



*...Bringing Together Plaintiffs' Attorneys, Defense Attorneys  
and Insurance and Corporate Counsel for the  
Exchange of Information and Ideas*

## **Tort Trial & Insurance Practice Section** **a section of the American Bar Association**

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**2009 ANNUAL MEETING**  
**Chicago Marriott Hotel, Chicago, IL**  
**July 30 - August 3, 2009**

### **SCHEDULE OF EVENTS**

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**Updated 7/7/09**

#### **THURSDAY, JULY 30, 2009**

7:00 AM – 5:00 PM

**TIPS Information/Ticket Sales**  
*Center Registration Booth, 5<sup>th</sup> Floor*

10:00 AM – 11:30 AM

**Task Force on Strategic Alliances Meeting**  
*Scottsdale, 5<sup>th</sup> Floor*

10:00 AM – 11:30 AM

**Task Force on Revenue Enhancement Committee Meeting**  
*Chicago Ballroom A, 5<sup>th</sup> Floor*

11:00 AM – 2:00 PM

**Scope and Correlation Committee Meeting**  
*Kansas City, 5<sup>th</sup> Floor*

12:00 PM – 2:00 PM

**Section Council Meeting**  
*Chicago Ballroom F/G, 5<sup>th</sup> Floor*

2:30 PM – 4:30 PM

**The Financial Collapse—What Caused It and How Will It Continue To Impact Corporations and Their Boards?**

*Howrey, LLP, 321 N. Clark Street, Suite 3400*

**TIPS Committee Main Sponsor:**

Task Force on Corporate Governance

**TIPS Committee Co-sponsors:**

Professionals', Officers' and Directors' Liability Committee and Corporate Counsel Committee

#### **Description:**

Still trying to figure out what caused the 2008 financial collapse and how it will impact you, your corporation or clients in the remainder of 2009 and beyond? Learn the answers and read the tea leaves with a leading law and economics professor and pundit whose explanations will provide you with a clear understanding of the causes and effects of the crisis. He is joined by the author of one of the most widely read blogs in the insurance industry and a frequent commentator on corporate governance issues. They will discuss the current online, industry and academic buzz about where things stand and where they are going. Don't miss this program which promises to be enlightening and entertaining in addition to educational!

Reception to follow immediately after the program.

## **THURSDAY, JULY 30, CONT.**

### **Moderator:**

Kim D. Hogrefe, Chubb & Son, Warren, NJ

### **Speakers:**

Eric Talley, UC Berkeley School of Law, Berkeley, CA

Kevin M. LaCroix, OakBridge Insurance Services, Beachwood, OH

- 4:30 PM – 5:30 PM                   **CLE Program Reception**  
*Howrey, LLP, 321 N. Clark Street, Suite 3400*
- 7:00 PM – 10:00 PM               **Past Chair's Dinner**  
*Union League Club of Chicago, 65 W. Jackson Blvd.  
Heritage Room*
- 9:00 PM – 10:00 PM               **Section Hospitality**  
*Grace, 4<sup>th</sup> Floor*

## **FRIDAY, JULY 31, 2009**

- 7:00 AM – 5:00 PM                   **TIPS Information/Ticket Sales**  
*Center Registration Booth, 5<sup>th</sup> Floor*
- 7:00 AM – 8:30 AM                   **TIPS Hospitality Center**  
*Registration Desk Foyer, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM                   **Animal Law Committee Business Meeting**  
*Hyatt Regency Hotel  
San Francisco, Gold Level, West Tower*
- 7:30 AM – 8:30 AM                   **Appellate Advocacy Committee Business Meeting**  
*Hyatt Regency Hotel  
Regency Ballroom A, Gold Level, West Tower*
- 7:30 AM – 8:30 AM                   **Commercial Transportation Litigation Committee Business Meeting**  
*Los Angeles, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM                   **Employment Law and Litigation Committee Business Meeting**  
*Houston, 5<sup>th</sup> Floor*
- 7:30 AM – 8:30 AM                   **Diversity in the Profession Committee Business Meeting**  
*McHenry, 3<sup>rd</sup> Floor*
- 7:30 AM - 8:30 AM                   **Alternative Dispute Resolution Committee Business Meeting**  
*Hyatt Regency Hotel  
Toronto, Gold Level, West Tower*
- 7:30 AM - 8:30 AM                   **Trial Techniques Committee Business Meeting**  
*Hyatt Regency Hotel  
Regency Ballroom B, Gold Level, West Tower*
- 7:30 AM – 8:30 AM                   **Admiralty and Maritime Law Committee Business Meeting**  
*Scottsdale, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM                   **Corporate Counsel Committee Business Meeting**  
*Cook, 3<sup>rd</sup> Floor*
- 8:00 AM –10:00 AM                   **Law in Public Service Committee Meeting**  
*Denver, 5<sup>th</sup> Floor*

**FRIDAY, JULY 31, CONT.**

8:00 AM –10:00 AM                   **Emerging Issues Committee Meeting**  
*Chicago Ballroom H, 5<sup>th</sup> Floor*

8:00 AM –11:00 AM                   **Financial Committee Meeting**  
*Chicago Ballroom, A, 5<sup>th</sup> Floor*

8:00 AM – 12:00 PM                   **Leadership Academy Meeting**  
*Chicago Ballroom C, 5<sup>th</sup> Floor*

8:30 AM – 10:00 AM

**CLE PROGRAM**

**The Psychology of Negotiation**

*Hyatt Regency Chicago*

*Toronto, Gold Level, West Tower*

**TIPS Committee Main Sponsor:**

Alternative Dispute Resolution Committee

**TIPS Committee Co-sponsors:**

Staff Counsel, Insurance Coverage Litigation and Business Litigation Committees

**Program Chairs:**

Jerry Strachan, Strachan & Hatzell, Philadelphia, PA

Ettie Ward, St. John's University School of Law, Jamaica, NY

**Description:**

This program will present psychological theories that challenge and explain the conventional wisdom on the art and science of negotiation. We will first examine general negotiation effectiveness, and then discuss how to translate these lessons into mediation and, finally, provide practical advice for applying these concepts systematically to prepare for negotiations and work with clients to achieve maximum results.

