

2004 JOINT INTERNATIONAL CONFERENCE

PRESENTED BY



**Program Includes
U.S. and European
Perspectives on
Product Liability and
Insurance Issues**



BARCELONA, SPAIN
HOTEL ARTS BARCELONA

Be Prepared Today for Tomorrow's Liability Exposures

The global economy has become smaller because of the impact of the Internet; legal and economic borders have merged, expanded and are interrelated today at a faster pace. Today's new liability and insurance issues move from one international jurisdiction to another with the click of a mouse. Therefore, it is critically important that product manufacturers and the insurance industry assess and understand what is occurring in the international arena at the earliest possible moment.

This 1st JOINT INTERNATIONAL CONFERENCE is presented by four of the leading organizations involved in the defense of civil litigation. It is designed to explore many current product liability and insurance/reinsurance issues and discuss global trends and experiences. Historically, liability exposure in one jurisdiction impacts the insurance and reinsurance exposures in others. What is foreign to one jurisdiction today may not be so foreign tomorrow! It is important to stay ahead of the curve.

Registrants will learn from leading European and U.S. business and insurance executives and their counsel: the differences and similarities among the various legal systems; how past experiences impact future trends; and how to take a proactive approach in preventing or reducing the exposures. Learn what international companies look for and expect in their counsel as many of the participating companies experience new liability claims and difficult insurance coverage issues.

In addition to participating in a cutting edge educational experience, registrants will have an opportunity to network with highly-experienced executives and counsel from both continents during this program.

Who Should Attend

- European and U.S. corporate representatives of manufacturers, insurers and reinsurers
- Risk managers and corporate counsel with a need to know about new liability exposures and insurance coverage issues
- Outside counsel for manufacturers and insurance/reinsurance companies who need to assess liability and insurance trends

Sunday, 9 May

18:00

Registration and Cocktail Reception

Monday, 10 May

07:30

Registration and Coffee

08:50

Opening Remarks

Program Chair: THOMAS F. SEGALLA, *Goldberg Segalla LLP*, Buffalo, NY, U.S.

09:00

What is "Hot" in the Product Liability Arena?

- What is flowing East and West?
- Explore the future of European and U.S. perspectives
- Discuss tactics for addressing current legal issues
- Are there proactive options?

NEIL A. GOLDBERG, *Goldberg Segalla LLP*, Buffalo, NY, U.S.

DAVID A. MCINTOSH, *Davies Arnold Cooper*, London, England

JOHN R. TRIGG, *Wheeler Trigg & Kennedy PC*, Denver, CO, U.S.

RICHARD WISEMAN, *UK General Counsel, Shell International Limited*, London, England

10:00

What Makes Insurance Law a "Hot" Practice Area?

- Learn what is occurring in the U.S. that may impact the future of insurance in Europe and vice versa
- Consider the challenges to traditional coverage positions
- Learn current trends that need immediate attention

MICHAEL F. AYLWARD, *Morrison Mahoney & Miller LLP*, Boston, MA, U.S.

GARY BASS, *Claims and R/I Director, Faraday Underwriting Limited*, London, England

WILLIAM F. FAWCETT, *Senior Vice President, Chief Claims Officer, Endurance Specialty Insurance Ltd.*, Hamilton, Bermuda
JOSEP M^a MAYOR, *Regional Director Catalunya, MAPFRE*, Barcelona, Spain
SANTIAGO NADAL, *Ernst & Young, Abogados*, Barcelona, Spain
JACK T. RILEY, JR., *Johnson & Bell Ltd.*, Chicago, IL, U.S.
ALLEN P. WAXMAN, *Senior Assistant General Counsel, Pfizer Inc.*, New York, NY, U.S.

11:00

Refreshments

11:20

Discovery Issues from Both European and U.S. Perspectives

- Record retention, spoliation/document destruction, document discoverability and depositions
- Know in advance what is expected
- How to avoid sanctions
- Confidentiality and protection can be critical

JORGE ANGELL, *LC, Rodrigo Abogados*, Madrid, Spain
STEVEN L. BARNEY, *Plunkett & Cooney*, Petoskey, MI, U.S.
DANIEL A. HARVEY, *Assistant General Counsel, Deere & Company*, Moline, IL, U.S.
IAN F. LUPSON, *Jones Day Gouldens*, London, England
RANDALL R. RIGGS, *Locke Reynolds*, Indianapolis, IN, U.S.

