

MONDAY, FEBRUARY 13 | MIDYEAR MEETING

8:45 — 10:15 A.M.

Amanda Knox and Beyond: Legal Concerns Across the Globe for Lawyers, Tourists and Students

Sponsored by the International and Diversity Committees

The recent overturned conviction in the Amanda Knox murder case has once again put the Italian legal system and an American study abroad student on the world stage. Study-abroad programs are de rigueur in our increasingly connected world, but what hidden legal issues face students in foreign countries? Using a fictional U.S. student's exploits while studying abroad, our panel will discuss the legal implications from the perspective of both civil and common law countries, including Canada, Mexico, Australia, Ecuador, Italy and the U.S. Do the various countries provide tort recovery and, if so, is there a jury trial, bench trial or some other decision-making process? What are trials like and how long does it take to get a case resolved? Are there limits to recovery? Is there discovery and/or e-discovery? How do lawyers get paid? What are the most obvious legal risks facing students studying abroad? Members and spouses should attend this informative program. They will have the opportunity to question the panelists regarding common legal issues that may arise for anyone visiting a foreign country.

MODERATOR Molly Hughes Cherry, Nexsen Pruet LLC, Charleston, South Carolina USA

SPEAKERS Stuart Clark, Clayton Utz, Sydney, Australia; Mario Flor, Bustamante & Bustamante Law Firm, Quito, Ecuador; Matteo Fusillo, Gianni, Orioni, Grippo & Partners, Rome, Italy; Mindy Paskell-Mede, Nicholl Paskell-Mede, Montreal, Quebec Canada; Fernando Perez-Correa Camarena, Solorzano, Carvajal, Gonzalez Y Perez-Correa, S.C., Mexico City, Mexico

10:30 A.M. — 12:00 P.M.

The “New Normal:” Why Clients Are Demanding “Value” and What Law Firms Are Doing (or Not) to Meet the Challenge

Sponsored by the Alternative Dispute Resolution Committee and Law Practice Management Task Force

The economic turmoil of the past several years has hit the legal profession with what one commentator termed a “hundred-year flood.” Profound changes in the consumption and delivery of legal services have arisen out of this ongoing economic instability. Clients have come to demand more “value” for their money — including from their outside counsel. Law firms that have responded to these changes by aligning their own interests with those of their clients have not just survived, but have thrived. Join this lively panel led by legal industry thought leaders who will address how clients are demanding change in the delivery of legal services and what law firms are doing to meet their expectations.

MODERATOR Christopher S. Berdy, Christian & Small, LLP, Birmingham, Alabama USA

SPEAKERS D. Jeffrey Campbell, Porzio, Bromberg & Newman P.C., Morristown, New Jersey USA; Niall A. Paul, Spilman Thomas & Battle, PLLC, Charleston, West Virginia USA; Michael Roster, Association of Corporate Counsel Value Challenge Steering Committee Co-Chair, Pasadena, California USA; Evelyn H. Brantley, DuPont Legal’s Global Managing Counsel - Operations and Partnering, Wilmington, Delaware USA

10:30 A.M. — 12:00 P.M.

Defending Multi-National Corporations in the 21st Century: How to Succeed in an Increasingly International Legal Marketplace

Sponsored by the Drug, Device and Biotechnology, International, Product Liability, and Toxic and Hazardous Substances Litigation Committees

The U.S. Chamber of Commerce Institute for Legal Reform recently warned that “over the past 15 years, there has been a sharp rise in lawsuits brought against United States companies, as well as foreign companies with a substantial U.S. presence, that are premised on alleged personal or environmental injuries that occur overseas.” This same internationalization of litigation can be seen in countries throughout the world. As a result, international law issues that were once seen as a bastion of a small cadre of specialized lawyers and academicians are moving increasingly into the fore in the previously “domestic” legal arenas of personal injury, product liability, toxic tort, and environmental litigation. As the threats of legal liability are becoming increasingly international, corporate defendants with multinational operations are finding a correspondingly increased need for defense counsel who are prepared to address the demands posed by the broadening legal landscape. In this interactive panel discussion, our panelists will share their experiences in both high stakes and lower stakes “international” disputes, identify the emerging legal issues that promise to play a more prominent role in civil defense litigation in the coming years, and provide their suggestions on how defense counsel and their corporate clients can best prepare for the new challenges that await.

