigation

- Solo & Small Firm
- Trial Evidence: Trial Practice
- Woman Advocate

Time/Track	Real Estate	Mass Torts	Class Actions	Business Torts	Hot Topics & Trial Practice	Solo & Small Firms	Children's Rights	Securities	Hot Topics	Ethics
1:40 pm - 2:50 pm	The Foreclosure Crisis Puzzle: Navigating the Changing Landscape of Foreclosure	Disaster Averted, Mass Tort Resolved — Settling Tort Disaster Cases	Is Your Life An Open Book? Privacy Class Actions in the Age of Social Media	Taming the Technological Beast: Making Technology the Servant, Not the Master	Cameras are in the Courts, Now What? Ethical Issues for Lawyers	Ethics for the Solo/Small Firm Practitioner	The Psychology of Secrets	The Evolving Role of the SEC: How to Anticipate, Read and Respond to the Current Regulatory Environment	Bullied Bully: Effective Intellectual Property Enforcement and Responses in the Age of Fan Fiction, Trolls, and Viral Landscapes	Ethical Hurdles, Snares, and Pitfalls in Prepping and Using Experts

1:40 pm - 2:50 pm Committee Business Meeting: Appellate Practice
Avoiding Ethical Pitfalls in Appellate Practice

3:00 pm - 4:00 pm A Look Ahead

Gain insight into what to expect on the national, state and local scene.

Speakers: **David Axelrod**, Former Senior Advisor to the President, **Rahm Emanuel**, Mayor of Chicago, **John J. Cullerton**, Illinois Senate President, and Partner, Thompson Coburn LLP

4:00 pm - 5:00 pm Reception

CLE Programs

Wednesday, April 24

Anatomy of Trial: Case for the Day—Sacco & Vanzetti
8:00 am – 5:30 pm
Track: Trial Skills, Young Advocate

Attend a one-day trial training boot camp for young lawyers featuring star litigators from across the United States. Based on the Sacco & Vanzetti trial, this training will cover topics including case analysis, theory of the case, civility, opening statements, direct examination, cross examination, and closing arguments. Presented by the Litigation Institute for Trial Training.

Thursday, April 25

Practical Strategies for Recognizing and Avoiding Problem Jurors
9:40 am – 10:50 am
Track: Products Liability, Trial Skills

An experienced jury consultant, a sitting trial judge, and seasoned trial attorneys for both plaintiffs and defendants discuss and demonstrate methods for effective jury selection. The panel will identify problem jurors from both the plaintiff's and defendant's point of view, and explore the use of tools such as questionnaires and voir dire examination to successfully identify and strike problem jurors and keep the jurors you like.

Improper Statements and Conduct in Opening and Closing Arguments
11:00 am – 12:10 pm
Track: Products Liability, Trial Skills

Improper comments during opening and closing arguments have more and more become the subject in appellate decisions — at times resulting in reversal of an otherwise “fair” trial. This panel of experienced trial and appellate attorneys will discuss what to do when your opposing counsel makes improper or inflammatory statements during either opening or closing statements.

12 Sure Ways to Lose a Trial
2:00 pm – 3:10 pm
Track: Trial Practice & Skills

This program will involve a panel of federal judges moderated by Judge Castillo to discuss effective trial techniques.

How to Change Your Style at Trial
3:20 pm – 4:30 pm
Track: Trial Practice & Skills

A trial skills program using multi-media, including clips of effective and ineffective opening statements, closing arguments, direct and cross-exams used in films (*A Civil Action*, *My Cousin Vinny*, *The Verdict*, and *Erin Brockovich*) along with high profile lawyers who will teach attendees how to master trial skills by changing their style from a traditional lecture format into a captivating presentation by using improvisation techniques.

Changes to Removal and Remand Procedures
3:20 pm – 4:30 pm
Track: Products Liability, Trial Skills

On December 7, 2011, President Obama signed into law the Federal Courts Jurisdiction and Venue Clarification Act of 2011 (JVCA). The JVCA makes a variety of changes to sections of the United States Code, such as the treatment of resident aliens (28 U.S.C. § 1332(a)), citizenship of corporations and insurance companies with foreign contacts (28 U.S.C. § 1332(c)(1)), and venue (28 U.S.C. §§ 1390, et seq.). However, the most important provisions of the JVCA are those involving removal. These provisions address several issues that have generated conflicts in the lower courts, particularly for removal based on diversity jurisdiction.

Friday, April 26

Winning Bench Trials
9:40 am – 10:50 am
Track: Trial Skills

Using multimedia presentations, live demonstrations, critique, and audience participation, expert trial lawyers and experienced judges will show you the most effective approaches and techniques for winning bench trials. We will address presenting outstanding written and oral advocacy as well as developing compelling case themes and witness testimony geared to persuade judges.

CLE Programs

Friday, April 26

Dealing With Attorneys Who Don't Play Well in the Sandbox: Identifying Tactics Intended to Derail Your Arbitration and How Best to Thwart Them
11:00 am – 12:10 pm
Track: Trial Skills

All too often, the recalcitrant party in an arbitration fails to pay fees, violates the applicable rules, employs delay tactics, and otherwise attempts to stultify the process. After identifying these situations through vignettes and personal experiences, a panel comprised of a former judge, experienced arbitration counsel and ADR providers will present its insights into what can (and should) be done to turn the tables on those parties.

