

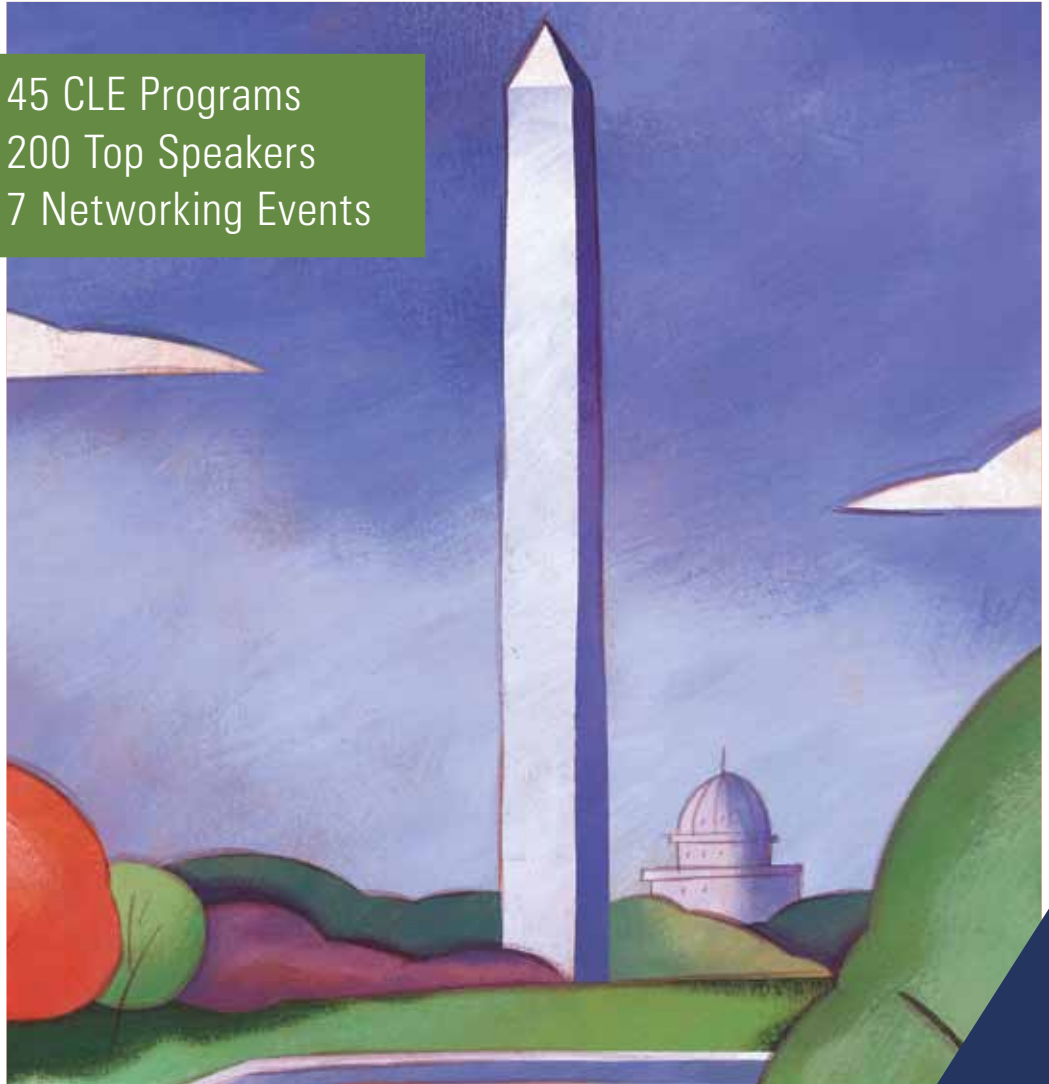
ABA Section of Litigation

Annual CLE Conference

The Premier Event for Litigators

April 18–20, 2012 / JW Marriott / Washington, D.C.

45 CLE Programs
200 Top Speakers
7 Networking Events



21.3 hours of MCLE credit (including 15.0 hours of trial skills credit and 2.0 hours of ethics credit) have been requested in 60-minute states and 25.6 hours of MCLE credit (including 18.0 hours of trial skills credit and 2.4 hours of ethics credit) have been requested in 50-minute states.

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Dear Colleagues:



On behalf of the ABA Section of Litigation, I am delighted to welcome you to the 2012 Annual CLE Conference. We return this year to Washington, D.C. to take full advantage of the special opportunities of the nation's capital. We are delighted to offer sessions with four former attorneys general of the United States, the former secretary of homeland security, five members of the Conference of Chief Justices, a United States Senator, and 200 of the nation's most respected judges, academics, and trial lawyers. The conference is what you need to know and who you need to know, all in one place.

The breadth of the programs is one of the hallmark features of the conference, and this year we continue that wonderful tradition with 45 sessions. We realize it can be daunting to navigate, so let me offer a couple of tips. You should plan to attend the Showcase Sessions on Thursday and Friday mornings at 8:20 am and Thursday and Friday afternoons at 4:15 pm. Those four Showcase Sessions include the Attorneys General Roundtable, the State Supreme Court Chief Justices Roundtable, the National Security Law and Policy Forum, and An Investigation of Access to Justice for Children. In addition to the Showcase Sessions, you should take a look at the Schedule at a Glance on pages 8 to 12 of this guide to get a quick overview of the topics and programs you find of most interest. You then can find more specifics about each program, including our incredible speakers, in the Program Descriptions on pages 13 to 24. To borrow from President Kennedy's famous remark, there hasn't been this much talent in one place since Thomas Jefferson dined alone.

Even if you came to the conference for our programs, I hope you also will be sure to meet and mingle with our distinguished guests and your fellow participants. I have the privilege of seeing the registration list ahead of time, and we are delighted to have a who's who of the profession joining us. To help you make the most of these remarkable connections, we have scheduled seven networking and social events, ranging from the Welcome Reception on Wednesday at 6:30 pm to the always entertaining Committee Expo on Thursday at 6:00 pm with this year's theme inspired by your favorite TV game shows. The separately ticketed events are spectacular: An Evening at the Smithsonian in the National Museum of American History on Thursday at 7:30 pm, and the Diversity Leadership Award and John Minor Wisdom Public Service & Professionalism Award Luncheon on Friday at 12:15 pm. If you have not already purchased tickets for the National Museum and the Awards Luncheon, please check with the Registration Desk for availability.

Enjoy the conference, and we look forward to seeing you next year in Chicago!

Best regards,

A handwritten signature in black ink that reads "Ron Marmer". The signature is written in a cursive, flowing style.

Ron Marmer, Chair
Section of Litigation

General Information

Registration Desk Hours

Grand Ballroom Level

Wednesday, April 18	7:00 am – 7:00 pm
Thursday, April 19	7:00 am – 6:00 pm
Friday, April 20	7:00 am – 6:00 pm

Event Tickets

The Registration Desk is the only location where you can purchase tickets, based on availability, for conference events. All prepaid tickets should be picked up at the Registration Desk along with your complete registration packet.

Hotel Information

JW Marriott

1331 Pennsylvania Avenue NW
Washington, D.C. 20004
(877) 212-5752

MCLE Credit

Accreditation has been requested for this program from every state with mandatory continuing legal education requirements for attorneys. Lawyers seeking credit in Pennsylvania must pay a fee of \$1.50 per credit hour directly to the Pennsylvania CLE Board. The ABA pays applicable fees in other states where the sponsor is required to do so. In states where a late fee may be applicable, the ABA pays this fee as well. Please be aware that each state has its own rules and regulations, including its definition of "CLE." Please check with your state agency for confirmation of general CLE as well as ethics credits approval for any programs. certificates of attendance will be available at the conclusion of the program for both attendees and speakers. Please call Katie Jacobson at (312) 988-6245 for questions pertaining to the number of credit hours requested.

Cancellation Policy

Requests for registration fee and/or social event refunds must be made in writing and received by the ABA Section of Litigation office on or before April 5, 2012. You may fax your request to Katie Jacobson at (312) 988-6234. There will be an administrative fee of \$50 deducted from the refund. After April 5, 2012, 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.

Section Bookstore

Look for the Section Bookstore in the Registration area for books that will enhance your practice. Save 10% on all publications purchased at the conference. These will be the lowest prices of the year!

Thursday, April 19

Former Attorneys General Roundtable

8:20 am – 9:45 am

Room: Salons I & II

Attorneys general must wrestle with the most sensitive issues confronting the Department of Justice. This candid conversation with our former attorneys general explores the challenges and triumphs from their tenure and their insights about today's most pressing issues.

