

RUB 'O THE GREEN:  
**LITIGATION, ETHICS**  
AND THE RULES  
NATIONAL CLE PROGRAM

**SPONSORED BY**

**TORT TRIAL &  
INSURANCE PRACTICE  
SECTION**

**MARCH 20-22, 2014  
LOEWS VENTANA  
CANYON RESORT  
TUCSON, AZ**



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

# Welcome

## THE INAUGURAL GLE (Golf & Legal Education) IN THE ARIZONA DESERT

Springtime in the Valley of the Sun at the world class Lowes Ventana Canyon Hotel is an experience you will not want to miss following a long, cold winter. Add a terrific CLE program, outstanding social and networking opportunities with colleagues and you have the makings of a great CLE Program. Please plan to arrive early as our program allows us to offer additional activities including a networking reception and a welcome reception. The welcome reception is sponsored by MDD Forensic Accountants.

Our CLE programs will focus on commercial litigation, insurance coverage and claims, and ethics issues important to all Tort Trial & Insurance Practice (TIPS) members. We are planning three days of highly interactive programs designed to take you through important aspects of these areas of law. The programs will be held on Thursday afternoon and Friday and Saturday mornings so that we will have plenty of time to enjoy sunny afternoons in the Arizona desert as well as a world class golf course. Sam Poteet, past chair of the Fidelity & Surety Law Committee, is organizing two terrific golf tournaments. The first will be a traditional format with the second a scramble. Golf balls will be supplied by DecisionQuest. If you plan ahead, you can likely schedule a third round with a group of TIPS friends on the front or back end of the program. For the sports fan, Cactus League Baseball will be available for those wanting to spend time at the ballpark. Optional organized dinners will be scheduled each evening and all are welcome!

For more information on our chosen location, visit <https://www.loewshotels.com/en/Ventana-Canyon-Resort>.

We look forward to seeing you there!

**Randy J. Aliment, Esq.**  
*Program Co-Chair*  
*Past Section Chair, TIPS*  
*Williams Kastner*  
Seattle, WA

**Sam Poteet, Jr.**  
*Golf Tournament & Program Co-Chair*  
*Mainer & Herod*  
Nashville, TN

## Planning Committee

**John W. Allen**  
*Varnum LLP*  
Kalamazoo, MI

**Pedro F. Bajo, Jr.**  
*Bajo Cuva Cohen*  
*& Turkel PA*  
Tampa, FL

**Daniel F. Gourash**  
*Seeley Savidge Ebert*  
*& Gourash Co LPA*  
Westlake, OH

**Francis J. Maloney III**  
*Maloney Lauersdorf*  
*Reiner PC*  
Portland, OR

**Dick Semerdjian**  
*Immediate Past Chair, TIPS*  
*Schwartz Semerdjian Ballard*  
*& Cauley LLP*  
San Diego, CA

# Program Agenda

## THURSDAY – MARCH 20, 2014

12:00 p.m. – 5:00 p.m. **REGISTRATION**

1:15 p.m. **WELCOME REMARKS**

**Randy J. Aliment**  
*Program Co-Chair*  
*Williams Kastner*  
Seattle, WA

**Eugene G. Beckham**  
*Chair, Tort Trial & Insurance*  
*Practice Section*  
*Beckham & Beckham PA*  
Miami, FL

1:30 p.m. – 3:00 p.m. **FORENSIC ACCOUNTING**

Drawing on past experiences in various midsize businesses, panelists will discuss real life examples of shareholder disputes centered on nonexistent or poorly written and defined shareholder/partner agreements. The session will provide the attendee with an understanding as to how a forensic accountant can help the attorney and their client focus on source documents, key accounting reports, statements and face to face interviews to help attain best results. In addition, this session will touch upon business valuation concepts related to shareholder disputes, and if time allows, the panel will briefly describe lost profits and other economic analyses that are typically utilized, but hardly understood, in these types of disputes.

**Moderator:** **Randy J. Aliment**, *Williams Kastner*, Seattle, WA

**Speakers:** **Deborah A. Smith**, *Gordon & Rees LLP*, San Francisco, CA  
**Kevin M. Flaherty**, *MDD Forensic Accounting*, Boston, MA  
**Daniel F. Gourash**, *Seeley Savidge Ebert & Gourash Co LPA*, Cleveland, OH  
**Dixon R. Grier**, *MDD Forensic Accounting*, Walnut Creek, CA  
**Susan Powell**, *MDD Forensic Accounting*, Houston, TX

3:00 p.m. – 3:15 p.m. **BREAK**

3:15 p.m. 4:45 p.m. **THE BENEFITS OF THE MOCK JURY EXPERIENCE IN LARGE EXPOSURE CASES**

This panel of speakers will provide a one hour discussion on the advantages of a mock jury trial to evaluate strategy and theories in large exposure cases. The program will examine the various methods in which mock jury trials and web-based surveys are performed to maximize the power of analyzing case presentations and how they are perceived by the jury.

**Speakers:** **Dr. Philip K. Anthony**, *DecisionQuest*, Los Angeles, CA  
**Marygrace J. Schaeffer**, *DecisionQuest*, Minneapolis, MN  
**William G. Kelly**, *Goldberg Segalla LLP*, White Plains, NY  
**Dick A. Semerdjian**, *Schwartz Semerdjian Ballard & Cauley LLP*, San Diego, CA

5:00 p.m. – 6:30 p.m. **WELCOME RECEPTION - Sponsored by MDD Forensic Accountants**

**DINNER ON YOUR OWN**

# FRIDAY, MARCH 21, 2014

7:30 a.m. – 8:30 a.m. **CONTINENTAL BREAKFAST**

7:30 a.m. – 12:00 p.m. **REGISTRATION**

8:25 a.m. – 8:30 a.m. **OPENING REMARKS**

8:30 a.m. – 10:00 a.m. **INSURANCE: ADDITIONAL COVERAGES LYING IN THE ROUGH**

Most insureds are familiar with the basic insurance coverage - repair and replacement of damaged property - afforded by a commercial property insurance policy. But less familiar are those Additional Coverages around the fringes of the policy. This one and a half hour presentation will provide a practical and informative tour of these less thought-of coverages, including Business Income, Extra Expenses, Ordinance or Law, Securities, Valuable Papers and Electronic Data.

**Speakers:** **F.J. Maloney III**, *Maloney Lauersdorf Reiner, PC*, Portland, OR  
**Dan Markowitz**, *MDD Forensic Accounting*, Los Angeles, CA  
**Kyle A. Sturm**, *Maloney Lauersdorf Reiner, PC*, Portland, OR

10:00 a.m. – 10:15 a.m. **BREAK**

10:15 a.m. – 11:45 a.m. **MAXIMIZING THE BENEFIT OF CONSULTANTS AND EXPERTS & DAUBERT ISSUES**

The panel will address how to retain and effectively use consultants and experts in the investigation of claims and at trial and how to handle **Daubert** issues. Panelists will also discuss the use and preparation of reports and maintaining work privileges.

**Speakers:** **Larry Calloway**, *Landmark Corporation*, Johnson City, TN  
**James R. Case**, *Kerr Russell*, Detroit, MI  
**Michael Jankowski**, *Vice President – Claims, Bluestone Surety an American, Safety Company*, Calabasas, CA  
**Lin Heath**, *Nicholson Professional Consulting, Inc.*, Austin, TX

1:00 p.m. **GOLF TOURNAMENT**

6:00 p.m. – 7:30 p.m. **NETWORKING RECEPTION**

## DINNER ON YOUR OWN

# SATURDAY, MARCH 22, 2014

7:30 a.m. – 8:30 a.m. **BREAKFAST**

8:25 a.m. – 8:30 a.m. **OPENING REMARKS**

8:30 a.m. – 9:30 a.m.