Cameras Are in the Courts, Now What? Ethical Issues for Lawyers
1:40 pm – 2:50 pm
Track: Hot Topics, Trial Practice

Federal courts are beginning the second year in 14 pilot trial courts. Commercial television access and subscription services exist for many trials in state courts. A judge, a First Amendment lawyer, a television pundit, and a lawyer behind the cameras in the courts will discuss the ethical responsibilities of lawyers in publicized cases, what lawyers can do to avoid mistrials, and the use of cameras in the courts through subscription service, the Federal courts, and commercial television.

Thursday, April 25

Working Without a Net: Walking the Tightrope of Corporate Representative Depositions
9:40 am – 10:50 am
Track: Discovery/Witness, Woman Advocate

Corporate representative depositions are an integral component of corporate litigation and companies rely on corporate counsel to balance often conflicting business and legal interests in the process of preparing and presenting often reluctant witnesses in a wide variety of substantive contexts. Understanding the corporation's and witnesses' rights and obligations in this process is critical to advising internal clients about strategy, witnesses selection, and allocating the witnesses' time and resources appropriately. This panel will discuss these topics with an emphasis on strategic selection of the appropriate witness(es), the nature and extent of preparation of the witness(es), and the procedural aspects of responding to the deposition notice and document requests.

Shave, Haircut, or Total Makeover: The Reality of Trial Witness Preparation
11:00 am – 12:10 pm
Track: Discovery/Witness, Woman Advocate

Prominent trial lawyers and jury consultants describe how to prepare your witnesses for trial, from preparation sessions to presentation at trial. The panel will discuss the timing of preparation, how much preparation is too much, cross-examination strategies, and dress and demeanor, among other things.

Is There a Doctor in the House? Effective Depositions, Examination, and Cross-Examination of Physicians as Fact or Expert Witnesses
2:00 pm – 3:10 pm
Track: Discovery/Witness

Let's face it. When a doctor is named as a witness in litigation, it makes the case more complicated — whether the doctor is testifying as a fact witness or an expert, preparation for the examination has to be thorough and well thought out, and we lawyers have to make sure we are not intimidated by the doctor's knowledge. This program will discuss the practical things you must do to prepare for the examination, and then provide examples, via video or live role play.

Client Oriented E-Discovery Plans
3:20 pm – 4:30 pm
Track: Discovery/Witness, Corporate Counsel

Corporate counsel do not expect e-discovery to be cheap or easy, but they expect it to be thoughtfully managed, intelligently informed, and structured with a workflow and staffing strategy that create and maximize efficiencies. Pre-litigation strategy such as analysis of the client's document retention policy is the starting point for any defensible discovery plan. This targeted discussion will include techniques to successfully identify relevant evidence, prioritize review, and marshal the appropriate attorneys and staff to assess opportunities for improvement and efficiencies.

CLE Programs

Thursday, April 25

The Ethics of Cloud Computing
9:40 am – 10:50 am
Track: Ethics

More and more lawyers—particularly young lawyers—are practicing in the cloud. Many young lawyers now operate a virtual law office. The 2012 technology amendments to the Model Rules will impact the practices of lawyers in the coming decades. Recent state bar ethics opinions are now speaking to the thorny ethical issues associated with cloud storage. This program will take the amendments and the existing rules and apply them to very real hypotheticals in an interactive format, but still guided by the steady hand of a knowledgeable panel.

The Ethics of Computer-Assisted Review
11:00 am – 12:10 pm
Track: Ethics

After *DaSilva Moore*, “predictive coding” is the rage in e-discovery, but computer-assisted review is much more than just predictive coding. Using interactive hypotheticals, our audience will join with our panel focusing on confidentiality, and communication—two major components of professional conduct in this burgeoning ethical minefield.

The Ethics of Lawyer-Client Fallout
2:00 pm – 3:10 pm
Track: Ethics

A client accuses a lawyer of wrongful conduct. May the lawyer use attorney-client privileged information in defense? If so, must the lawyer take any precautions against disclosure to third parties? We will explore the contours of both an in-house and outside counsel’s ability to retain and use privileged information to establish or defend a claim-taking into account certain states’ variations in the lawyer self-defense rules.

Friday, April 26

Litigating Ethically (Quiz Show)
9:40 am – 10:50 am
Track: Ethics

Using an interactive quiz show format, the panel will address current ethical issues affecting litigators. Among topics under consideration are the inadvertent disclosure of privileged documents, and duties to inform opposing counsel.

Revealing Confidential Information to Resolve Lateral Lawyer Conflicts: Assessing the Impact of the Recently Adopted Exception to Confidentiality under Model Rule of Professional Conduct 1.6
11:00 am – 12:10 pm
Track: Ethics

In this program, a member of the ABA’s Ethics 20/20 Commission and a law firm general counsel will explain a recent amendment to ABA Model Rule 1.6 that permits lateral lawyers to disclose information about current and past representations to their new firms to insure that conflicts are identified and resolved before the lawyer joins the new firm.

Ethical Hurdles, Snares, and Pitfalls in Prepping and Using Experts
1:40 pm – 2:50 pm
Track: Ethics

The use of expert witnesses presents many potential ethical hurdles, snares, and pitfalls. With recent changes to the Federal Rules, the creation of expert reports and the preparation for and presentation of expert witness testimony can easily create ethical dilemmas for practitioners. The program will include use of vignettes followed by commentary by each of the panelists.