Moderator: Ronald L. Marmer, Jenner & Block LLP, Chicago, IL

Speakers: Benjamin Civiletti, Venable LLP, Baltimore, MD, Alberto Gonzales, Texas Tech University, Lubbock, TX, Michael Mukasey, Debevoise & Plimpton LLP, New York, NY, Richard Thornburgh, K&L Gates LLP, Washington, D.C.

State Supreme Court Justices Roundtable

4:15 pm – 5:30 pm

Room: Salons I & II

State funding for court systems has dropped precipitously. Access to justice is an essential element of American democracy. This conflict between economics and a fundamental freedom has reached a crisis. Listen to our distinguished panel discuss this critically important topic.

Moderator: ABA President Wm. T. (Bill) Robinson III, Frost Brown Todd, Florence, KY

Speakers: Chief Justice Cornelia A. Clark (Tennessee), Chief Justice Wallace B. Jefferson (Texas), Chief Justice Myron T. Steele (Delaware), Chief Justice Jean Hoefer Toal (South Carolina), Chief Judge Eric T. Washington (District of Columbia)

Friday, April 20

National Security Law and Policy Forum

8:20 am – 10:05 am

Room: Salons I & II

Every day we are all affected by national security concerns. In this multimedia program, join our all-star speakers from Congress, the executive branch, and the media, in evaluating security and safety, terrorism and detainee policy, export and import controls, and First Amendment issues related to national security.

Moderator: Judith A. Miller, Former General Counsel, United States Department of Defense, Chevy Chase, MD

Speakers: Michael Chertoff, Former Secretary of Homeland Security, Washington, D.C., Senator Christopher A. Coons (D), Delaware, Harold H. Koh, United States Department of State, Washington, D.C., Scott Shane, New York Times, Washington, D.C.

Where are the Lawyers? An Investigation of Access to Justice for Children with No Counsel

4:15 pm – 5:30 pm

Room: Salons I & II

Children continuously face crises that affect their legal rights. Youth are bullied. Youth are abused, neglected, and abandoned. Youth are ordered to take psychotropic medication. Even when these issues reach a court, the child often has no right to a lawyer. This panel asks whether this is access to justice for our youth.

Moderator: Carrie Johnson, Justice Correspondent, National Public Radio, Washington, D.C.

Speakers: Hon. Rosemary Barkett, United States Court of Appeals for the Eleventh Circuit, Miami, FL, Professor Benjamin H. Barton, University of Tennessee College of Law, Knoxville, TN, Bernardine Dohrn, Clinical Associate Professor of Law and immediate past director/founder of the Children and Family Justice Center, Northwestern University School of Law, Chicago, IL

Networking and Social Events

Wednesday, April 18

Speed Networking Event for Young Lawyers & First-Timers

5:30 pm – 6:30 pm

Garden Terrace

No Charge

Section leaders and past conference attendees invite young lawyers and first-time attendees to join them for this fast-paced event where you can meet new colleagues from around the country and learn more about the conference and the Section. This is a great way to kick off your conference experience.

Welcome & Outreach Reception

6:30 pm – 8:00 pm

Room: Salons I–III

No Charge

Section of Litigation Chair Ron Marmer welcomes conference attendees to a complimentary networking cocktail reception at the JW Marriott.

Sponsored by Navigant

NAVIGANT

Litigation Advisory Services
Sponsor of the ABA Section of Litigation

Thursday, April 19

Practice Area & Networking Discussion Luncheons

12:15 pm – 1:45 pm

Room: Salons I & II

\$25 (boxed lunches included)

The Practice Area & Networking Discussion Luncheons offer excellent opportunities to network and discuss timely legal issues with attorneys in your practice area from around the country. Please note that MCLE credit is not provided.

Sponsored by DecisionQuest



DECISIONQUEST™

Committee Expo

6:00 pm – 7:00 pm

Room: Salons III & IV

No Charge

The Committee Expo is open to all attendees and will feature leaders from over 40 Section of Litigation committees. Enjoy cocktails and snacks, and learn what each committee has to offer!

An Evening at the Smithsonian

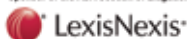
7:30 pm – 10:30 pm

\$100

National Museum of American History

Sponsored by LexisNexis

LITIGATION PRACTICE SOLUTIONS
Sponsor of the ABA Section of Litigation



Friday, April 20

Committee Networking Coffee Hour

7:30 am – 8:20 am

Room: Ballroom Foyer

No Charge

This coffee hour is a forum for discussion of timely legal issues. Please note that MCLE credit is not provided.

Diversity Leadership Award and John Minor Wisdom Public Service & Professionalism Award Luncheon

12:15 pm – 1:45 pm

Room: Salons I & II

\$60

The Diversity Leadership Award recognizes those individuals or entities who have demonstrated a commitment to promoting full and equal participation in the legal profession. The John Minor Wisdom Public Service & Professionalism Award is presented in recognition of outstanding contributions to the equality of justice.

The John Minor Wisdom Public Service & Professionalism Award is sponsored by Stone Pigman Walther Wittmann L.L.C.

The Diversity Leadership Award is sponsored by Navigant.

NAVIGANT

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Committee Meetings/Practice Area & Networking Discussion Luncheons

Wednesday, April 18

4:00 pm – 5:00 pm

Room: Salon II

Committee Meetings

Participating Committees

Bankruptcy and Insolvency
Business Torts
Civil Rights
Commercial and Business
Condemnation, Zoning, and Land Use
Energy
Insurance Coverage
International
LGBT Litigator
Pretrial Practice and Discovery
Solo and Small Firms
Technology for the Litigator
Trial Evidence
Trial Practice

Thursday, April 19

12:15 pm – 1:45 pm

Room: Salons I & II

Practice Area & Networking Discussion Luncheons

Salon I

Appellate Practice
Business Torts
Children's Rights
Class Actions and Derivative Status
Criminal
Energy
First Amendment and Media
Health Law
Insurance Coverage
International
LGBT Litigator
Pretrial Practice and Discovery
Products Liability
Professional Liability
Securities
Solo and Small Firm
Trial Evidence

Salon II

*Hosting Hon. Emily C. Hewitt,
United States Court of Federal Claims*
Civil Rights
Commercial and Business
Condemnation, Zoning, and Land Use
Construction
Intellectual Property
Mass Torts
Real Estate
Trial Practice
Young Advocate

Schedule at a Glance

TIME	PROGRAM/TITLE	TOPIC AREA / EVENT	ROOM
Wednesday, April 18			
8:00 am – 5:30 pm	Anatomy of a Trial (p. 13)	Anatomy of a Trial: Young Lawyer Skills Training	Salon I
1:00 pm – 6:00 pm	Children’s Rights Litigation Committee Meeting	Off-site Programming	King & Spalding, 1700 Pennsylvania Avenue, Suite 200
2:30 pm – 4:00 pm	Content Workshop for Committee Cochairs and Editors	Business Meeting	Salon G
2:30 pm – 5:00 pm	Executive Committee Meeting	Business Meeting	Congressional
4:00 pm – 5:00 pm	Committee Meetings	Business Meeting	Salon II
5:30 pm – 6:30 pm	Speed Networking Event for Young Lawyers & First-Timers	Networking/Social Event	Garden Terrace
6:30 pm – 8:00 pm	Welcome & Outreach Reception	Networking/Social Event	Salons I–III
Thursday, April 19			
7:30 am – 8:30 am	Friends of Bill W	Networking/Social Event	Cannon
8:20 am – 9:45 am	Former Attorneys General Roundtable (p. 13)	CLE Showcase Session	Salons I & II
10:00 am – 11:00 am	Putting <i>Wal-Mart Stores v. Dukes</i> to the Test: Can This Class Be Certified? (p. 13)	Pretrial Practice	Salon III
10:00 am – 11:00 am	Plunder or Blunder: E-Discovery in the Age of Social Media—Mining for Gold and Dodging the Silver Bullet (p. 13)	Pretrial Practice	Salon E
10:00 am – 11:00 am	“Good Works Equals Good Business” (p. 14)	Diversity in the Law	Salon D
10:00 am – 11:00 am	Litigating in the Digital Age: Tech Tips to Propel Your Case to Success (p. 14)	Trial Skills	Salon IV
10:00 am – 11:00 am	Top 5 Traps to Avoid in Preparing and Examining Expert Witnesses (p. 14)	Experts	Salon F
10:00 am – 11:00 am	Legal Writing from the Reader’s Perspective: Practical Tools for Clearly and Succinctly Delivering Your Message (p. 14)	Trial Skills	Salon G
11:15 am – 12:15 pm	<i>U.S. v. General Custer, 2012</i> (p. 14)	Military Law	Salon III
11:15 am – 12:15 pm	Hot Topics in Intellectual Property (p. 15)	Intellectual Property	Salon G