**Moderator:**

Mark K. Stephens, CNA Insurance, Chicago, IL

**Speakers:**

Professor Ettie Ward, St. John's University School of Law, Jamaica, New York, NY

Professor Andrea K. Schneider, Marquette University Law School, Milwaukee, WI

Gerald F. Strachan, Strachan & Hatzell, Philadelphia, PA

8:30 AM – 10:00 AM

**CLE PROGRAM**

**“How to ‘Try’ Your Case in ADR.”**

*Hyatt Regency Chicago*

*Regency Ballroom B, Gold Level, West Tower*

**TIPS Committee Main Sponsor:**

Trial Techniques Committee

**TIPS Committee Co-sponsors:**

Alternative Dispute Resolution, Staff Counsel, Employment Law and Medicine and Law

**Program Chair:**

William G. Kelly, Goldberg Segalla LLP, White Plains, NY

**Description:**

An outstanding and diverse panel of speakers at this seminar will demonstrate how trial techniques can enhance advocacy in mediation and arbitration proceedings. The speakers will set forth the various strategies, forms of evidence and presentations that they utilize in these types of proceedings. Various negotiation scenarios will be dissected and addressed with the ultimate goal of resolution.

## **FRIDAY, JULY 31, CONT.**

### **Speakers:**

Marie Ng, Esq., New York, NY  
Christopher A. Kenney, Kenny & Sams PC, Boston, MA  
William G Kelly, Goldberg Sagalla LLP, White Plains, NY  
Patricia Tweedy, Schuering Zimmerman Scully, Sacramento, CA  
Janice P Brown, Brown Law Group, San Diego, CA  
Mike Cobo, DecisionQuest, Torrance, CA

8:30 AM – 10:00 AM

### **CLE PROGRAM**

#### **The Supreme Court and the Ownership of Life: An Oral Argument**

*Hyatt Regency Chicago*

*Regency Ballroom A, Gold Level, West Tower*

#### **TIPS Committee Main Sponsors:**

Appellate Advocacy and Animal Law Committees

#### **TIPS Committee Co-sponsors:**

Government Law and Intellectual Property Committees

#### **Sections, Divisions, Forums, Special Standing Committees and Commissions Co-sponsors:**

Judicial Division -- Council of Appellate Lawyers, Litigation Section Appellate Practice Committee

Special Committee on Bioethics and the Law

#### **Program Chairs:**

Gilda I. Mariani, New York County District Attorney's Office, New York, NY

Dan Polsenberg, Lewis and Roca LLP, Las Vegas, NV

Mariann Sullivan, Appellate Division, First Dept., New York, NY

### **Description:**

Two virtuosos of the art of oral argument will face off before a panel of judges gathered from the premier courts of the land to argue an issue that delves into the legal, and ethical, limits of scientific exploration. Since the Supreme Court decided the seminal case of *Diamond v Chakrabarty*, the world of biotechnology and cloning has exploded. Both Canada and the European Union have since taken very different directions in setting limits based on, inter alia, animal welfare in determining when the patenting of sentient life forms should be permitted.

This moot court will explore what would happen should this issue reach the United States Supreme Court in this modern context and will provide an opportunity to witness skilled arguers bring contentious ethical issues before an engaged bench. A panel of experts in the intersection of biotechnology and animal welfare will then discuss the current status of the patenting of animals, including dogs, primates, rabbits, etc., and the implications of animal patenting for scientific progress and animal welfare.

### **Speakers:**

Hon. Ming W. Chin, Supreme Court of California, San Francisco, CA  
Arthur England, Jr., Esq., Greenberg Traurig, LLP, Miami, FL  
Tracie Letterman, Esq., American Anti-Vivisection Society, Jenkintown, PA  
Hon. Pauline Newman, United States Court of Appeals for the Federal Circuit, Washington, DC  
Professor Margaret Foster Riley, University of Virginia School of Law, Charlottesville, VA  
Hon. Ellen F. Rosenblum, Oregon Court of Appeals, Salem, OR  
Andrew J. Pincus, Mayer Brown, Washington, DC  
MaCharri Vorndran-Jones, Eli Lilly and Company, Indianapolis, IN

9:00 AM – 10:00 AM

#### **Spouse/Guest Hospitality**

*Chair's Suite*

9:30 AM - 10:30 AM

#### **Intellectual Property Law Committee Business Meeting**

*Miami, 5<sup>th</sup> Floor*

10:00 AM – 12:00 PM

#### **Task Force on Outreach to Law Students Meeting**

*Houston, 5<sup>th</sup> Floor*

**FRIDAY, JULY 31, CONT.**

10:30 AM – 1:00 PM                    **Task Force on Federal Involvement in Insurance Regulation  
Modernization Meeting**  
*Miami, 5<sup>th</sup> Floor*

11:00 AM –11:30 AM                    **Administrative Committee Meeting**  
*Denver, 5<sup>th</sup> Floor*

11:00 AM –12:00 PM                    **History Committee Meeting**  
*Los Angeles, 5<sup>th</sup> Floor*

11:30 AM–1:00 PM                    **2008-2009 and 2009-2010  
General Committee Boards Joint Meeting**  
*Chicago Ballroom D, 5<sup>th</sup> Floor*

