Damages Seminar

March 18–20, 2009
Bellagio
Las Vegas, Nevada



Presented by DRI's Trial Tactics Committee

Who Should Attend

- Defense attorneys
- In-house counsel
- Risk managers
- Claims professionals
- Human resource managers
- Expert witnesses



Experiese SUPEORT networking ADVANETAGE









DRI's 2009 Damages Seminar is a must for anyone who tries cases, evaluates cases, or manages risk. This year's dynamic faculty is comprised of federal and state judges, top-notch trial lawyers, former in-house counsel, and a nationally recognized jury consultant. You will learn the latest tactics and theories that plaintiffs are employing, as well as techniques for presenting your client's case in a way that diffuses the appeal of the plaintiff's claims. The faculty will demonstrate methods of dealing with emotionally charged issues like race and severe injuries to children, along with tactical issues like negotiating with codefendants and plaintiffs. You will also hear proven strategies for minimizing damages at trial from experienced judges who have seen them put to the test.

Building on last year's successful networking and client development event, the Trial Tactics Committee will host a networking and client development workshop on Wednesday afternoon. In-house counsel from some of the country's largest companies will be participating in this event, which will provide practical tips and insights on marketing yourself and your firm to prospective clients. In addition, the workshop will include a program designed to facilitate networking with other attorneys to develop referral relationships. This can't-miss event is included in your registration fee! We look forward to seeing you in Las Vegas.

CHRISTOPHER A. BOTTCHER

Program Chair

ROBIN D. PITTMAN

Program Vice Chair

SIDNEY K. KANAZAWA
Committee Chair

Steven Gerber

Law Institute

What You Will Learn

- How to grow your book of business
- How to defend racially charged cases
- How to defend cases involving Complex Regional Pain Syndrome (CRPS)
- How to mediate multi-party cases effectively
- How to defend high exposure cases where liability is not seriously contested
- How to insulate your client from evidence of similar accidents, incidents and conduct
- How to manage trial presentations effectively in high stakes cases
- How to minimize the impact of emotional distress damages in personal injury cases

	WEDNESDAY, MARCH 18, 2009
2:00 p.m.	Registration
3:00 p.m.	Panel Discussion with In-House Counsel on Client Development
4:00 p.m.	Refreshment Break Sponsored by Shook Hardy & Bacon LLP
4:15 p.m.	ROUNDTABLE DISCUSSIONS ON CLIENT DEVELOPMENT
5:00 p.m.	Adjourn
5:00 p.m.	REGISTRATION (continues)
5:30 p.m.	Networking Reception Sponsored by Matson Driscoll & Damico
	THURSDAY, MARCH 19, 2009
	Boarding Pass Kiosk Sponsored by Swift Currie McGhee & Hiers LLP
	Internet Café Sponsored by Hodges Walsh & Slater LLP
7:00 a.m.	Registration
7:00 a.m.	Continental Breakfast Sponsored by Sirote & Permutt PC
7:00 a.m.	First-Time Attendees Breakfast
8:00 a.m.	Welcome and Introduction Sidney K. Kanazawa, <i>McGuireWoods LLP</i> , Los Angeles, California Christopher A. Bottcher, <i>Sirote & Permutt PC</i> , Birmingham, Alabama
8:20 a.m.	THE STRATEGIC USE OF PRETRIAL MOTIONS TO FACILITATE A BETTER TRIAL OUTCOME Mr. Polsenberg will discuss practical tactics for controlling damages in high stakes cases. His presentation will suggest specific examples of what to file, when, and why. Daniel F. Polsenberg, <i>Lewis and Roca LLP</i> , Las Vegas, Nevada
9:10 a.m.	Developments in Damages in Class Action Litigation In today's economic climate, the threat of class actions looms large. Recent developments in key statutes and case law make it more important than ever to stay abreast of nuances in the law. Mr. McInerney will discuss the defenses and strategies you need to know. Kerry P. McInerney, Sirote & Permutt PC, Birmingham, Alabama

