

“Bet the Company” Litigation 2010: Best Practices for Complex Cases

New York City and Live Webcast, www.pli.edu,
November 9, 2010

Boston, Cleveland, Mechanicsburg,
New Brunswick, Philadelphia, and Pittsburgh
Groupcast Locations, November 9, 2010

Why You Should Attend

Complex litigation can involve securities law, intellectual property, antitrust and other substantive areas of law. The involvement of regulators seeking documents and depositions or the Department of Justice becoming a party only complicates matters further. The presence of multi-jurisdictional legal, business and technology issues requires specific case management skills and techniques. This program brings together experienced practitioners to provide the most up-to-date intelligence on proven strategies and tools to manage these types of cases. Panelists will include both defense and plaintiffs' counsel experienced in multi-jurisdictional litigation, regulatory attorneys and in-house counsel.

What You Will Learn:

- Current developments relating to extraterritorial issues in class actions
- Issues relating to the differing roles of state and federal courts in complex litigation, with specific attention devoted to the increasing role of state courts
- How to handle the intricacies of bankruptcy-related litigation stemming from “bet the company” cases
- How to handle parallel regulatory issues
- How to approach the thorny ethical issues involved in complex litigation, including litigation funding
- How sophisticated in-house counsel approach complex matters and what they expect from their outside counsel

Who Should Attend

This program is directed toward litigators, in-house counsel and other professionals who handle complex litigation.

**Reserve your place today, call (800) 260-4PLI
or visit www.pli.edu.**

FACULTY

Chair



Richard W. Clary
Cravath, Swaine & Moore LLP
New York City

James L. Bernard
Stroock & Stroock & Lavan LLP
New York City

Martin J. Bienenstock
Dewey & LeBoeuf LLP
New York City

M. Alexander Bowie II
Day Pitney LLP
New York City

Hon. Eileen Bransten
New York State Supreme Court,
Commercial Division
New York City

Susan E. Brune
Brune & Richard LLP
New York City

Lawrence N. Chanen
Senior Vice President and Associate
General Counsel
JP Morgan Chase & Co.
New York City

Michael F. Coyne
Co-Head of Litigation
JP Morgan Chase & Co.
New York City

Deborah M. Danzig
Vice President, Compliance Officer
and Corporate Counsel
Beazer Homes USA, Inc.
Atlanta, Georgia

MaryJeanette Dee
Richards Kibbe & Orbe LLP
New York City

Hon. Robert D. Drain
U.S. Bankruptcy Court, Southern
District of New York
New York City

Hon. Fred E. Edwards
District Court Judge, 9th District Court
Montgomery County Courthouse
Conroe, Texas

William C. Fredericks
Bernstein Litowitz Berger &
Grossmann LLP
New York City

Pierre M. Gentin
Managing Director and
Head of Litigation
Credit Suisse
New York City

Hon. Richard J. Holwell
United States District Judge
United States District Court, Southern
District of New York
New York City

Andrew B. Kratenstein
McDermott Will & Emery LLP
New York City

Mei Lin Kwan-Gett
Willkie Farr & Gallagher LLP
New York City

Avi E. Luft
Cleary Gottlieb Steen & Hamilton LLP
New York City

Elaine H. Mandelbaum
Managing Director and Deputy
General Counsel
Citigroup Global Markets, Inc.
New York City

J. Kevin McCarthy
Executive Vice President and Deputy
General Counsel; Global Head of
Litigation and Regulatory
Enforcement
BNY Mellon
New York City

Ronald C. Minkoff
Frankfurt Kurnit Klein & Selz PC
New York City

Robert L. Palmer
Hennigan, Bennett & Dorman LLP
Los Angeles, CA

Owen C. Pell
White & Case LLP
New York City

Rebecca Roiphe
Associate Professor of Law
New York Law School
New York City

Ronit Setton
Cadwalader, Wickersham & Taft LLP
New York City

Jack G. Stern
Boies, Schiller & Flexner LLP
New York City

Robyn Tarnofsky
Paul, Weiss, Rifkind,
Wharton & Garrison LLP
New York City

Beth Trent
Attorney at Law
New York City

Herbert S. Washer
Shearman & Sterling LLP
New York City

Jeffrey T. Welch
Managing Director and Senior Counsel
Deutsche Bank AG
New York City

Jonathan K. Youngwood
Simpson Thacher & Bartlett LLP
New York City

**Program Attorney:
Laurie Gilbertson**

Program Schedule

Please plan to arrive with enough time to register before the conference begins.
A networking breakfast will be available upon your arrival.

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

9:00

Introduction and Opening Remarks

Richard W. Clary

9:15

Current Legal Issues Relating to Complex Litigation: Extraterritoriality

- Interpreting and applying *Morrison*
- Class certification issues
- ADR purchasers and derivative suits
- Appointment of lead plaintiffs and counsel, including in the context of the PSLRA

Moderator: Jonathan K. Youngwood

Panelists: William C. Fredericks, Andrew B. Kratenstein, Avi E. Luft, Ronit Setton, Robyn Tarnofsky

10:15

Views from the Bench and Bar

- Procedural innovations to streamline complex cases
- Issues relating to the increasing role of state courts
- Coordination among courts

Moderator: Richard W. Clary

Panelists: Hon. Eileen Bransten, Hon. Fred E. Edwards, Hon. Richard J. Holwell, Robert L. Palmer, Owen C. Pell

11:15 *Networking Break*

11:30

Managing Complex Litigation in the Bankruptcy Context

- Understanding and working with primary constituencies
- Understanding the bankruptcy court's perspective
- Formal and informal discovery investigations, and helping the courts deal with the workload

Moderator: Martin J. Bienenstock

Panelists: Lawrence N. Chanen, Hon. Robert D. Drain, Jack G. Stern

12:30 *Lunch*

Afternoon Session: 1:45 p.m. – 5:00 p.m.

1:45

Internal Investigations

- Current regulatory issues relating to Wall Street
- Best practices regarding internal investigations
- Best practices regarding parallel regulatory proceedings and litigation

Moderator: Herbert S. Washer

Panelists: Susan E. Brune, MaryJeanette Dee, Pierre M. Gentin, Mei Lin Kwan-Gett

2:45

Current Ethical Issues in Complex Litigation

- Issues arising from litigation funding
- Issues associated with interactions with insurance carriers
- Concerns about waiver

Moderator: Ronald C. Minkoff

Panelists: James L. Bernard, M. Alexander Bowie II, Rebecca Roiphe

3:45 *Networking Break*

4:00

Views from In-House

- Crisis management practices
- Issues with incorporating non-legal professionals into the litigation team
- "Pet peeves" versus best practices for outside counsel

Moderator: J. Kevin McCarthy

Panelists: Michael F. Coyne, Deborah M. Danzig, Elaine H. Mandelbaum, Beth Trent, Jeffrey T. Welch

5:00 *Adjourn*