12:00 PM –2:00 PM                    **ABA/TIPS Committee Meeting**  
*Chicago Ballroom A, 5<sup>th</sup> Floor*

1:00 PM – 3:00 PM                    **CLE Board Committee Meeting**  
*Chicago Ballroom H, 5<sup>th</sup> Floor*

1:00 PM – 3:00 PM                    **Membership Committee Meeting**  
*Los Angeles, 5<sup>th</sup> Floor*

2:00 PM - 3:30 PM

**CLE PROGRAM**

**Developing Technology in On-Board Data Recording for Motor Vehicles**

*Hyatt Regency Chicago*

*Toronto, Gold Level, West Tower*

**TIPS Committee Main Sponsors:**

Commercial Transportation Committee

**TIPS Committee Co-sponsors:**

Workers' Compensation and Employers' Liability Law, Self - Insurers and Risk Managers,

Animal Law, Admiralty and Maritime Law and Corporate Counsel Committees

**Program Chair:**

Blair Jones, Friedman, Gaythwaite, Wolf & Leavitt, Portland, ME

**Description:**

This program will discuss several on-board technologies in use on motor vehicles that can significantly impact litigation in accident cases. A panel of experts, attorneys and industry participants will discuss ECM, VORAD, satellite positioning systems and electronic log book programs and their uses in accident reconstruction and litigation, including the information these technologies make available and how that information may be used and may impact litigation.

**Moderator:**

Blair A. Jones, Friedman, Gaythwaite, Wolf & Leavitt, Portland, ME

**Speakers:**

Mehdi Arradizadeh, Schneider National Carriers Insurance Inc., Green Bay, WI

Chris Stewart, Kimley-Horn and Associates, Inc., Orlando, FL

Rodney Pack, Kimley-Horn and Associates, Inc., Orlando, FL

Thomas E. Evans, Wal-Mart Stores, Inc., Bentonville, AR

Michael L. Miller, Drew, Eckl & Farnham, Atlanta, GA

James Foster, Cassidy Schade, LLP, Chicago, IL

**FRIDAY, JULY 31, CONT.**

2:00 PM - 3:30 PM

**CLE PROGRAM**

**Litigating the Workplace Harassment Case**

*Hyatt Regency Chicago*

*Regency Ballroom B, Gold Level, West Tower*

**TIPS Committee Main Sponsors:**

Employment Law and Litigation

**TIPS Committee Co-sponsors:**

Staff Counsel, Trial Techniques, Business Litigation, Corporate Counsel and

Employee Benefits

**Program Chair:**

Marlene K. Heyser, Workplace Law Strategies, Santa Ana, CA

**Description:**

In 2007 the EEOC processed over 12,000 complaints based on sexual harassment while processing over 27,000 complaints of harassment based on race, color, national origin, religion, age or disability. These statistics show the dramatic growth in the last decade of harassment based on all forms of discrimination. The EEOC's 2008 regulations on national origin and religion in the workplace underscore the importance of this expanding area of workplace harassment.

Landmark cases such as *Meritor Savings v. Vinson* and *Faragher v. City of Boca Raton* have set forth standards for litigating the sexual harassment case. The continued growth of all forms of workplace harassment cases now requires plaintiff and defense counsel to develop the same expertise in litigating these workplace harassment cases.

**Moderator:**

Marlene K. Heyser, Workplace Law Strategies, Santa Ana, CA

**Speakers:**

William Amlong, The Amlong Law Firm, Fort Lauderdale, FL

Nadia Bermudez, Brown Law Group, San Diego, CA

Luis "Tony" Cabassa, Wenzel, Fenton & Cabassa, Tampa, FL

Michelle Reinglass, Law Offices of Michelle Reinglass, Laguna Hills, CA

2:00 PM - 5:00 PM

**Task Force on Outreach to State and Local Bars Meeting**

*Miami, 5<sup>th</sup> Floor*

3:00 PM - 4:30 PM

**Task Force on Plaintiffs' Involvement Meeting**

*Chicago Ballroom H, 5<sup>th</sup> Floor*

3:00 PM - 5:00 PM

**Task Force on Corporate Governance Institute Committee Meeting**

*Illinois, 6<sup>th</sup> Floor*

4:30 PM - 6:00 PM

**Task Force on Outreach to Young Lawyers Meeting**

*Scottsdale, 5<sup>th</sup> Floor*

7:00 PM - 10:00 PM

**Welcome, Diversity and Pursuit of Justice Award Reception**

*Metropolitan Club located in the Willis Tower, 99<sup>th</sup> Floor*

**Ticketed Event:** \$100.00 Adult; \$25.00 Children 6 to 16;

Adult ticket price increases to \$125.00 after July 7.

