

AMERICAN BAR ASSOCIATION TORT TRIAL & INSURANCE PRACTICE SECTION'S
INTERNATIONAL LAW COMMITTEE AND THE TEMPLE UNIVERSITY SCHOOL OF LAW—
TOKYO CAMPUS

PRESENT

THE CHALLENGES OF AMERICAN LITIGATION—A PRIMER FOR JAPANESE LEGAL STAFF MANAGING LITIGATION IN THE UNITED STATES

December 5 – 6, 2007

Temple University
School of Law,
Tokyo Campus
Mita Hall
Tokyo, Japan



*Bringing Together
Plaintiffs' Attorneys,
Defense Attorneys,
and Insurance and
Corporate Counsel
for the Exchange of
Information and
Ideas*



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PROGRAM AGENDA

Day One—Wednesday, December 5, 2007

6:30 pm **Introductory and Welcoming Remarks**

Program Co-Chairs:

John C. McMeekin II, Esq., Rawle & Henderson, LLP,
Philadelphia, PA

James C. Stroud, Esq., Rawle & Henderson, LLP, Philadelphia, PA
Matthew Wilson, Esq., Associate Dean of Temple University
School of Law, Japan Campus, Tokyo, Japan

6:45 pm **Understanding the Mechanics and Rules of US Litigation: General Rules of Civil Procedure and Application of the Hague Service and Discovery Conventions to Japanese Companies.**

This panel will focus on the differing interpretations of rules and treaties pertaining to maintaining a law suit against a Japanese defendant in state and federal courts as well as the application of the rules of civil procedure. This discussion will also introduce the application and scope of the attorney client privilege for purposes of sharing information critical to the litigation.

Panelists:

Holly Polglase, Esq., Campbell Campbell Edwards & Conroy,
Boston, MA
Richard Turbin, Esq., The Law Offices of Richard Turbin,
Honolulu, HI

7:30 pm **Understanding and Documenting Corporate Formalities for Foreign US Subsidiary and Holding Companies.**

A panel discussion concerning the implications of state of incorporation, domicile and principal places of business for Japanese holding companies as well as exercising control and decision making over subsidiary entities.

Panelists:

Garrett Fitzpatrick, Esq., Mendes & Mount, LLP, New York, NY
Steven F. Napolitano, Skadden Arps Slate Meagher & Flom LLP,
New York, NY
Yasuo Fukuda, Esq., Professor of Insurance and Business
Transaction Laws, Nihon University College of Law,
Tokyo, Japan

8:15 pm **Management & Control of United States Subsidiary Employees and Operations: What Roles and Responsibilities do a Japanese Company and its Subsidiaries Have in Relation to Subsidiary Companies and Employees Under United States Employment Laws?**

A discussion concerning the potential impact to a Japanese parent company and subsidiary of “seconding” Japanese employees to the United States labor laws, employment practices, compensation and employee rights.

Speaker:

Sandra R. McCandless, Esq., Sonnenschein, Nath & Rosenthal LLP,
San Francisco, Ca

9:00 pm Open discussion with faculty and attendees

Day Two—Thursday, December 6, 2007

6:30 pm Opening remarks and comments on Day 2 agenda

6:35 pm **Uniquely American—Class Action Litigation in the United States**

A panel of distinguished and experienced speakers will address the latest developments in class action litigation including the Class Action Fairness Act, mandatory arbitration clauses and class action waivers, the challenges to class certification and what to expect when a putative class action is filed against your company.

Panelists:

Michele A. Powers, Esq., Weston, Benshoof, Rochefort, Rubalcava &
MacCuish LLP, Los Angeles, CA
Peter A. Antonucci, Esq., Greenberg Traurig, New York, NY
Perry S. Granof, Esq., Vice President & Claims Counsel, Chubb & Son,
a division of Federal Insurance Company, Chicago, IL

7:15 pm **Responding to Corporate Discovery and Document Requests: Electronic Discovery**

What is E-Discovery and how should corporate legal personnel prepare to respond to requests for documents and other electronic information. What constitutes a reasonable investigation? How to prepare company employees for the depth of discovery. Will translation of documents be necessary and if so who pays for the translation.