CLE Programs

Thursday, April 25

Using Value-Based Fees to Strengthen Client-Firm Relationships
2:00 pm – 3:10 pm
Track: Hot Topics, Corporate Counsel

While the use of alternative or value-based fees continues to grow in managing litigation, these fee structures have raised questions about how well they actually work. In this session, an experienced panel of corporate counsel and their law firm counterparts will explore a few myths. Using case studies and an interactive, conversational format, we will outline some strategies and solutions on how to best use alternative fee arrangements for litigation.

The Seventh Circuit: A Tradition of Legal Innovation and Excellence
3:20 pm – 4:30 pm
Track: Hot Topics

Renowned judges of the U.S. Court of Appeals for the Seventh Circuit and expert practitioners will demonstrate outstanding oral advocacy techniques as well as an examine the unique contributions of this court to American jurisprudence.

Recognition of LGBT Relationships: Litigation Update 2013
3:20 pm – 4:30 pm
Track: Hot Topics

Over a year after the Obama Administration stopped defending the federal Defense of Marriage Act (DOMA), litigation relating to marriage equality continues to wind its way through the courts. New fronts have been opened in Illinois (*Darby v. Orr*) and Nevada (*Sevcik v. Sandoval*). Meanwhile, litigation challenging DOMA (*Golinski v. OPM*) and *Perry v. Brown* continue to work their way to the Supreme Court. This expert panel will provide an update on litigation seeking equal footing for LGBT relationships.

Practicing in the Aftermath of Disaster
3:20 pm – 4:30 pm
Track: Hot Topics

This panel will cover how courts and lawyers prepare for and deal with natural disasters such as Super Storm Sandy, Hurricane Katrina, and the Next Big One.

The Latest on Amendments to the Federal Civil Rules
3:20 pm – 4:30 pm
Track: Hot Topics

At its November 2013 meeting, the Advisory Committee on Civil Rules is expected to propose a significant change to Rule 37 and to consider significant changes to Rule 26 relating to the scope of discovery. Anyone who practices in federal court will want to hear our panel explain what amendments are on the horizon and what impact they will have on how lawyers engage in federal litigation.

Friday, April 26

Empowering People to Make Their Own Second Chances: A Rewarding Pro Bono Opportunity
9:40 am – 10:50 am
Track: Hot Topics

Many people in our communities at one time or another got in some minor criminal trouble, when they were younger. For low-income and disadvantaged people, that minor trouble from long ago often becomes like a scarlet letter that holds them back in life. Legislators throughout the country have recognized this problem and passed laws that allow people in these situations to expunge or seal their prior records so they can productively move on with their lives. Like many legal rights, legal assistance is needed to obtain the protections of these laws. From helping advise people on whether they can legally expunge or seal minor criminal records, to providing brief assistance to qualifying petitioners, to in-court advocacy in contested proceedings, to getting involved with legislative and policy advocacy, there are a number of ways lawyers can get involved on a pro bono basis. Come learn more about the issue and how you can get involved.

CLE Programs

Friday, April 26

Bullied Bully: Effective Intellectual Property Enforcement and Responses in the Age of Fan Fiction, Trolls, and Viral Landscapes
2:00 pm – 3:10 pm
Track: Hot Topics

Fan fiction! Automated cease and desist letters! Viral enforcement efforts! What to do? Our panel of intellectual property experts, including in-house counsel, will discuss enforcement efforts and tips for strengthening and protecting intellectual property without coming off as an IP bully. Our interactive presentation, including fan fiction clips and examples of enforcement activity gone wrong, will also overview types of possible IP bullying activities, including harassing cease and desist letters, specious anti-competitive lawsuits and TTAB proceedings, and troll litigation. Methods for appropriate levels of enforcement, tailoring enforcement efforts to the nature of the problematic activity, avoiding negative viral attention, and responding to perceived bullying will be presented.

Cameras Are in the Courts, Now What? Ethical Issues for Lawyers
1:40 pm – 2:50 pm
Track: Hot Topics, Trial Practice

Federal courts are beginning the second year in 14 pilot trial courts. Commercial television access and subscription services exist for many trials in state courts. A judge, a first amendment lawyer, a television pundit and a lawyer behind the cameras in the courts discuss the ethical responsibilities of lawyers in publicized cases, what lawyers can do to avoid mistrials, and the use of cameras in the courts through subscription service, the Federal courts, and commercial television.

Thursday, April 25

Merger and Acquisition (M&A) Litigation: Current Issues and Trends
9:40 am – 10:50 am
Track: Financial Services

The panel will discuss the current environment of merger and acquisition litigation and relevant court rulings. The discussion will also focus on the dynamics of a deal, expectations of strategic buyers versus financial buyers, disputes over representations, warranties and covenants, disputes over valuation and related issues, anticipating and managing the risks of post deal disputes, and applicability of damages during litigation.

The SEC, FTC, Sarbanes-Oxley, and IRS Whistleblower Acts
11:00 am – 12:10 pm
Track: Financial Services

A panel discussion will relay updates on the Dodd-Frank Act, the first SEC whistle blower awards, and significant retaliation cases and holdings. The panel will also discuss the IRS and FTC whistleblower laws and potential cross-pollination of cases.

