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*A Comprehensive Advanced Conference on*

# Class Actions

***Innovative Strategies to Successfully Litigate  
and Meet the Business and Legal Challenges***

**February 9 & 10, 2006**

**Philadelphia, Pennsylvania**

**Loews Philadelphia Hotel**

**Credits:** PA CLE 13.0 inc. 1 ethics (Call about others)

**Quick when/where:** 8:30 a.m., 1200 Market Street

## Class Actions Conference

February 9 & 10, 2006 | Philadelphia, Pennsylvania  
Loews Philadelphia Hotel

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- 8:00 Registration & Continental Breakfast**
- 8:30 Introduction & Overview**  

**Charles B. Casper, Esq., Program Co-Chair**  
Montgomery, McCracken, Walker & Rhoads, LLP  
Philadelphia, PA

**Jeffrey L. Goodman, Esq., Program Co-Chair**  
GMAC Mortgage Corporation ~ Horsham, PA
- 8:45 Recent Developments in Class Action Litigation**  

Emerging strategies and arguments for winning or defeating class certification; the impact around the country of California’s Proposition 64

**Charles B. Casper, Esq., Program Co-Chair**
- 9:30 What Makes a Viable Class Action? What a Plaintiffs’ Class Action Attorney Should Look for in a Case Before Filing a Complaint**  

Pre-suit investigation and analysis into the alleged unlawful acts, the class representative, the liability and damage issues, experts, whistleblowers, confidential informants and the risk-benefit ratio

**Deborah R. Gross, Esq.**  
Law Offices of Bernard M. Gross, P.C. ~ Philadelphia, PA
- 10:15 Break**
- 10:30 The Class Action Fairness Act of 2005: The Intended and Unintended Consequences of Legislative Reform**  

How plaintiffs and defendants can each take advantage of the new legislation, and how expansion of class actions in federal courts will affect both courts and litigants

**Peter Breslauer, Esq.**  
Montgomery, McCracken, Walker & Rhoads, LLP  
Philadelphia, PA
- 11:15 A Discussion of the Intersection of Antitrust Law and Class Action Law**  

**Robert C. Heim, Esq.**  
Dechert LLP ~ Philadelphia, PA
- 12:00 Lunch (on your own)**

- 1:15 Recent Issues in Consumer Finance**  

The impact of *Cole v. U.S. Capital* on the consumer lending industry and the current status of RESPA fee-splitting litigation

**Thomas J. Cunningham, Esq.**  
Lord Bissell & Brook LLP ~ Chicago, IL
- 2:00 Views from the Bench**  

Trial tactics: what works and what doesn’t work

**The Hon. Michael M. Baylson**  
U.S. District Court for the Eastern District of Pennsylvania  
Philadelphia, PA

**The Hon. Mark I. Bernstein**  
First Judicial District of Pennsylvania ~ Philadelphia, PA
- 3:15 Break**
- 3:30 The Art of Drafting Class Action Notices Under the New Federal Plain English Rules**  

Revisions to Fed. R. Civ. P. 23 now require notices to be written in “plain and simple language”

**Katherine Kinsella**  
Kinsella/Novak Communications, Ltd. ~ Washington, DC
- 4:00 Using Economic Experts in the Battle for Predominance**  

Strategies for plaintiffs and defendants to employ with experts in the battle to establish or defeat Rule 23(b)(3) classes in antitrust cases

**Pierre Cremieux, Ph.D., Managing Principal**  
Analysis Group, Inc. ~ Boston, MA

Plaintiff’s perspective

**Joseph C. Kohn, Esq.**  
Kohn Swift & Graf, P.C. ~ Philadelphia, PA

Defendant’s perspective

**William V. O’Reilly, Esq.**  
Jones Day ~ Washington, DC
- 5:30 Reception for Faculty and Attendees Sponsored by Montgomery, McCracken, Walker & Rhoads, LLP**



## About the Conference

### LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

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*Class actions dominate the litigation landscape. They create massive liability exposure for defendants, attract the attention of regulators and law enforcement officials, inspire bad press, undermine corporate public relations, and draw whistleblowers out of the woodwork. Class actions are also among the most potent tools to discover and remedy schemes and practices that defraud consumers and undermine securities and economic markets. Whether in consumer, finance, securities, antitrust, employment or other areas, class actions multiply and magnify the risks of missteps in litigation. Enactment of the Class Action Fairness Act of 2005 and Proposition 64 in California are posing major challenges for class action plaintiffs and creating new defenses to be deployed by defendants. Yet, even these truly significant recent developments may be overshadowed by another trend, the sudden discovery and emergence of “class arbitration.” This seminar brings together a national panel of leaders from the courts and both sides of the class action bar to explain the most recent and important developments in state and federal laws affecting class actions and class arbitrations, and to share innovative strategies to successfully litigate and meet the business and legal challenges of class actions.*

