

## 2010 AVIATION LITIGATION CLE SEMINAR: DISASTER IN THE ALPS!

SPONSORED BY THE AMERICAN BAR ASSOCIATION  
SECTION OF LITIGATION MASS TORTS COMMITTEE  
AND  
NEW YORK CITY BAR ASSOCIATION COMMITTEE ON AERONAUTICS

JUNE 3, 2010  
NYC BAR – NEW YORK, NY



### Why You Should Attend

- Industry insiders and mass tort litigators offer their insights and experience in handling mass disaster claims
- Opportunities to network with practitioners and insurance professionals in your field
- Receive written program materials—a great resource for practitioners seeking a “primer” on the covered topics

### What You Will Learn

- Significant recent legal developments in aviation and mass disaster litigation
- How insurers work with lawyers and clients to develop early reserves and an end-game strategy for complex mass disaster cases
- Trial and mediation tips from our distinguished faculty of seasoned litigators

### Who Should Attend

- New and mid-level lawyers interested in building litigation skills and industry contacts
- Veteran attorneys seeking to brush up on the latest legal developments in aviation and mass disaster litigation, and renew contacts with colleagues and adversaries alike

*7.3 hours of MCLE credit, including 1.0 hour of ethics credit, is being requested in 60-minute states, and 8.8 hours of MCLE credit, including 1.2 hours of ethics credit, is being requested in 50-minute states.*

### Thank you to the following Chairs:

**Program Co-Chairs:** Frederick P. Alimonti, *Alimonti Law Offices, PC*; Deborah Elsasser, *Clyde & Co US LLP*; Jeremy I. Hager, *Alimonti Law Offices, P.C.*

**Co-Sponsored with:** American Bar Association Section of Litigation Mass Torts Litigation Committee Co-Chairs: Andrew Maloney III, *Kreindler & Kreindler*; John Manard, *Phelps Dunbar LLP*; Rudy Perrino, *Dole Food Company, Inc.*

**Sponsoring Association Committee:** Aeronautics, Jeremy I. Hager, Chair

**2010 AVIATION LITIGATION CLE SEMINAR:  
DISASTER IN THE ALPS!**

**SPONSORED BY THE AMERICAN BAR ASSOCIATION SECTION OF LITIGATION  
MASS TORTS COMMITTEE**

**AND**

**NEW YORK CITY BAR ASSOCIATION AERONAUTICS COMMITTEE  
JUNE 3, 2010**

## Program Agenda

Thursday, June 3<sup>rd</sup>

8:00am – 8:45am

*Registration and Continental Breakfast*

8:45am – 9:00am

*Opening Remarks*

Speaker: **Frederick P. Alimonti**, Program Founder and 2010 Co-Chair

9:00am – 9:30am

*Legal Update: Aviation and Mass Torts Year-in-Review*

Need to get current on the state of aerospace and mass torts litigation? Catch our annual review of essential developments and leading cases in state and federal courts throughout the USA. The paper is good, but our speakers are not to be missed!

Speakers: **Barry Alexander**, Clyde & Co US LLP, New York, NY; **Judith Nemsick**, Holland & Knight, New York, NY

9:30am – 10:20am

*Prelude to a Case: Re-creation of a Foreign Aviation Accident*

Join our accident reconstruction experts and their counsel as they present the tragic facts of a hypothetical airline disaster through the use of high tech audio and video simulation. Gain perspective on the confluence of technical expertise, investigatory prowess, and legal acumen necessary to create a most compelling presentation of a flight gone desperately wrong.

Moderator: **Daniel Rose**, Kreindler & Kreindler, New York, NY

Speakers: **Douglas A. Latto**, Baumeister & Samuels, PC, New York, NY; **Dr. Simon Mitchell**, RTI Ltd., London, England; **Joseph R. Reynolds**, RTI Group LLC, Annapolis, MD

10:20am – 10:30am

*Coffee Break*

10:30am – 11:30am

*Insurer's Perspective: Initial Investigations; Setting Reserves; Developing an End-Game Strategy*

Join our esteemed panel of insurance industry insiders for an enlightening dialogue about the critical first steps taken by carriers and their counsel when a major loss occurs. Learn how the decisions made early on can – and usually do – affect the bottom line outcome of a complex litigation.

