

SUNDAY, FEBRUARY 12 | MIDYEAR MEETING

7:30 — 8:30 A.M.

PROFESSIONAL LIABILITY AND BUSINESS LITIGATION

I Hardly Knew Her . . .

It is common for lawyers to associate other lawyers for trial assistance. However, practicing lawyers should be aware that associating a lawyer could result in vicarious liability for the acts and omissions of the associated lawyer. This discussion focuses on strategies to avoid this exposure.

SPEAKERS John T. Lay, Jr., Gallivan, White & Boyd, P.A., Columbia, South Carolina USA; Samuel W. Outten, Womble Carlyle Sandridge & Rice, PLLC, Greenville, South Carolina USA

DRUG, DEVICE AND BIOTECHNOLOGY AND INTERNATIONAL

International Tensions —Conflicts between US Discovery and Other Countries' Laws

This panel will discuss the potential pitfalls that arise from the interplay between discovery obligations in the United States, particularly those involving electronic discovery, and laws outside the United States, such as privacy laws in the EU, that create conflicting obligations. The panel will discuss potential solutions and recent efforts to create policies to guide practitioners and courts, such as the Sedona Conference.

SPEAKERS Henning Moelle, Taylor Wessing, Frankfurt, Germany; Lana K. Varney, Fulbright & Jaworski LLP, Austin, Texas USA

WHITE COLLAR DEFENSE AND INVESTIGATIONS AND CORPORATE COUNSEL

When Worlds Collide: Do's and Don'ts When Dealing With Parallel Civil and Criminal Proceedings

As federal and state prosecutors continue to expand the reach of various criminal statutes and seek to criminalize conduct that has previously been considered exclusively civil in nature, clients face the increasing likelihood of — and the associated perils inherent in — parallel civil and criminal proceedings. Nowhere is this more evident than in the substantive law areas of the False Claims Act, securities fraud and environmental matters. This program will explore some of the most common and most difficult issues that arise in the context of parallel proceedings, including: the do's and don'ts of conducting a corporate internal investigation, advising clients on their Fifth Amendment rights and the consequences related to that decision, interfacing with government attorneys, and the necessary coordination between criminal and civil counsel advising a client on the same issues in different contexts.

SPEAKERS Douglas S. Brooks, Libby Hoopes, P.C., Boston, Massachusetts USA; Alfred R. Paliani, Quality King Distributors, Inc., Bellport, New York USA

APPELLATE PRACTICE, AMICUS CURIAE, ALTERNATIVE DISPUTE RESOLUTION AND CLASS ACTION AND MULTI-PARTY LITIGATION

Class Actions After *Dukes* and *Conception*:

Where Are We Headed?

The United States Supreme Court's last term brought two landmark class action decisions that should be of interest to all IADC members. In *Dukes v. Wal-Mart Stores, Inc.*, the Supreme Court rejected the plaintiff's effort to certify one of the largest workplace class actions ever. In *AT&T Mobility, LLC v. Conception*, the Court found that federal law pre-empts state law rules banning class action waivers in arbitration agreements. Join us for a fast-paced discussion of the future of class action litigation in light of these decisions.

SPEAKERS Kendall Harrison, Godfrey & Kahn, Madison, Wisconsin USA; Mary Christine Sungaila, Snell & Wilmer, Costa Mesa, California USA

MONDAY, FEBRUARY 13 | MIDYEAR MEETING

7:30 — 8:30 A.M.

TECHNOLOGY

iPad 101: An Interactive Workshop for Lawyers

As iPads and similar devices rapidly become the new norm, lawyers are increasingly using these devices to communicate, collect and organize information, and enhance the practice of law. This interactive workshop — featuring Adam Bloomberg of Litigation Insights — will demonstrate various ways an iPad can be used effectively in today's legal world. In addition, the workshop will also showcase how several of the more than 90,000 existing iPad apps can assist a defense lawyer during hearings, trials, and client meetings. This program will be beneficial both for lawyers who currently use iPads and for lawyers who do not have one, but are contemplating the use of an iPad.

SPEAKER Adam Bloomberg, Vice President — Director of Trial Technology Services, Litigation Insights, Dallas, Texas USA

INTERNATIONAL, TOXIC AND HAZARDOUS SUBSTANCES LITIGATION, AND ENVIRONMENTAL, ENERGY AND MARITIME LAW

Fukushima, Catastrophic Transboundary Harm, and International Law

International law provides certain standards with respect to state responsibility for transboundary harm, which are usually considered in the context of conventional air or water pollution. The radiation released from the Fukushima I nuclear power plant after the March 2011 earthquake and tsunami has triggered a full spectrum of legal issues. Issues that this panel will discuss include: How does contemporary international law apply in the context of catastrophic, transboundary nuclear contamination caused by nuclear facilities owned or heavily regulated by governments? If existing standards are inadequate, are new standards needed, perhaps in the form of a multilateral treaty? For those persons who are harmed by transboundary nuclear contamination, where and in what form may a remedy be sought?