~ Program Co-Chairs: **Charles B. Casper, Esq.** and **Jeffrey L. Goodman, Esq.**



**8:30 Certification of Nationwide and Multiple State Classes Under State Law**

Tactical, strategic and substantive issues in dealing with multiple class actions filed in several states

**Stephen M. Rummage, Esq.**  
Davis Wright Tremaine LLP ~ Seattle, WA

**9:15 Litigation Fire Juggling: Strategies for Managing Simultaneous Class, Regulatory, and Enforcement Actions**

When litigation becomes truly complex, meeting the challenges presented by competing civil class action and regulatory agendas without igniting the plaintiffs, the press, or the prosecutor

**Mark S. Melodia, Esq.**  
Reed Smith LLP ~ Princeton, NJ

**10:00 Break**

**10:15 Winning the Public Relations Battle**

What to do in the critical first 72 hours of the case

**Richard S. Levick, Esq., President**  
Levick Strategic Communications, LLC ~ Washington, DC

**11:00 Be Careful What You Ask For: Class Arbitration**

JAMS and AAA are asserting authority to arbitrate claims on behalf of "classes" of consumers. Has your client considered the real consequences of class arbitration in a brave new world without Rule 23 procedural protections or effective judicial review?

**Alan S. Kaplinsky, Esq.**  
Ballard Spahr Andrews & Ingersoll, LLP ~ Philadelphia, PA

**Robert B. Davidson, Esq., Executive Director**  
JAMS ~ New York, NY

**12:15 Lunch**

**1:30 Considerations From the Perspective of the Client**

Coordinating multiple actions, supervising outside counsel, dealing with the national media

**Jeffrey L. Goodman, Esq., Program Co-Chair**

**Steven J. Miller, Esq., Assistant General Counsel**  
Akzo Nobel Inc. ~ Dobbs Ferry, NY

**Douglas R. Edwards, Esq., Deputy General Counsel**  
Wachovia Corporation ~ Charlotte, NC

**3:00 Break**

**3:15 Avoiding Ethical Traps in Settling Class Actions**

When and how to negotiate attorney's fees after *Staton v. Boeing*, important differences between common fund and statutory fee cases, valuing non-monetary class benefits, and judicial candor in claims-made settlements

**Alan B. Epstein, Esq.**  
Spector Gadon & Rosen, P.C. ~ Philadelphia, PA

**4:15 Adjourn**

**Upcoming Related Seminars:**

|  |                   |            |
|--|-------------------|------------|
| Patent Prosecution and Litigation                  | Seattle, WA       | Nov. 16    |
| Effective Corporate Intellectual Property Programs | Atlanta, GA       | Dec. 1-2   |
| Managing Complex Litigation                        | Los Angeles, CA   | Jan. 24    |
| Calculating & Proving Patent Damages               | San Francisco, CA | Feb. 27-28 |
| Effective Expert Testimony                         | Chicago, IL       | Mar. 20-21 |

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**Tuition:** Regular tuition for this program is \$995 with a group rate of \$895 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$795. For students and people in their job for less than a year, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

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p.m. on Friday, February 3, 2006. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The conference will be held at the Loews Philadelphia Hotel at 1200 Market Street in Philadelphia, PA 19107. Call the hotel directly at (215) 627-1200 for reservations at the special negotiated rate of \$149 and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

**Continuing Education Credits:** This program qualifies for 13.0 PA CLE (inc. 1 ethics) credits. Upon request, we will apply for CLE credits in other states and other types of credits.

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## Faculty: Class Actions Conference

**Charles B. Casper**, *Program Co-Chair*, is chair of the Class Action Defense Practice Group and partner at Montgomery, McCracken, Walker and Rhoads, LLP. He defends nationwide and statewide class actions, computer software and hardware litigation, complex commercial litigation and antitrust litigation.

**Jeffrey L. Goodman**, *Program Co-Chair*, is chief counsel for Home Connects Lending Services, LLC, GMAC Residential's nationwide title settlement services company, as well as legal manager of complex consumer finance matters. He was formerly the managing attorney of GMAC Residential Holding Corporation's Litigation Department.

**The Hon. Michael M. Baylson** was appointed to the U.S. District Court for the Eastern District of Pennsylvania by President George W. Bush and took office on July 12, 2002. Previously, he was a partner at Duane Morris where he handled complex litigation matters and tried numerous cases, specializing in class actions, antitrust and securities issues.

**The Hon. Mark I. Bernstein** has continuously served as a Judge of the First Judicial District of Pennsylvania since 1987 and supervises all Mass Tort and Consumer Class Actions in the First Judicial District. His fellow judges elected him Secretary of the Court of Common Pleas Board of Judges.