12:20

Construction Defect Litigation

- Explore the current problems facing the construction and insurance industries in the U.S.
- Consider the impact of: mold, Chromated Cooper Arsenate (CCA), and other building products
- Review current insurance issues
- Is governmental regulation the next step?

DAINA E. KOJELIS, *Vice President and Director Claims-Legal, Zurich-American*, Schaumburg, IL, U.S.
CATHLEEN M. LONG, *Claims Specialist-Construction Defect Claims, CNA Insurance Co.*, Brea, CA, U.S.
BRUCE H. RAYMOND, *Halloran & Sage LLC*, Hartford, CT, U.S.

13:20

Lunch

14:20

Panel Discussions

U.S. — Governmental and Common Law Recalls

- What are the parameters?
- How are regulations applied?
- Impact on European manufacturers in U.S. markets
- Catastrophic claims

MASSIMO CASINI, *Studio Legale Casini*, Milano, Italy
NEIL A. GOLDBERG, *Goldberg Segalla LLP*, Buffalo, NY, U.S.

KIM M. RIVERA-SANCHEZ, *Associate General Counsel, Rockwell International, Inc.*, Cleveland, OH, U.S.

Europe – The Precautionary Principle

- What is it?
- How is it applied?
- Impact on U.S. manufacturers in the European market
- Are there sanctions for non-compliance?

ROD FREEMAN, *Lovells*, London, England
MICHAEL MOLITORIS, *NÖRR Stiefenhofer Lutz*, München, Germany
E. WAYNE TAFF, *Sherman Taff & Bangert PC*, Kansas City, MO, U.S.

16:20

Breakout Sessions

Breakout #1 – Product Safety

- What are the European governmental regulations?
 - Mandated safety devices
 - Impact on companies that market in Europe
- What are the U.S. standards and mandates?
 - Industry focus
 - Governmental viewpoint
 - Compliance issues
 - Impact on companies that market in the U.S.

ROBERTA CRIVELLARO, *Studio LCA*, London, England
CARY E. HILTMEN, *Hiltgen & Brewer PC*, Oklahoma City, OK, U.S.
JOHN W. LEBOLD, *Senior Corporate Counsel – Litigation, The Sherwin-Williams Company*, Cleveland, OH, U.S.
EDWARD J. MCKINNON, *President, Claims Resource Management Inc.*, Acton, CA, U.S.

Breakout #2 – Critical Insurance Issues

- Insurance and Reinsurance Issues
 - What is going on in asbestos?
 - Cedent's view
 - Reinsurer's view
 - What has been learned?
 - Changing relationship
- Lloyd's and the U.S. regulatory system

EARL C. DAVIS, *Senior Vice President/Discontinued Operations, Fireman's Fund Insurance Company*, Novato, CA, U.S.
T. RICHARD KENNEDY, *President, Arbitration/Mediation Services*, New York, NY, U.S.
KLAUS KUNZE, *Senior Vice-President, Hannover Re*, Hannover, Germany
SIMON D. WRIGHT, *Head of APH Claims, Equitas Limited*, London, England

18:30

Cocktail Reception

20:00

Dinner

Tuesday, 11 May

08:00

Coffee

08:30

Employment Discrimination and Harassment Law: Who Decides, What Is Covered, and Who Pays?

- How U.S. employment and harassment law is substantively different than in Europe and the UK.
- Is there insurance coverage? Employment practices, comprehensive general liability and directors and officers policies.
- Arbitration agreements with U.S. employees: Are they advisable and enforceable?
- Jury trials of employment and harassment claims: What is on the jurors' minds?

CYNTHIA GLASS BIVINS, *Senior Litigation Counsel, Shell Oil Company*, Houston, TX, U.S.

STEVEN GERBER, *Gerber & Samson LLC*, Wayne, NJ, U.S.

JEAN LAWLER, *Murchison & Cumming*, Los Angeles, CA, U.S.

SHERYL J. WILLERT, *Williams Kastner & Gibbs PLLC*, Seattle, WA, U.S.