10:00 PM - 11:00 PM

**Section Hospitality**

*Grace, 4<sup>th</sup> Floor*

**SATURDAY, AUGUST 1, 2009**

- 7:00 AM - 5:00 PM      **TIPS Information/Ticket Sales**  
*Center Registration Booth, 5<sup>th</sup> Floor*
- 7:00 AM - 8:30 AM      **TIPS Hospitality Center**  
*Registration Desk Foyer, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM      **Law Practice Management Committee Business Meeting**  
*Chicago Ballroom A, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM      **Automobile Law Committee Business Meeting**  
*Lakeview, 2<sup>nd</sup> Floor*
- 7:30 AM - 8:30 AM      **Self-Insurers and Risk Managers Committee Business Meeting**  
*Houston, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM      **Title Insurance Litigation Committee Business Meeting**  
*River North, 2<sup>nd</sup> Floor*
- 7:30 AM - 8:30 AM      **Health and Disability Insurance Law Committee Business Meeting**  
*Minnesota, 6<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM      **Excess, Surplus Lines and Reinsurance Committee Business Meeting**  
*Scottsdale, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM      **Toxic Torts & Environmental Law Committee Business Meeting**  
*Great America, 6<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM      **Insurance Regulation Committee Business Meeting**  
*Chicago Ballroom F, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM      **Insurance Coverage Litigation Committee Business Meeting**  
*Chicago Ballroom D, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM      **Medicine and Law Committee Business Meeting**  
*Chicago Ballroom G, 5<sup>th</sup> Floor*
- 7:30 AM – 8:30 AM      **Ethics & Professionalism Committee Meeting**  
*Hyatt Regency Hotel  
Columbus Hall KL, Gold Level, East Tower*
- 7:30 AM - 8:30 AM      **Law and Technology Committee Business Meeting**  
*Denver, 5<sup>th</sup> Floor*
- 7:30 AM – 8:30 AM      **Media, Privacy and Defamation Law Committee Business Meeting**  
*Printers Row, 2<sup>nd</sup> Floor*
- 7:30 AM - 8:30 AM      **Professionals', Officers' and Directors' Liability Committee Business Meeting**  
*Hyatt Regency Hotel  
Columbus Hall GH, Gold Level, East Tower*
- 8:00 AM - 12:00 PM      **Leadership Academy Meeting**  
*Chicago Ballroom C, 5<sup>th</sup> Floor*
- 8:00 AM - 12:00 PM      **Section Council Meeting**  
*Lincolnshire, 6<sup>th</sup> Floor*

## **SATURDAY, AUGUST 1, CONT.**

8:30 AM -10:00 AM

### **CLE PROGRAM**

#### **The Murder of Vincent Chin**

*Hyatt Regency Chicago*

*Columbus Hall JJ, Gold Level, East Tower*

#### **TIPS Committee Main Sponsors:**

Diversity in the Profession Committee

#### **Sections, Divisions, Forums, Special Standing Committees and Commissions Co-sponsors:**

NAPABA, Science and Technology and Antitrust Sections

#### **Program Chairs:**

Nancy Quan, Quan & Associates, North Hills, CA

#### **Description:**

On June 19, 1982 in Detroit, Michigan, two autoworkers beat Vincent Chin to death. They did so apparently because of his race. In an encounter at a bar earlier that evening, one of the autoworkers had declared to Chin: "It's because of your kind that we're out of work." According to witnesses, the two men called Chin both a "Chink" and a "Nip" before they killed him. The two autoworkers were prosecuted in state court. They eventually pled guilty to manslaughter and were sentenced to three years probation and a fine.

The leniency of the sentence outraged Americans both in Detroit and around the country. The Asian American community was galvanized into organizing themselves to seek justice for Vincent Chin and a new civil rights group in Michigan persuaded the federal government to bring federal criminal civil rights charges against the two men.

Sadly, the murder of Vincent Chin with the legal proceedings that followed, and the legacy the case has left, was not an isolated incident as later hate crimes have shown. In this program, we will explore that legacy, utilizing dramatic re-enactments of portions of the judicial proceedings. Join us as we discuss what, if anything, lawyers have learned in light of the Vincent Chin case, how far have we come (or not) in more than a quarter of a century, and the ramifications this case has had in more recent incidents, such as the Matthew Shepherd case.

#### **Speakers:**

Frank Wu, George Washington University Law School, Washington DC

Judge Al Wong, State Court of Dekalb County, Atlanta, GA

Ivan Fong, Cardinal Health, Dublin, OH

Michele Coleman Mayes, Allstate Insurance, North Brook, IL

Ann Courtney Unum, Unum, Chattanooga, TN

Kim D. Hogrefe, Chubb & Son, Warren, NJ

Arlene Zalayet, Liberty Mutual Group Legal Department, Boston, MA

8:30 AM - 10:00 AM

### **CLE PROGRAM**

#### **Attorney Depression - It's More than Just a Bad Day in Court**

*Hyatt Regency Chicago*

*Columbus Hall KL, Gold Level, East Tower*

#### **TIPS Committee Main Sponsors:**

Ethics and Professionalism

#### **TIPS Committee Co-sponsors:**

Health and Disability Insurance Law, Staff Counsel, Corporate Counsel, Workers' Compensation and Employers' Liability Law, Employment Law and Litigation and Professionals' Officers' and Directors' Liability Committees

#### **Program Chairs:**

Alan N. Gamse, Semmes, Bowen & Semmes, Baltimore, MD

Michael Marin, Vinson & Elkins LLP, Austin, TX

## **SATURDAY, AUGUST 1, CONT.**

### **Description:**

This program will delve into the various aspects of the problems faced by attorneys and law firms that may result from attorneys who suffer from depression. Speakers will include a psychiatrist who will discuss clinical aspects of depression; a representative of a corporate legal department who will delve into the issues faced by the employer of a depressed attorney; an attorney from a professional liability insurer who will deal with the malpractice and ethical issues that may arise from a depressed attorney's legal practice; an attorney who represents disability insurers who will explain the requirements for making a disability insurance claim arising from attorney depression; and a discussion of how to cope with depression by an attorney who has personally dealt with the disease and has written about his experience.

