Federal Civil Practice Update 2010: A Practical Guide to New Developments, Procedures, & Strategies

Oct. 6, 2010
University of Chicago - Gleacher Center-Chicago, IL

Overview

Recently admitted NY attorneys: This program is accredited for transitional CLE credit

Why You Should Attend

Are you up-to-date on all the new developments in federal civil practice? At PLI’s Federal Civil Practice Update 2010, a faculty of some of the nation’s preeminent law practitioners, in-house counsel, and judges will discuss and analyze the most important recent developments in federal civil practice, and the impact of these new developments on your clients’ cases and strategy.

Once again, the program will include the popular “The View from the Bench” following each presentation, so attendees can hear the perspectives of the federal judges and have their questions answered.

What You Will Learn

Some of the many interesting topics to be covered include:

- Recent changes to the Federal Rules of Civil Procedure
- A practical guide to managing electronic evidence
- New developments in the attorney-client privilege and the work product doctrine:
- Class action litigation: recent Supreme Court and other important decisions, legal strategies that have emerged in the wake of the Class Action Fairness Act, waivers and arbitration
- Strategies for handling civil litigation and concurrent government (regulatory/Department of Justice) investigations
- The views of In-house corporate counsel: keys to a successful relationship with outside litigation counsel
- Alternative dispute resolution: when ADR is the better venue; strategies for winning an arbitration
- Current ethical issues: the lawyer as whistleblower
Who Should Attend

This program is designed for both in-house and outside counsel with some experience in federal civil practice.

PLI Group Discounts

Groups of 4-14 from the same organization, all registering at the same time, for a PLI program scheduled for presentation at the same site, are entitled to receive a group discount. For further discount information, please contact membership@pli.edu or call (800) 260-4PLI.

Special Features

The "View from the Bench" will follow each presentation, giving attendees the opportunity to hear the perspectives of federal judges.

Cancellations

All cancellations received 3 business days prior to the program will be refunded 100%. If you do not cancel within the allotted time period, payment is due in full. You may substitute another individual to attend the program at any time.

Schedule

Morning Session: 9:00 a.m. - 12:30 p.m.

9:00 Introduction

Jerold S. Solovy

9:15 Attorney-Client Privilege and the Work Product Doctrine

- Properly asserting the privilege - new developments in the law of privilege logs
- Corporate communications protected by the privilege
- Protecting the privilege in special situations
- Federal Rule of Evidence 502

Presenter: Colleen M. Kenney

The View from the Bench: Hon. Joan B. Gottschall, Hon. Morton Denlow

10:15 Practical Advice for Managing Electronic Discovery

- Update on current case law
- Practical advice on how to:
  - Implement litigation holds and audit data collection
  - Manage e-discovery production issues
  - Avoid sanctions while controlling costs arising from production of emails and other Electronically Stored Information (ESI)
  - Present and defend e-discovery disputes concisely and convincingly

Presenter: Monica L. Thompson

The View from the Bench: Hon. Joan B. Gottschall, Hon. Morton Denlow

11:15 Networking break

11:30 Recent Developments in Class Actions and the Impact of the Class Action Fairness Act

- Review of recent decisions under CAFA
- Recent U.S. Supreme Court decisions affecting class actions
- How courts are addressing class action waivers
- Recent developments in securities class actions
- Propriety of review on the merits by courts asked to certify a class under Rule 23
- Appellate issues under CAFA and Rule 23
- Is CAFA working as intended? The impact of CAFA on class action volume in state and federal courts, and other issues

Presenter: Howard S. Suskin

The View from the Bench: Hon. Joan B. Gottschall, Hon. Morton Denlow

12:30 Lunch

Afternoon session: 1:30 p.m. - 5:15 p.m.