Preparing for the Spotlight: Increased Scrutiny on the Private Equity Industry and How to Avoid Coming Pitfalls
2:00 pm – 3:10 pm
Track: Financial Services

Recent activity suggests the private equity industry will become the focus of increased scrutiny from the Securities and Exchange Commission and the Department of Justice. Private equity firms and their investors need to be cognizant of the current atmosphere and prepare themselves for the coming spotlight. The panel will shed light on the SEC's interest in the Private equity industry, the risks involved, and how to mitigate those risks. Industry experts will examine and discuss current investigations affecting the private equity industry, offering insight into how to monitor activities and the controls that should be put in place to prepare for increased regulatory focus.

CLE Programs

Thursday, April 25

Countering the Empty Pocket Defense and Other Tips for Settling Commercial Cases in a Bad Economy
9:40 am – 10:50 am
Track: Commercial & Business Litigation

Given the current market conditions, now more than ever, clients are preferring settlements to huge litigation bills. On the other hand, cases can be nearly impossible to settle if the defendant does not have any money. This program will provide practical advice for settling cases in this economy, such as how to settle cases where one side claims not to have adequate funds.

When Your R&D Is No Longer a Trade Secret: Litigating and Calculating Damages
2:00 pm – 3:10 pm
Track: Commercial & Business Litigation

The number of trade secret matters, as well as the amounts involved in those matters have increased exponentially over the past 20 years. This panel will discuss the elements needed to establish a solid record in the case of trade secret misappropriation, focusing on instances in which R&D has been misappropriated. The panel will also address the specific damages remedies that are available, what to request to ensure that your damages expert has what it needs to calculate damages, and give specific examples of damages quantification.

Thursday, April 25

“Crimmigration”—Red Flags for Criminal Attorneys Representing Non-U.S. Citizens
9:40 am – 10:50 am
Track: Immigration

This panel will discuss the immigration consequences of certain criminal convictions, providing an overview of the various criminal violations that are problematic for immigrants, including an overview of immigration “red flags” for criminal attorneys and ways in which immigrants convicted of certain criminal violations can come before the immigration court.

World after *Padilla v. Kentucky*—Criminal Attorney’s Duty to Advise Clients of Immigration Consequences of Their Convictions
11:00 am - 12:10 am
Track: Immigration

This panel will discuss the criminal attorney’s duties post *Padilla* and how *Padilla* may be used post-conviction to open potential avenues of immigration relief based on an ineffective assistance of counsel claim. This panel will discuss *Chaidez v. United States*, currently before the Supreme Court, regarding the retroactivity of *Padilla*.

What Relief Is Available to Your Client: How to Structure Plea Deals to Minimize Negative Immigration Impact of the Ultimate Conviction
3:20 pm – 4:30 pm
Track: Immigration

This panel will discuss the various types of relief available to immigrants convicted of certain criminal offenses that render them removable or inadmissible to the United States. This panel will discuss how criminal attorneys can assist in structuring plea deals to minimize the negative immigration impact of a criminal conviction.

CLE Programs

Thursday, April 25

Practical Strategies for Recognizing and Avoiding Problem Jurors
9:40 am – 10:50 am
Track: Products Liability, Trial Skills

An experienced jury consultant, a sitting trial judge, and seasoned trial attorneys for both plaintiffs and defendants discuss and demonstrate methods for effective jury selection. The panel will identify problem jurors from both the plaintiff's and defendant's point of view, and explore the use of tools such as questionnaires and voir dire examination to successfully identify and strike problem jurors and keep the jurors you like.

Improper Statements and Conduct in Opening and Closing Arguments
11:00 am – 12:10 pm
Track: Products Liability, Trial Skills

Improper comments during opening and closing arguments have more and more become the subject in appellate decisions — at times resulting in reversal of an otherwise “fair” trial. This panel of experienced trial and appellate attorneys will discuss what to do when your opposing counsel makes improper or inflammatory statements during either opening or closing statements.

Changes to Removal and Remand Procedures
3:20 pm – 4:30 pm
Track: Products Liability, Trial Skills

On December 7, 2011, President Obama signed into law the Federal Courts Jurisdiction and Venue Clarification Act of 2011 (JVCA). The JVCA makes a variety of changes to sections of the United States Code, such as the treatment of resident aliens (28 U.S.C. § 1332(a)), citizenship of corporations and insurance companies with foreign contacts (28 U.S.C § 1332(c)(1)), and venue (28 U.S.C §§ 1390, et seq.). However, the most important provisions of the JVCA are those involving removal. These provisions address several issues that have generated conflicts in the lower courts, particularly for removal based on diversity jurisdiction.

Thursday, April 25

Employment Law Trends
9:40 am – 10:50 am
Track: Employment & Labor Relations

Employment law trends and tips—does your practice intertwine with employment law, but not enough for you to be an expert? Listen to those who practice in the field on a regular basis to give you the trends in employment law you should be watching for, the 10 things every litigator should understand about employment law, and the best way you can guide your unwary clients out of employment-related traps.

NLRB Developments—Appropriate Aggressiveness or a Moving Target?
11:00 am – 12:10 pm
Track: Employment & Labor Relations

This session will discuss the myriad of developments within the NLRB over the past year, including social media, rule changes, notices, “at will” issues, arbitration issues, etc., and include perspectives as to whether these changes were necessary or simply have made the rules a moving target. In addition, if there is a change in administration, there could be further developments as new members are appointed.