Schedule at a Glance

TIME	PROGRAM/TITLE	TOPIC AREA / EVENT	ROOM
Thursday, April 19 (continued)			
11:15 am – 12:15 pm	Trial Tactics in a Diverse World (p. 15)	Trial Skills	Salon D
11:15 am – 12:15 pm	Back to Basics: Effective Opening Statements (p. 15)	Trial Skills	Salon E
11:15 am – 12:15 pm	Student Free Speech in the Age of Social Media, Texting, and Sexting (p. 15)	The Rule of Law	Salon F
11:15 am – 12:15 pm	Corporate Internal Investigations: A Case Study Involving Special Committees, Auditors, and Antitrust on Protecting Privileged Information (p. 15)	Business Litigation	Salon IV
12:15 pm – 1:45 pm	Practice Area & Networking Discussion Luncheons	Networking/Social Event	Salons I & II
1:00 pm – 5:00 pm	Legal Services Fundraising Training (Invitation Only)	Off-site Programming	Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue NW, Suite 800
1:45 pm – 2:45 pm	Brave New World: Recent Developments in Federal and State False Claims Act Litigation (p. 16)	The Courts	Salon III
1:45 pm – 2:45 pm	Fewer Dollars, Better and Faster Outcomes: Putting Federal Rule of Evidence 502 to Work for Your Clients (p. 16)	Pretrial Practice	Salon IV
1:45 pm – 2:45 pm	Effectively Representing Military Personnel and the Recently Discharged in Civilian Litigation (p. 16)	Military Law	Salon D
1:45 pm – 2:45 pm	The U.S. Supreme Court: The Changing Art of Oral Advocacy (p. 16)	The Courts	Salon E
1:45 pm – 2:45 pm	Children Sold, Children Detained, Children Enslaved: International Human Rights (p. 16)	The Rule of Law	Salon F
1:45 pm – 2:45 pm	“Who’s Liable Now?”: The Ever-Changing Face of Secondary Liability for Securities Fraud and the Definition of Materiality (p. 17)	Business Litigation	Salon G

Schedule at a Glance

TIME	PROGRAM/TITLE	TOPIC AREA / EVENT	ROOM
Thursday, April 19 (continued)			
3:00 pm – 4:00 pm	How to Prevent a Runaway Arbitration (p. 17)	Alternative Dispute Resolution	Salon III
3:00 pm – 4:00 pm	Trying a Complex Case in a Sound Bite World (p. 17)	Trial Skills	Salon D
3:00 pm – 4:00 pm	How to Tell a Compelling Story in Any Case (p. 17)	Trial Skills	Salon IV
3:00 pm – 4:00 pm	Internet and Social Media in the Forefront: Current Hot Issues and Developments (p. 18)	Intellectual Property	Salon F
3:00 pm – 4:00 pm	Mass Incarceration: Uncoupling Pipelines to Prison (p. 18)	The Courts	Salon G
3:00 pm – 4:00 pm	The D.C. Circuit: A Fascinating Court with Great Influence (p. 18)	The Courts	Salons I & II
3:00 pm – 4:00 pm	Confirmation to the Federal Bench: An Inside Perspective (p. 18)	The Courts	Salon E
4:15 pm – 5:30 pm	State Supreme Court Justices Roundtable (p. 19)	CLE Showcase Session	Salons I & II
5:30 pm – 6:30 pm	Law Student Outreach Event: Life After Law School	Networking/Social Event	Russell/Hart
5:30 pm – 6:30 pm	Friends of Bill W	Networking/Social Event	Cannon
6:00 pm – 7:00 pm	Committee Expo	Networking/Social Event	Salons III & IV
7:30 pm – 10:30 pm	An Evening at the Smithsonian: National Museum of American History	Networking/Social Event	
Friday, April 20			
7:30 am – 8:20 am	Committee Networking Coffee Hour	Networking/Social Event	Ballroom Foyer
7:30 am – 8:30 am	Friends of Bill W	Networking/Social Event	Russell
8:20 am – 10:05 am	National Security Law and Policy Forum (p. 19)	CLE Showcase Session	Salons I & II
9:00 am – 4:00 pm	Legal Services Fundraising Training (Invitation Only)	Off-site Programming	Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue NW, Suite 800
10:00 am – 11:00 am	Two Decades of <i>Daubert</i>: Junk Science Replaced by Junk Rulings? (p. 19)	Experts	Salon III
10:00 am – 11:00 am	Anatomy of a Data Breach: Developments in Data Security and Cloud-Computing Law (p. 19)	Intellectual Property	Salon IV

Schedule at a Glance

TIME	PROGRAM/TITLE	TOPIC AREA / EVENT	ROOM
Friday, April 20 (continued)			
10:00 am – 11:00 am	How Will the Federal Rules Change? Subpoenas, E-Discovery, and More: A Dialogue With the Advisory Committee (p. 19)	Pretrial Practice	Salon E
10:00 am – 11:00 am	Marketing in the Social Media Age: How Women, Minorities, Solo Practitioners, and Small Law Firms can “Tweet” Themselves to the Front Page (p. 20)	Diversity in the Law	Salon F
10:00 am – 11:00 am	Gay Marriage and the Law: Same-Sex Marriage Litigation and Defense of Marriage Act Repeal Efforts (p. 20)	The Rule of Law	Salon G
11:15 am – 12:15 pm	Use a Mediator, Get Disbarred? Effective and Ethical Mediation Practices (p. 20)	Alternative Dispute Resolution	Salon III
11:15 am – 12:15 pm	Predictive Coding: Will Human Review Go the Way of the Dinosaur? (p. 20)	Pretrial Practice	Salon E
11:15 am – 12:15 pm	Xie Xie: Thanks for Using Our Drywall ... and our Toxic Toys (p. 20)	Business Litigation	Salon D
11:15 am – 12:15 pm	The Art of Closing Argument (p. 21)	Trial Skills	Salon IV
11:15 am – 12:15 pm	Ethics 20/20 (p. 21)	Ethics	Salon F
11:15 am – 12:15 pm	The Lessons of the Raj Rajaratnam Trial: Be Careful Who’s Listening (p. 21)	Business Litigation	Salon G
12:15 pm – 1:45 pm	Diversity Leadership Award and John Minor Wisdom Public Service & Professionalism Award Luncheon	Networking/Social Event	Salons I & II
1:45 pm – 2:45 pm	Is Commercial Arbitration All It’s Cracked Up to Be? (p. 21)	Alternative Dispute Resolution	Salon III
1:45 pm – 2:45 pm	Legal Marketing in a Web 2.0 Environment: Top Ten Mistakes to Avoid (p. 21)	Ethics	Salon E
1:45 pm – 2:45 pm	View from the Bench: Why Bad Things Happen to Good Litigators (p. 22)	Trial Skills	Salon D

Schedule at a Glance

TIME	PROGRAM/TITLE	TOPIC AREA / EVENT	ROOM
Friday, April 20 (continued)			
1:45 pm – 2:45 pm	On Your Feet! Taking Oral Advocacy to the Next Level (p. 22)	Trial Skills	Salon IV
1:45 pm – 2:45 pm	Stranger in a Strange Land: Ethical and Compliance Challenges in International Disputes (p. 22)	Business Litigation	Salon F
1:45 pm – 2:45 pm	Xavier or Magneto? Mentoring Lessons from the X-Men (p. 22)	Diversity in the Law	Salon G
3:00 pm – 4:00 pm	Ethics Surrounding Attorney Fees: How to Agree to Them, Collect Them, Keep Them, and Persuasively Seek Them as Sanctions (p. 22)	Ethics	Salon III
3:00 pm – 4:00 pm	Power Strategy for Effective Lay Witness Examination (p. 23)	Trial Skills	Salon IV
3:00 pm – 4:00 pm	Deposition Practice in Complex Cases: The Good, The Bad, and The Ugly (p. 23)	Trial Skills	Salon D
3:00 pm – 4:00 pm	Banks Under Scrutiny: The Civil, Criminal, Regulatory, and Insurance Fallout from Mortgage Foreclosures and Bank Failures (p. 23)	Business Litigation	Salon F
3:00 pm – 4:00 pm	Maintaining Sanity in a Tough Economy (p. 23)	Ethics	Salon G
3:00 pm – 4:00 pm	The Federal Circuit: Guardian of Our Intellectual Property Crown Jewels (p. 24)	The Courts	Salon E
4:15 pm – 5:30 pm	Where are the Lawyers? An Investigation of Access to Justice for Children with No Counsel (p. 24)	CLE Showcase Session	Salons I & II
5:30 pm – 6:30 pm	Friends of Bill W	Networking/Social Event	Russell
Saturday, April 21			
8:30 am – 12:30 pm	Council Meeting	Business Meeting	Salon IV

Wednesday, April 18

Anatomy of a Trial

8:00 am – 5:30 pm

Room: Salon I

This one-day boot camp trial training program for young lawyers features lectures and demonstrations on many phases of trial, panel discussions, and Q&A sessions. Attend this program, be inspired, and enhance your trial skills in a wonderful environment with some of the leading trial lawyers in the country.