Panelists:

John C. McMeekin II, Esq., Rawle & Henderson, LLP, Philadelphia, PA
Masahiro Morimoto, UBIC, Inc., Tokyo, Japan
Shirley J. Spira, Esq., The Port Authority of New York and New Jersey, New York, NY

8:00 pm **Ethics: Is Your Communication with a Client or within Your Company a Privileged and Confidential Communication?**

Professor Wilson will lead a discussion concerning a comparison of privileges and the rules of confidentiality in Japan as opposed to the United States and specifically look at how the confidentiality of communications with "General Counsel" in Japanese corporations might be handled by a United States court in a cross-border dispute given that most are not licensed attorneys.

Speaker:

Professor Matthew Wilson, Esq., Assistant Dean Temple University School of Law—Japan Campus, Tokyo, Japan

8:45 pm **Team Work is the Key to Success: Plan Early and Thoroughly for the Success of Your Litigation**

This panel will address the unique aspects of American adversarial litigation and how to plan for and manage expectations for a successful outcome. It will cover interacting with the Japanese litigation team, American lawyers and Insurance professionals, resolution strategies, mediation versus trial and how to prepare for either outcome.

Panelists:

Kemsley Brennan, Vice President, Casualty/D&O Technical Zone
Claim Manager, Asia Pacific Zone, Chubb Group of Insurance Companies
James C. Stroud, Esq., Rawle & Henderson LLP, Philadelphia, PA

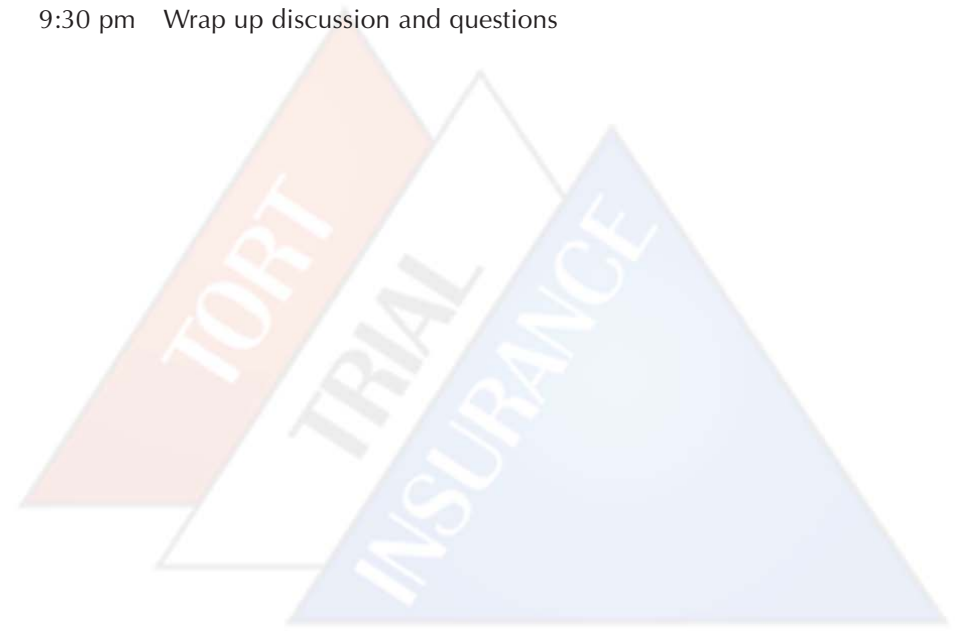
9:15 pm **Alternative Dispute Resolution in International Business Transactions: Planning for the Future By Drafting ADR Clauses for Your Commercial Contracts.**

Do you want to keep your commercial dispute out of an American court? The pros and cons of including an ADR provision in your international contract, drafting considerations, mediation and other non-binding ADR options. The program will also include forum selection, choice of law, language of proceedings and enforcement of arbitral awards.