### **Moderator:**

Alan N. Gamse, Semmes, Bowen & Semmes, Baltimore, MD

### **Speakers:**

Nada Stotland, MD, Chicago, IL  
Jane McFetridge, Jackson Lewis, Chicago, IL  
Arnold A. Pagnucci, ALAS, Inc., Chicago, IL  
Peter D. Baird, Lewis and Roca, Phoenix, AZ  
Brooks R. Magratten, Pierce Atwood LLP, Providence, RI

8:30 AM - 10:00 AM

### **CLE PROGRAM**

#### **The Failing Business Tsunami Threatens to Drown Professionals, Officers and Directors: Will you Surf the Wave or be Found Washed Up on the Shore?**

*Hyatt Regency Chicago*

*Columbus Hall GH, Gold Level, East Tower*

#### **TIPS Committee Main Sponsors:**

Professionals' Officers' and Directors' Liability Committee

#### **TIPS Committee Co-sponsors:**

Fidelity and Surety Law and International Committees

#### **Program Chair:**

Johannes Kingma, Carlock Copeland & Stair, Atlanta, GA

### **Description:**

Bankruptcy filings are at an all time high. Bank failures have not been this common since the Great Depression. Huge institutions on Wall Street and small stores on Main Street are falling victim to the harsh economic climate. Foreign companies are failing as well, and it appears that the wave has not yet reached its crest. Professionals both inside and outside a failing business must make complex and difficult choices involving their duty to the entity and their own exposure.

### **Moderator:**

Johannes Kingma, Carlock Copeland & Stair, Atlanta, GA

### **Speakers:**

Paul A. McGowan, Jr., Matson Driscoll & Damico, LLP, Boston, MA  
David R. Dwares, Esq., CNA Insurance, Chevy Chase, MD  
M. Machua Millett, Edwards Angell Palmer & Dodge LLP, Boston, MA  
Christopher Ward, Strasburger & Price LLP, Dallas, TX

8:30 AM - 11:00 AM

#### **Public Relations Committee Meeting**

*Kansas City, 5<sup>th</sup> Floor*

9:00 AM – 10:00 AM

#### **Spouse/Guest Hospitality**

*Chair's Suite*

9:00 AM - 10:00 AM

#### **Government Law Committee Business Meeting**

*Illinois, 6<sup>th</sup> Floor*

## **SATURDAY, AUGUST 1, CONT.**

9:00 AM -10:30 AM

**Surviving the First Year as an Associate Lawyer**  
*Purdue/Wisconsin, 6<sup>th</sup> Floor*

9:00 AM - 12:00 PM

### **CLE PROGRAM**

**Electronic Information: How to Find it, How to Protect it, and what to do After the Worst Happens**

*Chicago, Downtown Marriott Hotel*

*Chicago Ballroom B, 5<sup>th</sup> Floor*

### **TIPS Committee Main Sponsors:**

Corporate Counsel and Law and Technology Committees

### **TIPS Committee Co-sponsors:**

Insurance Regulation, Intellectual Property Law, and Media, Privacy & Defamation  
Law Committees

### **Sections, Divisions, Forums, Special Standing Committees and Commissions Co-sponsors:**

TIPS Technology Committee, Special Standing Committee on Technology, Science and  
Technology, Law Practice Management, Young Lawyers Division, Law Student Division, Forum  
Committee on Communications Law, Family Law, Labor & Employment, Judicial Division,  
Business Law and Intellectual Property

### **Program Chairs:**

Peter F. Burns, Cooley Godward Kronish LLP, Palo Alto, CA

John F. Stephens, Sedgwick Detert Moran & Arnold, Los Angeles, CA

John Knapp, Winthrop & Weinstine PA, Minneapolis, MN

Fern Summer, First Rehab Life, Great Neck, NY

Sarah Sederstrom, Wells Fargo Bank, Minneapolis, MN

Connie Merriett, Dechert LLP, Mountain View, CA

James Holmes, Sedgwick Detert Moran & Arnold, Los Angeles, CA

### **Description:**

Aimed at counsel from all fields of practice, this program teaches how to effectively (and legally) "cybersleuth" on the Internet, along with a field-tested battle plan for protecting data and dealing with the aftermath of a security breach - large or small. From the creative collection of information to its preservation and protection, this program explains from a practical perspective what every attorney must know to adequately protect their data and confidential information in the Internet era. Divided into three distinct program sections, presenters will provide demonstrations and concrete suggestions on data collection and protection, including an overview of the laws and industry standards concerning data security, related privacy laws and data breaches.

### **Three-hour program in three segments.**

#### **Segment 1**

Cybersleuthing: How to find information about anyone and anything on the Internet using free and paid services.

#### **Segment 2**

Data Security: What to do to protect data before a breach, and your legal obligations to do so.

#### **Segment 3**

What to do after the worst happens: Lost laptops, lost data and other security breaches.

### **Moderator:**

J. Anthony Vittal, The Vittal Law Firm, Los Angeles, CA

### **Speakers:**

John F. Anderson, Shook, Hardy & Bacon LLP, Kansas City, MO

Staci Drescher, James Mintz Group, Inc, San Francisco, CA

Joe DePaul, Arthur J. Gallagher & Co. of NY, Inc., New York, NY

Jeffrey G. Glaser, Wells Fargo Bank, Charlotte, NC

## **SATURDAY, AUGUST 1, CONT.**

Eduard F. Goodman, Identity Theft 911, LLC, Scottsdale, AZ  
Atlas C. Lee, Project Leadership Associates, Chicago, IL  
Chris Painter, Federal Bureau of Investigation, Washington, DC  
Ken Rashbaum, Fios, Inc., New York, NY  
Hugo Teufel, III, U.S. Department of Homeland Security, Washington, DC  
Christine Martin, DecisionQuest, New York, NY

9:00 AM - 12:00 PM                    **TortSource Editorial Board Meeting**  
*Denver, 5<sup>th</sup> Floor*

10:00 AM - 11:00 AM                **Law Student Board Meeting**  
*Great America, 6<sup>th</sup> Floor*

12:00 PM – 2:00 PM                **Leadership Academy Lunch and Caucus**  
*Chicago Ballroom A, 5<sup>th</sup> Floor*

1:00 PM– 3:00 PM                    **Long Range Planning Committee Meeting**  
*Great America, 6<sup>th</sup> Floor*

1:00 PM - 4:00 PM                   **The Brief Editorial Board Meeting**  
*Denver, 5<sup>th</sup> Floor*

1:30 PM - 5:30 PM                   **Book Publishing Board Meeting**  
*Minnesota, 6<sup>th</sup> Floor*

2:00 PM - 3:30 PM

### **CLE PROGRAM**

#### **Long-Term Care Insurance-An Important Coverage Comes of Age in the New Millennium**

*Hyatt Regency Chicago*

*Columbus Hall KL, Gold level, East Tower*

#### **TIPS Committee Main Sponsors:**

Health & Disability Insurance Law Committee

#### **TIPS Committee Co-sponsors:**

Insurance Regulation Committee

#### **Program Chair:**

Russell Buhite, Fowler White Boggs P.A. Tampa, FL

#### **Description:**

Long-Term Care Insurance is becoming a more popular and important form of coverage as the population ages. The cost of long-term care now equals approximately \$150 a day for many care-settings. As a result, proactive individuals are considering this coverage at an earlier age and have been given more policy options recently. At the same time, many states are adding coverage mandates to protect the consumer. Further, a number of states have started partnership programs between long-term care insurers and state Medicaid offices whereby individuals who buy certain types of LTC policies will have a higher amount of assets they can retain and still receive Medicaid benefits.

#### **Speakers:**

Carol Mihalik, Indiana Department of Insurance Enforcement Division, Indianapolis, IN

Paul P. Bolus, Bradley Arant Boult Cummings LLP, Birmingham, AL

Joe R. Whatley, Jr., New York, NY

## **SATURDAY, AUGUST 1, CONT.**

2:00 PM - 3:30 PM

### **CLE PROGRAM**

#### **The Fairness and Efficiency of the Appraisal and Arbitration Clauses**

*Hyatt Regency Chicago*

*Columbus Hall IJ, Gold Level, East Tower*

#### **TIPS Committee Main Sponsors:**

Insurance Coverage Litigation Committee

#### **TIPS Committee Co-sponsors:**

Alternative Dispute Resolution, Business Litigation, Property Insurance Law, Appellate Advocacy, and Life Insurance Law Committees

#### **Program Chairs:**

Joan Cotkin, Cotkin & Collins, Los Angeles, CA

Christopher Yetka, Lindquist & Vennum PLLP, Minneapolis, MN

Dawn Gonzalez, Litchfield Cavo LLP, Chicago, IL

#### **Description:**

The moderated panel of in-house counsel and coverage attorneys for both insurers and policyholders will discuss the historic use of appraisal clauses, and the more recent practice of including arbitration clauses in a variety of commercial policies including first-party, liability and reinsurance policies. Among the topics to be discussed will be: 1) Keeping or disputing the enforceability of the provisions; 2) Cost saving, or expense; 3) Affect on appeal rights; 4) Choosing arbitrators and neutral umpires and bias issues; 5) Venue issues; 6) Burden of proof and legal presumptions; and 7) Logistics when multiple policies are triggered.

#### **Moderators:**

Christopher Yetka, Lindquist & Vennum, Minneapolis, MN

Dawn M. Gonzalez, Litchfield Cavo, LLP, Chicago, IL

#### **Speakers:**

Jose Ramirez, Holland & Hart LLP, Greenwood Village, CO

Christopher Mosley, Sherman & Howard LLC, Denver, CO

Hugh W. Greene, Jr., CPCU Consultant, Maineville, OH

Melicent B. Thompson Litchfield Cavo LLP, Avon CT

2:00 PM - 3:30 PM

### **CLE PROGRAM**

#### **Winning Your Case Through Medical Experts**

*Hyatt Regency Chicago*

*Columbus Hall GH, Gold Level, East Tower*

#### **TIPS Committee Main Sponsors:**

Medicine and Law Committee

#### **TIPS Committee Co-sponsors:**

Staff Counsel, Toxic Torts and Environmental Law, Trial Techniques, Products General Liability and Consumer Law, Workers Compensation, Employment Liability Committee, and Task force on Outreach to Young Lawyers

#### **Sections, Divisions, Forums, Special Standing Committees and Commissions Co-sponsor:**

Young Lawyers Division

#### **Program Chairs:**

Stephen L. Corn, Craig & Craig, Mattoon, Illinois

Charles Eppolito III, White and Williams LLP, Philadelphia, PA

Katherine Van Maren, Providence Health & Services, Seattle, WA

#### **Description:**

A plaintiff's lawyer, defense lawyer, trial judge and an experienced physician/medical expert share their perspectives, experiences and strategies for identifying, recruiting, preparing, presenting and cross-examining medical experts during depositions or at trial. This program will teach you how to effectively use medical experts to prepare your case for trial, to persuade a jury or judge and to win your case. An interactive panel discussion with audience participation will follow the presentation.

## **SATURDAY, AUGUST 1, CONT.**

### **Moderator:**

Charles Eppolito, III, White & Williams, LLP, Philadelphia, PA

### **Speakers:**

Honorable Heidi Ladd, Champaign County Courthouse, Urbana, IL

Janice Mulligan, Mulligan & Banham, San Diego, CA

Jesse Harris, Williams Kastner, Seattle, WA

Dan Fintel, Chicago, IL

2:00 PM - 4:00 PM                    **Task Force on Leadership-Diversity Initiative Committee Meeting**  
*Houston, 5<sup>th</sup> Floor*

2:00 PM - 5:00 PM                    **Tort Trial and Insurance Practice Law Journal Editorial Board Meeting**  
*Kansas City, 5<sup>th</sup> Floor*

3:30 PM– 4:30 PM                    **Fidelity & Surety Law Committee Business Meeting**  
*Chicago Ballroom D, 5<sup>th</sup> Floor*

3:30 PM– 5:00 PM                    **Technology Committee Business Meeting**  
*Scottsdale, 5<sup>th</sup> Floor*

4:00 PM–5:00 PM                    **Scholarship Fund Board Meeting**  
*Illinois, 6<sup>th</sup> Floor*

4:00 PM - 5:00 PM                    **National Trial Academy Meeting**  
*Printers Row, 2<sup>nd</sup> Floor*

4:00 PM - 5:00 PM                    **Animal Law Committee Awards Reception**  
*Chicago Ballroom F/G, 5<sup>th</sup> Floor*  
*This event is sponsored by the generous support of Safe Humane Chicago, Best Friends Animal Society and Animal Farm Foundation*

5:00 PM – 6:30 PM                    **Fidelity and Surety Law Committee Reception**  
*ABA Museum, 321 North Clark Street, Lower Level*

7:00 PM – 10:00 PM                    **Leadership Academy Graduation Dinner**  
*Union League Club of Chicago, 65 W. Jackson Blvd. Heritage Room*

10:00 PM–11:00 PM                    **TIPS Hospitality**  
*Grace, 4<sup>th</sup> Floor*

## **SUNDAY, AUGUST 2, 2009**

7:00 AM– 5:00 PM                    **TIPS Information/Ticket Sales**  
*Center Registration Booth, 5<sup>th</sup> Floor*

7:00 AM– 8:30 AM                    **TIPS Hospitality Center**  
*Registration Desk Foyer, 5<sup>th</sup> Floor*

7:30 AM - 8:30 AM                    **Employee Benefits Committee Business Meeting**  
*Northwestern, 6<sup>th</sup> Floor*

7:30 AM - 8:30 AM                    **Life Insurance Law Committee Business Meeting**  
*Hyatt Regency Hotel*  
*Columbus Hall GH, Gold Level, East Tower*

## **SUNDAY, AUGUST 2, CONT.**

- 7:30 AM - 8:30 AM                   **Products, General Liability and Consumer Law Committee Business Meeting**  
*Denver, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM                   **Workers' Compensation and Employers' Liability Law Committee Business Meeting**  
*Lincolnshire, 6<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM                   **Property Insurance Law Committee Business Meeting**  
*Houston, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM                   **Business Litigation Committee Business Meeting**  
*Los Angeles, 5<sup>th</sup> Floor*
- 7:30 AM - 8:30 AM                   **Staff Counsel Committee Business Meeting**  
*Scottsdale, 5<sup>th</sup> Floor*
- 7:30 AM – 8:30 AM                   **Solo and Small Firm Practitioners Committee Business Meeting**  
*Kansas City, 5<sup>th</sup> Floor*
- 8:00 AM – 10:00 AM                   **2009-2010 Meetings and Orientation Training Planning Meeting**  
*Ohio State, 6<sup>th</sup> Floor*
- 8:00 AM – 10:00 AM                   **Website Editorial Board Meeting**  
*Illinois, 6<sup>th</sup> Floor*
- 8:30 AM – 10:00 AM                   **Speaker Ready Room**  
*Hyatt Regency Hotel*  
*Grand Suite 3, Gold Level, East Tower*

8:30 AM - 10:00 AM

### **CLE PROGRAM**

#### **Juries: The Wildcard at Issue (Mock Trial)**

*Hyatt Regency Chicago*

*Regency Ballroom A, Gold Level, West Tower*

#### **TIPS Committee Main Sponsors:**

Life Insurance Law Committee

#### **TIPS Committee Co-sponsors:**

Insurance Coverage Litigation, Business Litigation, and Trial Techniques Committees

#### **Program Chairs:**

Joelle C. Sharman, Ford & Harrison LLP, Atlanta, GA

Gary L. Howard, Bradley, Arant, Boult, Cummings LLP, Birmingham, AL

#### **Description:**

The first time one walks into a courtroom should not be when the company's future is on the line. This CLE program will replicate the courtroom jury experience. Participants will witness closing statements made by both plaintiff and defense counsel in a life insurance rescission matter. Then, a previously impaneled "jury" will be given instructions by a Federal District Court judge, after which the jury will be asked to deliberate and deliver a verdict. Participants will witness the jury's deliberations, the reading of the verdict, and then will have the opportunity to engage in a question and answer session with the panel.

#### **Speakers:**

Robert E. Hoskins, Greenville, SC

Rachel R. Krause, Ford & Harrison LLP, Atlanta, GA

Hon. Sharon Lovelace Blackburn, US District Court, Northern District of Alabama Hugo Black US Courthouse, Birmingham, AL

Joelle C. Sharman, Ford & Harrison LLP, Atlanta, GA

Marygrace J. Schaeffer, DecisionQuest, Minneapolis, MN

## **SUNDAY, AUGUST 2, CONT.**

11:00 AM - 12:00 PM                    **Enterprise Fund Board Meeting**  
*Illinois, 6<sup>th</sup> Floor*

2:00 PM - 3:00 PM                    **2010 Annual Meeting Program Planning Committee Meeting**  
*Kansas City, 5<sup>th</sup> Floor*

2:00 PM - 3:30 PM

### **CLE PROGRAM**

*Hyatt Regency Chicago*

*Columbus Hall KL, Gold Level, East Tower*

### **The Changing Climate of Insurance**

#### **TIPS Committee Main Sponsor:**

Property Insurance Law Committee

#### **TIPS Committee Co-sponsors:**

Excess, Surplus and Reinsurance Lines, and Insurance Coverage Litigation Committees

#### **Program Chair:**

Thomas H. Cook, Jr., Zelle Hofmann Voelbel & Mason LLP, Dallas, Texas

#### **Description:**

This presentation will address the risks, challenges and opportunities that insurers face in the context of global climate change. Speakers include a representative of ACE European Group to provide an industry perspective on climate change. Other speakers will address property insurance issues and climate change, a plaintiff's perspective on climate change issues in liability insurance, and provide a short primer on carbon cap and trade systems with an emphasis on the EU's experience with those systems.

