

SECTION OF LITIGATION &
CRIMINAL JUSTICE SECTION
ANNUAL CLE CONFERENCE

THE
**PREMIER
CLE EVENT**
FOR CIVIL & CRIMINAL
LITIGATORS

APRIL 13-15, 2011
THE FONTAINEBLEAU RESORT
MIAMI BEACH, FLORIDA

ON-SITE GUIDE



55 CLE Programs

200 Top Speakers

6 Networking Events

MCLE Credit

12.5 hours (including 8.75 hours of trial skills credit and 4.5 hours of ethics credit) have been requested in 60-minute states

15 hours (including 10.5 hours of trial skills credit and 5.4 hours of ethics credit) have been requested in 50-minute states

ABA
AMERICAN BAR ASSOCIATION
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Pursuing Justice**



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Tweet live from the Annual CLE
Conference using this hashtag: **#abalittle**

Welcome



Dear Colleague,

On behalf of the ABA Section of Litigation and the Criminal Justice Section, we are delighted to welcome you to Miami Beach for the Annual CLE Conference at the beautiful Fontainebleau Resort. This is the first time the Section of Litigation and the Criminal Justice Section have hosted their annual conferences together, and we hope you enjoy the additional programming.

We have an exciting conference with 55 CLE programs planned for you, including comprehensive trial skills training, presentations on the latest trends and developments for both civil and criminal litigators, and two exciting showcase presentations featuring some of the best litigators in the country. During the next two days, you will hear from leading practitioners on everything from discovery to the new federal rules to getting the most from your expert witness to conducting an internal investigation while the rest of the world watches.

We invite you to join us at the complimentary Welcome Reception on Wednesday, April 13, 2011. After programming concludes on Thursday afternoon, enjoy complimentary cocktails and hors d'oeuvres and learn all that our Committees have to offer at the *Committee Expo & Reception*. Following the *Expo*, join us for dinner under the stars at *Moonlight, Mojitos & Margaritas: An Evening on the Beach*. On Friday, please purchase your tickets for the *John Minor Wisdom Public Service and Professionalism Awards Luncheon*, where we will be entertained and educated by a panel of three nationally syndicated television court show judges as they discuss courtroom TV's impact on the legal system.

Enjoy the Conference, and we look forward to seeing you next year in Washington, D.C.

Sincerely,



Hilarie Bass
Chair, ABA Section of Litigation



Bruce Green
Chair, ABA Criminal Justice Section

CONFERENCE INFORMATION

Registration Desk Hours

Wednesday, April 13 2:00 PM – 6:30 PM
Thursday, April 14 7:30 AM – 5:30 PM
Friday, April 15 7:30 AM – 5:30 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.

Phone and Fax Numbers

Fontainebleau Miami Beach Hotel

4441 Collins Avenue
Miami Beach, FL 33140
www.fontainebleau.com

Hotel phone: (305) 538-2000
Fax: (305) 695-4850

Section of Litigation Registration Desk:

Phone: (305) 938-2600

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 Tara Blasingame at (312) 988-5664 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 be received in the ABA Section of Litigation office on or before April 6, 2011. There will be an administrative fee of \$50 deducted from the refund. After April 6, 2011, 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.



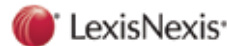
Section Bookstore

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! We accept major credit cards and personal checks.

Technology Center

Browse the web, check your email, or chat with friends and colleagues courtesy of LexisNexis. Review the news headlines and explore Miami Beach attractions. LexisNexis has generously provided computers at the Conference for the benefit of attendees. The Technology Center will be open to all attendees during registration hours.

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SPECIAL THANKS

The ABA Section of Litigation & the Criminal Justice Section would like to acknowledge the following bar associations for their participation in our Annual Conference:

- Broward County Bar Association
- Clearwater Bar Association
- Cuban American Bar Association
- Dade County Bar Association
- Federal Bar Association, South Florida Chapter
- Florida Association for Women Lawyers, Miami-Dade Chapter
- Florida Association of Criminal Defense Lawyers, Miami Chapter
- Hispanic Bar Association of Central Florida
- Hispanic National Bar Association
- Orange County Bar Association
- Volusia County Bar Association
- Wilkie D. Ferguson Jr. Bar



Performing Direct & Cross-Examinations in Civil & Criminal Trials

Thursday, 9:30 AM – 11:00 AM // Room: Fontaine

Learn how to build your case through direct and cross-examinations in either a civil or criminal trial as our panel of criminal and civil litigators use real scenarios and presentations to demonstrate the skill.

Moderator: [The Hon. Chief Judge Frederico A. Moreno](#), US District Court for the Southern District of Florida, Miami, FL

Speakers: [Kendall Coffey](#), Coffey Burlington P.L., Miami, FL; [Rita Glavin](#), Vinson & Elkins LLP, New York, NY; [Ervin Gonzalez](#), Colson Hicks Edison, Coral Gables, FL; [Michele A. Roberts](#), Akin Gump Strauss Hauer & Feld LLP, Washington, DC

If You Can't Pick a Jury, You Can't Win a Trial

Friday, 9:30 AM – 11:00 AM // Room: Fontaine

The latest trends and developments on jury selection will be explored during an interactive presentation by some of the country's top litigators.

Speakers: [Philip K. Anthony](#), DecisionQuest, Los Angeles, CA; [Robert A. Clifford](#), Clifford Law Offices, Chicago, IL; [Mayanne Downs](#), King, Blackwell, Downs & Zehnder, P.A., Orlando, FL; [Jose M. Quinon](#), Jose M. Quinon, P.A., Miami, FL; [Beth Wilkinson](#), Paul, Weiss, Rifkind, Wharton & Garrison LLP, Washington, DC

WEDNESDAY, APRIL 13

Speed Networking Event for Young Lawyers & First-Timers

5:00 PM – 6:00 PM // Room: Flicker

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. **No charge.**

Welcome & Outreach Reception and Presentation of the Section of Litigation Diversity Leadership Awards

6:00 PM – 7:30 PM // Room: Glimmer Terrace

Section of Litigation Chair Hilarie Bass and Criminal Justice Section Chair Prof. Bruce A. Green welcome Conference attendees to a complimentary networking cocktail reception at the beautifully renovated Fontainebleau Hotel. **No charge.**

This year's award recipients are:

John W. Kozyak, Miami, FL

American Airlines, Fort Worth, TX—award being accepted by Gary Kennedy

Sponsored by:



THURSDAY, APRIL 14

Practice Area Discussion & Networking Luncheons

12:45 PM – 1:45 PM // Room: See page 5 for room assignments

The Practice Area Discussion & Networking Luncheons offer excellent opportunities to network and discuss timely legal issues with attorneys in your practice areas from around the country. Please note that MCLE credit is not provided. **\$25 (Includes a boxed lunch)**

Sponsored by:



Committee Expo & Reception

5:30 PM – 7:00 PM // Room: Fontaine/Fleur de Lis

The Expo is open to all attendees and will feature leaders from all Section of Litigation Committees. Enjoy complimentary cocktails and hors d'oeuvres and learn what each Committee has to offer! **No charge.**

Moonlight, Mojitos & Margaritas: An Evening on the Beach

7:00 PM – 10:00 PM // Room: Ocean & La Cote Lawn

Location: Fontainebleau / Attire: Tropical / **Cost: \$100**

Sponsored by:



FRIDAY, APRIL 15

John Minor Wisdom Public Service & Professionalism Awards Luncheon

12:45 PM – 2:15 PM // Room: Fontaine/Fleur de Lis

These awards are presented to an individual and a firm in recognition of outstanding contributions to the equality of justice in their communities that ensure the legal system is open and available to all.

This year's award recipients are:

Daniel J. Wood, Los Angeles, CA

Morrison & Foerster LLP, New York, NY—award being accepted by Jamie Levitt

Sponsored by: Stone Pigman Walther Wittmann LLC

Be entertained and educated as three nationally syndicated television court show judges discuss court room TV's impact on the legal system.