MODERATOR Eric G. Lasker, Hollingsworth LLP, Washington, District of Columbia USA

SPEAKERS Patrick J. Conlon, Exxon Mobil Corporation, Houston, Texas USA; Colin Loveday, Clayton Utz, Sydney, Australia; Pamela McGovern, Hydro Quebec, Montreal, Quebec Canada; Hewitt Pate, Chevron Corporation, San Ramon, California USA



8:45 — 10:15 A.M.

Effective Oral Advocacy from the Judge's Perspective

Sponsored by the Appellate Practice, Amicus Curiae, and Business Litigation Committees

The Honorable Roger L. Gregory will discuss effective oral advocacy skills that apply not only to the appellate advocate but also to the trial attorney with a state or federal practice. Judge Gregory was appointed to the United States Circuit Court of Appeals for the Fourth Circuit by former President William J. Clinton in December 2000, then re-nominated by former President George W. Bush, and confirmed for a lifetime appointment by the Senate in 2001. He is the first African American to hold a seat on the Fourth Circuit and the only judge on the United States Court of Appeals to be appointed by presidents of different political parties. Judge Gregory is the recipient of the 2010 William Green Award for Professional Excellence from the University of Richmond School of Law.

SPEAKER The Honorable Roger L. Gregory, U.S. Court of Appeals for the Fourth Circuit, Richmond, Virginia USA

8:45 — 10:15 A.M.

The Journey to Cyberspace - Managing the Risk

Sponsored by the Insurance and Reinsurance Committee

Now that "Facebook" is a verb, it is apparent that social media is not a trend that will go away. Social media is only one part of our new cyber-culture—a culture rife with new types of threats, concerns and crises. Insurance companies have begun to write policies that cover some of these risks—and new threats are imagined daily. Join us as we bring together a panel of legal and insurance experts to discuss cyber issues and insurance. What are the risks? How do you manage them? What insurance products should you consider and what can we learn from fairly recent, "historic" case studies that will help us advise our corporations and clients? Our experts will discuss these issues and answer your questions as we ponder how to prepare for this journey.

MODERATOR Daniel Zureich, President & CEO, Lawyers Mutual Liability Insurance Company of North Carolina, Cary, North Carolina USA

SPEAKERS Cristin Flynn Goodwin, Senior Attorney, Trustworthy Computing, Microsoft Corporation, Redmond, Washington USA; Richard Robin, CEO, NAS Insurance Services, Inc., Encino, California USA; Michelle Sherman, Special Counsel, Sheppard Mullin, Los Angeles, California USA; Jennifer G. Smith, Vice President — Global Technology & Privacy Practice, Lockton Companies, LLC, Washington, District of Columbia USA

10:30 A.M. - 12:00 P.M.

Ethics and the Defense Attorney: Part Two

A Discussion of the Pitfalls and Ethical Problems Arising from the Role of Defense Counsel in Insurance Funded Litigation

Sponsored by the Trial Techniques and Tactics and Professional Liability Committees

Back by popular demand! As a follow-up to the lively and engaging 2011 Midyear Meeting program, IADC member Barry Kaiman will again moderate a distinguished panel of experts representing defense counsel, corporate counsel, insurance coverage counsel, and insurance executives, as well as U.S. District Court Judge Janis Sammartino to discuss and examine the many issues which can arise between counsel, the insured client and the carrier in the defense of third party litigation. They will analyze issues such as: self-insured retentions and deductibles, extra contractual exposures, reservation of rights, multiple representations, scope of representation, excess of limits and uninsured/uninsurable loss, consent to settle, and declining limits policies. The interactive discussion will focus on practical solutions to the hypothetical scenarios pulled from the many real-life problems which come up on the defense side of insurance-funded litigation.

MODERATOR Barry G. Kaiman, Lewis Brisbois Bisgaard & Smith LLP, Los Angeles, California USA

SPEAKERS Shaun McParland Baldwin, Tressler, LLP, Chicago, Illinois USA; Timothy J. Gephart, Vice President of Claims, Minnesota Lawyers Mutual, Minneapolis, Minnesota, USA; Joseph M. Goldberg, Sentry Insurance, Stevens Point, Wisconsin USA; Hon. Herbert B. Hoffman, Ret., Neutral, Judicate West Alternative Dispute Resolution, San Diego, California USA; Jill H. Safon, Yamaha Motor Corporation, USA, Cypress, California USA; Judge Janis Sammartino, United States District Court, San Diego, California; James A. Varner, Sr., McNeer, Highland, McMunn and Varner, LC, Clarksburg, West Virginia USA



WEDNESDAY, FEBRUARY 15 | MIDYEAR MEETING

8:45 – 10:15 A.M.

