AMERICAN BAR ASSOCIATION/TORT TRIAL & INSURANCE PRACTICE SECTION

## TIPS ANNUAL SPRING CLE AND LEADERSHIP FORUM

## THE RITZ-CARLTON HOTEL AMELIA ISLAND MAY 18 – 22, 2011 AMELIA ISLAND, FL

### THIS PROGRAM WILL FEATURE THE FOLLOWING

- 1ST ANNUAL CORPORATE COUNSEL LITIGATION MANAGEMENT PROGRAM
- JUDICIAL PANEL OF EXCELLENCE FEATURING:

THE HONORABLE JOEL DUBINA THE HONORABLE SUSAN H. BLACK THE HONORABLE PHYLLIS KRAVITCH THE HONORABLE JAMES C. HILL THE HONORABLE BERNICE B. DONALD

- TITLE INSURANCE, TECHNOLOGY AND TRIAL TIPS
- 40 CORPORATE COUNSEL ALREADY CONFIRMED





## CLE ON THE ISLAND



UNITING PLAINTIFF, DEFENSE, INSURANCE, AND CORPORATE COUNSEL TO ADVANCE THE CIVIL JUSTICE SYSTEM

## WELCOME

### **Dear TIPS Friends:**



I am looking forward to welcoming you all to beautiful Amelia Island, Florida. We will be staying, meeting and playing at the beautiful Ritz-Carlton for our Annual Spring CLE and Leadership Forum! At the Ritz, you will experience a place where magnificent live oaks and Southern charm meet Florida's warm ocean waves and white sandy beaches! The hotel is located on 1.5 miles of dune-lined beachfront property. There are 18 holes of PGA championship golf right out the front door. Bring your family. The hotel has four restaurants, four cocktail lounges, a Spa, a full-service beauty salon, a fitness center, indoor

and outdoor heated pools with whirlpool, on-site tennis facilities, a Ritz Kids club, a teen room and lots of meeting space (oh yes, that is why we are supposed to be there!).

This meeting has been carefully planned as a kick-off for what we expect to be TIPS ANNUAL SPRING CLE meeting. We are offering over 25 hours of CLE, the first of what I hope will be an annual Leadership in Action Luncheon, leadership training, business meetings and of course, fun. TIPS is hosting its first Corporate Counsel Litigation Management Program and providing numerous additional CLE programs to give our members—and potential members—an opportunity to meet all of their CLE requirements, network, and hear from the Bench. So far we have five judges confirmed to speak to us on Friday. We have invited a special guest speaker for the Leadership in Action Luncheon where we will be presenting several special awards.

In addition to the Leadership in Action Luncheon on Friday, there are many other networking opportunities. Thursday at lunch, TIPS will host a Washington update as part of the Corporate Counsel Litigation Management Program. Thursday night we will have our opening reception. Friday evening, plan to dine with your TIPS friends at one of the many excellent restaurants at the hotel, or venture out on the Island. Saturday morning, experience the early-morning beauty of the island by signing up for the TIPS Annual Spring Fun Run/Walk, honoring Denise St. Fort and which will now be known as Denise's Dash. Not to be left out, your children can participate on Saturday morning as a juror when The Emperor sues his tailors over his new set of clothes. Sign up to play golf on Saturday afternoon, or join your friends at the beach or in the Spa! On Saturday night you are in for a treat. With the call of the waves, the oaks, and the smell of magnolias, I could not help but think that an event that offered you "Good" fun, but some slightly "Evil" undertakings in a beachside "Garden" prior to "Midnight" might be the way to go. Cards or dice anyone?

So, yes our schedule is packed, but those who work hard should play hard too! Please review the CLE and social offerings carefully, as I know you will agree that the price for the TIPS Total Package Pass is so reasonable that it is the way to go. I am really excited about this meeting and I want you to know that Sue Farina and her team, and Mike Beaver and his team have worked hard to help me make my vision of this meeting a reality. So let me just say that a visit to this Island would not be complete without this forewarning ... Come prepared mateys!!!

Until Amelia, Cheerio!!

**Ginger M. Busby** Chair, Tort Trial & Insurance Practice Section Burr & Forman LLP Birmingham, AL

## WELCOME

## **Dear Friends:**



There is no better place to glory in the springtime sun than Amelia Island, Florida, the site of our ABA TIPS Annual Spring CLE and Leadership Forum. The Ritz-Carlton will be our base for great CLE programming, social and networking events, and every kind of beachside activity. We'll kick off the meeting Thursday with a full day of CLE and an evening reception. On Saturday night, we'll head for the Ritz's oceanfront lawn for a dressy-casual party reminiscent of "Midnight in the Garden of Good and Evil," featuring great food, dancing, and a few surprises.

Amelia Island features six golf courses, so naturally there will be a golf event on

Saturday. A "fun run" and walk will also take place that day. Other opportunities for rest and recreation are endless. The Ritz offers long, luxurious beaches, beautiful pools, tennis courts, and a superb spa. Water sports and activities include fishing, kayaking, boating, and anything else you can think to do with miles of beaches. The area is famous for great wildlife viewing and scenic walking. A few miles away is the charming old Victorian seaport of Fernandina Beach, which offers great shopping, dining, and a bit of history (the town has flown eight national flags over hundreds of years).

Springtime weather should be gorgeous, with average highs in the 70s and 80s. Wildflowers will be in bloom. Be prepared for the possibility of afternoon showers. Be prepared as well to enjoy the beautiful beachside spring sun.

Great CLE at a beach setting in the spring—you can't spend a better week anywhere. We'll see you at the beach!

Very truly yours,

Michael S. Beaver Meeting Arrangements Chair Holland & Hart LLP Denver, CO

## **Dear Friends:**



The Ritz-Carlton, Amelia Island – what a fantastic venue for CLE programs! And, what a great slate of TIPS CLE programs we have. With more than 25 hours of CLE programming available, you will be able to hear one of the longest sitting federal judges from the 11th Circuit speak about jury instructions, delve into the details of a Chinese drywall case, attend a title insurance litigation update, or explore the maritime and environmental impact of the Deepwater Horizon oil spill. If you are an in-house attorney, you may be interested in the Corporate Counsel Litigation Management programming, which is a CLE track designed specifically for corporate counsel and the added issues they face. You will also have an opportunity to obtain ethics credit by attending a program that will explore

the ethical challenges of electronic communications or a program that will address the ethical challenges presented when an animal is involved in a legal matter such as a divorce settlement. For a refresher or to learn more, attend one of the many technology tools programs. If you come with children, be sure to have them attend the mock trial on Saturday morning where they will have an opportunity to serve as a juror in the case of *Emperor v. Swin and Del*. Whichever programs you attend, do not miss the judicial panel program where you will have the opportunity to learn from District Court and 11th Circuit Court federal judges. Make your plans now, and we'll see you in May for CLE on the Island!