Moderator: Hilarie Bass, Section Chair, Greenberg & Traurig, Miami, FL

Featured Speakers: Honorable Judge Alex Ferrer, former Florida Circuit Court Judge and host of the nationally syndicated court show *Judge Alex*; Honorable Judge Marilyn Milian, former Florida State Prosecutor, former Florida Circuit and County Court Judge and host of *The People's Court*; Honorable Judge Cristina Pereyra, former Circuit Court Judge of Miami Dade County Florida, Host of *Verdicto Final*

Cost: \$60

Thursday, 12:45 PM – 1:45 PM
\$25 (Includes a boxed lunch)

**Criminal Justice Section
Discussion Areas**

Ethics
Fontaine

Immigration
Fontaine

Solo and Small Firm
Fontaine

**Section of Litigation
Discussion Areas**

Appellate Practice
Glimmer 3-4

Bankruptcy and Insolvency Litigation
Fontaine

Business Torts Litigation
Glimmer 1-2

Children's Rights Litigation
Fontaine

Class Actions and Derivative Suits
Fontaine

Commercial and Business Litigation
Glimmer 5

Condemnation, Zoning and Land Use Litigation
Fontaine

Corporate Counsel
Fontaine

Criminal Litigation
Fontaine

Employment and Labor Relations Law
Shimmer

Environmental Litigation
Fontaine

Ethics and Professionalism
Fontaine

Expert Witnesses
Fontaine

First Amendment and Media Litigation
Fontaine

Health Law Litigation
Fontaine

Insurance Coverage Litigation
Fontaine

Intellectual Property Litigation
Flicker 1-2

**International Litigation and
Alternative Dispute Resolution**
Fontaine

Mass Torts Litigation
Fontaine

Minority Trial Lawyer
Fontaine

Pretrial Practice and Discovery
Fontaine

Products Liability
Fontaine

Professional Liability Litigation
Fontaine

Real Estate Litigation
Fontaine

Solo and Small Firm
Fontaine

Technology for the Litigator
Fontaine

The Woman Advocate
Glimmer 6-7

Trial Evidence
Fontaine

Trial Practice
Fontaine

SCHEDULE AT A GLANCE

TIME	PROGRAM // TITLE	TRACK // EVENT	ROOM
WEDNESDAY, APRIL 13			
5:00 PM – 6:00 PM	Speed Networking p. 4	Networking/Social Event	Flicker
6:00 PM – 7:30 PM	Welcome & Outreach Reception and Presentation of the Section of Litigation Diversity Leadership Awards p. 4	Networking/Social Event	Glimmer Terrace
THURSDAY, APRIL 14			
8:00 AM – 4:45 PM	Anatomy of a Trial: Young Lawyer Trial Skills Training (Skills) p. 13	Anatomy of a Trial: Young Lawyer Trial Skills	Flicker 3
8:00 AM – 9:15 AM	Dos and Don'ts When the Government Interviews Your Client p. 13	Best Practices for Defending Criminal Prosecution and Civil Investigations	Glimmer 3-4
8:00 AM – 9:15 AM	Hot Topics in Class Actions: A Landmark Year p. 13	Managing the Business Crisis: Investigation & Litigation	Flicker 1-2
8:00 AM – 9:15 AM	Monitoring: Past, Present & Future p. 13	Corporate Counsel	Glimmer 1-2
8:00 AM – 9:15 AM	Multiple-Track Litigation: Benefits and Dilemmas p. 13	The Perils of Parallel Proceedings	Shimmer
8:00 AM – 9:15 AM	Using the New Federal Rule to Get the Most out of Your Experts p. 14	The Expert Witness	Glimmer 6-7
8:00 AM – 9:15 AM	Who's in the Jury Box?: Jury Selection and Voir Dire in Civil and Criminal Trials (Skills) p. 3 & 14	Trial Skills	Glimmer 5
9:30 AM – 11:00 AM	Performing Direct & Cross-Examinations in Civil & Criminal Trials (Skills) p. 14	CLE Showcase Session	Fontaine
11:20 AM – 12:35 PM	A Square Peg in a Round Hole: Competing Discovery Concerns with Parallel Tracks p. 14	The Perils of Parallel Proceedings	Shimmer
11:20 AM – 12:35 PM	Getting the Most Value for Your Expert "Bucks": A Primer on Preparing Valuation Experts to Testify p. 14	The Expert Witness	Glimmer 6-7

TIME	PROGRAM // TITLE	TRACK // EVENT	ROOM
11:20 AM – 12:35 PM	Keep the Other Shoe from Dropping: Litigation Holds and Evidence Management p. 14	Managing the Business Crisis: Investigation & Litigation	Flicker 1-2
11:20 AM – 12:35 PM	Leveling the Playing Field: Uncovering and Rectifying Government Misconduct p.15	Best Practices for Defending Criminal Prosecution and Civil Investigations	Glimmer 3-4
11:20 AM – 12:35 PM	Litigation Management Roundtable: Let's Talk p.15	Corporate Counsel	Glimmer 1-2
11:20 AM – 12:35 PM	Why Can't I Tweet?: Proper and Improper Use of Technology in the Courtroom p.15	Trial Skills	Glimmer 5
12:45 PM – 1:45 PM	Practice Area Discussion & Networking Luncheons p.4 & 5	Networking/Social Event	Multiple Rooms <small>(see page 5 for room listings)</small>
1:00 PM – 5:00 PM	Legal Services Fundraising Training	Offsite Programming	Location graciously provided by Hunton & Williams LLP
2:00 PM – 3:15 PM	Civil or Criminal Prosecution of Economic Espionage and Trade-Secret Claims? p.15	Trial Skills	Glimmer 5
2:00 PM – 3:15 PM	Conducting the Internal Investigation While the Rest of the World Watches p.15	Managing the Business Crisis: Investigation & Litigation	Flicker 1-2
2:00 PM – 3:15 PM	General Counsel Forum: In Their Own Words p.15	Corporate Counsel	Glimmer 1-2
2:00 PM – 3:15 PM	Queen for a Day or Royal Fool? Perspectives on Limited Immunity Agreements and Corporate Proffers in Parallel Proceedings p.16	The Perils of Parallel Proceedings	Shimmer
2:00 PM – 3:15 PM	Things Civil Lawyers Should Know about Criminal Law p.16	Best Practices for Defending Criminal Prosecution and Civil Investigations	Glimmer 3-4
2:00 PM – 3:15 PM	Using Negotiated Settlements to Determine Damages: Sophisticated Analysis or Mind Reading? p.16	The Expert Witness	Glimmer 6-7
2:00 PM – 4:00 PM	CJS Academic Committee	Business Meeting	Conference 579

SCHEDULE AT A GLANCE

TIME	PROGRAM // TITLE	TRACK // EVENT	ROOM
THURSDAY, APRIL 14 <i>continued</i>			
2:00 PM – 4:00 PM	CJS Alternative to Incarceration & Diversion Committee	Business Meeting	Conference 576
3:30 PM – 4:45 PM	Attorney-Client Privilege and Work Product Protections in Light of <i>Akzo Nobel Chemical Ltd</i> (Ethics) p. 16	Recent Developments in Legal Ethics and the Courts	Glimmer 5
3:30 PM – 4:45 PM	Judicial Elections: A Threat to Independence and Impartiality? p. 16	Recent Developments in Legal Ethics and the Courts	Glimmer 1-2
3:30 PM – 4:45 PM	Lender Liability: Best Practices and Strategies for Defending and Avoiding Today's Lender Liability Claims p. 16	Legal Issues from the Real Estate and Financial Meltdown	Glimmer 3-4
3:30 PM – 4:45 PM	Minority Hiring and Retention: Is It a Black-and-White Issue? p. 17	Legal Issues in Society	Shimmer
3:30 PM – 4:45 PM	Post-Skilling: The Perils to Industry of Vague Criminal Statutes p. 17	White Collar	Flicker 1-2
3:30 PM – 4:45 PM	The Impact of <i>Padilla v. Kentucky</i> p. 17	Legal Issues in Society	Glimmer 6-7
5:00 PM – 6:00 PM	SOL Bankruptcy Litigation Committee	Business Meeting	Flicker 1-2
5:00 PM – 6:00 PM	SOL Business Torts Litigation Committee	Business Meeting	Glimmer 1-2
5:00 PM – 6:00 PM	SOL Criminal Litigation Committee	Business Meeting	Glimmer 6-7
5:00 PM – 6:00 PM	SOL Employment & Labor Law Committee	Business Meeting	Shimmer
5:00 PM – 6:00 PM	SOL Mass Torts Litigation Committee	Business Meeting	Glimmer 3-4
5:00 PM – 6:00 PM	SOL Solo & Small Firm Committee	Business Meeting	Glimmer 5
5:00 PM – 6:00 PM	SOL Young Advocates Committee	Business Meeting	Flicker 3

TIME	PROGRAM // TITLE	TRACK // EVENT	ROOM
5:00 PM	The Moral Dimensions of Prosecuting in a Time of Mass Incarceration and Racial Disparities: A Debate	Off-site Programming with Reception to follow	University of Miami School of Law 1311 Miller Drive, Alma Jennings Foundation Student Lounge, Coral Gables, FL
5:30 PM – 7:00 PM	Committee Expo & Reception p. 4	Networking/Social Event	Fontaine/Fleur de Lis
7:00 PM – 10:00 PM	Moonlight, Mojitos & Margaritas p. 4	Networking/Social Event	Ocean & La Cote Lawn
FRIDAY, APRIL 15			
8:00 AM – 9:15 AM	A New Day Has Dawned: Federal and State False Claims Act Litigation Is Now the Vanguard p. 17	White Collar	Glimmer 3-4
8:00 AM – 9:15 AM	Gulf Oil Spill Aftermath: Are ADR and Mass Disaster Litigation Like Oil and Water? p. 17	The Gulf Oil Disaster	Flicker 3
8:00 AM – 9:15 AM	Investigation, Disclosure, Truth and Falsity: The Ethical Duties of Counsel and the Court's Responsibilities (Ethics) p. 18	Recent Developments in Legal Ethics and the Courts	Glimmer 5
8:00 AM – 9:15 AM	Marketing Strategies for Women and Minority Litigators p. 18	Legal Issues in Society	Shimmer
8:00 AM – 9:15 AM	The Changing Supreme Court p. 18	E-Discovery and Court Updates	Flicker 1-2
8:00 AM – 9:15 AM	Voices from Above: Chief Bankruptcy Judges Speak p. 18	Legal Issues from the Real Estate and Financial Meltdown	Glimmer 1-2
8:00 AM – 9:15 AM	What to Do When the Government Freezes Your Client's Assets p. 18	White Collar	Glimmer 6-7
9:00 AM – 4:00 PM	Legal Services Fundraising Training	Off-site Programming	Location graciously provided by Hunton & Williams LLP
9:30 AM – 11:00 AM	If You Can't Pick a Jury, You Can't Win a Trial p. 3 & 18	CLE Showcase Session	Fontaine
11:15 AM – 12:30 PM	Mortgage Fraud Litigation 360 p. 19	Legal Issues from the Real Estate and Financial Meltdown	Glimmer 3-4