Worldwide Enforcement of Anti-Corruption Laws — Navigating the International Business Minefield

Sponsored by the White Collar Defense and Investigations Committee

The globalization of business and the unprecedented enforcement of anti-bribery statutes worldwide pose significant challenges to companies that do business outside their home countries. Most anti-corruption laws criminalize the payment of anything of value to a government official of another country to obtain or retain business. The recently enacted UK Bribery Act goes even further — it prohibits bribery in commercial transactions, regardless of the involvement of a government official. Even lawyers who “wine and dine” foreign clients or provide them with “discounted rates” risk running afoul of certain anti-bribery laws. Last year, prosecutions under the FCPA alone resulted in more than \$1 billion in criminal penalties. Heightened cooperation by law enforcement authorities on an international basis will ensure that this trend continues. In the U.S., the new whistleblower provisions of the Dodd-Frank Act will likely lead to even more investigations and prosecutions.

This program will provide counsel with an overview of anti-corruption laws, including the FCPA and the UK Bribery Act, key legal issues under those laws, and defenses. It also will address the critical importance of implementing or updating anti-corruption compliance programs, the role of due diligence in mergers and acquisitions, and differences between key statutes. Attendance is a must for attorneys whose clients conduct international business and for those seeking guidance in navigating the international business minefield.

MODERATOR Thomas C. Frongillo, Weil, Gotshal & Manges, LLP, Boston, Massachusetts USA

SPEAKERS Peggy Kubicz Hall, Greene Espel P.L.L.P., Minneapolis, Minnesota USA; David S. Krakoff, Buckley Sandler LLP, Washington, District of Columbia USA; Barbara Livonius, Livonius Rechtsanwälte, Frankfurt, Germany; Laurence A. Urgenson, Kirkland & Ellis LLP, Washington, District of Columbia USA

8:45 – 10:15 A.M.

Globalization of Class Actions with Products at the Forefront

Sponsored by the Class Action and Multi-Party Litigation, Drug, Device and Biotechnology, International, and Toxic and Hazardous Substances Litigation Committees

Corporations that manufacture and distribute products around the world are facing the potential for group or class actions in many jurisdictions in which they operate. The Global Class Actions Exchange, an outgrowth of an international conference on the worldwide spread of class actions, has posted reports on current developments in class actions in a number of such jurisdictions, including the Dutch Collective Settlement Act, the new Mexican Class Actions Regulations, mass litigation in Belgium, Italy’s new class action law, third party financing of class actions in Australia, collective suits in Brazil and multi-party proceedings in Taiwan, among others. Our panel of international in-house and outside counsel, joined by Stanford Law Professor Deborah Hensler, the director of Global Class Actions Exchange, will discuss a number of important topics of interest to companies and their outside counsel, including developments with respect to plaintiffs’ ability to obtain (and defendants to oppose) funding of class actions outside the US, jurisdiction in global markets, the enforceability of the class action judgments and settlements from other countries and the global defense of products liability class actions.

MODERATOR S. Gordon McKee, Blake, Cassels & Graydon, LLP, Toronto, Ontario Canada

SPEAKERS Mary E. Bartkus, Merck & Co., Inc., Whitehouse Station, New Jersey USA; Deborah Hensler, Ph.D., Judge John W. Ford, Professor of Dispute Resolution and Associate Dean, Graduate Studies, Stanford Law School, Stanford, California USA; Luis Eduardo Sprovieri, Forino Sprovieri Dell’Oca Aiello, Buenos Aires, Argentina; Glenn Zakaib, Cassels Brock & Blackwell, LLP, Toronto, Ontario Canada

GENERAL INTEREST SPEAKER

WEDNESDAY, FEBRUARY 15

10:30 A.M. — 12:00 P.M.

Together — You Can Do Anything!

Speaker: Richard E. Hoyt, Team Hoyt, Holland, Massachusetts USA



Rick Hoyt was born with spastic quadriplegia and cerebral palsy. He cannot walk or talk or eat on his own. But that has not stopped him from completing the Boston Marathon 29 times. Or the Ironman Triathlon six times. Or earning a degree from Boston University.

With the aid of his father, retired Lt. Colonel Dick Hoyt, “Team Hoyt” has competed in more than 1,060 athletic events in the last 33 years. Dick travels the country making corporate and community presentations, educating the public about disability awareness and promoting the Team Hoyt motto, “Yes You Can.” Through his presentations, Dick shares his lifelong commitment to changing attitudes and educating others on the world of disabilities. Prepare to be moved!