10:00 a.m.	Refreshment Break Sponsored by Lewis Wagner
10:15 a.m.	Handling Racially Charged Cases
1011)	This presentation will focus on how to diffuse, manage, and/or address racial issues in litigation. The speakers will discuss specific tactics based upon their years of experience handling racially charged cases.
	William B. Hill, Jr., <i>Ashe Rafuse & Hill LLP</i> , Atlanta, Georgia
	Andrew M. Sheldon, J.D., Ph.D., SheldonSinrich LLC, Atlanta, Georgia
11:15 a.m.	Selecting the Best Jury in a Hostile Venue
	Tips for selecting a jury in a hostile court with an adversary who has a larger than life reputation in that courthouse.
	John F. Renzulli, <i>Renzulli Law Firm</i> , White Plains, New York
12:00 p.m.	Networking Luncheon (included in registration)
	Sponsored by Sweetin Bleeke
1:30 p.m.	Challenging the Admission of Other Accidents, Incidents and Conduct
	Mr. Powell will address a variety of potential challenges to the admission of so-called "other similar incidents" at trial, including constitutional challenges when punitive damages are at issue, and the distinctions between other incident evidence and statistical evidence. He also will discuss ways to deal with such evidence if it is admitted and to insure tha the record is adequate to challenge its admission on appeal.
	Robert W. Powell, <i>Dickinson Wright PLLC</i> , Detroit, Michigan
2:20 p.m.	Strategies for Effective Negotiations in Mediation and Court Moderated Settlement Conferences
	ADR is a significant portion of any trial lawyer's practice. Learn from a district court judge and trial lawyer who will discuss effective negotiation strategies and approaches for dealing with complications in mediations and court moderated settlement conferences.
	The Honorable David C. Higgs, Ramsey County District Court, St. Paul, Minnesota
	Mark A. Solheim, <i>Larson•King LLP</i> , St. Paul, Minnesota
3:20 p.m.	Refreshment Break
	Sponsored by Lewis Wagner
3:35 p.m.	How to Try Cases to Create an Appropriate Appellate Record
	At some point in his or her career, every lawyer wonders what happened to the concept of "a fair trial before an impartial jury." This presentation will explore strategies for creating a record for appeal at trial that will give your client a second chance to achieve a favorable result.
	Jeffrey A. Coнen, Carlton Fields PA, Miami, Florida

4:35 p.m.	Adjourn
4:45 p.m.	Trial Tactics Committee Meeting (open to all)
5:30 p.m.	Networking Reception Sponsored by Acker & Whipple

	FRIDAY, MARCH 20, 2009
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	Boarding Pass Kiosk
	Sponsored by Swift Currie McGhee & Hiers LLP
	Internet Café
	Sponsored by Hodges Walsh & Slater LLP
7:00 a.m.	Registration
7:00 a.m.	Continental Breakfast
8:00 a.m.	Announcements
	Christopher A. Bottcher, <i>Sirote & Permutt PC</i> , Birmingham, Alabama
8:05 a.m.	How to Deal with Emotional Distress Damages in Personal Injury Cases
	This presentation will address strategies for reducing the impact of claims for emotional distress in personal injury cases. The presentation will include a discussion of practice tips that can be utilized during the three stages of litigation—discovery, pretrial preparation, and trial.
	Tiffany Reece Clark, <i>Ulmer & Berne LLP</i> , Cincinnati, Ohio
8:55 a.m.	Ethically Dealing with the Unethical Litigator
	How do you deal with opposing counsel who uses deception or incivility as a tactic? Mr. Parnell will provide insights on how to diffuse these tactics effectively.
	Albert H. Parnell, <i>Hawkins & Parnell LLP</i> , Atlanta, Georgia
9:55 a.m.	A View from the Bench—Controlling Damages in Cases Where Liability Is Not Seriously Contested
	This presentation will be a question and answer session during which the judges will answer questions about effective ways to minimize damages in high exposure cases. Learn what works, what does not, and what motivates jurors from panelists who spend every day in court.
	THE HONORABLE SUSAN B. FORSLING, State Court of Fulton County, Atlanta, Georgia
	The Honorable Philip M. Pro, <i>United States District Judge for the District of Nevada</i> , Las Vegas, Nevada
10:40 a.m.	Refreshment Break