SCHEDULE AT A GLANCE

TIME	PROGRAM // TITLE	TRACK // EVENT	ROOM
FRIDAY, APRIL 15 continued			
11:15 AM – 12:30 PM	Ponzi Schemes and Crime Victim Restitution: Should the Bankruptcy Court or the US Attorney's Office Distribute Compensation? p. 19	Hot Topics in Criminal Law	Flicker 1-2
11:15 AM – 12:30 PM	Sue unto Others As You Would Have Them Sue unto You (Ethics) p. 19	Sean Carter: Humorist at Law	Glimmer 6-7
11:15 AM – 12:30 PM	Top Ten Blunders to Avoid in Depositions p. 19	Top Ten Blunders to Avoid in Your Practice	Glimmer 1-2
11:15 AM – 12:30 PM	Top Ten Mistakes We're Making in Mediation & Don't Even Know It p. 19	The Gulf Oil Disaster	Flicker 3
11:15 AM – 12:30 PM	Updates in the Foreign Corrupt Practices Act	Litigation Without Borders	Shimmer
11:15 AM – 12:30 PM	Winning Hearts and Minds: Teaching and Persuading Jurors in Complex Cases (Skills) p. 19	Trial Skills	Glimmer 5
12:45 PM – 2:15 PM	John Minor Wisdom Public Service & Professionalism Awards Luncheon p. 4	Networking/Social Event	Fontaine/Fleur de Lis
2:30 PM – 3:30 PM	Blogging, Friending, and Tweeting, Oh My!: The Legal and Ethical Issues of Playing in the Social Media Sandbox p. 20	Trial Skills	Glimmer 5
2:30 PM – 3:30 PM	Guidance Through a Rough and Often Uncharted E-Discovery Terrain p. 20	E-Discovery and Court Updates	Glimmer 3-4
2:30 PM – 3:30 PM	International Discovery in US Courts: An Analysis of the Use of 28 U.S.C. § 1782 p. 20	Litigation Without Borders	Shimmer
2:30 PM – 3:30 PM	Litigation in the Gulf: Enforcement Update p. 20	The Gulf Oil Disaster	Flicker 3
2:30 PM – 3:30 PM	Nice Lawyers Finish First (Ethics) p. 20	Sean Carter: Humorist at Law	Glimmer 6-7
2:30 PM – 3:30 PM	Top Ten Privilege and Privacy Blunders to Avoid in the Digital Age (Ethics) p. 20	Top Ten Blunders to Avoid in Your Practice	Glimmer 1-2

TIME	PROGRAM // TITLE	TRACK // EVENT	ROOM
2:30 PM – 3:30 PM	Understanding the Criminal Provisions of the Dodd-Frank Wall Street Reform & Consumer Protection Act of 2010 p. 21	Hot Topics in Criminal Law	Flicker 1-2
3:00 PM – 6:00 PM	Trying Children as Adults: Are We Doing it Right?	Off-site Programming: SOL Children’s Rights Committee & CJS Juvenile Justice Committee	Off-site at Morton’s Steakhouse
3:45 PM – 4:45 PM	Art of Storytelling p. 21	Trial Skills	Glimmer 5
3:45 PM – 4:45 PM	Better Safe than Sorry: Implementing E-Data Management Systems Now to Avoid Litigation Train Wrecks Later p. 21	E-Discovery and Court Updates	Glimmer 3-4
3:45 PM – 4:45 PM	But Who Pays the Bills?: Spotting and Handling the Complex Insurance Issues in Play for the Defense of Investigations, Criminal Prosecutions, and Ponzi Scheme Litigation p. 21	Hot Topics in Criminal Law	Flicker 1-2
3:45 PM – 4:45 PM	Causation and the Gulf Oil Disaster from Helen Palsgraf to BP: How Far Does Liability Extend? p. 21	The Gulf Oil Disaster	Flicker 3
3:45 PM – 4:45 PM	Don’t Try This at Home: Why You Should Never Act Like a TV Lawyer (Ethics) p. 21	Sean Carter: Humorist at Law	Glimmer 6-7
3:45 PM – 4:45 PM	How to Collect Your Nuts and Bolts: The Nuts and Bolts of Enforcing Judgments Here and Abroad p. 22	Litigation Without Borders	Shimmer
3:45 PM – 4:45 PM	Top Ten Blunders to Avoid in Front of a Jury (Skills) p. 22	Top Ten Blunders to Avoid in Your Practice	Glimmer 1-2
4:00 PM – 5:30 PM	CJS Town Hall Meeting on State of White Collar Crime with Reception following honoring Legendary Miami Lawyer Albert Krieger	Off-site Programming/ Reception	Off-site at Gansevoort 2377 Collins Avenue Miami Beach
5:00 PM – 6:00 PM	SOL Class Actions & Derivative Suits Committee	Business Meeting	Shimmer
5:00 PM – 6:00 PM	SOL Commercial & Business Litigation Committee	Business Meeting	Glimmer 5

SCHEDULE AT A GLANCE

TIME	PROGRAM // TITLE	TRACK // EVENT	ROOM
FRIDAY, APRIL 15 continued			
5:00 PM – 6:00 PM	SOL Intellectual Property Litigation Committee	Business Meeting	Glimmer 3-4
5:00 PM – 6:00 PM	SOL Securities Litigation Committee	Business Meeting	Glimmer 1-2
5:00 PM – 6:00 PM	SOL The Woman Advocate Committee	Business Meeting	Glimmer 6-7
SATURDAY, APRIL 16			
7:30 AM – 9:00 AM	CJS Executive Committee	Business Meeting	Conference Suite 585
7:30 AM – 9:00 AM	CJS Prosecution Function Committee	Business Meeting	Conference Suite 579
8:00 AM – 10:00 AM	CJS Juvenile Justice Committee	Business Meeting	Conference Suite 582
8:30 AM – 11:30 AM	SOL Council Meeting with Breakfast	Business Meeting	Flicker 3
9:00 AM – 11:00 AM	CJS Legislative & Policy Committee	Business Meeting	Conference Suite 582
9:00 AM – 11:00 AM	CJS Racial Justice Committee	Business Meeting	Conference Suite 579
9:00 AM – 5:00 PM	CJS Council Meeting	Business Meeting	Flicker 1-2
12:00 PM – 2:00 PM	CJS Defense Function Committee	Business Meeting	Conference Suite 582
1:00 PM – 2:00 PM	CJS Re-Entry & Collateral Consequences Committee	Business Meeting	Conference Suite 579
1:00 PM – 3:00 PM	CJS Corrections Committee	Business Meeting	Conference Suite 576
SUNDAY, APRIL 17			
9:00 AM – 12:00 PM	CJS Council Meeting	Business Meeting	Flicker 1-2



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THURSDAY, APRIL 14

8:00 AM – 4:45 PM // Room: Flicker 3**ANATOMY OF A TRIAL: YOUNG LAWYER TRIAL SKILLS TRAINING****Limited Registration; Preregistration Required.**

This program features lectures, demonstrations, and panel discussions on essential trial skills, including opening and closing statements and cross- and direct examinations. This one-day boot camp provides young trial lawyers with the opportunity to learn and improve their trial skills.

Speakers: **William R. Bay**, Thompson Coburn LLP, St. Louis, MO; **Pamela A. Bresnahan**, Vorys, Sater, Seymour and Pease LLP, Washington, DC; **Dean JoAnne A. Epps**, Temple University Beasley School of Law, Philadelphia, PA; **Julianne Farnsworth**, Farnsworth Law Firm LLC, Charleston, SC; **Keathan B. Frink**, Office of Criminal Conflict and Civil Regional Counsel, Fort Lauderdale, FL; **Hon. Marvin J Garbis**, US District Court for the District of Maryland, Baltimore, MD; **Prof. Bruce A. Green**, Fordham University School of Law, New York, NY; **Anthony Joseph**, Maynard Cooper & Gale PC, Birmingham, AL; **Terence MacCarthy**, Federal Defender Program, Chicago, IL; **Nina Marino**, Kaplan & Marino PC, Beverly Hills, CA; **Steven Molo**, MoloLamken, LLP, New York, NY; **Mark A. Neubauer**, Steptoe & Johnson, LLP, Los Angeles, CA; **Prof. Stephen A. Saltzburg**, George Washington University Law School, Washington, DC; **Susan L. Saltzstein**, Skadden, Arps, Slate, Meagher & Flom LLP, New York, NY; **Paul Mark Sandler**, Shapiro Sher Guinot & Sandler, Baltimore, MD; **Loma G. Schofield**, Debevoise & Plimpton, New York, NY; **Anne Swern**, Kings County District Attorney's Office, Brooklyn, NY; **Anthony N. Upshaw**, McDermott Will & Emery, Miami, FL

8:00 AM – 9:15 AM // Room: Glimmer 3-4**DOS AND DON'TS WHEN THE GOVERNMENT INTERVIEWS YOUR CLIENT**

A lively discussion among defense lawyers/former prosecutors and a former federal judge addressing how to advise your individual or corporate client who has become the subject of a grand jury or trial subpoena or search warrant, or that late-night knock on the door by a couple of federal agents requesting an "informal" interview.