### **ETHICS SESSION – Going Back to Basics with the Model Rules**

Using film, photos and anecdotes, this session will examine the close connections between two sets of Rules which serve as primary guides for the most significant forms of human conduct and achievement—Golf, and The Law. Participants will be asked to contribute their own personal experiences to obtain an effective, inter-active learning environment.

**Speaker:**

**John W. Allen**, *Varnum LLP*, Kalamazoo, MI

9:30 a.m. – 10:30 a.m.

### **Get Out of My Case: Making and Opposing Motions to DQ**

Focusing on the MRPC as the most frequently encountered grounds, this session will provide the attendees with a variety of techniques to defend yourself and also provide the target lawyer with the best ways to stay in the game and preserve your client's choice of counsel.

**Speaker:**

**Perrin Rynders**, *Varnum LLP*, Grand Rapids, MI

10:30 a.m. – 10:45 a.m.

### **BREAK**

10:45 a.m. – 11:45 a.m.

### **Hey, You, Get Off of My Cloud: Perils of Inadvertent Production**

With an eye toward the many new forms of ESI storage, this session will explore controlling the expense of ESI extraction and the potential penalties to both requester and receiver surrounding inadvertent production of privileged or confidential material.

**Speakers:**

**John P. Buckley**, *Ungaretti & Harris*, Chicago, IL  
**Steven W. Wilson**, *Senior Counsel, Allianz Life Insurance*, Minneapolis, MN

11:45 p.m.

### **CLOSING REMARKS**

1:00 p.m.

### **GOLF TOURNAMENT**

## **RECREATION**

NOTE: There is limited space for golf. Therefore, to confirm your participation in the golf tournament, your registration must be received by March 7, 2014. After, March 7, 2014, you will be placed on a wait list and will be able to participate if space becomes available.

Located just steps from the front lobby, Loews Ventana Canyon offers two Tom Fazio-designed championship 18-hole golf courses. The Mountain and Canyon courses are designed into the Santa Catalina Mountain's natural features. Weaving through desert cacti and scenic canyons, both courses embody the character of the Sonoran Desert landscape, as well as a fascinating variety of desert fauna. The Canyon Course winds through the inspiring beauty of the Esperero Canyon and incorporates the massive rock formation known as Whaleback Rock.

Recognized as one of the best courses in America, the award-winning courses have garnered recognition from some of the industry's most notable publications including *GolfWeek Magazine* and *Golf Digest Magazine*.

The tournament days are Friday, March 21st and Saturday, March 22nd. Each will begin with a Shotgun start at 1:00 p.m. The cost is \$150/player.

# SPEAKERS

**John W. Allen**

*Varnum LLP*  
Kalamazoo, MI

**Randy J. Aliment**

*Williams Kastner*  
Seattle, WA

**Dr. Philip K. Anthony**

*DecisionQuest*  
Los Angeles, CA

**John P. Buckley**

*Ungaretti & Harris*  
Chicago, IL

**Larry Calloway**

*Landmark Corporation*  
Johnson City, TN

**James R. Case**

*Kerr Russell*  
Detroit, MI

**Kevin M. Flaherty**

*MDD Forensic Accountants*  
Boston, MA

**Daniel F. Gourash**

*Seeley Savidge Ebert & Gourash Co LPA*  
Cleveland, OH

**Dixon R. Grier**

*MDD Forensic Accountants*  
Walnut Creek, CA

**Lin Heath**

*Nicholson Professional Consulting, Inc.*  
Austin, TX

**Michael Jankowski**

*Vice President – Claims*  
*Bluestone Surety an American Safety*  
*Company*  
Calabasas, CA

**William G. Kelly**

*Goldberg Segalla LLP*  
White Plains, NY

**F.J. Maloney III**

*Maloney Lauersdorf Reiner, PC*  
Portland, OR

**Dan Markowitz**

*MDD Forensic Accountants*  
Los Angeles, CA

**Susan Powell**

*MDD Forensic Accountants*  
Houston, TX

**Perrin Rynders**

*Varnum LLP*  
Grand Rapids, MI

**Marygrace J. Schaeffer**

*DecisionQuest*  
Minneapolis, MN

**Dick A. Semerdjian**

*Schwartz Semerdjian Ballard & Cauley LLP*  
San Diego, CA

**Deborah A. Smith**

*Gordon & Rees LLP*  
San Francisco, CA

**Kyle A. Sturm**

*Maloney Lauersdorf Reiner, PC*  
Portland, OR

**Steven W. Wilson**

*Allianz Life Insurance*  
Minneapolis, MN

# Registration Form

ABA Tort Trial & Insurance Practice Section (TIPS)

Loews Ventana Canyon Resort • Tucson, AZ

March 20-22, 2014 • Registration Deadline: March 7, 2014

**Rub 'O The Green:**  
**Litigation, Ethics and**  
**the Rules**  
**National CLE Program**

## 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 FACSIMILE

E-MAIL ADDRESS

Are you attending your first TIPS Program? ☐ 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 3/7/14	After 3/7/14	QTY	TOTAL
TIPS Member	\$395	\$425	___	\$ ___
ABA Member	\$450	\$475	___	\$ ___
General Attendee	\$495	\$525	___	\$ ___
Insurance Company Employee	\$150	\$175	___	\$ ___

## 3. SOCIAL EVENTS

3/20 Cocktail Reception	Included	___	\$ ___
3/21 Golf Tournament*	\$150	___	\$ ___
3/21 Cocktail Reception	Included	___	\$ ___
3/22 Golf Tournament*	\$150	___	\$ ___

*\*(includes green fees, cart rental, bag storage and unlimited practice range balls)*

Subtotal \$ \_\_\_

## 4. Additional Contribution for Golf Prizes (optional)

\$ \_\_\_

**5. Materials** \_\_\_ I will not be attending the meeting and wish to order program materials on CD-ROM for \$150.

## 6. Total Payment

**TOTAL** \$ \_\_\_

## 7. PAYMENT INFORMATION

☐ Check (made payable to the ABA) ☐ American Express ☐ MasterCard ☐ VISA

CREDIT CARD NUMBER

EXPIRATION DATE

SIGNATURE

## THREE WAYS TO REGISTER

### 1. ONLINE:

[www.americanbar.org/  
groups/tort\\_trial\\_insurance\\_practice.html](http://www.americanbar.org/groups/tort_trial_insurance_practice.html)

### 2. MAIL:

Rub 'O The Green: Litigation, Ethics and the Rules National CLE Program  
American Bar Association  
Tort Trial & Insurance Practice Section  
321 North Clark Street  
Mail Stop 18-2  
Chicago, IL 60654

### 3. FAX:

312/988-6230

On-site registrants must pay the program fee plus an additional \$25 by check or credit card.



# General Information

Registration Deadline: March 7, 2014

Hotel Deadline: February 26, 2014

## ADVANCE REGISTRATION

Visit the ABA/TIPS Rub 'O The Green:

Litigation, Ethics and the Rules National CLE Program website to register at [www.abanet.org/tips](http://www.abanet.org/tips) or complete the registration form included in this brochure and fax it to us at (312) 988-6230. The registration fee includes admission to the program, course materials, continental breakfast, breaks, and reception. If you wish to have your name appear on the pre-registration list distributed at the program, we must receive your meeting reservation no later than **March 7, 2014**. Registration reservations will be confirmed in writing within 10 business days.