10:55 a.m.	A View from the Bench—Controlling Damages in Cases Where Liability Is Not Seriously Contested (continued)
11:40 a.m.	Lunch (on your own)
1:00 p.m.	EFFECTIVELY DEALING WITH VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT IN LITIGATION Responding to unethical behavior by opposing counsel can present some difficult, practical and tactical issues. Ms. Pittman will offer practical tips on how you can fulfill your ethical obligations, while still maintaining the credibility necessary to represent your client's interests
	effectively. Robin D. Pittman, <i>Baldwin Haspel Burke & Mayer LLC</i> , New Orleans, Louisiana
1:50 p.m.	EFFECTIVELY MANAGING TRIAL PRESENTATION IN CASES INVOLVING PUNITIVE DAMAGES Sometimes it is not enough to say the right things. How you say them can be equally important. Mr. Kanazawa will present thought provoking suggestions about how to plan and present your case.
	SIDNEY K. KANAZAWA, <i>McGuireWoods LLP</i> , Los Angeles, California
2:40 p.m.	How to Litigate Cases Involving Complex Regional Pain Syndrome (CRPS) CRPS—termed the "Magical Condition" because it can be caused by nothing—has varying signs and symptoms, or none at all, but plaintiffs, their attorneys and their doctors have all too often convinced mediators, defendants and juries of the condition and have been awarded millions of dollars. We will discuss what the defense must know, must do and must find out in order to defend these claims successfully. Jerri L. Johnson, <i>Acker & Whipple PC</i> , Los Angeles, California
3:30 p.m.	Adjourn

GENERAL INFORMATION

CLE Accreditation

This seminar has been approved for MCLE credit by the State Bar of California in the amount of 12 hours, including 1 hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please check our website at www.dri.org for credit information for your state.

Registration

The registration fee is \$745 for members and those who join DRI when registering and \$875 for non-members. The registration fee includes CD-ROM course materials, continental breakfasts, networking luncheon on Thursday, refreshment breaks and networking receptions. If you wish to have your name appear on the registration list distributed at the conference and receive the CD-ROM course materials in advance, DRI must receive your registration by February 26, 2009 (please allow 10 days for processing). Registrations received after February 26, 2009, will be processed on-site.

Special Discounts

The first and second registrations from the same firm or company are subject to the fees outlined above. The registration fee for additional registrants from the same firm or company is \$695, regardless of membership status. All registrations must be received at the same time to receive the discount.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **February 26**, **2009**. Cancellations received after **February 26** and on or before **March 5**, **2009**, will receive a refund, less a \$50 processing fee. Cancellations made after **March 5** will not receive a refund, but the course materials on CD-ROM and a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax to DRI's Accounting Department at 312.795.0747. All refunds will be mailed within four weeks after the date of the conference. Substitutions may be made at any time without charge and must be submitted in writing.

Course Materials

In order to better serve and satisfy the numerous requests from our membership, DRI will mail the course materials to all registrants in CD-ROM format 12 days in advance of the seminar. You can order additional copies by checking the appropriate box on the registration form on the back of this brochure or ordering online at **www.dri.org**.

Supplemental Materials

Recommended supplemental material for this seminar is *Evidentiary Privileges for Corporate Counsel* from DRI's Defense Library Series. Order your copy by checking the appropriate box on the registration form on the back of this brochure. You can also view the entire list of DRI publications offerings and make purchases online at **www.dri.org**.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at the Bellagio, 3600 Las Vegas Boulevard South, Las Vegas, Nevada 89109. For reservations, contact the hotel directly at 702.693.7444. Please mention DRI's Damages Seminar to take advantage of the group rate of \$279 Single/Double. The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by February 16, 2009, to be eligible for the group rate. Requests for reservations made after February 16 are subject to room and rate availability.