#### **Speakers:**

Lisa M. Cirando, Orrick, Herrington & Sutcliffe LLP, New York, NY

Edward J. Ozog, Clausen Miller, P.C., Chicago, IL

Jason Reeves, Zelle Hofmann Voelbel & Mason LLP, Dallas, TX

Bernadette Pinto, ACE European Group, London England

2:00 PM - 3:30 PM

### **CLE PROGRAM**

### **Conflict of Interest and Ethical Considerations in Representing Insureds and Insurers in Personal Injury Litigation**

*Hyatt Regency Chicago*

*Columbus Hall IJ, Gold Level, East Tower*

#### **TIPS Committee Main Sponsor:**

Staff Counsel Committee

#### **TIPS Committee Co-sponsors:**

Automobile Law, Commercial Transportation, Alternative Dispute Resolution, Medicine and Law, Ethics and Professionalism, Insurance Coverage Litigation and Trial Techniques Committees

#### **Program Chair:**

James A. Young, Allstate Insurance Co., Tampa, FL

#### **Description:**

In most states the tripartite relationship involves defense counsel's representation of both the insured and insurer as clients. This dual client relationship presents significant opportunity for conflicts of interest to arise and the practitioner must be diligent in recognizing and avoiding the many pitfalls which may be encountered. This program will feature a panel discussion examining issues related to conflicts of interest which commonly arise in the context of representing insureds and insurers involved in personal injury litigation and will be based on an analysis of the ethical considerations under the Model Code of Professional Conduct. The presentation will include a practical approach to dealing with issues such as representation of the absent or uncooperative client and implied consent to representation, client demands to settle and offers for consent judgment, requests to defend multiple clients including clients who may not be insured under the policy, advising the insured client and insurer on suit evaluation and settlement negotiations, direction and control of litigation and discovery and other related topics which arise in representing the interests of insureds and/or insurers in litigation.

## **SUNDAY, AUGUST 2, CONT.**

### **Speakers:**

Katherine E. Giddings, Akerman Senterfitt, Tallahassee, FL  
John M. Williams, Delev Williams, LLC, Cincinnati, OH  
Scott P. Drawe, Drawe & Maland, Edina, MN

2:00 PM - 3:30 PM

### **CLE PROGRAM**

#### **Impact of DNA on Civil Litigation**

*Hyatt Regency Chicago*

*Columbus Hall GH, Gold Level, East Tower*

#### **TIPS Committee Main Sponsors:**

Toxic Torts and Environmental Law Committee and Business Litigation Committees

#### **TIPS Committee Co-sponsor:**

Law and Medicine Committee

#### **Program Chairs:**

Michele A. Powers, Alston + Bird LLP, Los Angeles, CA

Brian D. Gross, Cooley Manion Jones LLP, Boston, MA

### **Description:**

Cytokine testing is a form of DNA testing that is reported to determine with remarkable certainty whether an individual has been physically injured from exposure to Benzene or certain other alleged toxic substances. The panel will discuss DNA testing and its potential impact on civil litigation, as well as the myriad of ethical considerations associated with genetic testing in both the civil litigation and workplace context following the passage of the Genetic Information Nondiscrimination Act of 2007.

### **Moderator:**

Brian D. Gross, Cooley Manion Jones LLP, Boston, MA

### **Speakers:**

Howard Sandler M.D., Sandler Occupational Medicine Associates, Melville, New York, NY

Gary Marchant, Ph.D., J.D., Sandra Day O'Connor College of Law, Arizona State University, Tempe, AZ

Ben Thomas, Ph.D., Senior Managing Scientist, Toxicology & Mechanistic Biology, Exponent, Houston, TX

Miriam Benton, Barish, Annapol Schwartz, Philadelphia, PA

Michelle A. Powers, Alston + Bird LLP, Los Angeles, CA

6:30 PM – 10:00 PM

#### **Leadership and Awards Dinner**

*John G. Shedd Aquarium*

*1200 South Lake Shore Drive*

**Ticketed event:** \$95.00 Adult; \$25.00 Children 6 to 16;  
Adult ticket price increases to \$120.00 after July 7.

:

10:30 PM – 12:00 AM

#### **Section Hospitality**

*Grace, 4<sup>th</sup> Floor*

## **MONDAY, AUGUST 3, CONT.**

8:00 AM – 8:30 AM

#### **Section Business Meeting**

*Chicago Ballroom A, 5<sup>th</sup> Floor*

8:30 AM – 10:30 AM

#### **Leadership Breakfast**

*Chicago Ballroom E, 5<sup>th</sup> Floor*

10:30 AM – 11:30 AM

#### **Orientation for 2009 -2010 General Committee Chairs & Chairs-elect**

*Chicago Ballroom F/G, 5<sup>th</sup> Floor*

**MONDAY, AUGUST 3, 2009**

10:30 AM – 12:30 PM

**2009-2010 Section Council Meeting**  
*Chicago Ballroom D, 5<sup>th</sup> Floor*

11:30 AM – 12:30 PM

**2009-2010 General Committee Board Meeting**  
*Chicago Ballroom F/G, 5<sup>th</sup> Floor*

***Meeting Adjourned***