Moderator: **Lawrence Finder**, Haynes and Boone LLP, Houston, TX

Speakers: **Jacqueline Becerra**, Greenberg Traurig, Miami, FL; **Abbe D. Lowell**, McDermott Will & Emery, Washington, DC; **Stephen C. Robinson**, Skadden, Arps, Slate, Meagher & Flom LLP, New York, NY

8:00 AM – 9:15 AM // Room: Flicker 1-2**HOT TOPICS IN CLASS ACTIONS: A LANDMARK YEAR**

The ground is shifting beneath class-action litigators, with the Supreme Court recently issuing decisions and granting certification on fundamental questions affecting Rule 23, the Consumer Finance Protection Bureau entering the fray, and CAFA changing litigation strategies and increasing the number of MDL proceedings. This panel will discuss what to anticipate and how to prepare for the changing landscape.

Speakers: **Jamie Bianchi**, White & Case LLP, Miami, FL; **Prof. Sergio Campos**, University of Miami Law School, Miami, FL; **Jocelyn Larkin**, The Impact Fund, Berkeley, CA; **Heather S. Lonian**, Stone Pigman Walther Wittmann LLC, New Orleans, LA

8:00 AM – 9:15 AM // Room: Glimmer 1-2**MONITORING: PAST, PRESENT & FUTURE**

Use of monitors is a growing trend. In the corporate crime arena, more deferred and non-prosecution agreements are being executed. Nearly half the time, monitors are appointed to oversee compliance. Monitors are also used to oversee consent decree compliance by non-corporate entities. This panel will discuss issues surrounding this phenomenon.

Moderator: **John Hanson**, Artifice Forensic Financial Services LLC, Washington, DC

Speakers: **Ron Goldstock**, Independent Private Sector Inspector General, Larchmont, NY; **Prof. Vikramaditya Khanna**, University of Michigan Law School, Ann Arbor, MI; **Lynn A. Neils**, Mayer Brown LLP, New York, NY; **George A. Stamboulidis**, Baker & Hostetler LLP, New York, NY

8:00 AM – 9:15 AM // Room: Shimmer**MULTIPLE-TRACK LITIGATION: BENEFITS AND DILEMMAS**

This program explores the issues raised by multiple agency actions. Our panel will pay particular attention to the recent initiatives to coordinate enforcement, issues presented by potential waivers of privilege, and limitations on communications between government divisions, between the government and private litigants, and between defendants.

Moderator: **David Z. Seide**, Federal Housing Finance Agency, Washington, DC

Speakers: **Glenn S. Gordon**, SEC Associate Regional Director, Miami, FL; **Thomas O. Gorman**, Dorsey & Whitney, Washington, DC; **Jeffrey Neiman**, US Attorney's Office for the Southern District of Florida, Fort Lauderdale, FL

continued...

PROGRAM DESCRIPTIONS

...Thursday, April 14 continued

8:00 AM – 9:15 AM // Room: Glimmer 6-7
USING THE NEW FEDERAL RULE TO GET THE MOST OUT OF YOUR EXPERTS

Dramatic and welcome changes to Rule 26 took effect in December 2010, revolutionizing your ability to utilize experts in trial preparation. Get practical advice on using the new rule to your best strategic advantage, cross-examining experts under the new rule, and agreeing to its use in venues beyond federal court.

Speakers: **Robert Craig**, Charles River Associates, Bryan, TX; **Cathleen M. Devlin**, Saul Ewing LLP, Philadelphia, PA; **Kimberly Gee Stith**, Waste Management, Houston, TX **Jeffrey J. Greenbaum**, Sills Cummis Epstein & Gross PC, Newark, NJ

8:00 AM – 9:15 AM // Room: Glimmer 5
WHO'S IN THE JURY BOX?: JURY SELECTION AND VOIR DIRE IN CIVIL AND CRIMINAL TRIALS

Voir dire is a vital component of any jury trial as attorneys attempt to weed out prospective jurors who may be unfavorable to their case. This program examines voir dire from both a civil and criminal attorney's perspective, demonstrating a mock jury-selection process that will provide practical insight into best practices concerning voir dire.

Speakers: **Angela Abel**, DecisionQuest, Atlanta, GA; **Hon. Jennifer D. Bailey**, Eleventh Judicial Circuit of Florida, Miami, FL; **Keathan B. Frink**, Office of Criminal Conflict and Civil Regional Counsel, Fort Lauderdale, FL; **Darryl G. McCallum**, Shawe Rosenthal LLP, Baltimore, MD; **David Prather**, Clark, Fountain La Vista, Prather, Keen & Littky-Rubin, West Palm Beach, FL

9:30 AM – 11:00 AM // Room: Fontaine
PERFORMING DIRECT & CROSS-EXAMINATIONS IN CIVIL & CRIMINAL TRIALS

Learn how to build your case through direct and cross-examinations in either a civil or criminal trial as our panel of criminal and civil litigators use real scenarios and presentations to demonstrate the skill.

Moderator: **The Hon. Chief Judge Frederico A. Moreno**, US District Court for the Southern District of Florida, Miami, FL

Speakers: **Kendall Coffey**, Coffey Burlington PL, Miami, FL; **Rita Glavin**, Vinson & Elkins LLP, New York, NY; **Ervin Gonzalez**, Colson Hicks Edison, Coral Gables, FL; **Michele A. Roberts**, Akin Gump Strauss Hauer & Feld LLP, Washington, DC

11:20 AM – 12:35 PM // Room: Shimmer
A SQUARE PEG IN A ROUND HOLE: COMPETING DISCOVERY CONCERNS WITH PARALLEL TRACKS

Competing discovery in parallel civil, criminal, and regulatory proceedings present some of the most complex issues for litigators. Our panel will address best practices for balancing discovery interests in these matters, including a discussion of Fifth Amendment issues and the ability of litigants to share discovery obtained in different proceedings.

Moderator: **D. Grayson Yeargin**, Nixon Peabody LLP, Washington, DC

Speakers: **Pamela Chepiga**, Allen & Overy LLP, New York, NY; **Jeffrey Dickstein**, US Attorney's Office, Southern District of Florida, Miami, FL; **Jeannie Rhee**, Office of Legal Counsel, Washington, DC

11:20 AM – 12:35 PM // Room: Glimmer 6-7
GETTING THE MOST VALUE FOR YOUR EXPERT "BUCKS": A PRIMER ON PREPARING VALUATION EXPERTS TO TESTIFY

The value of a business or property is often the subject of dispute in litigation. This program will use role-playing and personal anecdotes to explain and illustrate a battle-tested system for preparing valuation experts to testify that can be applied in virtually any expert-witness-preparation context.

Moderator: **Joan K. Archer**, Lathrop & Gage LLP, Kansas City, MO

Speakers: **Anthony B. Creamer III**, Navigant, Philadelphia, PA; **Kevyn D. Orr**, Jones Day, Washington, DC; **Lea Souza-Rasile**, Shook Hardy & Bacon LLP, Miami, FL

11:20 AM – 12:35 PM // Room: Flicker 1-2
KEEP THE OTHER SHOE FROM DROPPING: LITIGATION HOLDS AND EVIDENCE MANAGEMENT

The intersection between the common-law duty to preserve relevant information and a client's need to run a business is a complex one—especially when electronically stored information is in the mix. Relying on case law and guidance from the Sedona Conference, this program outlines best practices for implementing and monitoring litigation holds and using your opponent's failure to do so to his or her detriment.

Moderator: **Manuel Garcia-Linares**, Richman Greer P.A., Miami, FL

Speakers: **Tom O'Connor**, Gulf Coast Legal Technology Center, New Orleans, LA; **Ashish Prasad**, Discovery Services LLC, Chicago, IL; **Hon. Robin S. Rosenbaum**, US District Court for the Southern District of Florida, Fort Lauderdale, FL

11:20 AM – 12:35 PM // Room: Glimmer 3-4

**LEVELING THE PLAYING FIELD:
UNCOVERING AND RECTIFYING
GOVERNMENT MISCONDUCT**

During trial, the defendant learns that the government failed to produce potentially exculpatory documents and that a law-enforcement officer who investigated the case had an inappropriate relationship with a government witness. This program consists of oral arguments in support of and opposing the defendant's motion to dismiss the case.

Speakers: **Robert M. Cary**, Williams & Connolly, LLP, Washington, DC; **Silvia Piñera-Vasquez**, Piñera-Vasquez Law Firm, Miami, FL; **Richard A. Sharpstein**, Jordan Burt, LLP, Miami, FL; **Hon. Ursula M. Ungaro**, US District Court for the Southern District of Florida, Miami, FL

11:20 AM – 12:35 PM // Room: Glimmer 1-2

**LITIGATION MANAGEMENT ROUNDTABLE:
LET'S TALK**

Join us for an animated roundtable discussion where audience participation is not just encouraged—it's required! The roundtable discussion will focus on a variety of issues relating to the inside/outside counsel relationship and how we can work together to better serve our business clients in managing costs and expectations.