## ON-SITE REGISTRATION

On-site registrations will be accepted if space is available. Call Donald Quarles at (312) 988-5708 or email [donald.quarles@americanbar.org](mailto:donald.quarles@americanbar.org) 72 hours prior to the program to confirm that space is available. On-site registrants must pay the program fee by credit card or check made payable to the American Bar Association. A \$25 fee will be charged to individuals registering on-site.

## CANCELLATION POLICY

No registration fee refunds will be granted for cancellations received after **March 7, 2014**. In order to receive a refund (less a \$100 administrative fee), the ABA must receive written cancellation by March 7, 2014. Registrants who are unable to attend may send a substitute or receive course materials in lieu of a refund.

## HOTEL INFORMATION

### The Loews Ventana Canyon Resort

Hotel reservations can be made directly with The Loews Ventana Canyon Resort by calling the hotel at (520) 299-2020. A limited number of rooms have been blocked for program registrants of the ABA Tort Trial & Insurance Practice Section CLE & Golf Program at the Loews Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, AZ 85750. The ABA negotiated hotel room rate is **\$189 S/D plus 12.05% tax. The room block will be held until exhausted or until Wednesday, February 26, 2014 at 5:00 p.m. (CST).** After the meeting specified hotel deadline, reservations will be confirmed based on availability. Please refer to the ABA Tort Trial & Insurance Practice Section CLE & Golf Program when calling the hotel to make reservations. Hotel check-in is no later than 4:00 p.m. with a checkout of 12:00 p.m. All reservations must be guaranteed by credit card or deposit check. Individuals with guaranteed reservations must cancel their reservations no later than 72 hours before the scheduled day of arrival to avoid a one-night cancellation charge.

## AIRLINE INFORMATION

Discounted airfares are available from ABA Orbitz For Business including ABA negotiated discounts on American and United Airlines. To book online, go to [www.abanet.org/travel](http://www.abanet.org/travel) > 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 **(877) 222-4185**. Following is the ABA discount code for American and United Airlines under which your reservations need to be purchased in order to receive either the ABA percentage discount or zone fare.

### AMERICAN AIRLINES

(800) 433-1790

Code A8913TT

### UNITED AIRLINES

(800) 426-1122

Agreement code

461920 Z Code ZR45

Discount available at [www.united.com](http://www.united.com)

Online discount code ZR45461920

### DELTA AIRLINES

(800) 328-1111

Domestic code NMFUD International code NMGGY

Discount available at [www.delta.com](http://www.delta.com)

Online meeting code: NMFUD

### VIRGIN AIRLINES

[www.virginamerica.com](http://www.virginamerica.com)

Promo code VXABA312

## CLE INFORMATION

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 9.00 CLE credit hours (including 3.0 ethics hours) in 60-minute states, and 10.80 credit hours (including 3.60 ethics hours) in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. For more information about CLE accreditation in your state, visit [www.americanbar.org/cle/mandatory\\_cle.html](http://www.americanbar.org/cle/mandatory_cle.html) or contact Donald Quarles at [donald.quarles@americanbar.org](mailto:donald.quarles@americanbar.org) or (312) 988-5708.

## MEMBERSHIP INFORMATION

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at [www.abanet.org/tips/about](http://www.abanet.org/tips/about) or call (800) 285-2221. Membership in TIPS includes three industry leading periodicals, discounts of up to 20% on many TIPS CLE programs, and other career and practice-enhancing benefits. Join TIPS 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 Donald Quarles at the ABA promptly at (312) 988-5708. Reasonable advance notice is requested.

## GET CONNECTED WITH TIPS!

Information on this and other TIPS CLE programs is available online at [www.abanet.org/tips](http://www.abanet.org/tips). Visit us and get connected!

## 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' activities among 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.abanet.org/tips/scholarship.html](http://www.abanet.org/tips/scholarship.html) or contact Linda Wiley at (312) 988-5673.



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AMERICAN BAR ASSOCIATION  
Tort Trial & Insurance Practice Section  
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Chicago, Illinois 60654