The New Rules of the Game
2:00 pm – 3:10 pm
Track: Employment & Labor Relations

This program will discuss the rules for successfully navigating our legal careers. It will include a panel of in-house counsel discussing their experiences both in law firms and corporations and will explore the new unwritten rules for career strategy and professional development. Are the rules different for lawyers of color or women lawyers? If so, how do they differ?

CLE Programs

Thursday, April 25

Futures and Futures Derivatives: I Thought They Were Securities. What Are They and How Are They Regulated?
9:40 am – 10:50 am
Track: Securities

If you were under the impression that futures and underlying derivative financial instruments were securities and regulated by the Securities and Exchange Commission (SEC), you were wrong. The Commodity Futures Trading Commission (CFTC) is the federal agency that regulates the futures markets. This program will give an overview of the CFTC's regulatory and enforcement focus and address several complicated issues that do involve the SEC. Recent civil futures litigation will also be addressed.

The Good, the Bad and the Ugly: Ethical Issues in Class Action Settlements and Opt-Outs
11:00 am – 12:10 pm
Track: Securities

Class-action settlements face scrutiny like never before. The courts have reversed attorney-fee awards, sent “cy-près” recoveries to charities back to the drawing board, and found conflicts that precluded class settlements altogether, or required counsel to forfeit their fees. Meanwhile, institutional investors are increasingly solicited to opt out of securities class action settlements. This panel offers practical guidance on the new ethical dilemmas.

Friday, April 26

The Evolving Role of the SEC — How to Anticipate, React, and Respond to the Current Regulatory Environment
1:40 pm – 2:50 pm
Track: Securities

After Lehman Brothers, Bernie Madoff, and the mortgage-backed securities meltdown of 2008, Dodd-Frank and the public have charged the SEC with doing its part to help prevent another financial and economic catastrophe by regulating with more authority various retail securities products and industries both in the United States and abroad. From money market funds, to private equity funds, to foreign private issuers, the SEC has stepped up its efforts to effectively examine, investigate, and charge securities violations that it views as endangering investors. However, it appears the commission's budget has not kept up with the increased scope of its duties. So the commission must be effective and judicious with its resources, which has resulted in a reorganization of the SEC's divisions and reporting structure, new examination procedures and protocols, and increasing cooperation with settling defendants and other state, federal, and international regulators and authorities. This program will address the changing landscape of the SEC from the perspective of both the SEC and the securities defense bar.

CLE Programs

Friday, April 26

The First 48 Hours — Crisis Management and Litigation Planning During Mass Disasters
9:40 am – 10:50 am
Track: Mass Torts

Actions taken during the first 48 hours of any mass disaster, whether a chemical plant explosion, a large-volume toxic release, or a plane crash, can have significant implications in subsequent litigation. This panel will discuss significant issues to consider during that critical initial response, including preserving evidence, managing government investigations, interviewing witnesses, protecting privileges, and handling traditional and social media.

Mass Disaster — Litigating the Mass Tort Disaster Case
11:00 am – 12:10 pm
Track: Mass Torts

This panel will discuss the unique attributes of litigating the single-event catastrophe case involving hundreds or thousands of plaintiffs and multiple defendants. From managing discovery to developing themes and actually trying the mass disaster case, the panel will provide practical guidance for handling this type of complex litigation.

Disaster Averted, Mass Tort Resolved — Settling Mass Tort Disaster Cases
1:40 pm – 2:50 pm
Track: Mass Torts

This panel will address the complexities and ethical implications of settling hundreds of cases that involve different types of injuries with vastly differing levels of severity and financial exposure. Panel members will provide meaningful guidance on the actual mechanics involved in negotiating and settling these cases, as well as the ethical limitations, hurdles, and pitfalls that lurk even for the seasoned litigator.

Friday, April 26

Buy This All-Natural Product and Become Stronger, Healthier, and Sexier: The Latest in False Advertising Consumer Class Actions
9:40 am – 10:50 am
Track: Class Actions

Class actions challenging the marketing of a product’s health, fitness, or environmental benefits have increased dramatically. A panel of experts will explore why these cases are on the rise, emerging trends and best practices, and the FTC’s impact on false advertising class actions and why some false advertising class actions are successful while others are not.

Another Day, Another Forum: Strategies For Litigating Class Actions and Derivative Suits In Multiple State and Federal Courts
11:00 am – 12:10 pm
Track: Class Actions

Competing litigation in multiple forums is a serious problem in class actions and derivative suits where plaintiffs sue companies, officers and directors on the same fiduciary duty claims in different state and federal courts. An expert panel gives strategic insights for both sides in the battle over control, lead counsel, “stay” motions, settlements, attorneys’ fees, class certification, and cutting edge issues of collateral estoppel, res judicata, and venue bylaws.

Is Your Life an Open Book? Privacy Class Actions in the Age of Social Media
1:40 pm – 2:10 pm
Track: Class Actions

Companies now identify cyber risk as their number one concern. They increasingly face class actions based on privacy claims, as governments ratchet up their regulation of data use, and hackers threaten as never before. Our panel discusses the challenges privacy class actions present for businesses, their customers, and the judicial system.

CLE Programs

Thursday, April 25

Using U.S. Discovery in Aid of Foreign and International Proceedings
9:40 am – 10:50 am
Track: International

International litigation has become more the norm rather than the exception. This panel will discuss the pressing issues to consider when using U.S. discovery in aid of foreign and international proceedings, submitting written witness declarations, preparing witnesses to testify in foreign proceedings, and the use of rogatory letter requests.