Moderator: **Michael Hession**, Clyde & Co US LLP, San Francisco, CA

Speakers: **Joseph A. Franceski**, Marsh USA Inc., New York, NY; **Rocie Park**, Allianz Aviation Managers LLC, New York, NY; **Louis M. Timpanaro, Jr.**, Frank Crystal & Co., Inc., New York, NY

**11:30am – 12:30pm**

***Fight over Forum***

The battle over jurisdiction and venue continues! Our distinguished panel of mass disaster litigators will discuss recent cases involving foreign claimants and accidents and challenges to jurisdiction and venue, as well as the new Multiparty, Multi-forum Trial Jurisdiction Act (MMTJA), 28 U.S.C. § 1369, and its interplay with the standard MDL rules.

Moderator: **Marc Moller**, Kreindler & Kreindler, New York, NY

Speakers: **Oliver Beiersdorf**, Reed Smith LLP, New York, NY; **Thad T. Dameris**, Hogan Lovells LLP, Houston, TX; **Kevin Durkin**, Clifford Law Offices, Chicago, IL; **Jim Morris**, Stewarts Law LLP, London, England

**12:30am – 1:50pm**

***Luncheon Program***

**Beyond the Miracle: Commercial Aviation in the Millennium's Second Decade – an Insider's Candid View**

It's not every day that a national hero graces our midst. The Program Committee is honored to present Jeffrey Skiles, Co-Pilot of US Airways Flight 1549 ("Miracle on the Hudson"), for a keynote presentation you don't want to miss! Please join us as Captain Skiles offers his frank and outspoken viewpoints on the state of the commercial aviation industry as we enter the second decade of the new Millennium.

Speaker: **Jeffrey Skiles**, Vice President, The Coalition of Airline Pilots Association, Washington, DC

**2:00pm – 2:50pm**

***Early Global Settlement: a Utopian Ideal or Exercise in Futility?***

Attempting to reach an early resolution of a multi-party disaster litigation is a highly complex balancing act of competing interests and personalities, and apportionment of funding and fault. Follow the action as our dynamic group of panelists offer their insights on a nuanced process which can be as difficult as "herding cats in an open field" but when successful can save substantial time and expense for all parties.

Moderator: **Randal Robert Craft, Jr.**, Holland & Knight, New York, NY

Speakers: **Brian J. Alexander**, Kreindler & Kreindler, New York, NY; **David J. Bloomberg**, Bryan Cave LLP, New York, NY; **John Maggio**, Condon & Forsyth LLP, New York, NY; **Honorable Kathleen A. Roberts (Ret.)**, JAMS, New York, NY

**2:50pm – 3:40pm**

***Spoliation and the Duty to Preserve Evidence: Trending to a New Cause of Action?***

It's no secret that courts have been actively sanctioning parties for failing to take adequate steps to preserve evidence, particularly in federal court practice. Are the courts imposing unreasonable standards? How do parties define and comply with pre-suit preservation obligations? How do foreign parties comply with the duty to preserve and at the same time not run afoul of their own country's privacy laws? Watch and learn as our Panel tackles these and other complex evidentiary questions.

Moderator: **Jonathan DeMay**, Condon & Forsyth LLP, New York, NY;

Speakers: **Jeanne M. O'Grady**, Speiser Krause Nolan & Granito, New York, NY; **Nicholas Pantelopoulos**, Kaplan Massamillo & Andrews LLC, New York, NY; **Honorable Cheryl L. Pollak**, United States District Court, Eastern District of New York, Brooklyn, NY

**3:40pm – 3:50pm**

***Coffee Break***

**3:50pm – 4:40pm**

***Demonstrative Evidence: What Kinds of Bells and Whistles are Jury-Appropriate?***

A picture is worth a thousand words; movies exponentially more. Combined with a skillful team of experts, modern video imaging and sound technology provides a powerful tool for the trial lawyer to make a case to a jury. But at what point does demonstrative evidence become prejudicial or speculative? Watch and learn as the veteran litigators on our panel tackle this issue as it might arise in the wake of a mass disaster.

Moderator: **Michael G. McQuillen**, Adler Murphy & McQuillen LLP, Chicago, IL;  
Speakers: **Dr. Simon Mitchell**, RTI Ltd., London, England; **Joseph R. Reynolds**, RTI Group LLC, Annapolis, MD; **Gary C. Robb**, Robb & Robb LLC, Kansas City, MO; **Ralph G. Wellington**, Schnader Harrison Segal & Lewis LLP, Philadelphia, PA; **Henry I. Willett III**, Christian & Barton LLP, Richmond, VA.