SPEAKERS Sean Murphy, Professor of Law, George Washington University Law School, Washington, District of Columbia USA; Mikio Tanaka, City-Yuwa Partners, Tokyo, Japan

EMPLOYMENT LAW AND CORPORATE COUNSEL
Employers at Home and Abroad: Do's and Don'ts for Requesting Employment Records for Domestic and Foreign Employees

Panel members from Japan, the EU and the US will discuss applicable substantive and procedural laws involved with soliciting employment records for employees of foreign and domestic employers.

SPEAKERS Susan K. Eggum, Cosgrave Vergeer Kester LLP, Portland, Oregon USA; Mac B. Greaves, Burr & Forman LLP, Birmingham, Alabama USA; Noriko Higashizawa, City-Yuwa Partners, Tokyo Japan; Gerlind Wisskirchen, CMS Hasche Sigle, Cologne Germany

INSURANCE AND REINSURANCE, INSURANCE EXECUTIVES, AND CONSTRUCTION LAW AND LITIGATION
Raising the Roof: What's Hot in Construction Defect Coverage Litigation

States continue to wrestle with the fundamental question of whether defective construction claims satisfy the definition of "occurrence" in a general liability policy. An expert panel will discuss various approaches taken on this cornerstone coverage issue. Related issues include business risk exclusions, allocation and new policy forms.

SPEAKERS Michael A. Hamilton, Nelson, Levine, De Luca & Horst, LLC, Blue Bell, Pennsylvania USA; Kathleen J. Maus, Butler Pappas, Tallahassee, Florida USA

TUESDAY, FEBRUARY 14 | MIDYEAR MEETING

7:30 — 8:30 A.M.

PRODUCT LIABILITY, INTERNATIONAL, AND TRIAL TECHNIQUES AND TACTICS
Evidentiary Issues Key to Product Liability Cases

Can evidence of a subsequent product fix really be used against your client at trial? What about evidence of other so-called "similar" incidents involving your client's product? What about some or all of the evidence related to a product recall? Or evidence related to your client's past wrangling with a regulatory agency over the product? These are evidentiary issues that seem to come up repeatedly in product liability cases, and the treatment of the evidence in question can have a dramatic affect on your case. The panelists will analyze recurrent evidentiary issues specific to product liability cases as well as the evidentiary rules applicable to them. The panelists will offer their thoughts on strategies to employ in both American and European courts to exclude or secure admission of key types of evidence as well as strategies to best deal with the aftermath of the court's ruling to admit or exclude the evidence.

SPEAKERS Jennifer Haltom Doan, Haltom & Doan, Texarkana, Texas USA; Thomas Rouhette, Hogan Lovells LLP, Paris, France; Michele Smith, Mehaffy Weber, Beaumont, Texas USA

TOXIC AND HAZARDOUS SUBSTANCES LITIGATION
"Linear 'No Threshold' Model" of Asbestos Disease Causation: How to Defeat or Exclude

Asbestos defendants are frequently faced with medical causation testimony from the plaintiff that asserts that, because there is no "safe" level of asbestos exposure, any exposure above some ill-defined "background" level is a substantial contributing factor to the plaintiff's asbestos-related injury. This theory has become the centerpiece of modern asbestos litigation and allows minimal exposure cases to go to a jury. This program will address ways defendants can limit or exclude this causation testimony. Its speakers include Dr. Hughson, a leading expert in asbestos disease causation.

SPEAKERS John C. Childs, Georgia-Pacific LLC, Atlanta, Georgia USA; William G. Hughson, M.D., D.Phil., Director, UCSD Center for Occupational and Environmental Medicine, San Diego, California USA; Robert C. Manlowe, Williams Kastner, Seattle, Washington USA

AVIATION AND SPACE LAW
What Happened to Air France 447/Be Careful What You Ask For: You Could Get Transferred to that Foreign Jurisdiction

The Aviation and Space Law Committee will be featuring two topics of vital interest to all of those who fly and/or find themselves having to file motions to dismiss on the ground of *forum non conveniens*. It has been more than two years since the crash of Air France's flight 447, an Airbus A330-203, with 12 crew and 216 passengers on board. There was wild speculation as to what caused the accident. Because the cockpit voice recorder and the flight data recorder have been located, much of the speculation has been removed. All those who fly should be informed about the causes of this accident. Additionally, the program will discuss the increasing use of *forum non conveniens* motions by defendants in foreign accidents. Do we really want to try our case in a foreign jurisdiction? Defendants may need to re-think the wisdom of such a motion.

SPEAKER Richard M. Dunn, Cozen O'Connor, Miami, Florida USA



TUESDAY, FEBRUARY 14 | MIDYEAR MEETING

INTELLECTUAL PROPERTY AND BUSINESS LITIGATION

Protecting Intellectual Capital - Trade Secrets, Non-Competes, Non-Disclosures, and Employment Agreements

This program will give practical tips on protecting trade secrets and litigating cases involving misappropriation of trade secrets. The panel will discuss trade secret rights, the use of agreements, security, and other means to maintain trade secret status, trade secret misappropriation, and remedies, including TROs, preliminary injunctions, and monetary damages.