The Opportunities and Risks of 28 U.S.C. § 1782: U.S. Discovery “Assistance” to Foreign Legal Proceedings
11:00 am – 12:10 pm
Track: International

The rapidly changing jurisprudence on U.S. discovery assistance to foreign legal proceedings under 28 U.S.C. § 1782 presents numerous risks and opportunities. This panel will focus on the practical implications of permitting U.S. discovery procedures in the context of foreign legal proceedings, including arbitration.

A Panacea or a Plague: Third Party Funding in Complex Commercial and Investment Disputes
2:00 pm – 3:10 pm
Track: International

Firmly established in Australia and England, third-party funding bills itself as a way to finance disputes while sharing the risks and rewards and leveraging the experience of a funder. This panel will discuss the sometimes controversial issues that third party funding raises in the United States.

Friday, April 26

Catastrophic Events . . . The Aftermath for Commercial Properties
9:40 am – 10:50 am
Track: Real Estate

This program will explore major catastrophic events such as the World Trade Center terrorism attack and the Gulf oil disaster, and the wake of substantial damages sustained by commercial property owners. This program will center upon the challenges including dealing with crisis management, the media, immediate access to courts, as well as evidence preservation and gathering.

The Future of Hydraulic Fracturing Litigation
11:00 am – 12:10 pm
Track: Real Estate

This program will examine land-use litigation issues arising out of the use of shale fracturing techniques to remove natural gas. The program will focus on private litigation involving health and safety issues for activities exempt from clean water and clean air regulations; land valuations; and post-drilling clean-up.

The Foreclosure Crisis Puzzle: Navigating the Changing Landscape of Foreclosure
1:40 pm – 2:50 pm
Track: Real Estate

This program will focus on the cutting-edge litigation in residential foreclosures and the evolution of the requirements necessary to foreclose — specifically, on the evolving requirements of assignments of the mortgage and possession of the note prior to foreclosure. The program will examine non-judicial foreclosure developments using three recent cases as a guide, *U.S. Bank National Association v. Ibanez*, *Bevilacqua v. Rodriguez*, and *Eaton v. Federal National Mortgage Association*. The program will also explore future policies, and legal and litigation tactics.

CLE Programs

Thursday, April 25

**What Change Has Wrought?
Evaluating the Impact of Changes
to the Federal Expert Disclosure
Rules**

2:00 pm – 3:10 pm
Track: Experts

If you find yourself navigating through the amendments to the federal expert disclosure rules, this is your program. Panelists who were involved in the drafting and adoption of the December 2010 amendments to FRCP 26 (b)(4) will discuss how those changes have impacted federal court litigation.

Friday, April 26

**Best Practices for Working with
Experts**

9:40 am – 10:50 am
Track: Experts

Nationally known trial attorneys will discuss their experiences, good and bad, in the use of experts, covering privilege and work-product issues, expert selection pointers, and the use and utility of testifying and non-testifying experts.

**A Primer: Getting the Most out of
Your Experts — Do’s and Don’ts
in the Use of Expert Witnesses:
Learning from the Experts**

11:00 am – 12:10 pm
Track: Experts

If you work with experts, you can’t afford to miss this program. Hear from seasoned experts and one of our most well-regarded federal district court judges, as they discuss the good and bad they have seen in expert preparation and testimony during their litigation and trial experiences.

Friday, April 26

**Solo and Small Firm Roundtable:
Success Stories, Business Models,
and Marketing Tips for the Solo
and Small Firm Lawyer**

9:40 am – 10:50 am
Track: Solo & Small Firm

Thinking of going solo or small firm, or looking for ways to re-energize or re-structure your practice? Solo and small firm lawyers share successes and lessons learned from their mistakes; law firm management experts add critiques, suggestions, and comments. Lawyers from various practice areas will discuss marketing strategies they implemented in building successful and lucrative small firms. Marketing experts will discuss branding, business development, and marketing ideas designed to increase business and visibility for the small firm. The discussion will be actively moderated, moving between comments from the lawyers and guidance from the marketing experts. Ample time for questions and answers will be permitted to encourage audience participation.

**Beyond the Business Case —
Diversity and the Small/Medium
Firm**

11:00 am – 12:10 pm
Track: Solo & Small Firm

Diversity has typically been tied to the progress of big firms. What about small and medium-sized firms? This program seeks to address the issue of diversity in small and medium-sized firms and the benefits of making diversity efforts at sub-Big Law levels. Topics include applying the business case to small and medium-sized firms and effective ways to implement diversity objectives in hiring and retention practices.

**Ethics for the Solo/Small Firm
Practitioner**

2:00 pm – 3:10 pm
Track: Solo & Small Firm

This program will focus on the unique ethical issues confronting litigators in solo and small firm settings, including conflicts, issues in cost-effective file preservation and destruction, risk management with less-sophisticated clients (including acknowledging and dealing with mistakes), and engagement letter concerns.

CLE Programs

Wednesday, April 24

**Anatomy of Trial: Case for the
Day—Sacco & Vanzetti**

8:00 am – 5:30 pm
Track: Trial Skills, Young Advocates

Attend a one-day trial training boot camp for young lawyers featuring star litigators from across the United States. Based on the Sacco & Vanzetti trial, this training will cover topics including case analysis, theory of the case, civility, opening statements, direct examination, cross examination, and closing arguments. Presented by the Litigation Institute for Trial Training.

Thursday, April 25

**Alternative Dispute Resolution:
Leaving the Courtroom, Is the
Grass Really Greener on the
Other Side?**

9:40 am – 10:50 am
Track: Young Advocates

This panel will discuss the pros and cons of alternative dispute resolution, with special emphasis on the unique features of the various ADR methods, how to select which one might be best, and when and how to pursue it.

**Appeals: It’s Not Over Until It’s
Over**

11:00 am – 12:10 pm
Track: Young Advocates

The panel will discuss when and how to appeal decisions, picking and presenting arguments for maximum persuasiveness, effective brief writing, and how to maximize oral argument.

Trial Tactics

2:00 pm – 3:10 pm
Track: Young Advocates

Experienced trial lawyers and judges will offer advice on courtroom presentation, jury interactions, objections, witness examination, openings and closings, and creating an appellate record during trial.

**Discovery: Dipping into the
Well of Evidence**

3:20 pm – 4:30 pm
Track: Young Advocates

Discovery, and especially e-discovery, can be fraught with excessive costs, disagreements with contentious opposing counsel, and the threat of sanctions. The panel will discuss best practices for getting the information you need without disclosing trial strategy, balancing the different discovery tools, and managing costs and time.

Friday, April 26

Mastering Depositions

9:40 am – 10:50 am
Track: Young Advocates

The panel will discuss best practices for taking and defending depositions under federal and various state rules, with insights on admissibility of evidence, objections, and unique issues for expert witnesses.

CLE Programs

Friday, April 26

The Business Case for Diversity: Reality or Wishful Thinking?
9:40 am - 10:50 am
Track: Business Torts

Since the Institute for Inclusion in the Legal Profession published its groundbreaking report, “The Business Case for Diversity: Reality or Wishful Thinking?” there has been an upsurge in discussion about the role that implicit biases may be playing in the intersection between corporate legal business, diversity initiatives, and the selection of outside counsel. Join us for a review of the report’s findings and a discussion about what corporate clients are doing to address possible biases in the work they assign to and in their selection of outside counsel.

Litigation Holds, Anticipated Litigation, and Social Media, Oh My!
11:00 am – 12:10 pm
Track: Business Torts

The obligation to preserve evidence and electronically stored information when litigation is reasonably anticipated is now well established. Posts on Facebook, Twitter, and other social media fall within the definition of electronically stored information under Rule 34 of the Federal Rules of Civil Procedure. This program will examine best practices companies can adopt so that they can quickly discover, preserve, and produce social media content in response to legal or regulatory discovery requests, including developing social media policies so that a company can control the use of social media to meet these obligations. You will also learn tips for mining social media and other websites—while avoiding ethical pitfalls—to locate key data that will help you win cases.

Taming the Technological Beast: Making Technology the Servant, Not the Master
1:40 pm – 2:50 pm
Track: Business Torts

Stressed out and addicted to your Blackberry, iPad, or smartphone? A panel of trial lawyers, time management consultants, and business development coaches will talk about strategies for making technology your servant, not your master.

Friday, April 26

Impact on Violence
11:00 am – 12:10 pm
Track: Children’s Rights

The Attorney General’s National Task Force on Children Exposed to Violence has worked since 2010 to take an in-depth look at the problem of children exposed to violence. What the Task Force Found out was that the majority of kids - more than 60 percent - have been exposed to crime, abuse, and violence - many in their own homes. Both direct and indirect exposure to violence is having a profound negative impact on the mental and emotional development of young people across the country. This program will focus on the findings and recommendations of the Task Force as well as what lawyers can do to make a difference for children affected by violence.

The Psychology of Secrets
1:40 pm – 2:50 pm
Track: Children’s Rights

From political scandal examples such as sexual abuse cover-ups like Penn state, or scandals involving political figures like John Edwards, why do people believe they can keep such enormous secrets? Lawyers who work with people caught up in such scandals will speak to us about their work in handling these cases.

CLE Programs

Thursday, April 25

Working Without a Net: Walking the Tightrope of Corporate Representative Depositions
9:40 am – 10:50 am
Track: Discovery/Witness, Woman Advocate

Corporate representative depositions are an integral component of corporate litigation and companies rely on corporate counsel to balance often conflicting business and legal interests in the process of preparing and presenting often reluctant witnesses in a wide variety of substantive contexts. Understanding the corporation’s and witnesses’ rights and obligations in this process is critical to advising internal clients about strategy, witnesses selection, and allocating the witnesses’ time and resources appropriately. This panel will discuss these topics with an emphasis on strategic selection of the appropriate witness(es), the nature and extent of preparation of the witness(es), and the procedural aspects of responding to the deposition notice and document requests.

Shave, Haircut, or Total Makeover: The Reality of Trial Witness Preparation
11:00 am – 12:10 pm
Track: Discovery/Witness, Woman Advocate

Prominent trial lawyers and jury consultants describe how to prepare your witnesses for trial, from preparation sessions to presentation at trial. The panel will discuss the timing of preparation, how much preparation is too much, cross-examination strategies, and dress and demeanor, among other things.

Friday, April 26

Why Diversity Matters in Rainmaking
11:00 am – 12:10 pm
Track: Woman Advocate, Minority Trial Lawyer

Companies are increasingly looking for a diverse talent pool to serve their legal needs. A distinguished panel of in-house counsel and law firm partners will discuss why diversity matters in business development and how to strategically position yourself and your firm to succeed.

CLE Programs

Thursday, April 25

Using Value-Based Fees to Strengthen Client-Firm Relationships
2:00 pm – 3:10 pm
Track: Hot Topics, Corporate Counsel

While the use of alternative or value based fees continues to grow in managing litigation, these fee structures have raised questions about how well they actually work. In this session, an experienced panel of corporate counsel and their law firm counterparts will explore a few myths. Using case studies and an interactive, conversational format, we will outline some strategies and solutions on how to best use alternative fee arrangements for litigation.

Client Oriented E-Discovery Plans
3:20 pm – 4:30 pm
Track: Discovery/Witness, Corporate Counsel

Corporate counsel do not expect e-discovery to be cheap or easy, but they expect it to be thoughtfully managed, intelligently informed, and structured with a workflow and staffing strategy that create and maximize efficiencies. Pre-litigation strategy such as analysis of the client’s document retention policy is the starting point for any defensible discovery plan. This targeted discussion will include techniques to successfully identify relevant evidence, prioritize review, and marshal the appropriate attorneys and staff to assess opportunities for improvement and efficiencies.



CLE Programs

Thursday, April 25

Beyond Bias: Deconstructing Stereotypes
3:20 pm – 4:30 pm
Track: Minority Trial Lawyer

Implicit bias is pervasive in the profession and, indeed, throughout the justice system as a whole—civil as well as criminal. In this thought-provoking and highly engaging presentation, participants will use vignettes drawn from every day, real-life situations to explore some of the many manifestations of the phenomenon of implicit bias and its far-reaching implications, in a wide range of practice settings.

Friday, April 26

Why Diversity Matters in Rainmaking
11:00 am – 12:10 pm
Track: Woman Advocate, Minority Trial Lawyer

Companies are increasingly looking for a diverse talent pool to serve their legal needs. A distinguished panel of in-house counsel and law firm partners will discuss why diversity matters in business development and how to strategically position yourself and your firm to succeed.

Appellate Practice Business Meeting and CLE

Friday, April 26

Committee Business Meeting: Appellate Practice Avoiding Ethical Pitfalls in Appellate Practice
1:40 pm - 2:50 pm

Appellate practitioners and an appellate judge will address several appellate ethical issues, including conflicts of interest, duties of candor to the client and the court, issues of incivility to counsel or the court, and litigating potentially moot issues.



General Information



Hotel Information

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For reservations, call (866) 270-6430 or (877) 303-0104 or visit <http://bit.ly/StvYQL>.

For the group rate of \$233 plus 15.4% tax, please reference the ABA Section of Litigation 2013 Section Annual Conference.

Hotel cut-off: April 1, 2013. All reservations are subject to availability.

Group rates are not guaranteed after April 1, 2013.

Airline Information

Orbitz Discount: Airfare discounts are available through ABA Online Travel, Orbitz for Business:

http://www.americanbar.org/membership/benefits_membership/discounts-travel/orbitz.html

Reservations can also be made for a higher fee with the travel agent, Orbitz, at (877) 222-4185.

Receive discounts automatically with reservations made on the ABA Orbitz for Business booking site.

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MCLE Credit

Accreditation has been requested for this program from states with continuing legal education requirements for attorneys. Please be aware that each state has its own rules and regulations, including its definition of CLE. Certificates of Attendance will be available at the conclusion of the program for both attendees and speakers.

Cancellation Policy

Requests for registration fee and/or social event refunds must be made in writing and received in the ABA Section of Litigation office on or before April 7, 2013. You may email your request to Daniela Saporito at Daniela.Saporito@AmericanBar.org. There will be an administrative fee of \$50 deducted from the refund. After April 7, 2013, cancellation requests will not be honored. The ABA reserves the right to cancel any programs and assumes no responsibility for personal expenses. Refund requests will be processed 30 days after the meeting concludes.

Registration Form

ADVANCE REGISTRATION DEADLINE: April 14, 2013

4 Easy Ways to Register

Visit: www.ambar.org/sac2013

Call: (800) 285-2221

Fax: (312) 988-6234

Mail: ABA Section of Litigation, Attn. Daniela Saporito

321 North Clark St, Chicago, IL 60654

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Government, Legal Service, Academic, Judge	<input type="radio"/> \$400	\$400
Young Lawyer	<input type="radio"/> \$400	\$400
Law Student	<input type="radio"/> \$25	\$25
One-Day Pass (select one) <input type="radio"/> April 24 <input type="radio"/> April 25 <input type="radio"/> April 26	<input type="radio"/> \$300	\$350
April 24 Opening Reception Honoring the Judiciary Only (One event ticket is included with registration.)	<input type="radio"/> \$75	\$75
Guest - Reception Honoring the Judiciary Only	<input type="radio"/> \$75	\$75

Ticketed Events

	Qty.	\$/Person	Total
April 24: Anatomy of a Trial		—	
April 24: Speed Networking Event		—	
April 24: Opening Reception Honoring the Judiciary		—	
April 25: John Minor Wisdom & Diversity Leadership Award Luncheon		\$75 (Single) \$1000 (Table of 10)	
April 25: Committee Expo & Reception		—	
April 25: Dessert Reception		—	
April 26: Practice Area & Networking Discussion Luncheons		\$25	
April 26: Reception		—	

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