Limited registration: *Preregistration required under the events section of the registration page.*

Moderator: Paul Mark Sandler, Shapiro Sher Guinot & Sandler, Baltimore, MD
Speakers: Pamela A. Bresnahan, Vorys, Sater, Seymour and Pease LLP, Washington, D.C., Dean JoAnne A. Epps, Temple University Beasley School of Law, Philadelphia, PA, Julianne Farnsworth, Farnsworth Law Firm LLC, Charleston, SC, Hon. Marvin J. Garbis, United States District Court for the District of Maryland, Baltimore, MD, William T. Hangle, Aronchick Segal Pudlin & Schiller, Philadelphia, PA, Michael P. Lynn, Lynn Tillotson Pinker and Cox, Dallas, TX, Terence MacCarthy, Federal Defender Program, Chicago, IL, Steven F. Molo, Molo Lamken LLP, New York, NY, Mark Neubauer, Steptoe & Johnson LLP, Los Angeles, CA, Jeannie Rhee, WilmerHale, Washington, D.C., Professor Stephen A. Saltzburg, George Washington University School of Law, Washington, D.C., Anthony N. Upshaw, McDermott Will & Emery, Miami, FL

Thursday, April 19

Showcase Session: Former Attorneys General Roundtable

8:20 am – 9:45 am

Room: Salons I & II

Attorneys general must wrestle with the most sensitive issues confronting the Department of Justice. This candid conversation with our former attorneys general explores the challenges and triumphs from their tenure and their insights about today's most pressing issues.

Moderator: Ronald L. Marmer, Jenner & Block LLP, Chicago, IL
Speakers: Benjamin Civiletti, Venable LLP, Baltimore, MD, Alberto Gonzales, Texas Tech University, Lubbock, TX, Michael Mukasey, Debevoise & Plimpton LLP, New York, NY, Richard Thornburgh, K&L Gates LLP, Washington, D.C.

Putting *Wal-Mart Stores v. Dukes* to the Test: Can This Class Be Certified?

10:00 am – 11:00 am

Room: Salon III

The panelists will perform a mock argument presided over by Hon. Emmet G. Sullivan (D.D.C.), highlighting how courts have begun to interpret and apply the Supreme Court's *Wal-Mart Stores v. Dukes* decision, where the remaining uncertainties lie, and ways to use very recent case law for or against certification.

Moderator: Danielle Leonard, Altshuler Berzon LLP, San Francisco, CA
Speakers: Jocelyn Larkin, The Impact Fund, Berkeley, CA, Paul Smith, Jenner & Block LLP, Washington, D.C., Hon. Emmet G. Sullivan, United States District Court for the District of Columbia, Washington, D.C.

Plunder or Blunder: E-Discovery in the Age of Social Media— Mining for Gold and Dodging the Silver Bullet

10:00 am – 11:00 am

Room: Salon E

The panel will discuss social media advantages and pitfalls that litigators should be aware of, from preservation through trial, emphasizing strategies for managing social media in the context of the ever-developing maze of e-discovery rules, as well as admissibility of social media at trial, and managing its use in jury selection.

Moderator: David D. Cross, Crowell & Moring LLP, Washington, D.C.
Speakers: Amor E. Esteban, Shook, Hardy & Bacon L.L.P., San Francisco, CA, Hon. John M. Facciola, United States District Court for the District of Columbia, Washington, D.C., Sonya Strnad, Holland & Knight LLP, Miami, FL

Program Descriptions

“Good Works Equals Good Business”

10:00 am – 11:00 am

Room: Salon D

In-house counsel and thought leaders discuss why diversity, mentoring, and pro bono efforts are smart business choices and key to building a successful relationship between client and firm.

Moderator: Nan Joesten, Farella Braun + Martel LLP, San Francisco, CA

Speakers: Esther Lardent, Pro Bono Institute, Washington, D.C., Hinton J. Lucas, Jr., DuPont, Peter Muniz, General Electric Company, Chicago, IL, Karl Racine, Venable LLP, Washington, D.C.

Litigating in the Digital Age: Tech Tips to Propel Your Case to Success

10:00 am – 11:00 am

Room: Salon IV

Experts demonstrate how to exploit electronic devices to manage your practice, prepare for trial, select a jury, and present your case—without violating laws, rules, and judicial preferences. Learn from a judicial perspective what technologies have worked well and the amount of leeway given to lawyers using technologies in the courtroom.

Moderator: David J. Wolfsohn, Woodcock Washburn LLP, Philadelphia, PA

Speakers: Ahmed Davis, Fish & Richardson P.C., San Diego, CA, Hon. Herbert Dixon, Jr., Superior Court of the District of Columbia, Washington, D.C., Sharon Nelson, Sensei Enterprises, Fairfax, VA, John Simek, Sensei Enterprises, Fairfax, VA

Top 5 Traps to Avoid in Preparing and Examining Expert Witnesses

10:00 am – 11:00 am

Room: Salon F

The testimony of an expert at trial can make or break an attorney's case. We will conduct a mock expert examination reflecting both plaintiff and defense perspectives and exposing the pitfalls litigators often face in preparing and presenting expert testimony. We will also provide commentary from an experienced trial judge regarding the mock examination.

Moderator: Darryl McCallum, Shawe & Rosenthal, LLP, Baltimore, MD

Speakers: Dr. Ann T. Greeley, DecisionQuest, State College, PA, Michael D. Jones, Kirkland & Ellis LLP, Washington, D.C., Theodora Lee, Littler Mendelson P.C., San Francisco, CA

Legal Writing from the Reader's Perspective: Practical Tools for Clearly and Succinctly Delivering Your Message

10:00 am – 11:00 am

Room: Salon G

Effective legal writers understand their readers and the process of reading. Using examples of written work, the panel will discuss ways to adapt legal writing for the targeted audience while also shortening documents in a manner that preserves and clarifies the arguments.

Moderator: Lance Curry, Hill Ward Henderson, Tampa, FL

Speakers: Peter Buscemi, Morgan, Lewis & Bockius, LLP, Washington, D.C., Professor George Gopen, Duke University & Duke Law School, Durham, NC, Hon. Joseph A. Greenaway, Jr., United States Court of Appeals for the Third Circuit, Newark, NJ, Sandra J. Oster, Law Office of Sandra J. Oster, Portland, OR

U.S. v. General Custer, 2012

11:15 am – 12:15 pm

Room: Salon III

The flamboyant General George Armstrong Custer is best remembered for the Battle of Little Big Horn in 1876. A decade prior, however, Custer was court-martialed for several serious offenses and received a light sentence. This reenactment will use the facts of his 1867 case to examine today's military justice system.

Moderator: Susan Potter Norton, Allen Norton & Blue, P.A., Coral Gables, FL

Speakers: Capt. David Lai, West Point Military Academy, West Point, NY, Capt. Devon Runyan, West Point Military Academy, West Point, NY, Col. Maritza Ryan, West Point Military Academy, West Point, NY, Col. Mark Toole, West Point Military Academy, West Point, NY, Col. David Wallace, West Point Military Academy, West Point, NY, Dr. Mark Welton, West Point Military Academy, West Point, NY

Hot Topics in Intellectual Property

11:15 am – 12:15 pm

Room: Salon G

Congress and the Supreme Court have recently made sweeping changes to intellectual property law, making it imperative for attorneys to keep up to date on the law and best practices. This multimedia and interactive program will feature prominent intellectual property litigators discussing hot topics in intellectual property law today.

Moderator: Leora Ben Ami, Kaye Scholer LLP, New York, NY

Speakers: Phil G. Hampton, Dickstein Shapiro LLP, Washington, D.C., Hon. Paul R. Michel, Former Chief Judge, United States Court of Appeals for the Federal Circuit, Washington, D.C., Stanley Pierre-Louis, Viacom Inc., New York, NY

Trial Tactics in a Diverse World

11:15 am – 12:15 pm

Room: Salon D

The panel will illustrate the complex, nuanced issues that diversity in the courtroom presents to the 21st century lawyer. The panel will pull no punches in exploring how to be effective without being offensive and how to manage implicit/buried biases and jury discomforts.

Moderator: Craig Thompson, Venable LLP, Baltimore, MD

Speakers: Hon. Erik P. Christian, District of Columbia Superior Court, Washington, D.C., Dr. Ann T. Greeley, DecisionQuest, State College, PA, Alex Oh, Paul, Weiss, Rifkind, Wharton & Garrison LLP, Washington, D.C.

