



Transforming Competence into Expertise

**THE EIGHTH ANNUAL GRADUATE
PROGRAM OF THE LITIGATION
MANAGEMENT COLLEGE**

JUNE 12-16, 2011

**Emory University
Emory Conference Center
Atlanta, Georgia**

FIDCC

FIDCC
FEDERATION OF DEFENSE
& CORPORATE COUNSEL
11812 North 56th Street
Tampa, Florida 33617

IN RESPONSE TO THE DEMAND in the insurance industry for advanced skills training in litigation management, fifteen years ago the Federation of Defense & