

AMERICAN BAR ASSOCIATION

TORT TRIAL & INSURANCE  
PRACTICE SECTION  
ADR NATIONAL CLE FORUM

SPONSORED BY: ALTERNATIVE DISPUTE RESOLUTION  
AND THE EXCESS, SURPLUS LINES & REINSURANCE  
COMMITTEES

APRIL 24, 2013  
JW MARRIOTT HOTEL  
WASHINGTON, D.C.



# ADR SPRING 2013 NATIONAL CLE FORUM

## DAY ONE—ADR FORUM

*Sponsored by the Alternative Dispute Resolution and the Excess, Surplus Lines & Reinsurance Committees*

WEDNESDAY, APRIL 24, 2013

8:00 AM – 5:00 PM

### REGISTRATION

9:00 – 11:00 AM

### CONTINENTAL BREAKFAST

9:30 – 9:45 AM

### WELCOME

#### **Richard C. Mason**

*Program Chair & Gold Sponsor*

*Cozen O'Connor*

*Philadelphia, PA*

#### **Leah M. Quadrino**

*Program Chair & Gold Sponsor*

*Septoe & Johnson LLP*

*Washington, D.C.*

9:45 – 10:45 AM

### CHOICES HAVE CONSEQUENCES: NAVIGATING MULTI-PARTY ADR

Nowhere but in the land of ADR is there so much party-driven choice regarding the process, the forum, and the neutrals who will decide the dispute. What ethical issues should you consider when choosing an ADR process or forum, or when selecting a neutral when those matters are not pre-determined by contract? Panelists will answer these questions and discuss how to select and “vet” neutrals and how to design and adapt procedures to meet parties’ needs. The panel will also discuss strategies and ethical considerations for handling complex, multi-party matters.

#### MODERATOR:

##### **Ettie Ward**

*Professor of Law; Director, LL.M. Program in International and Comparative Sports Law,*

*St. John's University School of Law*

*Jamaica, NY*

#### SPEAKERS:

##### **Sean C. Griffin**

*Septoe & Johnson LLP*

*Washington, D.C.*

##### **Maxine H. Verne**

*Senior Vice President, General Counsel &*

*Corporate Secretary*

*SCOR Reinsurance Company,*

*New York, NY*

##### **Jeff Kichaven**

*Jeff Kichaven Commercial Mediation*

*Los Angeles, CA*

##### **Jerry P. Roscoe**

*JAMS*

*Washington, D.C.*

11:00 AM – 12:00 PM

### MEDIATING THE HIGH - PROFILE CONTROVERSY

Mediation has become a strong preference for governmental and judicial bodies determined to relieve the burden on courts to resolve high-profile disputes, such as mass tort claims. For example, mediation has played an integral role in resolving claims arising from the September 11, 2001 terrorist attack, the BP oil spill, and the Penn State University sexual abuse claims. You will learn about the special dynamics in these types of mediations and how to address them, including judicial pressure, political considerations, public scrutiny, and public impact. You will also learn about the types of high-profile disputes that best lend themselves to mediation.

#### MODERATOR:

##### **Richard C. Mason**

*Cozen O'Connor*

*Philadelphia, PA*

#### SPEAKERS:

##### **Michael Barasch, Esq.**

*Barasch McGarry Salzman &*

*Penson, P.C.*

*New York, NY*

##### **Valerie Calistro, Esq.**

*Ventura, Ribiero & Smith*

*Danbury, CT*

##### **Hon. Stuart Nudelman (Retired)**

*ADR Systems of America LLC*

*Chicago, IL*

##### **Professor Francis McGovern**

*Professor of Law*

*Duke University School of Law*

*Durham, NC*

12:15 – 1:15 PM

### LUNCHEON—Kenneth R. Feinberg

*Attend the ADR Forum and enjoy lunch while listening to and learning from Keynote Speaker Kenneth R. Feinberg.*

Kenneth R. Feinberg has been central to resolving many of our nation's most difficult and widely known disputes. He served as the Special Master of the Federal September 11th Victim Compensation Fund of 2001, in which he reached out to all who qualified to file a claim, evaluated applications, determined appropriate compensation, and disseminated awards. A few years later, Mr. Feinberg became Fund Administrator for the Hokie Spirit Memorial Fund following the tragic shootings at Virginia Tech. Mr. Feinberg also has served as Special Master in Agent Orange, asbestos personal injury, wrongful death claims, Dalkon shield, and DES (pregnancy medication) cases.

# ADR SPRING 2013 NATIONAL CLE FORUM

continued

He also has served as Distribution Agent for AIG Fair Fund claimants, and has been the Fund Administrator for a variety of claimant funds totaling more than \$1 billion. Mr. Feinberg will address ADR Forum attendees and share his expertise in explaining the best practices and methods for resolving high profile disputes through mediation. He will comment on the best approaches for dealing with intransigent parties, methods for valuing complex claims, and the effect of media and public pressure and attention on high-profile mediations. He will illustrate the challenges and pitfalls of high profile mediation by sharing his experiences in a wide range of such matters.

1:30 – 2:30 PM

## INNOVATIONS AND STRATEGIES FOR COMPLEX MEDIATION

New innovations are launching mediation into a broader world of dispute resolution. Learn about current trends, such as third-party funding, technology-assisted ADR, hybrid procedures, co-mediation, telephonic dispute resolution, and more. The panel will discuss how to implement mediation strategy in the context of these innovations and trends, and will provide insight into which of these trends are worth trying –or avoiding.

### MODERATOR:

**Leah M. Quadriano**  
*Steptoe & Johnson LLP*  
Washington, D.C.

### SPEAKERS:

**Hon. Edward N. Cahn (Retired)**  
*Bank Rome LLP*  
Allentown, PA

**Aaron Krauss, Esq.**  
*Cozen O'Connor*  
Philadelphia, PA

**Hon. Marina Corodemus (Retired)**  
*Managing Partner, Director ADR*  
*Corodemus & Corodemus Law, LLC*  
Iselin, NJ

**Inga Watkins**  
*Watkins Law & Dispute Resolution*  
*Adjunct Professor, Howard University*  
Alexandria, VA

2:30 – 2:45 PM

## BREAK

2:45 – 3:45 PM

## HOW TO LASSO RUN-AWAY ARBITRATION: BEST PRACTICES FOR CONTROLLING DISCOVERY, MOTION PRACTICE, AND PRESENTATION OF EVIDENCE

Arbitration can be more efficient and less expensive than courtroom litigation. Learn how to gain efficiency and control costs by streamlining the proceeding, better managing the development of evidence, reining in fact-discovery (including e-discovery), and focusing the presentation of evidence. The panel will discuss these arbitration efficiency challenges and provide creative ideas for addressing them.

### SPEAKERS:

**Susan Hammer Farina**  
*Senior Vice President, General Counsel*  
*Proveris Scientific Corporation*  
Marlborough, MA

**Hon. John S. Martin (Retired)**  
*Martin & Obermaier, LLC*  
New York, NY

**Kermit L. Kendrick**  
*Burr & Forman LLP*  
Birmingham, AL

**Stacey Schwartz**  
*Senior Legal Counsel, Senior Vice President Legal*  
*& Compliance*  
*Swiss Re-America Holding Corporation*  
Armonk, NY

3:45 – 4:00 PM

## BREAK

4:00 – 5:00 PM

## GLOBAL ADR ON A FLAT EARTH: HOW TO SUCCEED IN A MULTI-NATIONAL ADR

Increasingly, U.S. parties are conducting business and interacting with non-U.S. parties. Even when arbitration or mediation process is in the United States, foreign law and practices may be relevant, and language and cultural issues may have an impact on the process and the proceedings. The panelists will explore how best to manage cultural differences, practices, rules, and expectations.

### MODERATOR:

**Ilan Rosenberg**  
*Cozen O'Connor*  
Philadelphia, PA

### SPEAKERS:

**Kim D. Hogrefe**  
*Senior Vice President & Senior*  
*Specialty Claim Officer, Chubb & Son*  
Warren, NJ

**Suzanne Ulicny**  
*Deputy Director of Arbitration and ADR in*  
*North America*  
*ICC International Court of Arbitration*  
New York, NY

**Stacie I. Strong**  
*Senior Fellow, United States Supreme Court*  
Washington, D.C.

5:30 – 6:30 PM

## HOSTED RECEPTION

*Crowell & Moring LLP*  
*1001 Pennsylvania Avenue NW, 11<sup>th</sup> Floor*

# REGISTRATION FORM

## ABA Tort Trial & Insurance Practice Section & ABA Judicial Division ADR National CLE Forum

April 24, 2013 – JW Marriott Hotel

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

LAST NAME	FIRST NAME	MI
NAME AS YOU WISH IT TO APPEAR ON YOUR BADGE		
FIRM/COMPANY	WHAT STATE(S) ARE YOU LICENSED IN?	
ADDRESS		
CITY	STATE	ZIP
(AREA CODE) BUSINESS TELEPHONE	FAX	
E-MAIL ADDRESS	SPOUSE	

First Time Attendee? \_\_\_\_ Yes \_\_\_\_ No      Are you a Young Lawyer? \_\_\_\_ Yes \_\_\_\_ No

I am a member of the ABA and wish to join the Tort Trial & Insurance Practice Section. I have enclosed a separate check for \$50 made payable to the American Bar Association.

### 2. REGISTRATION FEES:

	On or Before <u>4/5/13</u>	After <u>4/5/13</u>	QTY	TOTAL
NATIONAL ADR FORUM <i>(includes Luncheon and Hosted Reception)</i>				
TIPS Member	\$100.00	\$125.00	_____	_____
Judicial Division	\$100.00	\$125.00	_____	_____
Insurance Company/Government Employee	\$100.00	\$125.00	_____	_____
General Attendee	\$150.00	\$175.00	_____	_____
LAW STUDENTS	\$25.00	\$25.00	_____	_____

### 3. MATERIALS

\_\_\_\_\_ I will not be attending the CLE Programs  
but wish to order program materials

FEE      QTY      TOTAL

\$125.00      \_\_\_\_\_      \_\_\_\_\_

### 4. TOTAL PAYMENT:

TOTAL      \_\_\_\_\_

### PAYMENT INFORMATION

- Check (made payable to the ABA)     American Express  
 Master Card                                 VISA

CREDIT CARD NUMBER      EXPIRATION DATE

SIGNATURE

### THREE WAYS TO REGISTER

1. ONLINE: [www.americanbar.org/tips](http://www.americanbar.org/tips)

2. MAIL: ADR NATIONAL CLE FORUM

American Bar Association 321 North Clark Street • 18th Floor • Chicago, IL 60654

3. FAX: **312/988-6230**