Back to Basics: Effective Opening Statements

11:15 am – 12:15 pm

Room: Salon E

Using video vignettes as well as live presentations, this program demonstrates basic but very effective techniques. Opening statements will capture the fact finder's attention and influence how the evidence is perceived from the very start of the trial.

Moderator: Ruth Bahe-Jachna, Greenberg Traurig, LLP, Chicago, IL

Speakers: Hon. Nancy F. Atlas, United States District Court of the Southern District of Texas, Houston, TX, Victor Bolden, City of New Haven Office of Corporation Counsel, New Haven, CT, John E. Hall, Covington & Burling LLP, Washington, D.C.

Student Free Speech in the Age of Social Media, Texting, and Sexting

11:15 am – 12:15 pm

Room: Salon F

The panel will explore the extent of the First Amendment's protection of public school students when they speak through social media and text messages beyond the schoolhouse. What are the current legal standards that govern the regulation of public school student speech, and how do they apply to the Internet?

Moderator: Professor Mary-Rose Papandrea, Boston College Law School, Boston, MA

Speakers: Hayley Gorenberg, Lambda Legal, New York, NY, Frank LoMonte, Student Press Law Center, Arlington, VA, Lourdes Rosado, Juvenile Law Center, Philadelphia, PA, Thomas Wheeler, Frost Brown Todd, Indianapolis, IN

Corporate Internal Investigations: A Case Study Involving Special Committees, Auditors, and Antitrust on Protecting Privileged Information

11:15 am – 12:15 pm

Room: Salon IV

Listen as our panel of experienced litigators and in-house counsel use a case study to discuss the complex issues related to corporate internal investigations. The case study will involve special committees, auditors, and antitrust issues to explain the best practices and tensions among competing interests.

Moderator: Kevin McCall, Northrop Grumman, Falls Church, VA

Speakers: Scott Murray, Sills Cummis & Gross P.C., Newark, NJ, Kimberly Parker, WilmerHale, Washington, D.C., Jonathan Rosen, Shook, Hardy & Bacon L.L.P., Washington, D.C., Elaine Stone, Covington & Burling LLP, Washington, D.C.

Program Descriptions

Brave New World: Developments in Federal and State False Claims Act Litigation

1:45 pm – 2:45 pm

Room: Salon III

The launch of Dodd-Frank and other legislation have prompted a significant rise in claims predicated on the False Claims Act (FCA). This program will explore the recent growth areas in both FCA actions by the federal government as well as those brought by private plaintiffs.

Moderator: Maurice Suh, Gibson Dunn, Los Angeles, CA

Speakers: Harry Litman, Phillips & Cohen LLP, Washington, D.C., Sara McLean, Commercial Litigation Branch, United States Department of Justice, Washington, D.C., Joseph Zwicker, Choate Hall & Stewart LLP, Boston, MA

Fewer Dollars, Better and Faster Outcomes: Putting Federal Rule of Evidence 502 to Work for Your Clients

1:45 pm – 2:45 pm

Room: Salon IV

This program will explore how litigants can potentially save huge amounts of money by using Federal Rule of Evidence 502, which allows the parties to produce electronically stored information without having to first review it because under the Rule, a party may “claw back” any privileged documents.

Moderator: Loren Kieve, Kieve Law Offices, San Francisco, CA

Speakers: Professor Daniel Capra, Fordham University School of Law, New York, NY, Hon. Lee Rosenthal, United States District Court for the Southern District of Texas, Houston, TX, Chilton Varner, King & Spalding, Atlanta, GA

Effectively Representing Military Personnel and the Recently Discharged in Civilian Litigation

1:45 pm – 2:45 pm

Room: Salon D

The four-year-long financial crisis and ten-year deployment of hundreds of military personnel has caused devastating financial burdens on current and former service personnel, and their families. This program will explore those areas and describe existing pro bono and fee-based programs to assist and prepare lawyers to provide effective representation.

Moderator: John R. Burns, Faegre Baker Daniels LLP, Fort Wayne, IN

Speakers: Brig. Gen. Flora Darpino, United States Army Legal Services Agency, Arlington, VA, Brig. Gen. David Ehrhart, United States Air Force (retired), Vice Admiral James Houck, Judge Advocate General of the Navy, Washington, D.C., John Mathias, Jenner & Block LLP, Chicago, IL

The U.S. Supreme Court: The Changing Art of Oral Advocacy

1:45 pm – 2:45 pm

Room: Salon E

Despite the Court’s prohibition on cameras in its courtroom, Supreme Court oral arguments have become an increasingly popular subject of commentary. Using audio of recent arguments, the panel will discuss changes in the styles of questioning and argument in recent years and issues of greater transparency.

Moderator: Kannon K. Shanmugam, Williams & Connolly LLP, Washington, D.C.

Speakers: Lisa Blatt, Arnold & Porter LLP, Washington, D.C., Tony Mauro, National Law Journal, ALM, Washington, D.C., Seth P. Waxman, WilmerHale, Washington, D.C.

Children Sold, Children Detained, Children Enslaved: International Human Rights

1:45 pm – 2:45 pm

Room: Salon F

This program will examine human rights issues around the world and in the United States including child soldiers, human trafficking, education, and abuse and neglect. The program will be a discussion format with interaction between panelists.

Moderator: Angela Vigil, Partner/ Director of Pro Bono and Community Service, North America, Baker & McKenzie, Miami, FL

Speakers: Bernardine Dohrn, Clinical Associate Professor of Law and immediate past director/founder of the Children and Family Justice Center, Northwestern University School of Law, Chicago, IL, Marisa Ferri, Acting Senior Coordinator for International Programs, Office to Monitor and Combat Trafficking in Persons at the United States Department of State, Washington, D.C., Paul R. Williams, Executive Director and Founder, Public International Law And Policy Group, Arlington, VA

“Who’s Liable Now?”: The Ever-Changing Face of Secondary Liability for Securities Fraud and the Definition of Materiality

1:45 pm – 2:45 pm

Room: Salon G

The past several years have wrought extensive changes in securities fraud liability. Witness a spirited debate between plaintiffs’ and defendants’ counsel about the definition of materiality of disclosures after *Litwin v. Blackstone Group, Inc.*, 634 F.3d 706 (2d Cir. 2011), and the scope of secondary liability post-*Janus Capital Group, Inc. v. First Derivative Traders*, 131 S. Ct. 2296 (June 13, 2011).

Moderator: Andrew J. Morganti, Kahn Swick & Foti LLC, New York, NY

Speakers: Laura Jarsulic, Securities & Exchange Commission, Enforcement Division, Washington, D.C., Scott D. Musoff, Skadden, Arps, Slate, Meagher & Flom LLP, New York, NY, Professor Adam C. Pritchard, University of Michigan Law School, Ann Arbor, MI, Shawn A. Williams, Robbins Geller Rudman & Dowd LLP, San Francisco, CA

How to Prevent a Runaway Arbitration

3:00 pm – 4:00 pm

Room: Salon III

Given the increasing costs of litigation, more potential litigants are resolving disputes through arbitration. The panel will provide practical solutions for in-house and outside counsel to prevent arbitration from becoming as expensive and lengthy as litigation.

Moderator: Patricia O’Pry, GE Capital Americas, Norwalk, CT

Speakers: Beverly Davis, National Public Radio, Washington, D.C., Deborah Hankinson, Hankinson LLP, Dallas, TX, Kathryn Kirmayer, Crowell & Moring LLP, Washington, D.C.

Trying a Complex Case in a Sound Bite World

3:00 pm – 4:00 pm

Room: Salon D

Using video and a live demonstration, this program will explore presenting complex issues to a judge and jury arising from a mock case involving shale gas exploration. Along with providing a practical litigation primer, this program will focus on topics such as energy rights, land use, and insurance claims.

Moderator: G. Christopher Ritter, The Focal Point, Oakland, CA

Speakers: Laura A. Foggan, Wiley Rein LLP, Washington, D.C., Michael D. Jones, Kirkland & Ellis LLP, Washington, D.C., Todd K. Lester, Navigant, Austin, TX

How to Tell a Compelling Story in Any Case

3:00 pm – 4:00 pm

Room: Salon IV

A trial lawyer who has mastered the art of storytelling will undoubtedly gain the attention of the jury. Nationally known speakers, including a best selling legal fiction author, will teach you how to tell a compelling story in the most effective manner, and how to adapt the evidence into a story supporting the overall theme of your case.

Moderator: Erin C. Asborno, Forman Perry Watkins Krutz & Tardy, LLP, Denver, CO

Speakers: Douglas Baldrige, Venable LLP, Washington, D.C., Meghan Magruder, King & Spalding LLP, Atlanta, GA, Phillip Margolin, Portland, OR, Hon. Reggie B. Walton, United States District Court for the District of Columbia, Washington, D.C.