Sincerely,

#### Susan H. Farina

Meeting Program Chair Proveris Scientific Corporation Marlborough, MA

## CLE ON THE ISLAND

## DAY ONE Thursday, May 19, 2011

7:00 AM -	5.00 PM	REGISTRATION
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7:30 AM – 9:30 AM CONTINENTAL BREAKFAST

#### CORPORATE COUNSEL LITIGATION MANAGEMENT PROGRAM

#### 8:00 AM – 5:15 PM CLE PROGRAM

## CORPORATE COUNSEL LITIGATION MANAGEMENT PROGRAM\*

Focusing on some of the most vexing problems that arise in the management of complex litigation, this program will provide corporate counsel with the latest thinking on several key topics, including e-discovery, protecting the attorney-client privilege, handling government investigations, inside/outside teamwork, finding creative ways to settle complex cases, and other timely and recurring topics.

#### 8:00 AM – 8:15 AM **WELCOME**

#### 8:15 AM – 9:15 AM PRACTICAL APPROACHES TO RECORD RETENTION AND E-DISCOVERY

This segment will focus on the day-to-day realities of record retention and e-discovery, including:

- Implementing record retention policies in an environment of perpetual litigation
- Employee correspondence and documents in a world of e-mail, text messages and BlackBerrys
- Developing workable systems

#### MODERATOR:

April Savoy AVP, Regional Counsel Nationwide Insurance Duluth, GA

#### SPEAKERS:

Honorable John L. Carroll Dean and Professor of Law Cumberland School of Law Samford University Birmingham, AL **Paul A. Dominick** Partner *Nexsen Pruet LLC* Charleston, SC Hemanth Salem Vice President– Professional Serices Encore Discovery Solutions Austin, TX

#### 9:15 AM - 10:15 AM ATTORNEY-CLIENT PRIVILEGE: PITFALLS AND POINTERS FOR IN-HOUSE AND CORPORATE ATTORNEYS

Nuances of the attorney-client privilege are particularly important for in-house and corporate attorneys. In this program, the speaker will answer these questions:

- Where is the line between business advice and legal advice?
- When are in-house counsel acting as lawyers and when are they conducting ordinary business operations?
- · How can the privilege be protected?

#### SPEAKER:

Michael L. Edwards Partner Balch & Bingham LLP Birmingham, AL **Erin O. O'Brien** Senior Counsel *CSX Transportation, Inc.* Jacksonville, FL

\* In conjunction with the Southeastern Business Law Institute, a consortium of Cumberland School of Law at Samford University, the Business Law Section of the Birmingham Alabama Bar, and the Business Law and Corporate Counsel Section of the Alabama State Bar.

10:15 AM - 10:30 AM BREAK

#### 10:30 AM – 11:45 AM EFFECTIVE TEAM WORK BETWEEN INSIDE AND OUTSIDE COUNSEL

This session will discuss ways inside and outside counsel can effectively work together to produce a favorable outcome while reducing costs and promoting a more productive inside-outside relationship. Topics will include the potential benefits of collaboration technology, the available collaboration tools, sharing of information and documents, working together on documents, real-time collaboration, and effective deployment of inside resources.

#### SPEAKERS:

Harold Morland Akerman Senterfitt Orlando, FL

#### **Roland Schroeder**

Senior Counsel, Litigation and Legal Policy General Electric Company Fairfield, CT

#### 12:00 PM – 1:15 PM WASHINGTON UPDATE AND LUNCH

Ticketed Event - \$50.00 This ticket is included in the price of the TIPS Total Package Pass and the ALL-CLE TIPS Pass.

The speakers will provide an entertaining review and preview of what to expect (and not to expect) with the new Congress in town.

#### SPEAKERS:

**Dana S. Wood** *Kelley Drye & Warren, LLP* Washington, D.C. **Paul C. Rosenthal** *Kelley Drye & Warren, LLP* Washington, D.C.

## 1:30 PM – 2:30 PM MANAGING GOVERNMENT INSPECTIONS AND INVESTIGATIONS

You have just received a call from a panicked manager with news that the Government is onsite and demanding entry. Now what? Hear advice from two top practitioners, including a former administrator for OSHA, about how to manage government inspections and investigations properly and effectively.

#### SPEAKERS:

John J. O'Reilly Day Pitney LLP Parsippany, NJ Patrick R. Tyson Constangy, Brooks & Smith LLC Atlanta, GA

2:30 PM – 2:45 PM BREAK

## 2:45 PM – 4:30 PM CREATIVE PATHS TO THE SETTLEMENT OF COMPLEX ENVIRONMENTAL LITIGATION

In an age when mass toxic tort cases, government enforcement, and CERCLA suits are becoming more complex and commonplace, traditional litigation strategies are sometimes the least effective. Learn about creative paths to resolution of these cases from practitioners on the cutting edge.

#### MODERATOR:

James M. Proctor II Senior Vice President and General Counsel *McWane, Inc.* Birmingham, AL

#### SPEAKERS:

Jerry Dent Alverez and Marsal Birmingham, AL

#### Sheri L. Moreno

Counsel Hudson River Program General Electric Company Albany, NY **Marcy Hogan Greer** *Fulbright & Jaworski* Austin, TX **W. Warren Hamel** *Venable, LLP* Baltimore, MD

Deborah M. Reyher Senior Counsel Environmental Enforcement Section U.S. Department of Justice Washington, D.C.

#### 8:45 AM – 12:00 PM CLE PROGRAM

## THE DEEPWATER HORIZON OIL SPILL: A LOOK AT MARITIME, COVERAGE, CRISIS MANAGEMENT, WILDLIFE, AND ADR ISSUES

The Deepwater Horizon explosion and oil spill disaster caught attorneys unprepared for everything from filing initial claims to litigating complicated maritime limitation actions. This program will consist of two 90-minute sessions and will address these topics:

#### 8:45 AM - 10:15 AM

In part one of the program, the panel will provide an overview of the facts and legal problems presented by the oil spill and will then explore insurance coverage issues arising from environmental disasters. The panel will also examine crisis management and corporate governance for corporations involved in tragic situations.