1:30 Overlapping Civil Litigation and Government (regulatory/Department of Justice) Investigations

- When is it possible to obtain a stay of civil proceedings in light of a pending government investigation?
- When is it possible to obtain discovery information developed by a pending government investigation?
- What other practical considerations are involved, such as determining whether an agency has exceeded its jurisdiction, what the respective roles of multiple agencies in conducting parallel investigations are, and how to avoid the collateral estoppels effect of a judgment of conviction on a guilty plea

Moderator: Dan K. Webb
Panelists: Jeremy D. Margolis, James G. Richmond, Z. Scott
The View from the Bench: Chief Judge James F. Holderman, Hon. Sidney I. Schenkier

2:30 The Views of In-house Corporate Counsel: Litigation Management and Resolution of Complex Litigation

- The most helpful practices of outside litigation counsel in complex cases
- Practical tips for helping in-house counsel handle the e-discovery overload
- Current approaches to managing costs when working with outside counsel
- Keys to a successful relationship between in-house counsel and outside litigation counsel toward developing a winning strategy

Moderator: John F. Grady, Jr.
Panelists: Christine M. Castellano, Joan Fencik, Susan R. Lichtenstein, Linda Miller
The View from the Bench: Chief Judge James F. Holderman, Hon. Sidney I. Schenkier

3:30 Networking break

3:45 Arbitration and Mediation Update

- Arbitration
  - Evaluating the Claims
  - Strategies to Tell Your Story
  - Best Techniques for Winning an Arbitration
- Mediation
  - The Various Types of Mediation
  - Selecting Your Mediator
  - The Mediation Process

Moderator: Hon. Richard E. Neville
Panelists: James J. Eccleston, Edward D. Shapiro
The View from the Bench: Chief Judge James F. Holderman, Hon. Sidney I. Schenkier

4:30 Ethical Issues in Federal Litigation: Lawyers as Whistleblowers

- What can or must a lawyer do when a client is breaking the law?
- What disclosures can be made and what can others do with those disclosures?
- What does a lawyer risk upon deciding to blow the whistle on a client?

Presenter: Mary T. Robinson
View from the Bench: Chief Judge James F. Holderman, Hon. Sidney I. Schenkier

5:15 Adjourn

Faculty

Chairperson(s)
Jerold S. Solovy, Jenner & Block LLP

Moderator(s)
Hon. Morton Denlow, Magistrate Judge, United States District Court, Northern District of Illinois
Hon. Joan B. Gottschall, District Judge, United States District Court, Northern District of Illinois
Hon. James F. Holderman, Chief Judge, United States District Court, Northern District of Illinois
Hon. Sidney I. Schenkier, Presiding Magistrate Judge, United States District Court, Northern District of Illinois

Speaker(s)
Christine M. Castellano, Associate General International Counsel, Corn Products International, Inc.
CLE Credit

PLI's live programs are approved in all states that require mandatory continuing legal education for attorneys. Please be sure to check with your state for details.

Please check the CLE Calculator above each product description for CLE information specific to your state.

Special Note: In New York, newly admitted attorneys may receive CLE credit only for attendance at "transitional" programs during their first two years of admission to the Bar. Non-traditional course formats such as on-demand web programs or recorded items, are not acceptable for CLE credit. Experienced attorneys may choose to attend and receive CLE credit for either a transitional course or for one geared to experienced attorneys. All product types, including on-demand web programs and recorded items, are approved for experienced attorneys.

If you have already received credit for attending some or the entire program, please be aware that state administrators do not permit you to accrue additional credit for repeat viewing even if an additional credit certificate is subsequently issued.

Travel Information

Chicago Seminar Location
University of Chicago Gleacher Center, 450 N. Cityfront Plaza Drive, Chicago, IL 60611. (312) 464-8787.

Chicago Hotel Accommodations
Sheraton Chicago Hotel & Towers, 301 East North Water Street, Chicago, Illinois 60611. (312) 464-1000. When calling, mention PLI and the name of the program you are attending. Attendees will have until 30 days prior to the program to receive the preferred rate.

For more information call (800) 260-4PLI or (212) 824-5710, or e-mail info@pli.edu.
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