Program Descriptions

Internet and Social Media in the Forefront: Current Hot Issues and Developments

3:00 pm – 4:00 pm

Room: Salon F

This panel will focus on the regulation of the Internet and social media, for example, from an FTC perspective, the legal issues facing social media companies from their perspective, and issues such as Net Neutrality and their effect on the law. Cutting edge? You bet.

Moderator: Andrew Berger, Tannenbaum Helpern Syracuse & Hirschtritt LLP, New York, NY

Speakers: Professor Peter Jaszi, American University, Washington, D.C., David Perrott, DecisionQuest, New York, NY, Stanley Pierre-Louis, Viacom, Inc, New York, NY Mozelle Thompson, Thompson Strategy Consulting, Oakton, VA

Mass Incarceration: Uncoupling Pipelines to Prison

3:00 pm – 4:00 pm

Room: Salon G

America incarcerates more people than any other country. The massive prison population has taken a terrible toll on families and communities, and has diverted dollars from other essential services. The panel will discuss programs, such as the justice reinvestment initiative, to reduce the number of people behind bars.

Moderators: Dean JoAnne A. Epps, Temple University Beasley School of Law, Philadelphia, PA, Ronald L. Marmer, Jenner & Block LLP, Chicago, IL

Speakers: Chief Justice Wallace B. Jefferson (Texas), Austin, TX, Jeffrey Robinson, NAACP Legal Defense & Education Fund, Washington, D.C., Chief Justice Jean Hoefer Toal (South Carolina), Columbia, SC, Ashbel T. Wall, II, Rhode Island Department of Corrections, Cranston, RI

The D.C. Circuit: A Fascinating Court with Great Influence

3:00 pm – 4:00 pm

Room: Salons I & II

Often described as having the greatest influence next to the Supreme Court, the D.C. Circuit hears critical cases involving government power and regulation. This multimedia and interactive program will examine unique issues of governmental action and power heard in the D.C. Circuit and live demonstrations of outstanding advocacy in that court.

Moderator: Lawrence D. Rosenberg, Jones Day, Washington, D.C.

Speakers: Richard P. Bress, Latham & Watkins, Washington, D.C., Beth Brinkmann, Deputy Assistant Attorney General for the Appellate Branch of the Civil Division, United States Department of Justice, Washington, D.C., Robert A. Long, Covington & Burling LLP, Washington, D.C.

Confirmation to the Federal Bench: An Inside Perspective

3:00 pm – 4:00 pm

Room: Salon E

Access to our crowded federal courts critically depends on the speed and effectiveness by which new judges are appointed. Our distinguished panelists from the political, academic, and judicial arenas have been directly involved and will discuss the present-day confirmation process and address how the confirmation process could be improved and expedited.

Moderator: Sarah L. Wilson, Covington & Burling LLP, Washington, D.C.

Speakers: Hon. Andre M. Davis, United States Court of Appeals for the Fourth Circuit, Baltimore, MD, Laura Ellsworth, Jones Day, Pittsburgh, PA, Professor Mike Gerhardt, UNC School of Law, Chapel Hill, NC

Showcase Session:

State Supreme Court Justices Roundtable

4:15 pm – 5:30 pm

Room: Salons I & II

State funding for court systems has dropped precipitously. Access to justice is an essential element of American democracy. This conflict between economics and a fundamental freedom has reached a crisis. Listen to our distinguished panel discuss this critically important topic.

Moderator: ABA President Wm. T. (Bill) Robinson III, Frost Brown Todd, Florence, KY

Speakers: Chief Justice Cornelia A. Clark (Tennessee), Chief Justice Wallace B. Jefferson (Texas), Chief Justice Myron T. Steele (Delaware), Chief Justice Jean Hoefer Toal (South Carolina), Chief Judge Eric T. Washington (District of Columbia)

Friday, April 20

Showcase Session:

National Security Law and Policy Forum

8:20 am – 10:05 am

Room: Salons I & II

Every day we are all affected by national security concerns. In this multimedia program, join our all-star speakers from Congress, the executive branch, and the media, in evaluating security and safety, terrorism and detainee policy, export and import controls, and First Amendment issues related to national security.

Moderator: Judith A. Miller, Former General Counsel, United States Department of Defense, Chevy Chase, MD

Speakers: Michael Chertoff, Former Secretary of Homeland Security, Washington, D.C., Senator Christopher A. Coons (D), Delaware, Harold H. Koh, United States Department of State, Washington, D.C., Scott Shane, New York Times, Washington, D.C.

Two Decades of *Daubert*: Junk Science Replaced by Junk Rulings?

10:00 am – 11:00 am

Room: Salon III

Daubert raised the bar on expert testimony, but today, is it being abused, ignored, or working as intended? Using videos and bite-sized expert reports, our star panel will examine opinions in the gray areas and teach how to trigger or avoid lethal *Daubert* landmines.

Moderator: Kenneth R. Berman, Nutter McClennen & Fish LLP, Boston, MA

Speakers: Debra J. Aron, Navigant Economics, Evanston, IL, Cathy Devlin, Saul Ewing LLP, Philadelphia, PA, Professor Charles Fried, Harvard Law School, Boston, MA, Hon. Robert Wilkins, United States District Court for the District of Columbia, Washington, D.C.

Anatomy of a Data Breach: Developments in Data Security and Cloud-Computing Law

10:00 am – 11:00 am

Room: Salon IV

What every company and its lawyers must know about responding to a data breach—minimizing risk, identifying applicable law, and prosecuting/defending civil lawsuits. Plus the security and legal risks associated with the movement of information into “the cloud.” Become aware!

Moderator: Christopher Wolf, Hogan Lovells, Washington, D.C.,

Speakers: Janis Kestenbaum, FTC Commissioner, Washington, D.C., John O’Tuel, GlaxoSmithKline, Research Triangle Park, NC, Alfred J. Saikail, Shook, Hardy & Bacon L.L.P., Miami, FL

How Will the Federal Rules Change? Subpoenas, E-Discovery, and More: A Dialogue With the Advisory Committee

10:00 am – 11:00 am

Room: Salon E

Rule 45 is changing. And the Advisory Committee is considering rules amendments that will affect the trigger of the duty to preserve, the scope of preservation, and culpability standards. If you have views on making litigation faster and cheaper without sacrificing fairness, this is the place to share them.

Moderator: Jeffrey J. Greenbaum, Sills Cummis & Gross P.C., Newark, NJ

Speakers: John M. Barkett, Shook, Hardy & Bacon L.L.P., Miami, FL, Hon. David G. Campbell, United States District Court for the District of Arizona, Phoenix, AZ, Dawson Horn, III, Tyco International (US) Inc., Princeton, NJ, Hon. John G. Koeltl, United States District Court for the Southern District of New York, New York, NY, Ariana J. Tadler, Milberg LLP, New York, NY

Program Descriptions

Marketing in the Social Media Age: How Women, Minorities, Solo Practitioners, and Small Law Firms can “Tweet” Themselves to the Front Page

10:00 am – 11:00 am

Room: Salon F

Social media provides unique and cost-effective marketing and public relations opportunities for women, minorities, solo practitioners, and small firms. This program will demonstrate the use of various social media outlets (Twitter, blogs, Facebook, LinkedIn, etc.) to increase clientele, visibility, and branding.

Moderator: Christina Liu, Andrew M. Hale & Associates, Chicago, IL

Speakers: H. Scott Johnson, PCT Law Group, Alexandria, VA, Michael P. Lynn, Lynn Tillotson Pinker and Cox, Dallas, TX, Linda Wong, Wong Fleming, Princeton, NJ

Gay Marriage and the Law: Same-Sex Marriage Litigation and Defense of Marriage Act Repeal Efforts

10:00 am – 11:00 am

Room: Salon G

This lively program, led by our country's leading experts in same-sex marriage and legislation, will cover: (1) the current state of litigation and Defense of Marriage Act repeal efforts; and (2) the impact of such litigation and repeal efforts on various litigation practice areas, including immigration, family, and employment.

Moderator: David Tsai, Perkins Coie LLP, San Francisco, CA

Speakers: Enrique A. Monagas, Gibson Dunn, San Francisco, CA, Jennifer C. Pizer, UCLA School of Law, Los Angeles, CA, Hilary Ware, Netflix, San Francisco, CA

Use a Mediator, Get Disbarred? Effective and Ethical Mediation Practices

11:15 am – 12:15 pm

Room: Salon III

Mediators' "toolboxes" may create serious ethical dilemmas for litigators. What if a mediator lies to move the ball? Do you "play the game"? When the mediator takes over, is it client abandonment? Learn tips to avoid or, at least, manage ethical dilemmas that might prevent success in mediation.