#### 10:15 AM - 10:30 AM BREAK

#### 10:30 AM - 12:00 PM

In part two of the program, the panel will address maritime law issues, including maritime federal jurisdiction and the governing statutes. The panel will also address wildlife valuation and other animal law concerns relating to environmental crises. Additionally, panelists will explore alternative dispute resolution issues for oil spill claims and related conflicts.

#### MODERATOR:

Harmony I. Loube Holland & Knight New York, NY

#### SPEAKERS:

**David R. Erickson** Shook, Hardy & Bacon LLP Kansas City, MO

#### Derek Seal

Former General Counsel of the Texas Commission on Environmental Quality *Winstead PC* Austin, TX **Carl Nelson** Fowler White Boggs Tampa, FL

#### William J. Snape

Environmental Fellow American University Washington College Washington, D.C. Mark Mese Kean Miller Hawthorne D'Armond McCowan & Jarman, LLP Baton Rouge, LA

1:30 PM – 4:45 PM

#### **CLE PROGRAM**

#### TECHNOLOGY MINI-SERIES – PART ONE

Attorneys use different technology tools in their daily practices. Part one of this two-part mini-series will increase attorneys' skills with tools they are currently using. The speakers will present the technology tools from the practitioner's perspective and will demonstrate how to incorporate other technology tools into daily practice. From basic skills to more advanced skills, the mini-series has something to offer attorneys of all skill levels.

#### 1:30 PM – 2:30 PM MANAGING COMMUNICATION OVERLOAD

In the past several years, email and other electronic communications technologies have made an unparalleled level of communication with clients and colleagues possible. Unfortunately, these technologies bring with them an ever-mounting volume of data, along with increased expectations for immediate responses. This program is designed to provide a series of tips to help you better manage the flow of communications, manage mounting email box sizes, increase productivity, and strengthen time management. The panelists will provide a broad range of tips that are useful not only to practitioners who only occasionally use their computers, but also to the technology-savvy attorneys who are wired-in all day, every day. While the program will include some discussion of the features of the Microsoft Outlook email program and other popular communications platforms, the suggested strategies will be adaptable to any software platform. The program should provide a solid starting point for gaining ground on the deluge of information that all attorneys face.

#### SPEAKERS:

Howard P. Walthall, Jr. Senior Vice President and General Counsel *NuTech Spine, Inc.* Birmingham, AL Sarah J. Crooks Perkins Coie LLP Portland, OR

#### 2:30 PM – 2:45 PM BREAK

#### 2:45 PM – 3:45 PM PRESENTATIONS THAT POP

One of an attorney's most critical skills is the accurate and persuasive presentation of information. In this information age, audiences increasingly expect information to be conveyed in a well-designed audiovisual format, with features that enhance and clarify the material. Learn how to use the popular Microsoft PowerPoint software to create presentations that maintain the attention of your audience. The speakers will discuss how to create a basic PowerPoint presentation, and then enhance it with imbedded graphics and audiovisuals, as well as links to websites, videos and other data to create persuasive interactive audio visuals that pop.

#### SPEAKERS:

**Lee Diamondstein** *DecisionQuest* Philadelphia, PA Larry P. Schiffer Dewey & LeBoeuf LLP New York, NY

#### 3:45 PM – 4:45 PM MASTERING THE PDF

Attorneys now deal with electronic documents in Portable Document Format (PDF) almost as often as they handle paper. Pleadings and briefs often arrive in the form of PDFs and must be filed in that format. Discovery documents may be reviewed and produced in PDF. Many email attachments, including letters, arrive as PDFs, and desk-top fax systems may deliver incoming faxes as PDFs. Most attorneys, however, are not familiar with the important capabilities of the PDF format or the many tools available to store, search, modify, and review PDF documents. This program will provide practical, hands-on tips about how to deal with the growing stream of PDFs facing modern attorneys, and how to use the powerful capabilities of the PDF format and the available software tools to harness that stream and turn it to your advantage.

#### SPEAKER:

**Todd W. Miller** Holland & Hart LLP Colorado Springs, CO

6:30 PM – 8:00 PM WELCOME, NETWORKING, DIVERSITY AND PURSUIT OF JUSTICE AWARD RECEPTION Ticketed Event - \$50.00 per person

## DAY TWO Friday, May 20, 2011

7:00 AM – 5:00 PM **REGISTRATION** 

7:30 AM – 9:30 AM CONTINENTAL BREAKFAST

#### 8:00 AM - 10:15 AM CLE PROGRAM

#### CORPORATE COUNSEL LITIGATION MANAGEMENT PROGRAM – PART TWO

Focusing on some of the most vexing problems that arise in the management of complex litigation, part two of the Corporate Counsel program will provide attendees with tips on what to do when corporate counsel becomes enmeshed in an investigation. The speakers will also provide the latest thinking on developing and implementing an effective corporate compliance program.

#### 8:00 AM – 8:55 AM TARGET-AT-LAW: LEGAL ETHICS WHEN THE LAWYER IS UNDER INVESTIGATION

In this informative session, you will learn from real-life harrowing tales why lawyers become targets for investigation and what the red flags and danger zones are. You will learn the ethical responsibilities and personal risks for the lawyer with multiple roles and professional obligations when that lawyer has become a subject of an investigation. Also, you will learn how to distinguish between self-protection and effective representation and when the line between them may have been crossed.

#### SPEAKER:

William W. Horton Haskell Slaughter Young & Rediker, LLC Birmingham, AL

#### 9:00 AM – 10:15 AM KEYS TO DEVELOPING AND IMPLEMENTING AN EFFECTIVE CORPORATE COMPLIANCE PROGRAM

As the previous topics demonstrate, when it comes to litigation, an ounce of prevention can be worth millions of cure. This last segment of the Litigation Management for Corporate Counsel program will focus on how to identify and assess the risks facing your company and some of the key factors to take into consideration when building a compliance program to prevent those risks from becoming realities.