**4:40pm – 5:10pm**

***MMSEA – Lurking Traps for the Unwary: A primer on the New Medicare Settlement Reporting Rules***

The new Medicare reporting regulations are a minefield of lurking financial penalties. Our duo of claims professionals will walk you through the new requirements and share their erudite insights on in-house compliance strategies.

Moderator: **W. Timothy McSwain**, Allianz Aviation Managers LLC, New York, NY  
Speakers: **Christine Harper**, Atlas Settlement Group, St. Louis, MO; **Adam Kleeborg**, Phoenix Aviation Managers, Kennesaw, GA

**5:10pm – 6:10pm**

***Ethics Demonstration: Special Considerations in Handling a Mass Disaster***

Join veteran ethics and professional responsibility instructor Rick Alimonti as he leads an interactive panel discussion that will address a series of ethical conundrums arising in the wake of a major aviation catastrophe. Audience participation encouraged!

Moderator: **Frederick P. Alimonti**, Alimonti Law Offices, PC, White Plains, NY;  
Speakers: **Thea M. Capone**, Baumeister & Samuels, PC, New York, NY; **Andrew Harakas**, Clyde & Co US LLP, New York, NY; **Kathleen M. Scanlon**, Law Offices of Kathleen M. Scanlon, PLLC, New York, NY

**6:10pm – 6:15pm**

***Closing Remarks***

Speaker: **Andrew J. Maloney, III**, ABA Section of Litigation Mass Torts Committee Co-Chair

**6:15pm – 7:15pm**

***Networking Cocktail Reception***

## Registration

The seminar registration fee includes written course materials, continental breakfast, coffee breaks, luncheon and a networking reception. To register for the program, please visit the [NYC Bar website](#) or call 212-382-6663. **Cancellations** must be made in writing and received no later than **Thursday, May 27, 2010**, in the ABA Section of Litigation office. Please email your request to [rosellel@staff.abanet.org](mailto:rosellel@staff.abanet.org). There will be a \$50 administrative fee deducted from the refund. Cancellations received after May 27, 2010 will not be refunded; however, the Section and the NYC Bar will gladly accept substitutions for those unable to attend.

An additional fee of \$25 will be charged for “walk-in” registrations – those received later than 3:00 p.m. one business day prior to the program.

*\*\* This program is exempt from the Passport series\*\**

<u>Registration Fees</u>	<u>Pre-Registration</u>	<u>On-Site Registration</u>
ABA Section of Litigation or NYC Bar Member	\$400	\$425
Non ABA Section of Litigation or NYC Bar Member	\$600	\$625
Government Attendees/ Academic/Public Service	\$295	\$320
Young Lawyers ( <i>Age 35 or younger or in practice less than 5 years</i> )	\$295	\$320
Law Student	\$25	\$50

Financial scholarship applications are available for this program. To request an application or receive additional information, contact: Lesley Roselle 312-988-6714 or [rosellel@staff.abanet.org](mailto:rosellel@staff.abanet.org).

## Group Discount

Receive a 20% discount when registering 3 or more people from the same firm or organization. Registration must be received individually or as a group with payment, via mail or fax, to the NYC Bar no later than 3:00pm one business day prior to the program. The discount for multiple attendees only applies to Member and Nonmember rates. For more information, contact [rosellel@staff.abanet.org](mailto:rosellel@staff.abanet.org).

## CLE

Accreditation has been requested for this program from every state with mandatory continuing legal education requirements for attorneys. Please be aware that each state has its own rules and regulations, including what qualifies for “CLE” credit. Certificates of Attendance will be available at the conclusion of the program for both attendees and speakers. Please call Lesley Roselle at (312) 988-6714 two to three weeks prior to the program for questions pertaining to the number of credit hours requested.

## Hotel

The Algonquin Hotel is located across the street from the NYC Bar. Please make your hotel reservations at the Algonquin by **Wednesday, May 5, 2010** to secure the discounted rate of \$259 single/double occupancy (excluding 14.75 % tax & \$3.50 occupancy tax). To make reservations, please call the hotel at (212) 840-6800 or central reservations (888) 304-2047 and refer to the 2009 Aviation CLE Seminar. To view the hotel website and directions to the nearest airport, please visit <http://www.algonquinhotel.com/>.

We cannot guarantee the hotel rates and availability after May 5, 2010.

Hotel reservations must be cancelled 72 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge. For hotel questions, please contact Lesley Roselle (ABA) at 312-988-6714 or at [rosellel@staff.abanet.org](mailto:rosellel@staff.abanet.org).

## Program Attire

Business attire is recommended for all attendees.