Moderator: Patricia O'Prey, GE Capital Americas; Norwalk, CT

Speakers: Lawrence J. Fox, Drinker Biddle & Reath LLP, Philadelphia, PA, Ray Garcia, Garcia & Milas, P.C., New Haven, CT, Jeff Kichaven, Jeff Kichaven Mediator, Los Angeles, CA

Predictive Coding: Will Human Review Go the Way of the Dinosaur?

11:15 am – 12:15 pm

Room: Salon E

Will predictive coding reduce review costs yet improve precision and recall? What are the risks/benefits of reducing human involvement in review? When is it affordable? Does it have utility in the small case? Oh, and just what is predictive coding? In this "don't miss" program, we have answers.

Moderator: Jessica Hew, Burr & Forman, Winter Park, FL

Speakers: Steven Berrent, WilmerHale, New York, NY, Dan Regard, Intelligent Discovery Solutions, Inc., Washington, D.C., Christina Zachariasen, Navigant, Chicago, IL

Xie Xie: Thanks for Using Our Drywall ... and our Toxic Toys

11:15 am – 12:15 pm

Room: Salon D

U.S. tort litigation over products manufactured in China often focuses on other potential tortfeasors and their available insurance. This program will address the hurdles of suing companies located in China and the complicated insurance coverage issues associated with pursuing U.S. companies who use products manufactured in China such as drywall and other imported products.

Moderator: Melissa Lesmes, Pillsbury Winthrop Shaww Pittman LLP, Washington, D.C.

Speakers: Robert M. Darroch, Goodman, McGuffey, Lindsey, & Johnson, LLP, Atlanta, GA, Cheryl Falvey, General Counsel, United States Consumer Product Safety Commission, Washington, D.C., Frederick S. Longer, Levin, Fishbein, Sedran & Berman, Philadelphia, PA, Vanessa Serrano, Broad and Cassel, Ft. Lauderdale, FL

The Art of Closing Argument

11:15 am – 12:15 pm

Room: Salon IV

In this program, you will hear two renowned trial lawyers give closing arguments as the plaintiff and defendant, and then have a very candid discussion about their presentations. Through live demonstrations, technology, and video clips, unlock the secrets to making your closing argument a work of art.

Moderator: Alana Bassin, Bowman & Brooke LLP, Minneapolis, MN

Speakers: Robert S. Bennett, Hogan Lovells, Washington, D.C.,
Michele A. Roberts, Skadden, Arps, Slate, Meagher & Flom LLP, Washington, D.C.

Ethics 20/20

11:15 am – 12:15 pm

Room: Salon F

The Model Rules of Professional Conduct are being brought into the 21st century. Hear from members of the Ethics 20/20 Commission on significant changes that are being considered and be prepared to offer your views on the wisdom of the changes.

Moderator: Jamie Gorelick, WilmerHale, Washington, D.C.

Speakers: Lawrence J. Fox, Drinker Biddle & Reath LLP, Philadelphia, PA,
Carolyn B. Lamm, White & Case LLP, Washington, D.C., Judith Miller, Former
General Counsel, United States Department of Justice, Chevy Chase, MD

The Lessons of the Raj Rajaratnam Trial: Be Careful Who's Listening

11:15 am – 12:15 pm

Room: Salon G

The Raj Rajaratnam trial was one of the largest insider trading trials to occur in years, ending in a conviction through wiretaps. Could your client be next? Hear about the new surveillance techniques being used by prosecutors and witness a hypothetical case questioning the use of wiretaps.

Moderator: Howard Kaplan, Arkin Kaplan Rice LLP, New York, NY

Speakers: Hon. Richard J. Holwell, Holwell Shuster & Goldberg LLP, New York, NY,
NY, Mei Lin Kwan-Gett, Willkie Farr & Gallagher LLP, New York, NY,
Sanjay Wadhwa, Securities and Exchange Commission, Market Abuse Unit,
New York, NY, Richard Zabel, Criminal Division, United States Department of
Justice (SDNY), New York, NY

Is Commercial Arbitration All It's Cracked Up to Be?

1:45 pm – 2:45 pm

Room: Salon III

Arbitration is supposed to be a "faster and cheaper" way to resolve business disputes, but is it? Leading arbitration experts will discuss how to get arbitration back on track so it truly lives up to its billing as a faster and cheaper, but still fundamentally fair, way to resolve disputes.

Moderator: John Pinney, Graydon Head & Ritchey LLP, Cincinnati, OH

Speakers: Kathy Bryan, CPR Institute, New York, NY, M. Christina Cardenas,
Astigarraga Davis, Miami, FL, David W. Rivkin, Debevoise & Plimpton LLP,
New York, NY, Professor Tom Stipanowich, Pepperdine Law School, Malibu, CA

Legal Marketing in a Web 2.0 Environment: Top Ten Mistakes to Avoid

1:45 pm – 2:45 pm

Room: Salon E

This program addresses the top ten ethical and professional issues impacting marketing and legal services in a Web 2.0 environment, including examining what jurisdictions rules apply (and when); client testimonials and rating agencies; how to avoid picking up clients you don't know; and similar issues.

Moderator: Julie Sneed, Fowler White Boggs P.A., Tampa, FL

Speakers: Michael Downey, Armstrong Teasdale LLP, St. Louis, MO, John Martin,
Law Offices of John Martin, Chicago, IL, Lisa Vaughn, LisaVaughn.net Web
Marketing Consultant, Berea, KY

Program Descriptions

View from the Bench: Why Bad Things Happen to Good Litigators

1:45 pm – 2:45 pm

Room: Salon D

Most people learn from their mistakes, but why not learn from others' mistakes? Get a judge's-eye view of how lawyers thoughtlessly steal defeat from the jaws of victory. Using real examples, these judges will tell you how to say goodbye to those courtroom blunders you don't even know you're making.

Moderator: Robert M. Cary, Williams & Connolly LLP, Washington, D.C.

Speakers: Hon. Susan G. Braden, United States Court of Federal Claims, Washington, D.C., Hon. Ellen Segal Huvelle, United States District Court for the District of Columbia, Washington, D.C., Hon. Richard W. Roberts, United States District Court for the District of Columbia, Washington, D.C.

On Your Feet! Taking Oral Advocacy to the Next Level

1:45 pm – 2:45 pm

Room: Salon IV

Whether the bench is hot or cold, hostile or receptive, the court will give you only one chance to be heard orally. You need to make it count. This master class on oral advocacy will give you the tools to speak far more effectively on your feet.

Moderator: Brian Antweil, Akin Gump Strauss Hauer & Feld LLP, Houston, TX

Speakers: Professor Molly Bishop Shadel, University of Virginia School of Law, Charlottesville, VA, Hon. Bernice Donald, United States District Court for the Western District of Tennessee, Memphis, TN, Willie Gary, Law Firm of Gary, Williams, Lewis, Watson & Sperando, P.L., Stuart, FL, Dan K. Webb, Winston & Strawn LLP, Chicago, IL

Stranger in a Strange Land: Ethical and Compliance Challenges in International Disputes

1:45 pm – 2:45 pm

Room: Salon F

As businesses expand internationally, their attorneys' expertise must expand with them. Chances are that multinational companies will find themselves in an international dispute at some point. This program will explore cutting edge ethics and compliance issues concerning international business, including a discussion of recent developments and suggestions regarding best practices.

Moderator: D. Grayson Yeargin, Nixon Peabody LLP, Washington, D.C.

Speakers: Sharie Brown, DLA Piper, Washington, D.C., Marney Cheek, Covington & Burling LLP, Washington, D.C., Nathan J. Muyskens, Shook, Hardy & Bacon L.L.P., Washington, D.C., Cheryl Scarboro, Simpson Thacher & Bartlett LLP, Washington, D.C.

Xavier or Magneto? Mentoring Lessons from the X-Men

1:45 pm – 2:45 pm

Room: Salon G

Inspired by the 2011 McKinsey report, this panel will address inclusion in substantive business and firm opportunities, leadership training, as well as the evolution of mentoring relationships, mentoring do's and don'ts, the need for multiple mentors, and proposed solutions when a mentoring relationship fails.

Moderator: Paula Hinton, Vinson & Elkins LLP, Houston, TX

Speakers: Dorian Denburg, AT&T, Atlanta, GA, Randy Hayman, General Counsel, D.C. Water and Sewer Authority, Washington D.C., Tiffani Lee, Holland & Knight LLP, Miami, FL

Ethics Surrounding Attorney Fees: How to Agree to Them, Collect Them, Keep Them, and Persuasively Seek Them as Sanctions

3:00 pm – 4:00 pm

Room: Salon III

This program addresses a range of ethics and professionalism issues that arise when setting, earning, and collecting attorney fees. Issues to be addressed include: ethically structuring alternative fee arrangement; persuasively advocating for attorney fee awards; and avoiding the application of criminal asset forfeiture provisions.