#### SPEAKERS:

**Jeffrey M. Kaplan** *Kaplan & Walker LLP* Princeton, NJ **W. Todd Carlisle** *Sirote & Permutt, P.C.* Birmingham, AL

#### 9:00 AM - 10:30 AM CLE PROGRAM

#### WINNING STRATEGIES FOR JURY INSTRUCTIONS

Too often, advocates wait until the heat of battle to address what they want (or need) in the instructions and questions that will be presented to the jury. While many of us have heard the old bromide that you should draft instructions at the beginning of a lawsuit, few lawyers actually follow this advice. This program will address the proper approach to jury instructions in the "real world." The program will feature an interactive discussion of best practices in navigating jury instructions by three esteemed panelists, including the Honorable James C. Hill, Senior U.S. Circuit Judge for United States Court of Appeals, Eleventh Circuit. The panelists will address preserving and presenting your client's objections to proposed instructions and questions in a way that best preserves your client's appellate rights. They will also address how to persuade the trial judge to select the language that best meets the evidence and your client's goals.

#### MODERATOR:

David V. Wilson II Hays, McConn, Rice & Pickering, P.C Houston, TX

#### SPEAKERS:

The Honorable James C. Hill Senior U.S. Circuit Judge United States Court of Appeals Eleventh Circuit Jacksonville, FL **Stephen E. Chappelear** *Hahn Loeser & Parks LLP* Columbus, OH Janice Sharpstein Jorden Burt, LLP Miami, FL

#### 10:30 AM - 10:45 AM BREAK

#### 10:45 AM – 12:15 PM CLE PROGRAM JUDICIAL PANEL OF EXCELLENCE

District Court and 11th Circuit federal judges will speak about courtroom excellence.

#### SPEAKERS:

The Honorable Joel Dubina Chief Judge United States Court of Appeals Eleventh Circuit Montgomery, AL

#### The Honorable Iames C. Hill

Senior U.S. Circuit Judge United States Court of Appeals Eleventh Circuit Jacksonville, FL

#### The Honorable Susan H. Black U.S. Circuit Judge United States Court of Appeals Eleventh Circuit Jacksonville, FL

The Honorable Bernice B. Donald U.S. District Court Western District of Tennessee Memphis, TN

#### The Honorable Phyllis Kravitch

Senior U.S. Circuit Judge United States Court of Appeals Eleventh Circuit Atlanta, GA

#### 12:15 PM - 1:45 PM LEADERSHIP IN ACTION LUNCHEON

Ticketed Event - \$75.00

This ticket is included in the price of the TIPS Total Package Pass and the ALL-CLE TIPS Pass. Join us as we present several stand-out recipients with leadership awards and hear from a very special guest speaker who will soon be announced.

#### CO-CHAIRS:

#### Ginger M. Busby

Chair, ABA Tort Trial & Burr & Forman LLP Birmingham, AL

#### The Honorable Bernice B. Donald

U.S. District Court Insurance Practice Section (TIPS) Western District of Tennessee Memphis, TN

#### 2:00 PM - 3:30 PM **CLE PROGRAM** ETHICS AND ELECTRONIC COMMUNICATIONS

Ethical issues arising from electronic communications abound. The panel will explore the ethical issues related to websites, weblogs, attorney advertising, electronic document creation and storage, cloud computing, email, instant messaging, and social media. What client confidentiality issues arise? How can the attorney-client privilege be preserved? What happens when there is an inadvertent disclosure? How do electronic communications impact distribution and document retention practices? The panel will answer these and other questions related to the ethical challenges of electronic communications.

#### SPEAKERS:

Johannes Kingma Carlock, Copeland, Semler & Stair Atlanta, GA

Glen R. Olson Long & Levit, LLP San Francisco, CA Wondie Russell Attornev San Francisco, CA

#### 2:15 PM - 5:30 PM **CLE PROGRAM**

#### **TECHNOLOGY MINI-SERIES – PART TWO**

Part two of the technology mini-series continues with a focus on social media tools, how to use the internet in your practice, and the latest technological developments.

#### 2:15 PM – 3:15 PM SOCIAL MEDIA - WHAT IS ALL THE TWITTER ABOUT?

The exploding popularity of social media has made it critical for attorneys to understand how social media networks operate and how they intersect with an increasing variety of legal issues. What uses can attorneys make of social media? How can social media be helpful in getting and keeping clients? How can they be mined for valuable information useful in discovery, jury selection, and other aspects of practice? And what are the potential ethical issues raised by attorneys' use of social media? Our distinguished panel will approach these and other questions from a variety of perspectives.

#### SPEAKERS:

Vivian Hood VP Public Reputation Services laffe PR Jacksonville, FL

Larry P. Schiffer Dewey & LeBoeuf LLP New York, NY

**Technology Ethics Expert** CNA Insurance

3:15 PM - 3:30 PM BRFAK

#### 3:30 PM - 4:30 PM **60 TIPS IN 60 MINUTES**

The panel of tech-savvy practicing attorneys will share their 60 favorite websites, blogs, and technology tips in a fun and fast-paced format.

#### SPEAKERS.

Todd W. Miller Holland & Hart LLP Colorado Springs, CO

Larry P. Schiffer Dewey & LeBoeuf LLP New York, NY

Sarah I. Crooks Perkins Coie ITP Portland, OR

Howard P. Walthall, Ir. Senior Vice President and General Counsel NuTech Spine, Inc. Birmingham, AL

Tony Vittal The Vittal Law Firm Los Angeles, CA

Michael S. Neuren Courts of Georgia Atlanta, GA

#### 4:30 PM – 5:30 PM RECENT LEGAL TECHNOLOGY DEVELOPMENTS AND THE IMPACT ON COST-RECOVERY ISSUES

In this final program of the technology mini-series, you will learn about the latest technological developments, how they can help manage your practice, and the impact they can have on cost-recovery issues.

#### SPEAKER:

#### Mike Dahn

Vice President WestlawNext Product Development and Marketing Eagan, MN

#### 3:30 PM – 5:00 PM

#### LEGAL ETHICS THROUGH AN ANIMAL'S EYE

Must you euthanize a client's healthy dog? How do you divide the cat in half in a divorce? Can you defend a contract for the "adoption" of an animal? What do you do when your client wants to patent a non-human animal containing human genes? And where do you look for answers? These and other ethical dilemmas related to animals will be discussed with audience input. The panel will discuss the Model Rules of Professional Conduct, how the rules help lawyers resolve these dilemmas, and where the rules fall short.