Moderator: **Richard L. Horwitz**, Potter Anderson & Corroon LLP, Wilmington, DE

Speakers: **Wes Holston**, Bressler, Amery & Ross, P.C., Miramar, FL; **Jeanne Lukasavage**, Becton, Dickinson & Company, Franklin Lakes, NJ; **Countess W. Price**, Monsanto Company, St. Louis, MO; **Julie S. Sneed**, Fowler White Boggs, Tampa, FL

11:20 AM – 12:35 PM // Room: Glimmer 5

**WHY CAN'T I TWEET?: PROPER AND IMPROPER
USE OF TECHNOLOGY IN THE COURTROOM**

Jurors and witnesses now use technology to research, blog, tweet, and post to Facebook and MySpace about their trials or depositions. This conduct can compromise the integrity of the legal process and has led to the exclusion of jurors, the imposition of fines, and mistrials. But what is to be done (if anything)?

Speakers: **Cynthia Cohen**, Verdict Success LLC, Manhattan Beach, CA; **Michael P. Downey**, Hinshaw & Culbertson LLP, St. Louis, MO; **Hon. Lael Elisabeth Montgomery**, Colorado 20th Judicial District Court, Boulder, CO; **Hon. Tiffany Williams**, New Jersey Office of Administrative Law, Trenton, NJ

2:00 PM – 3:15 PM // Room: Glimmer 5

**CIVIL OR CRIMINAL PROSECUTION
OF ECONOMIC ESPIONAGE AND TRADE-
SECRET CLAIMS**

Experienced prosecutors and civil litigators present the relative risks, costs, and benefits to businesses of pursuing trade-secret claims through criminal or civil channels. The panelists will also discuss federal statutory claims that enable trade-secret and related claims to be brought to federal as well as state courts.

Moderator: **Thomas A. Dye**, Carlton Fields P.A., West Palm Beach, FL

Speakers: **Mark L. Krotoski**, US Department of Justice, Washington, DC; **Linda K. Stevens**, Schiff Hardin LLP, Chicago, IL; **Gary D. Wexler**, IBM Corporation, Somers, NY

2:00 PM – 3:15 PM // Room: Flicker 1-2

**CONDUCTING THE INTERNAL INVESTIGATION
WHILE THE REST OF THE WORLD WATCHES**

Conducting an internal investigation in a high-profile case is challenging. The job is even tougher when the investigation's results inevitably become fodder for public and private litigation. Listen in as this panel of experts shares best practices for dealing with internal investigations when a massive tort litigation or government investigation looms on the horizon.

Speakers: **Ashish S. Joshi**, Lorandos Joshi, Ann Arbor, MI; **Gregory P. Miller**, Drinker Biddle & Reath LLP, Philadelphia, PA; **Ellen Zimiles**, Navigant, New York, NY

2:00 PM – 3:15 PM // Room: Glimmer 1-2

**GENERAL COUNSEL FORUM:
IN THEIR OWN WORDS**

This panel of prominent general counsel will share insights and exchange ideas on a variety of topics, including advising corporate clients, managing risk (including the potential for WikiLeaks postings), alternative fee arrangements and controlling legal spending, and the value of the legal relationship with outside counsel.

Moderator: **Tracey Salmon-Smith**, Bressler, Amery & Ross, P.C., Florham Park, NJ

Speakers: **Kirk G. Forrest**, LegalBizDev, New York, NY; **Elisa D. Garcia**, Office Depot, Boca Raton, FL; **Randy Hayman**, District of Columbia Water and Sewer Authority, Washington, DC; **Elizabeth Moore**, Consolidated Edison, New York, NY

PROGRAM DESCRIPTIONS

...Thursday, April 14 continued

2:00 PM – 3:15 PM // Room: Shimmer **QUEEN FOR A DAY OR ROYAL FOOL?:** **PERSPECTIVES ON LIMITED IMMUNITY** **AGREEMENTS AND CORPORATE PROFFERS** **IN PARALLEL PROCEEDINGS**

Limited-use immunity, or “Queen for a Day” agreements, present a host of practical and strategic issues. The considerations about whether an individual or corporation should make a proffer are particularly complex where parallel proceedings are involved and potential collateral consequences may be significant. The panel will discuss the pros and cons of proffers, limited-use immunity agreements, and applicable DOJ and SEC policies, as well as the potential collateral consequences corporations and individuals should consider when involved in parallel proceedings.

Moderator: **Kenneth C. Pickering**, Mirick O’Connell LLP, Worcester, MA

Speakers: **Erick I. Bustillo**, SEC, Miami Regional Office, Miami, FL; **Joan Silverstein**, US Attorney’s Office for the Southern District of Florida, Miami, FL; **Lee E. Stapleton**, Baker & McKenzie LLP, Miami, FL

2:00 PM – 3:15 PM // Room: Glimmer 3-4 **THINGS CIVIL LAWYERS SHOULD KNOW** **ABOUT CRIMINAL LAW**

This panel will focus on criminal-law issues confronted by civil practitioners, including the Fifth Amendment, obstruction of justice, and extortion in connection with record preservation and settlement negotiations, as well as the use of the restitution and victims’ rights laws to obtain monetary recoveries for clients through criminal rather than civil processes.

Moderator: **James Felman**, Kynes Markman & Felman, Tampa, FL

Speakers: **Hon. Mary Barzee-Flores**, Eleventh Judicial Circuit of Florida, Miami, FL; **Jane Moscovitz**, Moscovitz & Moscovitz, Miami, FL; **Robert O’Neil**, US Attorney, Middle District of Florida, Tampa, FL

2:00 PM – 3:15 PM // Room: Glimmer 6-7 **USING NEGOTIATED SETTLEMENTS TO** **DETERMINE DAMAGES: SOPHISTICATED** **ANALYSIS OR MIND READING?**

In damages analyses, considering settlements resulting from litigation has critical and controversial strategic implications. This program will address discovery, admissibility, and interpretation of these settlements and their underlying negotiations. It will also address the implications for third parties to current matters and for current potential settling parties in future matters.

Speakers: **Jeffery A. Beaver**, Graham & Dunn PC, Seattle, WA; **Hilda C. Galvan**, Jones Day, Dallas, TX; **Edward A. Gold**, Invotex Group, Washington, DC; **Celine Jimenez Crowson**, Hogan Lovells US LLP, Washington, DC;

3:30 PM – 4:45 PM // Room: Glimmer 5 **ATTORNEY-CLIENT PRIVILEGE AND WORK** **PRODUCT PROTECTIONS IN LIGHT OF AKZO** **NOBEL CHEMICAL LTD**

The resolution of *Akzo Nobel Chemicals Ltd and Akros Chemicals Ltd v. Commission of the European Communities* concerning attorney-client privilege and work product protections continues a lack of protection for communications, documents, and data in the hands of European company counsels. This panel will discuss the legal principles addressed in *Akzo* and the practical implications of the decision.

Moderator: **Barry J. Pollack**, Miller & Chevalier, Washington, DC

Speakers: **Gary H. Collins**, GE Energy Financial Services, Stamford, CT; **Prof. Luz Estella Nagle**, Stetson University College of Law, Gulfport, FL

3:30 PM – 4:45 PM // Room: Glimmer 1-2 **JUDICIAL ELECTIONS: A THREAT TO** **INDEPENDENCE AND IMPARTIALITY?**

A distinguished panel will examine how judicial independence can be influenced by the threat that special interests will support a candidate with an agenda in a contested election or initiate a recall campaign against, or organize opposition to, the retention of a jurist who issued an unpopular decision.

Moderator: **Mark S. Davidson**, Williams Kastner, Seattle, WA

Speakers: **Jesse Diner**, Atkinson, Diner, Stone, Mankuta & Ploucha, P.A., Fort Lauderdale, FL; **Justice Carol Hunstein**, Georgia Supreme Court, Atlanta, GA; **Justice Jorge Labarga**, Florida Supreme Court, Tallahassee, FL

3:30 PM – 4:45 PM // Room: Glimmer 3-4 **LENDER LIABILITY: BEST PRACTICES AND** **STRATEGIES FOR DEFENDING AND AVOIDING** **TODAY’S LENDER LIABILITY CLAIMS**

What are the best defense strategies when faced with today’s lender liability claims? How can financial institutions avoid liability and minimize their risk? Listen as our authoritative panel identifies the various risks and circumstances faced by lending institutions today and provides best practices to avoid lender liability and key insights on what to do once financial institutions are in litigation.

Speakers: **Paul T. Fox**, Greenberg Traurig, Chicago, IL; **Mark Kitchin**, M&I Marshall & Ilsley Bank, Shawnee, KS; **Maria L. Kreiter**, Godfrey & Khan, S.C., Milwaukee, WI; **Detra P. Shaw Wilder**, Kozyak Tropin & Throckmorton, P.A., Miami, FL

3:30 PM – 4:45 PM // Room: Shimmer
MINORITY HIRING AND RETENTION: IS IT A BLACK-AND-WHITE ISSUE?

With clients demanding that law firms hire minorities and placing minorities in positions of leadership and responsibility, questions abound: Are there enough quality minority hires to go around? Is the complaint valid that minorities and women are given preference over equally qualified white men? Why are clients pushing so hard? How can Middle America attract quality minority attorneys when big-city firms pay salaries that allow minority associates to pay off their loans? What issues face minorities when they are hired in Middle America? Panelists from around the country will address these and other issues faced by law firms striving for diversity.