Travel Discounts

DRI offers discounted meeting fares on various major air carriers for **DRI's Damages Seminar** attendees. To receive these discounts, please contact Hobson Travel Ltd., DRI's official travel provider at 800.538.7464. As always, to obtain the lowest available fares, early booking is recommended.

Flyer

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The taping or recording of DRI seminars is prohibited without the written permission of DRI.

Speakers and times may be subject to last-minute changes.

DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

DIVERSITY AND INCLUSION IN DRI: A STATEMENT OF PRINCIPLE



DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation. Diversity is a core value at DRI. Indeed, diversity is fundamental to the success of the organization, and we seek out

and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides. Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

DRI WISHES TO THANK OUR SPONSORS FOR THEIR SUPPORT AT THIS YEAR'S SEMINAR!



















FACULTY

Christopher A. Bottcher, a shareholder with Sirote & Permutt PC, practices in the law firm's Birmingham, Alabama office. Mr. Bottcher's practice focuses heavily on corporate, business and commercial litigation, as well as product liability defense, mass tort litigation, the enforcement of restrictive covenants and the protection of trade secrets and proprietary information. He is an active member of DRI's Trial Tactics Committee and the program chair of this seminar.

TIFFANY REECE CLARK is an associate at the law firm of Ulmer & Berne LLP in Cincinnati. Her practice focuses on product liability, drug and medical device, and environmental litigation. She has worked on mass tort litigation, such as tobacco, lead paint, ephedra, isotretinoin, anti-depressants, PPA and metoclopramide. An active member of DRI's Trial Tactics Committee, Ms. Clark is co-chair of marketing for this seminar.

JEFFREY A. COHEN is a shareholder in the law firm of Carlton Fields PA in Miami, Florida. Mr. Cohen primarily represents corporate defendants in high exposure product liability and commercial cases throughout Florida and across the United States. He has worked extensively in various stages of litigation, and has briefed and argued cases in state and federal appellate courts. Mr. Cohen is active with several DRI committees, as well as the IADC.

THE HONORABLE SUSAN B. FORSLING has served as judge of the State Court of Fulton County, Georgia, since October 1997, where she presides over complex civil cases. She previously served as county attorney for Fulton County and was a partner in private practice and a special assistant attorney general. Judge Forsling has served as an adjunct professor of pre-trial litigation at Emory University and faculty to the National Institute of Trial Advocacy.

STEVEN GERBER, the partner in charge of the New Jersey and New York City offices of Adorno & Yoss LLP, chairs his firm's National Employment and Labor Law Group. He is a member of DRI's Law Institute, a former member of DRI's Board of Directors and a past chair of DRI's Employment Law Committee. Mr. Gerber is also a member of the FDCC (chair of the FDCC's Employment & Workplace Practice Section) and a member of the ADTA.

THE HONORABLE DAVID C. HIGGS has served as a district court judge in Ramsey County, Minnesota, since June 2002. Prior to his appointment to the bench, Judge Higgs was employed both in private law practice and as in-house counsel, primarily in the area of insurance defense litigation. He has served as the presiding judge of the Ramsey County District Court Civil Division and is the chair of the District Equal Justice Committee. Judge Higgs has served on the Minnesota Supreme Court's Board of Law Examiners and is a member of the Minnesota Supreme Court's ADR Ethics Board.

WILLIAM B. HILL, Jr., is a partner in Ashe Rafuse & Hill LLP in Atlanta. Mr. Hill is a former judge of both the state and superior courts in Georgia. His practice focuses on commercial and complex litigation with an emphasis on product liability, asbestos, the Lanham Act, customer discrimination and employment defense. Named a "Georgia Super Lawyer" for 2002–2007 by *Atlanta Magazine*, Mr. Hill also regularly serves as a mediator and arbitrator in complex commercial and civil rights disputes.