#### MODERATOR:

**CLE PROGRAM** 

**Yolanda Eisenstein** *Eisenstein Law Office* Dallas, TX

#### SPEAKERS:

## Scott DeVitoMarcy I. LaHartAssistant Professor of LawAttorneyFlorida Coastal School of LawGainesville, FLJacksonville, FLLakart

#### David Favre, Professor

Editor-in-Chief, Animal Legal & Historical Web Center Michigan State University College of Law East Lansing, MI

#### 3:30 PM – 5:30 PM

#### CLE PROGRAM UNPACKING CHINESE DRYWALL: THE SCIENCE, THE LITIGATION, AND THE INSURANCE COVERAGE ISSUES

Learn about the dynamic multi-district litigation rulings and the Consumer Product Safety Commission guidance leading to remediation awards of \$85 to \$90 per square foot in homes affected by Chinese drywall. Observe a medical doctor and Ph.D. toxicologist demonstrate the basis (or not) for the thousands of bodily injury claims from exposure to Chinese drywall. Find out if insurers are covering or running for cover from these claims under several different policy forms and terms we thought we understood.

#### MODERATOR:

**Joel R. Mosher** Shook, Hardy & Bacon, LLP Kansas City, MO

#### SPEAKERS:

**Lara J. Tibbals** *Hill Ward Henderson* Tampa, FL **Robert Horkovich** Anderson Kill & Olick, P.C New York, NY **Robert P. DeMott, Ph.D.** *Environ* Tampa, FL

Goeff Fleck

Gainesville, FL

Assistant State Attorney

Eighth Judicial Circuit

#### James D. McCluskey, M.D., Ph.D.

Director of USF Occupational Health Surveillance and Preventative Services Program and Medical Director of the Center for Environmental/Occupational Risk Analysis and Management University of South Florida Tampa, FL

#### Madeleine Fischer

Jones, Walker, Waechter, Poitevent, Carrere & Denegre, L.L.P. New Orleans, LA James L. Poole, Ph.D., CIH Environ Tampa, FL **J. Rocco Cafaro** *Hill Ward Henderson* Tampa, FL

## DAY THREE Saturday, May 21, 2011

7:00 AM – 5:00 PM **REGISTRATION** 

7:30 AM – 9:30 AM CONTINENTAL BREAKFAST

9:00 AM – 4:00 PM

#### TITLE INSURANCE LITIGATION IN 2011

Since the economic downturn, title insurance litigation, once a small niche practice area, has grown into an area of the law attracting national attention. In this two-part seminar, experts from around the country will provide attendees with the most recent trends and answers to questions at the fore front of this practice area.

#### MODERATOR

**CLE PROGRAM** 

Jennifer Stephens Gaytan Managing Counsel for the Southeast Region Vice President *Fidelity National Financial* Jacksonville, FL

#### 9:00 AM - 12:00 PM **PART ONE**

Exclusion 3(a) & 3(b) – Recent Trends in Coverage Litigation: Speakers in this segment
will explain how the exclusion for matters created, suffered, and assumed applies to
exclude or limit coverage under the policy. They will also address the minority and
majority views on this exclusion.

#### SPEAKERS

**Michael Kim** Stites & Harbison, PLLC Louisville, KY **T. Morgan Ward, Jr.** *Stites & Harbison, PLLC* Louisville, KY **Ryan Squire** *Garrett & Tully, P.C.* Pasadena, CA

 The Good, the Bad, and the Ugly on Faith and Insurance Claims: Learn about the most recent trends and best practices for handling litigation against an insurer.

#### SPEAKERS Mary Plunkett Plunkett & Cooney Indianapolis, IN

Sanjiv Patel Fidelity National Title Group Jacksonville, FL

 2010 in Review: In this segment, the speakers will address the most ground-breaking opinions or rulings in 2010, and how they will affect your practice in 2011.

#### SPEAKERS

**Steve Parker** *Balch & Bingham* Birmingham, AL **Jerel Hill** Law Office of Jerel Hill Kingwood, TX

12:00 PM - 1:00 PM BREAK

#### 1:00 PM – 4:00 PM **PART TWO**

 Handling defalcation claims: Coverage Analysis, Minimizing Exposure, and Recouping from the Bad Guys

#### SPEAKERS

James Windsor Kaufman & Canoles Newport News, VA **Robert A. Cohen** *Cohen Fox, P.A.* Miami, FL

• That's not my signature! Recent Trends in Fraud, Forgery, and Authority Litigation.

#### SPEAKERS

**Edward Weil** *Dykema Gossett PLLC* Chicago, IL Michael Gilman Dykema Gossett PLLC Chicago, IL Proper Claims Handling Practices: the Good, the Bad, and the "You're never working for this Company again...." In this final segment, a panel of in-house counsel will speak about proper claims handling practices and what they expect from outside counsel.

#### SPEAKERS

Laura Tierney Fidelity National Title Group Jacksonville, FL

#### John Killea

New York, NY

#### Keith Crockett

Fidelity National Title Group Jacksonville, FL

**Connie Clark** 

Attornevs' Title Insurance Fund Orlando, FL

#### **Uta Zacharias** Stewart Guaranty Company Investors Title Company Chapel Hill, NC

#### 10:00 AM - 12:00 PM MOCK TRIAL PROGRAM **EMPEROR V. SWIN AND DEL – A MOCK TRIAL FOR CHILDREN** (AND ADULTS!)

Provide your child with an opportunity to serve as a juror in this fun, educational program! Join TIPS for this must-see special mock trial performance featuring the Amelia Community Theatre Company (ACT), presented by real actors in costume. This mock trial will present the story of the Emperor's New Clothes as a trial based on a claim of fraud and misrepresentation brought by the Emperor against his tailors. It will introduce children to the principles of the rule of law, and will allow them to serve as the jury, giving them the opportunity to test their internal values of fairness and morality in a fun and challenging setting. ACT has been "putting the community on stage" for thirty years, with strong community and volunteer support. Come and see this great story adaptation and give your child a chance to participate!



## SOCIAL EVENTS

#### Wednesday, May 18, 2011 10:00 PM Section

Section Hospitality Chair's Suite

Chair's Suite Come and share in a nightcap with your fellow TIPsters and welcome new friends! Hospitality is complimentary to all attendees.

### Thursday, May 19, 2011

12:00 PM – 1:15 PM	Washington Update and Lunch
	Ticketed Event - \$50.00 per person
	This ticket is included in the TIPS Total Package Pass and the ALL-CLE TIPS Pass.