09:45

Panel Discussion

Directors and Officers Liability and Related Insurance Coverage Issues – Changing Field of Play

- *Sarbanes-Oxley* and Criminal Sanctions – learn what can and cannot be done
- Is there insurance for these violations?
- European impact and status of the law
- Has the hunt for corporate criminals gone too far?

R. MATTHEW FAIRFIELD, *CEO, HCC Global Financial Products*, Barcelona, Spain

ROBERT H. HOOD, *Hood Law Firm LLC*, Charleston, SC, U.S.

JOSEP M^a MAYOR, *Regional Director Catalunya, MAPFRE*, Barcelona, Spain

D. DUDLEY OLDHAM, *Fulbright & Jaworski LLP*, Houston, TX, U.S.

PABLO WESOŁOWSKI, *Davies Arnold Cooper*, Madrid, Spain

11:00

Refreshments

11:20

Punitive Damages, Class Actions and Bad Faith

- What both European and U.S. practitioners and executives must know
- Status of the law and need for reform
- Regulation of insurance claims conduct
- Proactive challenges

GORDON R. BROOM, *Burroughs Hepler Broom MacDonald Helbrank & True*, Edwardsville, IL, U.S.

DOUGLAS G. HOUSER, *Bullivant Houser Bailey PC*, Portland, OR, U.S.

HARVEY L. KAPLAN, *Shook Hardy & Bacon LLP*, Kansas City, MO, U.S.

PAUL LLEWELLYN, *Eversheds*, London, England

12:25

Film and Technology – Liability, Insurance and Privacy Issues

- Impact of computers and Internet
- Film industry – “flop insurance”
- Liability and coverage issues go hand in hand
- Old and new insurance products

MICHAEL F. AYLWARD, *Morrison Mahoney & Miller LLP*, Boston, MA, U.S.

ADAM C. BARKER, *Sedgwick Detert Moran & Arnold*, London, England

EMILY Q. FREEMAN, *Vice President of Western Region and Executive Director of Consulting, AIG eBusiness Risk Solutions*, San Francisco, CA, U.S.

PAUL M. LAVELLE, *Landry & Lavelle LLP*, New Orleans, LA, U.S.

13:25

Lunch

14:25

Mediation, Arbitration and Other Alternative Methods of Resolving Disputes

- What works in Europe?
- What works in the U.S.?
- Is there a need for reform?

COLIN V. CROLY, *Barlow Lyde & Gilbert*, London, England

ROBERT L. JONES III, *Jones & Harper*, Fort Smith, AR, U.S.

CARY PHILLIPS, *Partner, Human Dynamics*, Overland Park, KS, U.S.

15:25

Panel Discussion

What European Companies Look for in U.S. Lawyers? What American Companies Look for in European Lawyers?

GARY BASS, *Claims and R/I Director, Faraday Underwriting Limited*, London, England

WILLIAM F. FAWCETT, *Senior Vice President, Chief Claims Officer, Endurance Specialty Insurance Ltd.*, Hamilton, Bermuda

ROD FREEMAN, *Lovells*, London, England

HARVEY L. KAPLAN, *Shook Hardy & Bacon LLP*, Kansas City, MO, U.S.

RICHARD WISEMAN, *UK General Counsel, Shell International Limited*, London, England

17:00

Open Forum

- Discussions concerning the forming of joint committees for the international exchange of ideas
- How can these defense organizations assist their European counterparts?
- Is there a need for a global defense approach to civil litigation?
- Explore the “pros” and “cons” of a global approach

Moderator: THOMAS F. SEGALLA, *Goldberg Segalla LLP*, Buffalo, NY, U.S.

DRI Representative: WILLIAM R. SAMPSON, *Shook Hardy & Bacon LLP*, Overland Park, KS, U.S.

FDCC Representative: JACK T. RILEY, JR., *Johnson & Bell Ltd.*, Chicago, IL, U.S.

IADC Representative: J. WALTER SINCLAIR, *Stoel Rives LLP*, Boise, ID, U.S.

ADTA Representative: GORDON R. BROOM, *Burroughs Hepler, Broom MacDonald Helbrank & True*, Edwardsville, IL, U.S.