SPEAKERS James J. Kozuch, Caesar, Rivise, Bernstein, Cohen & Pokotilow, Philadelphia, Pennsylvania USA; John T. Lay, Jr., Gallivan, White & Boyd, P.A., Columbia, South Carolina USA; Scott D. Marrs, Beirne, Maynard & Parsons, L.L.P., Houston, Texas USA

4:00 — 5:00 P.M.

DIVERSITY AND INTERNATIONAL

Diversity: An International Perspective on a Universal Issue

This panel discussion will explore the concept of “diversity” from an international perspective by looking at how various countries recognize, protect or treat “diversity”. This international panel will offer insight into differing cultural environments and compare and contrast anti-discrimination laws in the U.S. with those in Latin America, Europe and Asia. The panel will also address Title VII of the Civil Rights Act of 1964 (which prohibits employment discrimination based on race, color, religion, sex, or national origin); the Equal Pay Act of 1963 (which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination); the Age Discrimination in Employment Act of 1967 (which protects individuals who are 40 years of age or older); and Title I and Title V of the Americans with Disabilities Act of 1990 (which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments). Join us for a lively discussion with many diverse perspectives.

MODERATOR Regina A. Petty, Fisher & Phillips LLP, San Diego, California USA

SPEAKERS Daniela Karollus-Bruner, CMS Reich - Rohrwig Hainz, Vienna, Austria; Jose F. Justiniano, SyCip Salazar Hernandez & Gatmaitan, Makati City, Philippines

WEDNESDAY, FEBRUARY 15 | MIDYEAR MEETING

7:30 — 8:30 A.M.

CONSTRUCTION LAW AND LITIGATION

Commercial Real Estate Construction Capital Markets 2012 and Beyond

A view from the lender's perspective on the current and future landscape of development and term loan underwriting and trends, bank reserve and loan loss accounting, regulatory dynamics affecting capital availability, single family residential trends and GSE reform, hot and cold markets, large and small bank views and paradigms toward real estate lending.

SPEAKER Michael P. Morris, Zions Bank, Salt Lake City, Utah USA

TRIAL TECHNIQUES AND TACTICS

Best Practices for Mock Trials and Focus Groups

Two experienced IADC trial lawyers will team with an expert from long-term IADC sponsor Litigation Insights to cover the best practices for mock trials and focus groups as part of the pretrial work-up process. These experts will provide insight into how to get the most benefit from the mock trial/focus group process for your client and for your trial preparation.

SPEAKERS Randal H. Sellers, Starnes, Davis & Florie, LLP, Birmingham, Alabama USA; Scott J. Tucker, Tucker, Heifetz & Saltzman, LLP, Boston, Massachusetts USA; Tina M. Traficanti, Senior Consultant, Litigation Insights, Boston, Massachusetts USA

BUSINESS LITIGATION, ALTERNATIVE DISPUTE RESOLUTION, AND INSURANCE & REINSURANCE

Three Specialized ADR Forums About Which You and Your Clients Should Know

Alternate dispute resolution has become a common mechanism for resolving legal disputes, largely displacing trials in many areas. As ADR has expanded, numerous specialized arbitration forums have developed, customized to address the needs of specific industries. This program will explore three specific “specialized” ADR systems: the National Grain & Feed Association arbitration system, which deals with a vast range of disputes in the agriculture industry; the FINRA system, which deals with large numbers of securities disputes; and the inter-company arbitration systems which have developed to resolve a multitude of disputes between insurance companies. This program will aid practitioners by identifying specialized ADR forums that may be available to their clients, providing information on how to take advantage of them, and the pros and cons of each, all from the perspective of lawyers who have used these systems.

SPEAKERS David J. Rosenberg, Weber Gallagher Simpson Stapleton Fires & Newby, LLP, Pittsburgh, Pennsylvania USA; Val H. Stieglitz, Nexsen Pruet, LLC, Columbia, South Carolina USA; Marion F. Walker, Ford & Harrison LLP, Birmingham, Alabama USA

CLASS ACTIONS AND MULTI-PARTY LITIGATION

Uncovering Fraud on the Court - The Dole Foods Banana Pickers Case

What can cause a class action judgment to be vacated? Learn about the highly unusual facts and events leading up to the March 2011 order of vacation of a class action judgment and dismissal with prejudice of a Los Angeles class action filed against Dole Food Co. The plaintiffs were a putative class of Nicaraguan residents who alleged sterility resulting from their exposure to the pesticide dibromochloropropane (DBCP), which is used to exterminate nematodes that attack banana root systems, while working on Dole-contracted banana farms in Nicaragua. Lawyers for the plaintiffs conspired with clients to lie about working on banana farms, forged work certificates, faked lab results to indicate sterility, and threatened/tampered with witnesses among other things to carry out the fraud. Hear about the process and procedures employed to utilize post judgment evidence of this fraud in order to vacate the judgment. Scott Edelman, one of the defense lawyers in the case, will tell the story of this very unusual case.

SPEAKER Scott A. Edelman, Gibson Dunn, Los Angeles, California USA