6:30 PM – 8:00 PM Welcome, Networking, Diversity, and Pursuit of Justice Award Reception Ticketed Event - \$50.00 per person

### Friday, May 20, 2011

12:15 PM – 1:45 PM	<b>Leadership in Action Luncheon</b> Ticketed Event - \$75.00 per person This ticket is included in the TIPS Total Package Pass and the ALL-CLE TIPS Pass.
10:00 PM	<b>Section Hospitality</b> Chair's Suite Come and share in a nightcap with your fellow TIPsters and welcome new friends! Hospitality is complimentary to all attendees.

### Saturday, May 21, 2011

6:00 AM – 7:00 AM	Denise's Dash – Fun Run/Walk Honoring the Memory of Denise St. Fort Suggested contribution of \$35.00 to Trust Benefiting Denise's Children. Contributions collected on-site.
10:00 AM – 12:00 PM	Mock Trial Program Emperor v. Swin and Del – A Mock Trial for Children (and Adults!) Provide your child with an opportunity to serve as a juror in this fun, educational pro- gram! Join TIPS for this must-see special mock trial performance featuring the Amelia Community Theatre Company (ACT), presented by real actors in costume. This mock trial will present the story of the Emperor's New Clothes as a trial based on a claim of fraud and misrepresentation brought by the Emperor against his tailors. It will intro- duce children to the principles of the rule of law, and will allow them to serve as the jury, giving them the opportunity to test their internal values of fairness and morality in a fun and challenging setting. ACT has been "putting the community on stage" for thirty years, with strong community and volunteer support. Come and see this great story adaptation and give your child a chance to participate!
1:15 PM	<b>Golf</b> Ticketed Event - \$160.00 per person The Golf Club of Amelia Island at Summer Beach
7:00 PM – 10:00 PM	Reception/Dinner – Welcome to TIPS Garden of Good and Evil

Ticketed Event - \$125.00 per person

## LEADERSHIP AND CO EVERYONE IS WEL

We encourage your participation in any and all TIPS Council, Task Force, and Standing Committee meetings, whether or not you are a member. Please feel free to join us at any of these meetings throughout the week and weekend:

### Wednesday, May 18, 2011

3:00 PM – 5:00 PM	Registration
5:00 PM – 7:00 PM	Section Council Meeting
7:30 PM	Section Council Dinner
10:00 PM	Section Hospitality

## Thursday, May 19, 2011

7:00 AM – 8:00 AM	Admiralty & Maritime Law Committee Business Meeting
7:00 AM – 8:00 AM	Alternative Dispute Resolution Committee Business Meeting
7:00 AM – 8:00 AM	Business Litigation Committee Business Meeting
7:00 AM - 8:00 AM	Commercial Transportation Litigation Committee Business Meeting
7:00 AM – 8:00 AM	Trial Techniques Committee Business Meeting
7:00 AM - 8:00 AM	Workers Compensation and Employers Liability Law
	Committee Business Meeting
9:00 AM - 11:00 AM	Technology Committee Meeting
12:00 PM – 1:15 PM	Washington Update and Lunch Please purchase a ticket and attend!
2:00 PM – 4:00 PM	Long Range Planning Subcommittee Meeting
2:00 PM – 5:00 PM	Website Editorial Board Meeting
3:30 PM – 5:00 PM	Diversity in the Profession Committee Meeting
4:30 PM – 5:30 PM	Task Force on Outreach to Young Lawyers Meeting
6:30 PM – 8:00 PM	Welcome, Networking, Diversity, and Pursuit of Justice Award Reception. <i>Please purchase a ticket and attend</i> !

### Friday, May 20, 2011

7:00 AM - 8:00 AM	Appellate Advocacy Committee Business Meeting
7:00 AM - 8:00 AM	Employment Law Litigation Committee Business Meeting
7:00 AM - 8:00 AM	Government Law Committee Business Meeting
7:00 AM - 8:00 AM	Self-Insurers and Risk Managers Committee Business Meeting

## DMMITTEE MEETINGS COME TO ATTEND!

### Friday, May 20, 2011 (continued)

7:00 AM - 8:00 AM	Insurance Regulation Committee Business Meeting
7:00 AM - 8:00 AM	Intellectual Property Committee Business Meeting
7:00 AM - 8:00 AM	International Law Committee Business Meeting
7:00 AM - 8:00 AM	Products, General Liability and Consumer Law Committee
	Business Meeting
7:00 AM - 8:00 AM	Toxic Torts & Environmental Law Committee Business Meeting
8:00 AM – 9:00 AM	Government Law Advisory Board Meeting (WEST)
8:00 AM - 10:00 AM	Law in Public Service Committee Meeting
8:00 AM - 10:00 AM	Membership Committee Meeting
8:00 AM - 10:30 AM	Scope and Correlation Committee Meeting
8:00 AM - 12:00 PM	Leadership Academy Meeting
8:30 AM – 9:30 AM	Enterprise Fund Board Meeting
8:30 AM - 10:00 AM	Public Relations Committee Meeting
12:15 PM – 1:45 PM	Leadership in Action Luncheon
	Please purchase a ticket and attend!
1:00 PM - 3:00 PM	West Advisory Board/Product Review
2:00 PM - 3:30 PM	Task Force on Plaintiffs Involvement Meeting
2:00 PM - 4:00 PM	TIPS Law Journal Editorial Board Meeting
3:30 PM - 5:00 PM	Revenue Enhancement Committee Meeting
4:30 PM - 5:00 PM	Scholarship Fund Board Meeting
5:30 PM – 7:00 PM	TIPS Fellows Meeting/Reception
10:00 PM	Section Hospitality

## Saturday, May 21, 2011

6:00 AM – 7:00 AM	Denise's Dash – Fun Run/Walk Join us in a heart-healthy run or walk as well as contribute to the Trust that benefits Denise's children. Contributions collected on-site.
7:00 AM - 8:00 AM	Animal Law Committee Business Meeting
7:00 AM - 8:00 AM	Insurance Coverage Litigation Committee Business Meeting
7:00 AM - 8:00 AM	Staff Counsel Committee Meeting
7:00 AM - 8:00 AM	Title Insurance Litigation Committee Meeting
7:00 AM - 8:00 AM	Media, Privacy and Defamation Law Committee Meeting
7:30 AM – 8:30 AM	2011 Annual Meeting Planning and Programming Committee Meeting