Speakers: **Karen S. Ali**, Pepper Hamilton LLP, Philadelphia, PA; **Kimberly S. Amrine**, Frost Brown Todd LLC, Cincinnati, OH; **Donise E. Brown**, Starbucks, Hollywood, FL; **John W. Kozyak**, Kozyak Tropin & Throckmorton, P.A., Miami, FL

3:30 PM – 4:45 PM // Room: Flicker 1-2
POST-SKILLING: THE PERILS TO INDUSTRY OF VAGUE CRIMINAL STATUTES

Prosecutors have attempted to regulate business practices in several industries—including the pharmaceutical and financial services sectors—by applying broad criminal statutes to complex business practices in novel ways that leave market participants guessing where permissible aggressive business tactics end and possible criminal exposure begins. This panel will explore other regulatory schemes—beyond the Honest Services Fraud statute—that the DOJ has pushed to the outer boundaries of fair notice.

Moderator: **Christopher R. Hall**, Saul Ewing LLP, Philadelphia, PA

Speakers: **Vernon S. Broderick**, Weil Gotshal & Manges LLP, New York, NY; **T. Markus Funk**, Perkins Coie LLP, Denver, CO; **Jonathan Kolodner**, US Attorney's Office for the Southern District of New York, New York, NY

3:30 PM – 4:45 PM // Room: Glimmer 6&7
THE IMPACT OF PADILLA V. KENTUCKY

The US Supreme Court decision in *Padilla v. Kentucky* has resulted in new obligations for attorneys representing noncitizens accused of a crime. This important program will address both the mandates of *Padilla* and related motions to vacate judgment.

Moderator: **Sara Dill**, Law Offices of Sarah Elizabeth Dill PA, Miami, FL

Speakers: **Steven A. Goldstein**, Pozo, Goldstein & Gomez, LLP, Miami, FL; **Jason Linder**, Assistant US Attorney, Fort Lauderdale, FL; **Hon. Denise Slavin**, US Department of Justice, Miami, FL

FRIDAY, APRIL 15

8:00 AM – 9:15 AM // Room: Glimmer 1-2
A NEW DAY HAS DAWNED: FEDERAL AND STATE FALSE CLAIMS ACT LITIGATION IS NOW THE VANGUARD

This panel will provide a critical overview of key amendments to federal and state False Claims Acts, i.e., the recent amendments passed to the federal FCA through FERA and the Healthcare Reform Law, including the expanded delegation of authority to issue civil investigative demands (CIDs), the expanded liability for retention of overpayments, and the expanded categories of individuals protected by subsection 3730(H). We will also discuss how courts have addressed these amendments, including the retroactivity of certain amendments. The panel will also address the SEC, the FTC, the IRS, and Sarbanes-Oxley whistleblower provisions.

Moderator: **David L. Douglass**, Shook, Hardy & Bacon LLP, Washington, DC

Speakers: **Meredith S. Auten**, Morgan, Lewis & Bockius LLP, Philadelphia, PA; **Janet Goldstein**, Vogel, Slade & Goldstien LLP, Washington, DC; **Kristin Koehler**, Sidley Austin LLP, Washington, DC; **Marc A. Raspanti**, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, Philadelphia, PA

8:00 AM – 9:15 AM // Room: Flicker 3
GULF OIL SPILL AFTERMATH: ARE ADR AND MASS DISASTER LITIGATION LIKE OIL AND WATER?

This actively moderated panel will evaluate the claims-handling process under the Oil Pollution Act, common-law tort, and private funds and will discuss the impact of ongoing mass tort litigation on the utility of these processes and ADR feasibility for different types of oil-pollution claims arising from a disaster.

PROGRAM DESCRIPTIONS

...Friday, April 15 continued

Moderator: **Charles Denton**, Barnes & Thornburg LLP, Grand Rapids, MI

Speakers: **Victor M. Diaz**, Podhurst Orseck, P.A., Miami, FL; **William C. Mulvey, Jr.**, Gulf Coast Claims Facility, Washington, DC; **Nancy Scott Degan**, Baker Donelson Bearman Caldwell & Berkowitz, PC, New Orleans, LA

8:00 AM – 9:15 AM // Room: Glimmer 5
INVESTIGATION, DISCLOSURE, TRUTH, AND FALSITY: THE ETHICAL DUTIES OF COUNSEL AND THE COURT'S RESPONSIBILITIES

In an interactive format, a panel that includes a judge, prosecutor, defense lawyer, and civil litigator will explore cutting-edge ethical issues in civil and criminal investigations and coping with arguably false evidence. It will explore judicial responses when an attorney informs a court of proposed or past false evidence. What should a court do?

Moderator: **Prof. Ellen Yaroshesky**, Cardozo School of Law, New York, NY

Speakers: **John M. Barkett**, Shook Hardy & Bacon, Miami, FL; **Ellen Brotman**, Montgomery McCracken, Philadelphia, PA; **Hon. Marcia G. Cooke**, US District Court for the Southern District of Florida, Miami, FL; **William Shepherd**, Holland & Knight LLP, West Palm Beach, FL

8:00 AM – 9:15 AM // Room: Shimmer
MARKETING STRATEGIES FOR WOMEN AND MINORITY LITIGATORS

This program will address specific marketing strategies that women and minority litigators beginning their careers as associates or building their practices as junior partners should implement. Hear the career-development strategies that allowed our panel members to become the successful leaders they are today. Leave our program with insights on internal and external marketing, as well as the tools for a practical and meaningful marketing plan of your own.

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

Speakers: **Ramone A. Abadin**, Abadin Cook, Miami, FL; **Kelli Sager**, Davis Wright Tremaine LLP, Los Angeles, CA; **Nancy J. Sennett**, Foley & Lardner LLP, Milwaukee, WI

8:00 AM – 9:15 AM // Room: Flicker 1-2
THE CHANGING SUPREME COURT

With four new members in the last five years, the Supreme Court is a dramatically different institution. The panel will discuss trends in Supreme Court practice, focusing on changes in the selection of cases, the conduct of oral argument, and the Court's jurisprudence.

Moderator: **Kannon K. Shanmugam**, Williams & Connolly LLP, Washington, DC

Speakers: **Dahlia Lithwick**, Slate Magazine, Washington, DC; **Maureen E. Mahoney**, Latham & Watkins LLP, Washington, DC; **Sri Srinivasan**, O'Melveny & Myers LLP, Washington, DC

8:00 AM – 9:15 AM // Room: Glimmer 3-4
VOICES FROM ABOVE: CHIEF BANKRUPTCY JUDGES SPEAK

Every day, bankruptcy judges decide cases involving challenges to the extent, validity, and enforcement of liens; affirmative claims against lenders; and the effect of an alleged transfer of rights under loan agreements. Chief bankruptcy judges from the front lines will discuss current issues in real estate litigation.

Moderator: **Deborah D. Williamson**, Cox Smith Matthews Inc., San Antonio, TX

Speakers: **Hon. Carla E. Craig**, US Bankruptcy Court, Eastern District of New York, Brooklyn, NY; **Hon. Paul G. Hyman**, US Bankruptcy Court, Southern District of Florida, West Palm Beach, FL

8:00 AM – 9:15 AM // Room: Glimmer 6-7
WHAT TO DO WHEN THE GOVERNMENT FREEZES YOUR CLIENT'S ASSETS

Lawyers from the SEC, the US Attorney's Office, and private practice will discuss when, and under what authority, the government freezes assets in a securities enforcement action, criminal prosecution, or civil forfeiture action and what, if anything, counsel can do to access frozen assets to mount a defense.

Moderator: **Vincent P. (Trace) Schmeltz III**, Dewey & LeBoeuf LLP, Chicago, IL

Speakers: **Sharon Cohen Levin**, US Attorney's Office, Asset Forfeiture Unit, New York, NY; **Ghislaine Reid**, Gibbons P.C., New York, NY

9:30 AM – 11:00 AM // Room: Fontaine
IF YOU CAN'T PICK A JURY, YOU CAN'T WIN A TRIAL

The latest trends and developments on jury selection will be explored during an interactive presentation by some of the country's top litigators.

Speakers: **Philip K. Anthony**, DecisionQuest, Los Angeles, CA; **Robert A. Clifford**, Clifford Law Offices, Chicago, IL; **Mayanne Downs**, King, Blackwell, Downs & Zehnder, P.A., Orlando, FL; **Jose M. Quinon**, Jose M. Quinon, P.A., Miami, FL; **Beth Wilkinson**, Paul, Weiss, Rifkind, Wharton & Garrison LLP, Washington, DC

11:15 AM – 12:30 PM // Room: Glimmer 3-4
MORTGAGE FRAUD LITIGATION 360

Explore mortgage fraud litigation from the perspectives of the bench, practitioners, and lenders. Experts will examine the claims, defenses, and strategies involved in mortgage fraud litigation that affect buyers and sellers, borrowers, and professionals, including real-estate appraisers, brokers, title companies, closing agents, and attorneys.