18:00

Adjourn

Registration

Register online at www.dri.org, by mailing or faxing the attached form, or by calling DRI Headquarters at (1) 312.795.1101. Registering online or by fax requires a credit card payment.

The registration fee includes admission to all programs, course materials, continental breakfast each morning, cocktail reception on Sunday, lunch and dinner on Monday, and lunch on Tuesday. If you wish to have your name included on the advance registration list, your registration must be received on or before **20 April 2004**.

Refund Policy

The registration fee is fully refundable for cancellations received on or before 20 March 2004. Cancellations received between 20 March and 20 April will receive a refund less a \$100 processing fee. No refunds will be issued for cancellations made after 20 April 2004. All cancellations and requests for refunds must be made in writing. Substitutions may be made at any time without charge.

Discounts

If you recruit 10 or more attendees, your registration is FREE! You will be refunded after the conference.

Accommodations

The conference will be held at the Hotel Arts Barcelona which features panoramic views of the city and sea, terraced gardens, and an outdoor swimming pool and hot tub. A Technology Butler is available to provide computer-related services to guests.

Hotel accommodations are not included in the registration fee. Room reservations should be made directly with the Hotel Arts Barcelona by faxing in the attached form or calling 93.221.10.00. See the attached form for room rates. U.S. rates are approximated based on the exchange rate on ??, and are subject to change without notice.

Travel Discounts

Discounted airfare rates have been negotiated with American Airlines and United Airlines. Call Travel Technology Group (TTG) to make your flight reservation. US registrants call at 800.866.8845; International registrants call (1) 312.527.7270 and press “0” for Operator.

CLE

The 2004 Joint International Conference has been approved for mandatory continuing legal education (CLE) credit by the State Bar of California in the amount of 15.25 hours.

Accreditation has been sought from every U.S. state with CLE requirements. Certificates of Attendance will be available to each attendee. Attendees are responsible for obtaining CLE from their respective states. Credit availability and requirements vary from state to state; please contact the DRI Education Department at (1) 312.795.1101 for credit information for your state.

Attire

Business attire is appropriate for all functions.

Climate

The average temperature in Barcelona ranges from 20°C/68°F for highs to 12°C/53°F for lows in May.



2004 JOINT INTERNATIONAL CONFERENCE ACCOMMODATION BOOKING FORM

For the nights of 08, 09, 10, 11 and 12 MAY 2004
Please fax the completed form directly to the Hotel Arts Barcelona
FAX. N... 34-93-221.30.45 Tel. N.... 34-93-483.80.96
Attention: Vanessa Balleste & Eva Margalef, Group Coordinators
vballeste@rcspain.com | eesteban@rcspain.com

LAST NAME: FIRST NAME:
COMPANY:
ADDRESS:
CITY: STATE/PROVINCE:
POSTAL CODE: COUNTRY:
E-MAIL: TELEPHONE:
FAX:

PLEASE CHECK YOUR NEEDS FOR ACCOMMODATION:

ROOM TYPE		DELUXE
Kingsize bed	<input type="checkbox"/>	305 Euros / U.S. \$
Twin bed	<input type="checkbox"/>	305 Euros / U.S. \$
Smoking	<input type="checkbox"/>	
Non Smoking	<input type="checkbox"/>	

All rooms are deluxe. Rates are quoted in Euro dollars and subject to a 7% government tax.

TRAVEL INFORMATION

Arrival Date:Estimated Arrival Time:

Departure Date:Estimated Departure Time:

CHECK—IN TIME is 15:00. To guarantee early check-in, please book one night before.
CHECK—OUT TIME is 12:00.

RESERVATION MUST BE GUARANTEED WITH A CREDIT CARD NUMBER.

American Express MasterCard Visa

Credit Card Number: Expiry Date:

Credit Card Holder:

**THE FINAL CUT-OFF DATE FOR BOOKING IS 22 JANUARY 2004.
FOLLOWING THIS DATE ALL BOOKINGS WILL BE SUBJECT TO AVAILABILITY.**

48 HOUR CANCELLATIONS OR NO SHOWS WILL BE CHARGED FULL STAY TO THE ABOVE CREDIT CARD. ALL CHANGES AND CANCELLATIONS MUST BE IN WRITING.

Reservation number:
Confirmed
Booking is:
Acknowledged by:

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