Speaker:

Randy J. Aliment, Esq., Williams Kastner, Seattle, WA

9:30 pm Wrap up discussion and questions



GENERAL INFORMATION

REGISTRATION DEADLINE: NOVEMBER 12, 2007

REGISTRATION INFORMATION

Visit the **TOKYO, JAPAN PROGRAM** website to register at www.abanet.org/tips or complete the registration form included in this brochure.

A registration form is on the back of this brochure as well as online at www.abanet.org/tips. The registration fee includes admission to the program, course materials, breaks and CLE Credit. If you wish to have your name appear on the pre-registration list distributed at the program, we must receive your reservation no later than **November 16, 2007**. Registration reservations will be confirmed in writing within 10 business days.

AIRLINE INFORMATION

You are encouraged to make your airline reservations on ABA Online Travel site where you automatically receive ABA airfare discounts from a variety of carriers and can view and purchase other low fare options including web fares. To access ABA Online Travel, go to www.abanet.org and click on the link at the bottom of the ABA Calendar box. **The ABA has a 30% discount off of all fares to Tokyo, Japan via ANA Airlines that will be only be available through ABA Online travel and Travelocity.**

ABA Discounted Meeting Airfares are available through ABA Online Travel, Travelocity Business or directly from the airline. The 24/7 toll-free number for Travelocity Business is (866) 321-8403.

The following is the ABA Discount code for American Airlines which you must use to receive the ABA percentage discount or zone fare:

American Airlines ABA Code: 19226 — (800) 433-1790

HOTEL INFORMATION

For Reservations call: +81-3-3504-1111

A limited number of rooms have been blocked for program registrants at the Imperial Hotel Tokyo, 1-1-1 Uchisaiwaicho, Chiyoda-ku, Tokyo, Japan 100-8558. The room block will be held until exhausted. After that, reservations will be confirmed based on availability. In order to receive the special group rate of 30,000 YEN single and 35,000 YEN double occupancy, identify yourself as attending the American Bar Association Tort and Insurance Practice Section's The Challenges of American Litigation when making reservations. All rooms are subject to 5% tax, city tax 200 YEN and a 10% service fee. Hotel check-in is 3:00pm and check-out is 12:00pm. Guaranteed reservations must be canceled 24 hours in advance of your scheduled day of arrival to avoid a one night's cancellation charge. To avoid inconvenience, make your hotel reservations as soon as possible by calling **the hotel's reservations department at +81-3-3504-1111**

HOTEL DEADLINE: NOVEMBER 23, 2007

CLE INFORMATION

Accreditation will be requested for this program from every state with mandatory continuing legal education (MCLE) requirements for its lawyers. Please be aware that each state has its own rules and regulations, including its definition of "CLE". Check with your state agency for confirmation of this program's approval. Attorneys seeking to obtain MCLE credit in Pennsylvania are required to pay state accreditation fees directly to that state. Certificates of attendance will be available at the conclusion of the program. In order to receive CLE credit, all attorneys will be required to sign in on the sign in sheets and obtain a Uniform Certificate of Attendance. Registration fees must be paid in full before registrants can receive credit. You may contact Donald Quarles at 312/988-5708 two weeks prior to the conference for confirmation of the number of CLE credit hours requested by the ABA or credits approved by any particular state.

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/memberapp.html or call 1-800-285-2221. 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 the ABA at 312-988-5708 promptly. Reasonable advance notice is requested.

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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 or contact Linda Wiley at 312-988-5673.

REGISTRATION FORM

ABA Tort Trial & Insurance Practice Section (TIPS)
TIPS Tokyo, Japan Program
December 5-6, 2007 • Tokyo, Japan

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_____ I am a member of the ABA and wish to join the Tort Trial and Insurance Practice Section. I have enclosed a separate check for \$50 made payable to the American Bar Association.

2. REGISTRATION FEES:

REGISTRATION FEE: This Conference is free of charge unless you require CLE Credit

	QTY	TOTAL
All Attendees—needing CLE Credit	\$200	_____
3. TOTAL PAYMENT TOTAL		_____

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