Moderator: **Michael K. Winston**, Carlton Fields, P.A., West Palm Beach, FL

Speakers: **R. Scott Palmer**, Special Counsel, Office of the Attorney General, State of Florida, Tallahassee, FL; **Michael D. Pollack**, Federal Deposit Insurance Corp., Arlington, VA; **Hon. Meenu T. Sasser**, 15th Judicial Circuit of Florida, West Palm Beach, FL

11:15 AM – 12:30 PM // Room: Flicker 1-2
PONZI SCHEMES AND CRIME VICTIM RESTITUTION: SHOULD THE BANKRUPTCY COURT OR THE US ATTORNEY'S OFFICE DISTRIBUTE COMPENSATION?

The Madoff, Stanford, and Rothstein Ponzi schemes have shocked the legal system with their enormity. They have also implicated the use of multiple legal actions and remedies, including civil (especially bankruptcy proceedings) and criminal. This program addresses the interplay between those remedies with a focus on the balance between the rights of victims of a crime and those of a creditor in a bankruptcy proceeding.

Moderator: **Peter F. Valori**, Damian & Valori LLP, Miami, FL

Speakers: **Leyza Blanco**, Gray Robinson, Miami, FL; **Hon. Laurel Isicoff**, US Bankruptcy Court Judge, Miami, FL; **Marcos Jiménez**, Kasowitz Benson LLP, Miami, FL

11:15 AM – 12:30 PM // Room: Glimmer 6-7
SUE UNTO OTHERS AS YOU WOULD HAVE THEM SUE UNTO YOU

Increasingly, lawyer civility and congeniality is becoming a thing of the past. Yet, it doesn't have to be that way. In this humorous presentation, a veteran attorney and legal humorist, Sean Carter, will remind you that zealous advocacy does not require you to be a zealot.

Speaker: **Sean Carter**, Lawpsided Seminars, Mesa, AZ

11:15 AM – 12:30 PM // Room: Glimmer 1-2
TOP TEN BLUNDERS TO AVOID IN DEPOSITIONS

Using entertaining and informative clips from real

depositions, a panel of leading litigators share their faux pas, lessons learned, and best practices for taking and defending depositions.

Moderator: **David Wolfsohn**, Woodcock Washburn LLP, Philadelphia, PA

Speakers: **Candace Duff**, Greenberg Traurig, Miami, FL; **Herman J. Russomanno**, Russomanno & Borrello, P.A., Miami, FL; **Anna D. Torres**, Powers, McNalis, Torres, & Teebagy, West Palm Beach, FL

11:15 AM – 12:30 PM // Room: Flicker 3
TOP TEN MISTAKES WE'RE MAKING IN MEDIATION & DON'T EVEN KNOW IT

Florida was one of the first states to mandate mediation 25 years ago. Since then, it has boasted some of the most experienced groups of mediators in the country. This session will allow you to learn from these masters to better advocate before, during, and after your next mediation.

Speakers: **Lynn H. Cole**, Law Offices of Lynn Cole, P.A., Tampa, FL; **Edward Mullins**, Astigarraga Davis Mullins & Grossman P.A., Miami, FL; **Michael Orfinger**, Upchurch, Watson, White & Max, Daytona Beach, FL; **Pamela I. Perry**, Dresnick, Rodriguez & Perry, P.A., Miami, FL

11:15 AM – 12:30 PM // Room: Shimmer
UPDATES IN THE FOREIGN CORRUPT PRACTICES ACT

According to the Wall Street Journal, the US Department of Justice and the Securities and Exchange Commission have opened an investigation into Hewlett-Packard's operations in Russia on suspicion of violating the Foreign Corrupt Practices Act (FCPA). This is another example of the United States ramping up its investigation and enforcement efforts under the FCPA. This panel will discuss the recent developments in the application of the FCPA.

Speakers: **Brigida Benitez**, Inter-American Development Bank, Washington, DC; **Mayda Prego**, Chevron, Houston, TX; **Andres Rivero**, Rivero Mestre LLP, Miami, FL; **Mauro M. Wolfe**, Duane Morris LLP, New York, NY

11:15 AM – 12:30 PM // Room: Glimmer 5
WINNING HEARTS AND MINDS: TEACHING AND PERSUADING JURORS IN COMPLEX CASES

Successful trial advocacy demands the presentation of complicated concepts and issues in a straightforward and persuasive manner. Effective communication with jurors on such issues can be difficult, however. This program will explore ways that talented trial lawyers use demonstratives,

continued...

PROGRAM DESCRIPTIONS

...Friday, April 15 continued

teaching techniques, and storytelling to teach jurors in complex cases.

Moderator: **Alan M. Fisch**, Kaye Scholer LLP, Washington, DC

Speakers: **Angela Abel**, DecisionQuest, Atlanta, GA; **Hon. Chad Everingham**, US District Court of the Eastern District of Texas, Marshall, TX; **William F. Lee**, Wilmer Hale, Boston, MA

2:30 PM – 3:30 PM // Room: Glimmer 5
BLOGGING, FRIENDING, AND TWEETING, OH MY! THE LEGAL AND ETHICAL ISSUES OF PLAYING IN THE SOCIAL MEDIA SANDBOX

Social media has had a major impact on the legal world and has changed the way lawyers communicate. Jury members are “tweeting” and clients make admissions on blogs. This program will explore the legal, ethical, and practical issues of social media, potential pitfalls to avoid, and how to act and advise clients on what not to do online.

Moderator: **John P. Hutchins**, Troutman Sanders LLP, Atlanta, GA

Speakers: **Patricia Eastwood**, Caterpillar Financial Services Corp, Franklin, TN; **Prof. Jan L. Jacobowitz**, University of Miami Law School, Coral Gables, FL; **Sabrina Simon**, Burger King, Miami, FL

2:30 PM – 3:30 PM // Room: Glimmer 3-4
GUIDANCE THROUGH A ROUGH AND OFTEN UNCHARTED E-DISCOVERY TERRAIN

E-discovery rules are here to stay, and the focus has shifted to understanding the requirements of the rules. As courts weigh in on interpreting obligations, implementing the rules into your practice can be a daunting task. An all-star panel will highlight pertinent opinions and discuss how the law will develop.

Moderator: **Kent A. Lambert**, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, New Orleans, LA

Speakers: **Hope T. Cannon**, Bradley Arant Boult Cummings LLP, Birmingham, AL; **Gary M. Pappas**, Carlton Fields, P.A., Miami, FL; **Hon. Karla R. Spaulding**, US Magistrate Court for the Middle District of Florida, Orlando, FL

2:30 PM – 3:30 PM // Room: Shimmer
INTERNATIONAL DISCOVERY IN US COURTS: AN ANALYSIS OF THE USE OF 28 U.S.C. § 1782

28 U.S.C. § 1782 is an often-overlooked federal statute. Using recent examples from § 1782 proceedings from across the United States, the panel will focus on the procedural prerequisites to obtaining § 1782 discovery, as well as the practical considerations and useful tips for formulating an effective § 1782 discovery request. The panel

will also discuss the legislative history of the statute and the leading US Supreme Court case setting forth the applicable standard that courts should apply in deciding whether to permit discovery.

Speakers: **Richard Lorenzo-Mesa**, Hogan Lovells, Miami, FL; **Amanda McGovern**, Gilbride, Heller & Brown, P.A., Miami, FL; **Jorge A. Mestre**, Rivero Mestre, LLP, Miami, FL; **David M. Orta**, Arnold & Porter LLP, Washington, DC

2:30 PM – 3:30 PM // Room: Flicker 3
LITIGATION IN THE GULF: ENFORCEMENT UPDATE

This panel of lead counsel from the US Department of Justice and State of Louisiana will provide a first-hand analysis of state and federal government enforcement efforts, civil and criminal, resulting from the Deep Water Horizon incident. The panel's discussion also will include a breakdown of Louisiana's natural resource damage claims and examine previous DOJ enforcement actions for oil spill-related incidents.

Speakers: **Kris Dighe**, US Department of Justice, Environment and Natural Resources Division, Washington, DC; **Shannon N. Gilreath**, US Coast Guard, Washington, DC; **Megan Terrel**, Louisiana Office of the Attorney General, Baton Rouge, LA; **Jon Waldron**, Blank Rome, LLP, Washington, DC

2:30 PM – 3:30 PM // Room: Glimmer 6-7
NICE LAWYERS FINISH FIRST

It's been said that nice guys finish last. And while that might be true in the rough-and-tumble arenas of politics and professional prize fighting, nothing could be farther from the truth in the practice of law. Nice lawyers finish first—and so do their firms and clients!

Speaker: **Sean Carter**, Lawpsided Seminars, Mesa, AZ

2:30 PM – 3:30 PM // Room: Glimmer 1-2
TOP TEN PRIVILEGE AND PRIVACY BLUNDERS TO AVOID IN THE DIGITAL AGE

E-discovery presents novel, and largely unsettled, ethical issues regarding privacy and privilege, and case law is in flux. Using real-world scenarios, our panel will show you how to avoid waiving privilege and breaching your ethical obligations.

Speakers: **Todd J. Marlin**, Navigant, New York, NY; **Hon. Chris M. McAliley**, US District Court for the Southern District of Florida, Miami, FL; **John H. McDowell, Jr.**, Andrews Kurth LLP, Dallas, TX

2:30 PM – 3:30 PM // Room: Flicker 1-2

UNDERSTANDING THE CRIMINAL PROVISIONS OF THE DODD-FRANK WALL STREET REFORM & CONSUMER PROTECTION ACT OF 2010

The Dodd-Frank Act imposes sweeping financial industry reforms, including new and enhanced criminal penalties on everything from insider trading to whistle-blower laws. But does it adequately identify what conduct is criminalized? Experts will discuss the key changes, their anticipated impact on government investigations and corporate compliance, and potential defenses.

