
CLASS ACTION LITIGATION FORUM

Issues, Trends and Strategies in a Changing Climate

Wednesday, May 7, 2008
9:00 am – 5:00 pm

Harvard Club of New York
35 West 44th Street
New York, NY

REGISTRATION

To register for the Forum, contact:
Thao Le
thao.le@alston.com
212.210.1216

We encourage you to register early, as space is limited.

This program, including breakfast and lunch,
will be provided complimentary to our clients and friends.

A cocktail reception following the program will be sponsored by:

Insurance Brokers
McGriff, Seibels & Williams, Inc.
(A BB&T Company)

UPDATE YOUR PERSPECTIVE

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CLE Credit will be provided for this program

ABOUT THIS PROGRAM

Get the latest information on issues, trends and strategies surrounding class action litigation today. This program is designed for in-house counsel, executives, risk management professionals and others affected by class action issues. CLE credit will be provided for this program.

ABOUT ALSTON & BIRD LLP

Alston & Bird is a major U.S. law firm with an extensive national and international practice and over 800 attorneys in six major markets. In business since 1893, we provide tax, intellectual property, technology, and transactional legal services that are among the best in the country, supported by an administrative staff that is second to none.

Proven experience, client focus and winning results are the hallmark of Alston & Bird's multidisciplinary, multioffice Class Action practice. Our attorneys defend a variety of class actions, including antitrust, consumer fraud, deceptive and unfair trade practices, ERISA, employment, environmental/mass tort, product defect and warranty, RICO and securities. Alston & Bird's litigators have perfected a number of effective defense strategies to win class actions through change of venue, removal to federal court, early motions practice, striking of class experts, defeating motions for class certification, summary judgment, trial and appeal. We also use our insight and knowledge of plaintiffs' tactics and strategies to assist our clients in litigation avoidance and limitation of liability. Whether you are looking for a creative resolution through settlement or an aggressive defense through appeal, our Class Action lawyers help clients achieve their desired outcome.

ABOUT DELOITTE FINANCIAL ADVISORY SERVICES LLP

Deloitte Financial Advisory Services LLP offers advice to clients on critical financial and economic events and transactions. Our Forensic Services professionals help reconstruct accounting and business records and provide detailed analysis to help uncover key facts and insights. Our Dispute Services professionals assist counsel with challenging financial and economic issues in complex litigation and other business dispute cases. Using proprietary methodologies and technology, we help provide financial insight and clarity to counsel during the stages of a business dispute, from case theory development and discovery to expert witness testimony.

AGENDA

- 8:00 am – 8:45 am **Breakfast & Registration**
- 8:45 am – 9:00 am **Welcome/Opening Remarks**
- 9:00 am – 10:00 am **The Subprime Mortgage/Credit Crisis Part I – The Current Market and Regulatory Activity**
- *The Current Litigation Environment: What Are the Claims and Who Are the Parties?*
 - *What Can Companies Expect Going Forward?*
 - *Enforcement Activity: What Are We Seeing From the State and Federal Agencies?*
- 10:00 am – 10:15 am **Break**
- 10:15 am – 11:15 am **The Subprime Mortgage/Credit Crisis Part II – The Private Litigation Landscape and Insurance Issues**
- *Theories of Liability and Companies Targeted to Date in Both the Primary and Secondary Markets*
 - *Defense Theories in Response to Lawsuits and Strategies Successfully Employed by Defendants*
 - *D&O Insurance – Avoiding a Subprime Surcharge at Renewal and Post-Claim*

- 11:15 am – 12:00 pm **In-House Perspectives on Managing Class Actions and Other Types of Complex Litigation** – *A panel of in-house counsel will speak on their experiences in managing these cases, including recommendations on how they have been able to minimize the impact such litigation has had on daily business activities.*

- 12:00 pm – 1:00 pm **Lunch**

The Changing Landscape of the Plaintiffs' Bar – *Our panel will feature members of the class-action plaintiffs' bar who will discuss emerging issues for the major firms in 2008 and any new players on the scene. The panel will also comment on recent trends in theories of liability and those industries or corporate practices of particular interest to the plaintiffs' bar.*

- 1:00 pm – 1:45 pm **Reexamining Common Defense Strategies** – *An analysis of whether conventional wisdom is truly the best in defending class action cases. A panel of defense counsel will assess certain traditional defense strategies – such as bifurcating merits from class discovery, removing class actions to federal court, and the use of class experts – and discuss whether such practices are advisable in every case.*

- 1:45 pm – 2:45 pm **Update on Important Business Cases Pending Before or Recently Decided by the Supreme Court** – *The 2007-2008 Term has covered many issues of interest to the business community:*

- *Securities Litigation – After Stoneridge Investment Partners Is “Scheme Liability” Truly Dead?*
- *ERISA Litigation – Individual Actions for Compensatory Damages Now Possible under ERISA*
- *Arbitration – Parties Cannot Contractually Modify the Judicial Review Mechanisms in the Federal Arbitration Act*
- *Administrative Law – The Effect of Administrative Remedies on Arbitration Clauses*
- *Punitive Damages – The Impact of the Exxon Valdez Oil Spill and the \$2.5 Billion Punitive Damages Award*

- 2:45 pm – 3:00 pm **Break**

- 3:00 pm – 4:00 pm **Employment Law Class Actions and Collective Action Litigation – What Does the Future Hold?**

- *Recent Trends in Collective Actions under the Fair Labor Standards Act*
- *Tag Along State Wage Payment Statute Class Actions*
- *Communications with Class Members/Offers of Judgment*
- *Recent Successes in Opposing Class Certification and Methods for Demonstrating Opposing Interests*

- 4:00 pm – 5:00 pm **Winning Strategies on Class Certification** – *We will explain the current thinking and best practices regarding plaintiffs' and defendants' strategies on certification. We will cover specifically:*

- *How To Use Experts Effectively*
- *Recent Decisions Applying a Higher Level of Scrutiny to Class Certification Issues under Fed. R. Civ. P. 23*
- *The Current Thinking on the Class Action Fairness Act*

- 5:00 pm - 6:00 pm **Cocktail Reception Sponsored by McGriff, Seibels & Williams, Inc.**

Insurance Brokers

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