## Saturday, May 21, 2011 (continued)

8:00 AM – 9:00 AM	Emerging Issues Committee Meeting
8:00 AM - 10:00 AM	History Committee Meeting
8:00 AM – 10:00 AM	Ethics & Professionalism Committee Meeting
8:00 AM – 10:00 AM	CLE Board Meeting
8:00 AM – 12:00 PM	Leadership Academy Meeting
9:00 AM – 11:00 AM	Task Force on Federal Involvement in Insurance Regulation Modernization Meeting
9:00 AM – 11:30 AM	Committee Orientation Break-out Sessions
9:00 AM – 12:00 PM	Book Publishing Board Meeting
9:00 AM – 12:00 PM	The Brief Editorial Board Meeting
9:00 AM – 12:00 PM	Section Council Meeting
10:00 AM – 12:00 PM	Mock Trial Program Emperor v. Swin and Del – A Mock Trial for Children (and Adults!) Bring your children to participate in this great story adaptation.
11:00 AM – 1:00 PM	ABA/TIPS Committee Meeting
12:00 PM – 2:00 PM	Leadership Academy Lunch & Caucus
1:00 PM – 2:00 PM	National Trial Academy Meeting
1:00 PM – 3:00 PM	Long Range Planning Committee Meeting
1:00 PM – 3:30 PM	Task Force on Outreach to Law Students Meeting
1:00 PM - 4:00 PM	TortSource Editorial Board Meeting
1:15 PM	Golf Please sign up if you plan to attend!
2:00 PM – 3:00 PM	Task Force on Leadership-Diversity Initiative Meeting
2:30 PM – 3:30 PM	2011-2012 Section Meetings Planning and Orientation Committee Meeting
3:00 PM - 4:00 PM	Governmental Affairs Committee Meeting
3:00 PM – 5:00 PM	Finance Committee Meeting
4:00 PM – 5:00 PM	Law Student Board Meeting
7:00 PM - 10:00 PM	Reception/Dinner – Welcome to TIPS Garden of Good and Evil <i>Please purchase a ticket and attend!</i>

## Sunday, May 22, 2011

9:00 AM - 11:00 AM	Section Council Meeting
9:00 AM - 11:00 AM	General Committee Board Meeting

## SPONSORS

The Tort Trial & Insurance Practice Section Thanks Our Sponsors For Their Generous Support

**Premier Section Sponsor** 



**Section Sponsors** 







### **EXHIBITORS**

For companies or vendors interested in sponsoring or exhibiting at this program, please contact Erin Ruehrwein at 312/988-5574.

## GENERAL INFORMATION

#### HOTEL DEADLINE: APRIL 26, 2011 REGISTRATION DEADLINE: APRIL 29, 2011

#### **ADVANCE REGISTRATION**

Visit the TIPS Annual Spring CLE & Leadership Forum website to register at www.americanbar.org/groups/tort\_trial\_insurance\_practice.html or complete the registration form included in this brochure.

#### **CANCELLATION POLICY**

No registration fee refunds will be granted for cancellations received after May 6, 2011. In order to receive a refund (less a \$50 administrative fee), the ABA must receive written notice of cancellation by May 6, 2011. Registrants who are unable to attend may send a substitute or may receive course materials in lieu of a refund.

#### **AIRLINE INFORMATION**

Discounted airfares are available from ABA Orbitz for Business, including ABA-negotiated discounts on American and United. To book online, go to www.americanbar. org/membership/benefits\_of\_membership/travel\_services/ book\_travel\_now.html > click under the Orbitz for Business logo at the top of the page > click on the appropriate link in the Self Paid Travel box. For assistance with online or offline reservations, call toll free 1-877-222-4185.

Discounts can also be obtained directly from the carrier. American: Call 800-433-1790 code A1911SS United: Call 800-521-4041 code 578IG

#### HOTEL INFORMATION

A limited number of rooms have been held for meeting registrants at the Ritz-Carlton, Amelia Island Hotel, 4750 Amelia Island Parkway, Amelia Island, FL 32034. Call 800/241-3333 or 904/321-5011 to make room reservations or visit the TIPS website at www.americanbar.org/groups/ tort\_trial\_insurance\_practice.html. *The room block will be held until exhausted or until Tuesday, April 26, 2011 at 5:00 p.m. (CST)*. After that date, reservations will be confirmed based on availability. To avoid any inconvenience, make your hotel reservations as soon as possible.

To receive our special group rate of \$235.00 coastal view rooms, identify yourself as attending the ABA Tort Trial & Insurance Practice Section 2011 Spring Meeting when making reservations. All rooms are subject to a 10.00 % state tax. Hotel check-in is 3:00 p.m. and checkout is 12:00 Noon. All reservations must be guaranteed by credit card or deposit check. Reservations must be cancelled 7 days prior to the scheduled day of arrival to avoid a one-night cancellation charge.

#### **CLE CREDIT**

Accreditation will be requested for this program from every state with mandatory continuing legal education (MCLE) requirements for its lawyers. Please be aware that each state has its own rules and regulations, including its definition of "CLE." Check with your state agency for confirmation of this

program's approval. Attorneys seeking to obtain MCLE credit in Pennsylvania are required to pay state accreditation fees directly to that state. Certificates of Attendance will be available at the conclusion of the program. In order to receive CLE credit, all attorneys will be required to sign in on the sheets provided and obtain a Uniform Certificate of Attendance. Registration fees must be paid in full before registrants can receive credit. For questions pertaining to the number of credit hours granted by each state, call 312/988-5672.

#### MEMBERSHIP INFORMATION

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at www.americanbar.org/groups/tort\_trial\_insurance\_ practice/membership.html or call 800/285-2221. Membership in TIPS includes three industry-leading quarterly periodicals, discounts of up to 20% on many TIPS CLE programs and books, and other career-and practice-enhancing benefits. Join the Tort Trial & Insurance Practice Section today!

#### PERSONS WITH DISABILITIES

Services for persons with disabilities are available. If special arrangements are required for an individual to attend this program, please notify the ABA promptly at 312/988-5672. Reasonable advance notice is requested.