Speakers: **Stacey F. Gottlieb**, Greenberg Traurig, Phoenix, AZ; **Tracy Salmon-Smith**, Bressler, Amery & Ross, P.C., Florham Park, NJ; **Teresa Verges**, US Securities and Exchange Commission, Miami, FL; **Andrew T. Wise**, Miller & Chevalier, Washington, DC

3:45 PM – 4:45 PM // Room: Glimmer 5

ART OF STORYTELLING

Learning to develop the right story will help you effectively communicate your case and bring your evidence to life, permitting others to see your case precisely the way you want them to see it. Whether you are a seasoned professional or just starting out, the Art of Storytelling will transform and revitalize how you approach all of your cases.

Moderator: **Michael R. Moore**, Beadle County State's Attorney, Huron, SD

Speakers: **Brian Carney**, WIN Interactive, Quincy, MA; **Lohra Miller**, Salt Lake County DA Office, Salt Lake City, UT; **Raffi Yessayan**, Law of Raffi Yessayan, Quincy, MA

3:45 PM – 4:45 PM // Room: Glimmer 3-4

BETTER SAFE THAN SORRY: IMPLEMENTING E-DATA MANAGEMENT SYSTEMS NOW TO AVOID LITIGATION TRAIN WRECKS LATER

The failure to have appropriate systems for the management of electronically stored information can have serious consequences. The obligation of companies and their counsel in regard to data preservation and litigation holds is a moving target, but have no fear, an e-savvy panel will provide best practices for e-data management.

Moderator: **Betsy P. Collins**, Burr & Forman LLP, Mobile, AL

Speakers: **Holly R. Skolnick**, Greenberg Traurig, Miami, FL; **Brandon R. Williams**, Alston & Bird LLP, Atlanta, GA

3:45 PM – 4:45 PM // Room: Flicker 1-2

BUT WHO PAYS THE BILLS?: SPOTTING AND HANDLING THE COMPLEX INSURANCE ISSUES IN PLAY FOR THE DEFENSE OF INVESTIGATIONS, CRIMINAL PROSECUTIONS, AND PONZI SCHEME LITIGATION

After claims are made and lawsuits are filed, will insurance advance defense fees and pay for settlements or judgments? This panel will address the coverage issues endemic to formal and informal investigations by the SEC or DOJ, written demands, subpoenas, civil litigation addressing Ponzi-scheme-related losses, and other critical insurance issues.

Moderator: **Marnie M. Hammel**, Marsh, Inc. FinPro, Washington, DC

Speakers: **Zesara C. Chan**, Shartsis Friese, LLP, San Francisco, CA; **Lee Shidlofsky**, Visser & Shidlofsky, Austin, TX; **Cara Tseng Duffield**, Wiley Rein LLP, Washington, DC

3:45 PM – 4:45 PM // Room: Flicker 3

CAUSATION AND THE GULF OIL DISASTER FROM HELEN PALSGRAF TO BP: HOW FAR DOES LIABILITY EXTEND?

The legal propriety and causation-related issues presented in lawsuits related to the Gulf oil spill seem to be stretching the limits of proximate cause. Hear reactions from the plaintiff and defense perspective, judicial insights, and an economic expert's analysis, as well as predictions for the impact of these claims in other practice areas, including mass torts and products liability.

Speakers: **Dr. Debra Aron**, Navigant Economics, Evanston, IL; **Rhon Jones**, Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., Montgomery, AL; **Hon. Jose Martinez**, US District Court for the Southern District of Florida, Miami, FL

3:45 PM – 4:45 PM // Room: Glimmer 6-7

DON'T TRY THIS AT HOME: WHY YOU SHOULD NEVER ACT LIKE A TV LAWYER

Lawyers on our favorite legal dramas—*Boston [L] Legal*, *The [Mal]Practice*, *L.A. Law*[less]—often violate our standards of professionalism. See how our TV counterparts often confuse being a zealous advocate with being a zealot. You will also receive tips on how to reduce hostility in interactions with difficult opposing counsel, diffuse tension among warring clients, and preserve the integrity of the profession.

Speaker: **Sean Carter**, Lawspided Seminars, Mesa, AZ

continued...

...Friday, April 15 continued

3:45 PM – 4:45 PM // Room: Shimmer
**HOW TO COLLECT YOUR NUTS AND BOLTS:
THE NUTS AND BOLTS OF ENFORCING
JUDGMENTS HERE AND ABROAD**

You've gotten your judgment—now what? This program provides a practical framework on how and where to enforce domestic and foreign judgments, including using discovery tools, securing assets, and avoiding the pitfalls of judicial recognition. This panel is critical for any litigator—attend or your next victory could be pyrrhic.

Moderator: **Gregory S. Grossman**, Astigarraga Davis Mullins & Grossman, Miami, FL

Speakers: **Lea Haber Kuck**, Skadden, Arps, Slate, Meagher & Flom LLP, New York, NY; **Laura Mendes Bumachar**, Tauli & Chequer, São Paulo, Brazil; **Hon. Vance Salter**, Florida Third District Court of Appeal, Miami, FL

3:45 PM – 4:45 PM // Room: Glimmer 1-2
**TOP TEN BLUNDERS TO AVOID IN
FRONT OF A JURY**

A prominent federal judge and two renowned trial lawyers share their missteps at trial and provide their wisdom and insight about jury trial practice.

Moderator: **Christina L. Dixon**, The Waltz Law Firm, Denver, CO

Speakers: **Deborah Gander**, Colson Hicks Eidson, Coral Gables, FL; **Hon. Alan S. Gold**, US District Court for the Southern District of Florida, Miami, FL; **Michael S. Pasano**, Carlton Fields P.A., Miami, FL

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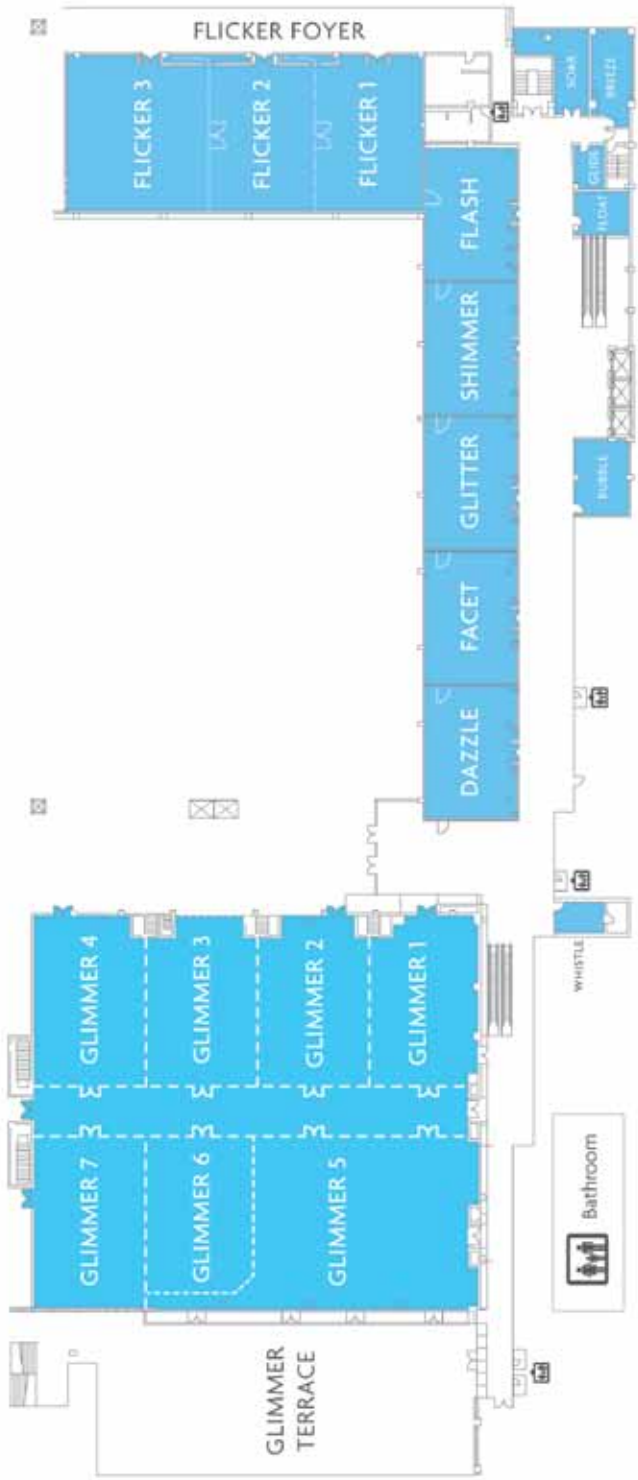
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The Section of Litigation and the Criminal Justice Section welcome the following exhibitors to the 2011 Annual CLE Conference. Please take a moment to visit the exhibitor area in the Glimmer Foyer on level four of the Fontainebleau Resort and explore how our exhibitors can enhance your practice.

Hours: Thursday, April 14, and Friday, April 15, 8:00 AM – 5:00 PM



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