JERRI L. JOHNSON is the managing shareholder in the Los Angeles office of Acker & Whipple PC. She has been defending personal injury claims in the Los Angeles area for nearly 20 years. Ms. Johnson has defended numerous lawsuits involving allegations of varying degrees of Complex Regional Pain Syndrome (CRPS), formerly known as Reflex Sympathetic Dystrophy. Most recently, in 2008, Ms. Johnson and an associate successfully tried to a defense verdict a \$14 million CRPS claim before a Malibu, California jury.

SIDNEY K. KANAZAWA is a partner in the Los Angeles office of McGuireWoods LLP, practicing within the firm's Complex Products Liability and Mass Tort Litigation Department. Mr. Kanazawa has spoken at many DRI seminars and is nationally known for developing persuasive stories from the facts of a case that maximize the advantages and minimize the risks of litigation. His professional affiliations include the American Law Institute, Product Liability Advisory Council, Maritime Law Association, Japanese American Bar Association and the National Asian Pacific American Bar Association. Mr. Kanazawa is the chair of DRI's Trial Tactics Committee.

KERRY P. McInerney is a partner in the Birmingham, Alabama office of Sirote & Permutt PC, where he represents banks and businesses in consumer finance and lender liability claims, breach of contract suits, business torts and complex civil litigation. A frequent author and lecturer, Mr. McInerney serves as marketing chair of DRI's Commercial Litigation Committee. A leader in the courtroom and community, he serves on the executive board of the Alabama affiliate of the Susan G. Komen Breast Cancer Foundation.

ALBERT H. PARNELL is a trial lawyer and partner in Hawkins & Parnell LLP in Atlanta, Georgia, and Charleston, West Virginia, and a partner in the Dallas office of Hawkins Parnell & Thackston LLP. Mr. Parnell is a founding and current member of DRI's Law Institute and a former member of the DRI Board of Directors. He has tried more than 250 lawsuits to jury verdict in more than 25 states.

ROBIN D. PITTMAN is an associate with the law firm of Baldwin Haspel Burke & Mayer LLC in New Orleans. She practices in the firm's litigation section and handles commercial and maritime law. Ms. Pittman is the program vice chair of this seminar, a member of the Louisiana State Bar Association, New Orleans Bar Association, Federal Bar Association, the ABA and the Fifth Federal Circuit Bar Association.

Daniel F. Polsenberg is a partner at Lewis and Roca LLP in Las Vegas and is the lawyer to see for a big appeal. He has argued more than 200 appeals and has written briefs in hundreds more. Past president of the State Bar of Nevada, Mr. Polsenberg is the first Nevadan named a fellow of the prestigious American Academy of Appellate Lawyers.

ROBERT W. POWELL was special litigation counsel at Ford Motor Company from 1999 to 2008, where he was responsible for managing all appeals in product liability and general litigation. Prior to joining Ford, Mr. Powell was a member of Dickinson Wright PLLC in Detroit, specializing in civil appeals, and in August 2008, returned to Dickinson Wright. He has briefed and argued scores of appeals in courts throughout the nation.

THE HONORABLE PHILIP M. PRO was appointed United States District Judge for the District of Nevada by President Ronald Reagan and confirmed in July 1987. He served as chief judge for the District of Nevada from 2002 to 2007. Prior to his appointment as district judge, Judge Pro served as United States Magistrate Judge from 1980 to 1987, where he presided over the discovery phase of the MGM Grand Hotel fire litigation, MDL 453. He currently serves on the board of the Federal Judicial Center and the Federal Judges Association and is active in a variety of international rule of law programs.