**Peter Breslauer** is a partner in the Litigation Department of Montgomery, McCracken, Walker & Rhoads, LLP, and is co-chair of the Computer & Information Technology, Intellectual Property and Appellate Litigation practices. He has considerable experience in the defense of nationwide class action litigation in the computer field and involving products liability.

**Pierre Cremieux**, Managing Principal at Analysis Group, Inc., has a broad range of experience in industrial organization, earnings and compensation, pharmacoeconomics, and health policy. His work in antitrust litigation has included the analysis of damages in some of the largest antitrust cases in the United States over the past few years.

**Thomas J. Cunningham** is a partner in the Business Litigation department of Lord Bissell & Brook LLP. A significant portion of his practice is devoted to defending consumer lenders against class actions and individual actions, and he has successfully defended banks and financial institutions in several national class action cases.

**Robert B. Davidson** is Executive Director of JAMS Arbitration Practice. He retired after 31 years as a senior litigation partner with Baker & McKenzie, where he litigated complex commercial disputes including class actions. Mr. Davidson is a full-time mediator and arbitrator.

**Douglas R. Edwards** is Senior Vice President and Deputy General Counsel at Wachovia Corporation. As head of the Litigation Practice Group, he is currently responsible for managing all of Wachovia's defensive litigation, regulatory investigations, employment litigation and counseling.

**Alan B. Epstein**, chair of Spector Gadon & Rosen's Employment Law Practice Group, concentrates his practice on civil litigation in state and federal courts. He also founded JUDICATE, the National Private Court System, which coordinates private dispute resolution services for about 700 former judges throughout the United States and its territories.

**Deborah R. Gross**, with the Law Offices of Bernard M. Gross, P.C., concentrates her practice on plaintiff's securities fraud, antitrust and consumer class actions.

**Robert C. Heim** chairs the litigation department and is a member of the commercial litigation group at Dechert LLP, where his practice involves a broad range of class action and other complex litigation. He is listed in *Best Lawyers of America* and in *Chambers USA*.

**Alan S. Kaplinsky** is a senior partner in charge of Ballard Spahr Andrews & Ingersoll, LLP's Consumer Financial Services Group. He devotes his practice to counseling financial institutions with respect to bank regulatory and transactional matters and defending financial institutions that have been sued by consumers in individual and class action lawsuits.

**Katherine Kinsella**, President of Kinsella/Novak Communications, Ltd., is a nationally recognized specialist in notification campaigns and has developed and directed some of the largest and most complex national notification programs in the country. The firm has developed or consulted on over 200 notification programs, placing over \$120 million in media notice.

**Joseph C. Kohn**, shareholder and director of Kohn Swift & Graf, P.C., focuses his practice on complex commercial litigation in class action and individual cases. He was recognized as one of the few lawyers to have tried a class action lawsuit to a jury, and has been appointed by courts or co-counsel to lead counsel or steering committee positions in numerous well-known complex cases.

**Richard S. Levick** is President of Levick Strategic Communications, LLC. His firm has managed media strategies for many of the world's highest-profile matters, from the Catholic Church scandals and Guantanamo Bay, to the Rosie O'Donnell Rosie magazine trial, and the most significant civil litigation arising out of the Iraq war.

**Mark S. Melodia**, a partner with Reed Smith LLP, is experienced in litigating putative class actions and other "bet-the-company" suits filed against financial services and other companies.

**Steven J. Miller** is the Assistant General Counsel of Akzo Nobel Inc., the U.S. subsidiary of the Dutch-based healthcare, coatings and chemicals multinational. His practice focuses on complex commercial litigation, antitrust and corporate transactions.

**William V. O'Reilly**, a partner at Jones Day, practices complex litigation in antitrust, contract and other commercial disputes and corporate criminal investigations.

**Stephen M. Rummage**, a partner at Davis Wright Tremaine LLP, focuses his practice on the defense of complex litigation, with an emphasis on consumer class actions. His clients in consumer class actions have included national and international financial services companies, cruise ship lines, cellular telephone companies, and retailers.

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Philadelphia, Pennsylvania

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1200 Market Street  
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### Who Should Attend:

*Corporate and trial lawyers, corporate executives and government officials responsible for managing class action litigation*

### This Seminar Addresses:

- *Recent Developments in Class Action Litigation*
- *What to Look for in a Case Before Filing a Complaint*
- *The Class Action Reform Act of 2005*
- *The Intersection of Antitrust Law and Class Action Suits*
- *Recent Issues in Consumer Finance*
- *Views from the Bench—Trial Tactics*
- *The Art of Drafting Class Action Notices Under the New Federal Plan English Rules*
- *Using Economic Experts*
- *Dealing with Multiple Class Actions Filed in Several States*
- *Public Relations—What To Do in the First 72 Hours*
- *Class Arbitrations*
- *Avoiding Ethical Traps in Settling Class Actions*

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