Moderator: Jennifer Bechet, Stone Pigman Walther Wittmann L.L.C., New Orleans, LA

Speakers: Gregory Hanthorn, Jones Day, Atlanta, GA, Hon. Catharina Haynes, United States Court of Appeals for the Fifth Circuit, Dallas, TX, Marcellus A. McRae, Gibson Dunn, Los Angeles, CA

Power Strategy for Effective Lay Witness Examination

3:00 pm – 4:00 pm

Room: Salon IV

Top litigators will demonstrate how to present your case through lay witnesses. Live and video demonstrations will include how to: (a) demonstrate credibility; (b) reiterate your story; (c) deal with tough questions; (d) refute your opponent's story; (e) make your story the one the jury adopts; and (f) tell the corporate story.

Moderator: Erin C. Asborno, Forman Perry Watkins Krutz & Tardy LLP, Denver, CO

Speakers: Kevyn Orr, Jones Day, Washington, D.C., Christina M. Tchen, Chief of Staff to the First Lady and Executive Director of White House Council on Women and Girls, Washington, D.C.

Deposition Practice in Complex Cases: The Good, The Bad, and The Ugly

3:00 pm – 4:00 pm

Room: Salon D

This panel of experts (author, judge, law professor, and practitioner) will conduct a "nuts and bolts" review of deposition practice in complex civil cases, and will also review advanced tactics and techniques for handling difficult situations. The program will feature illustrative video clips presenting actual and hypothetical situations, for review by the panelists and the audience.

Moderator: C. Malcolm Cochran, IV, Richards, Layton & Finger, Wilmington, DE

Speakers: Gerald Ivey, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, D.C., Holly Loiseau, Weil, Gotshal, & Manges LLP, Washington, D.C., David M. Malone, Trial Run, Inc., Washington, D.C.

Banks Under Scrutiny: The Civil, Criminal, Regulatory, and Insurance Fallout from Mortgage Foreclosures and Bank Failures

3:00 pm – 4:00 pm

Room: Salon F

The mortgage foreclosure crisis, serial bank failures, and headline-grabbing government investigations all highlight risks not seen since the S&L crisis of 1989. Hear from government prosecutors and regulators, defense counsel representing financial institutions and D&Os, and coverage counsel who will be seeking insurance to help offset billions in losses.

Moderator: Donna Wilson, BuckleySandler LLP, Santa Monica, CA

Speakers: Linda D. Kornfeld, Jenner & Block LLP, Los Angeles, CA, Richard Osterman, Federal Deposit Insurance Corporation, Ashton, MD, Patrick Stokes, United States Department of Justice, Washington, D.C., D. Jean Veta, Covington & Burling LLP, Washington, D.C.

Maintaining Sanity in a Tough Economy

3:00 pm – 4:00 pm

Room: Salon G

There is a growing need to assist lawyers with the challenges and pressures associated with law practice, particularly as financial and technological developments continue to radically affect the profession. This program will first raise awareness about factors that may significantly impact and enhance the legal professional's ability to function optimally and constructively and then canvass the resources and assistance available.

Moderator: Ellen S. Pyle, McDermott Will & Emery, Washington, D.C.

Speakers: Professor Susan Daicoff, Florida Coastal School of Law, Jacksonville, FL, Denise Perme, Director, Lawyer Assistance Program, Washington, D.C., Jim Leffler, Executive Director, Lawyers Helping Lawyers, Richmond, VA, Carol Waldhauser, Executive Director, Lawyer Assistance Program, Wilmington, DE

Program Descriptions

The Federal Circuit: Guardian of Our Intellectual Property Crown Jewels

3:00 pm – 4:00 pm

Room: Salon E

The Federal Circuit has nationwide jurisdiction in a variety of subject areas, including the U.S. patent laws. In this program, two expert practitioners will argue a hypothetical patent appeal before three Federal Circuit judges. The participants will then discuss the unique aspects and challenges of cases within the Federal Circuit's purview.

Moderator: Gregory A. Castanias, Jones Day, Washington, D.C.

Speakers: Hon. William C. Bryson, United States Court of Appeals for the Federal Circuit, Washington, D.C., Allison E. Kerndt, Covington & Burling LLP, Washington, D.C., William F. Lee, WilmerHale, Boston, MA, Hon. Pauline Newman, United States Court of Appeals for the Federal Circuit, Washington, D.C., Hon. S. Jay Plager, United States Court of Appeals for the Federal Circuit, Washington, D.C.

Showcase Session:

Where are the Lawyers? An Investigation of Access to Justice for Children with No Counsel

4:15 pm – 5:30 pm

Room: Salons I & II

Children continuously face crises that affect their legal rights. Youth are bullied. Youth are abused, neglected, and abandoned. Youth are ordered to take psychotropic medication. Even when these issues reach a court, the child often has no right to a lawyer. This panel asks whether this is access to justice for our youth.

Moderator: Carrie Johnson, National Public Radio, Washington, D.C.

Speakers: Hon. Rosemary Barkett, United States Court of Appeals for the Eleventh Circuit, Miami, FL, Professor Benjamin H. Barton, University of Tennessee College of Law, Knoxville, TN, Bernardine Dohrn, Clinical Associate Professor of Law and immediate past director/founder of the Children and Family Justice Center, Northwestern University School of Law, Chicago, IL



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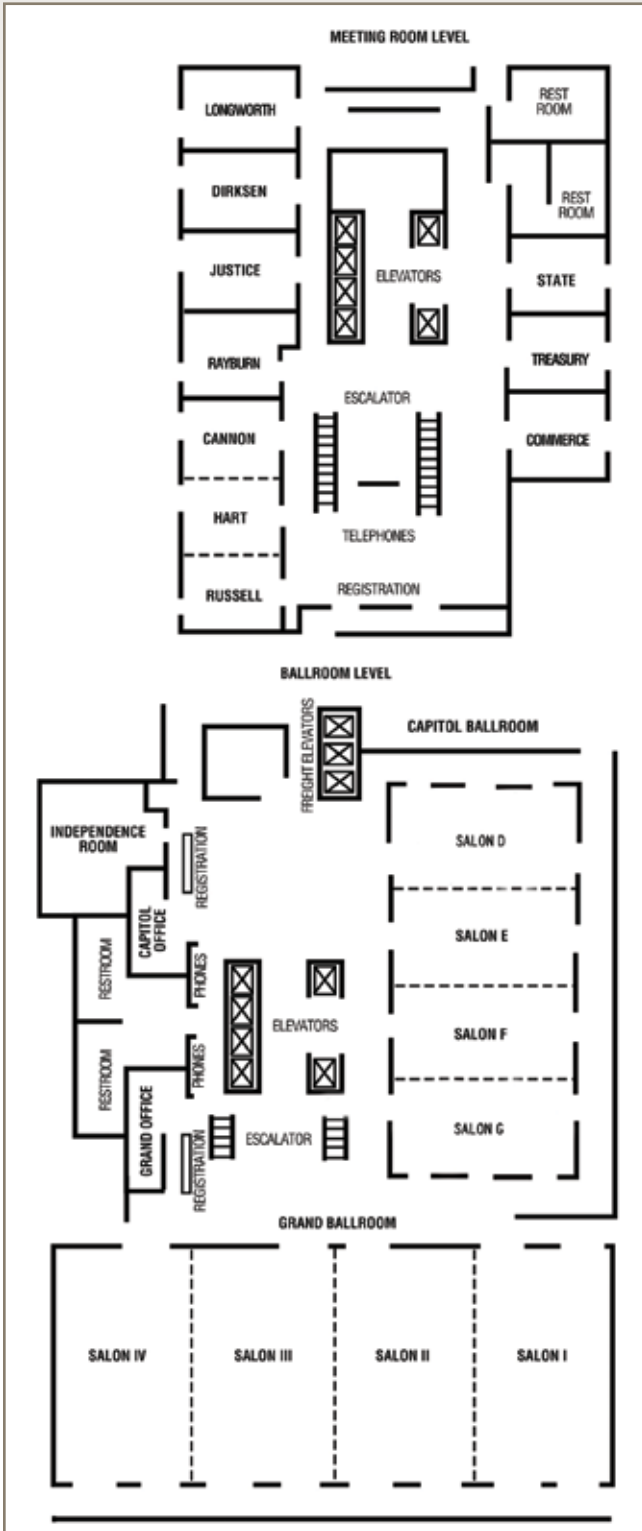
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