JOHN F. RENZULLI is the founding partner of the Renzulli Law Firm in White Plains, New York. He concentrates his practice in industry wide liability and product liability. Mr. Renzulli frequently serves as lead trial counsel in the defense of major product liability cases and complex civil lawsuits nationwide. He counsels clients concerning product manuals, upgrades, recalls and retrofits. Mr. Renzulli is a member of the New York and Pennsylvania bars, the Westchester Bar Association and DRI.

Andrew M. Sheldon, J.D., Ph.D., is the president of SheldonSinrich LLC, a trial consulting firm based in Atlanta. His doctorate is in clinical psychology. Dr. Sheldon consulted in the modern prosecutions of Ku Klux Klansmen who killed Medgar Evers, four little girls in the 16th Street Baptist Church in Birmingham, Alabama, and the three civil rights workers Goodman, Chaney and Schwerner in Philadelphia, Mississippi. His consulting specialties include cases in which race is an issue. Dr. Sheldon has been a frequent commentator on CNN.

MARK A. SOLHEIM is a partner in Larson • King LLP's St. Paul, Minnesota office. Mr. Solheim has significant trial experience. He represents clients in complex litigation matters, including product liability, transportation, class actions, medical negligence, professional liability, insurance and commercial disputes. Mr. Solheim has been chosen by his peers as a "Super Lawyer" in *Minnesota Law & Politics*. He is a member of DRI, the IADC, the Douglas K. Amdahl Inn of Court and the board of directors for the Minnesota Defense Lawyers Association.

	2008 DRI SEMINAR SCHEDULE
November 13–14	Complex Medicine Hotel del Coronado, San Diego, CA
November 20–21	Fire and Casualty Chicago Marriott Downtown, Chicago, IL
December 4–5	Insurance Coverage and Practice Sheraton New York Hotel and Towers, New York, NY

	2009 DRI SEMINAR SCHEDULE
January 28-30	Civil Rights and Governmental Tort Liability The Ritz-Carlton New Orleans, New Orleans, LA
March 5–6	Sharing Success—A Seminar for Women Lawyers Loews Santa Monica Beach Hotel, Santa Monica, CA
March 11–13	Medical Liability and Health Care Law Walt Disney World Dolphin, Lake Buena Vista, FL
March 18-20	Damages Bellagio, Las Vegas, NV
March 19-20	Toxic Torts and Environmental Law Arizona Biltmore, Phoenix, AZ
April 1–3	Insurance Coverage and Claims Institute The Westin Michigan Avenue Chicago, Chicago, IL
April 15–17	Product Liability Conference <i>Hilton San Diego Bayfront</i> , San Diego, CA
April 22–24	Commercial Litigation Wyndham Chicago, Chicago, IL
April 22–24	Life , Health, Disability and ERISA Claims Sheraton New York Hotel and Towers, New York, NY
April 30-May 1	Employment Law JW Marriott Orlando, Grande Lakes, Orlando, FL
May 7–8	Electronic Discovery New York Hilton and Towers, New York, NY
May 14–15	Drug and Medical Device Litigation Sheraton New York Hotel and Towers, New York, NY
June 4–5	Young Lawyers Caesars Palace, Las Vegas, NV
June 11–12	Diversity for Success Swissôtel, Chicago, IL
June 18–19	BAD FAITH Seaport Hotel, Boston, MA
September 10–11	Construction Law The Palace Hotel, San Francisco, CA
September 10–11	Nursing Home/ALF Litigation The Westin Kierland, Scottsdale, AZ
September 24–25	Strictly Automotive Hilton Torrey Pines, San Diego, CA
November 5–6	Appellate Advocacy <i>Hilton Torrey Pines</i> , San Diego, CA
November 12–13	Asbestos Medicine Fontainebleau Miami Beach, Miami, FL
December 3–4	Insurance Coverage and Practice Sheraton New York Hotel and Towers, New York, NY

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(For inclusion on the pre-registration list and to receive course materials in advance, register by this date.) Advanced Registration Deadline: February 26, 2009

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	Are von a first-time attendee at this DRI seminar?
Name	How many attorneys are in your firm?
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