#### **SCHOLARSHIPS AVAILABLE!**

ATTENTION TIPS MEMBERS: Scholarships are available for all Section activities, courtesy of the TIPS Scholarship Fund. The Fund, established with the International Risk Management Institute ("IRMI") and supported by subscriptions to the IRMI CGL Reporter, is intended to increase membership involvement in TIPS's activities by minorities, solo and small firm practitioners, government attorneys, women, and young lawyers by providing financial support to those who would otherwise be unable to participate. To request an application or receive additional information, visit www.americanbar.org/groups/ tort\_trial\_insurance\_practice/about\_us/scholarship\_fund. html or contact Linda Wiley at 312/988-5673.

#### GET CONNECTED WITH TIPS

Information on these CLE programs and other TIPS programs is available online at www.americanbar.org/groups/tort\_trial\_ insurance\_practice.html. Visit us and get connected!

## ON-SITE MEETING REGISTRATION AND SPONSOR EXHIBITS

Registration Hours:	Wednesday, May 18, 2011 3:00 PM to 5:00 PM
	Thursday, May 19, 2011

7:00 AM to 5:00 PM

Friday, May 20, 2011 7:00 AM to 5:00 PM

Saturday, May 21, 2011 7:00 AM to 5:00 PM

## REGISTRATION FORM

**ABA Tort Trial & Insurance Practice Section** 

### **CLE ON THE ISLAND**

**TIPS ANNUAL SPRING CLE & LEADERSHIP FORUM** 

May 18–22, 2011 • Hotel Deadline: April 26, 2011 • Registration Deadline: April 29, 2011 THIS FORM IS AVAILABLE ONLINE AT: www.americanbar.org/groups/tort\_trial\_insurance\_practice.html

#### 1. REGISTRANT: (Please print or type one form per person; photocopy this form for additional registrants)

LAST NAME	FIRST NAME	MI
FIRM/COMPANY		
ADDRESS		
CITY	STATE	ZIP
(AREA CODE) BUSINESS PHONE NUMBER	FACSIMILE	
e-mail address		

SPOUSE OR GUEST (PRINT AS YOU WISH NAMES TO APPEAR ON BADGE)

#### FIRST TIME ATTENDEE: YES NO

#### **1. MEMBERSHIP APPLICATION**

I am member of the ABA and wish to join the Tort Trial & Insurance Practice Section (TIPS). I have enclosed a separate check for \$50 made payable to the American Bar Association (ABA). Please note: If you purchase a TIPS Total Package Pass or an ALL-CLE TIPS Pass, you will receive one year of free membership with TIPS!

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On or Before

## 2. REGISTRATION FEES:

2. KLUISTKAHUNTLLS.							4/29/11	QTY
A. CLE PROGRAMS			B. SOCIAL EVENT TICKETS			4/25/11	QII	
				5/19 Welco	me Rec	eption	□ \$50	
TIPS TOTAL PACKAGE PASS	On or Befor	e After		5/21 Golf			<b>\$</b> 160	
(Includes ALL-CLE TIPS PASS, Both	4/29/11	4/29/11	QTY		's Dash	– Fun/Run Wall		d contribution)
lunches, Thursday Reception and						erest in participating:		a contribution)
Saturday's Reception/Dinner)						be collected on-site.		
TIPS Members	🗅 \$550	□ \$600						
In-House Counsel	🗅 \$345	🗅 \$395		5/21 Recept	1011/1011	mer		
Government/Solo Practitioner	<b>□</b> \$425	<b>\$</b> 475		Adults			<b>□</b> \$125	
Non-TIPS Members	\$625			Childre		· ·	<b>□</b> \$50	
In-House Counsel	\$395			Childre	en (15 t	o 20)	🗅 \$75	
Government/Solo Practitioner								
ABA Member	□ \$645					C C		¢
ABA Member	□\$645	□ \$695				Section	2B Subtotal:	\$
ALL-CLE TIPS PASS				0 144TE				
(Includes access to all CLE programs,			3. MATERIALS ONLY					
and both lunches)				🗅 I will no	t be att	ending the CLE	programs and	and wish to
TIPS Members	<b>□</b> \$425	<b>\$</b> 475		order progr	am ma	iterials for \$150	)	
In-House Counsel	\$295			01001 p100				¢
Government/Solo Practitioner						Section	n 3 Subtotal:	\$
Non-TIPS Members	□ \$445							
In-House Counsel	□ \$345			4. TOTAL	ΡΔΥΛ	MENT		
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ABA Member	<b>□</b> \$475	<b>□</b> \$500			[			
Government Employee/Solo Pass						<b>Grand Tota</b>	I: <b>S</b>	
(Includes access to all CLE programs and								
the Washington Update and Lunch)								
TIPS Members	□ \$245	<b>□</b> \$295						
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Non-TF3 Members	<b>□</b> \$295	<b>□</b> \$343					N.	
Individual Program Fee	<b>\$</b> 150	<b>□</b> \$175		ONLINE:	www.	americanbar.org	/groups/tort tria	l insurance
(Includes 1 CLE program – 3 hours max)						ce.html		
Washington Update and Lunch	🖵 \$50	🖵 \$60		MAIL:		ican Bar Associ		
(The price of this ticket is included in the TIPS					Tort Tr	ial & Insurance F	Practice Section (	TIPS)
Total Package Pass and the ALL-CLE TIPS Pass)					TIPS A	Annual Spring C	LE & Leadership	Forum
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Law Students (1 CLE Program)	<b>□</b> \$25	<b>□</b> \$25			Phone	e: 312/988-567	2	
				FAX:	212/0	00 (220		
Section 2	A Subto	tal: \$_		ГАЛ:	312/9	88-6230		

# TIPS ANNUAL SPRING CLE AND LEADERSHIP FORUM

THE RITZ-CARLTON HOTEL AMELIA ISLAND MAY 18 – 22, 2011 AMELIA ISLAND, FL REGISTRATION DEADLINE: April 29, 2011 HOTEL DEADLINE: APRIL 26, 2011 Register online at www.americanbar.org/groups/ tort\_trial\_insurance\_practice/events\_cle.html

UPCOMING MEETINGS ABA Annual Meeting Sheraton Centre Toronto Hotel August 4 – 8, 2011 TIPS will again offer a wide range of comprehensive CLE programs not to be missed!

View all of our upcoming CLE programs online at www.americanbar.org/groups/tort\_ trial\_insurance\_practice/events\_cle.html



American Bar Association Tort Trial & Insurance Practice Section erv. 321 North Clark Street fice Chicago, Illinois 60654



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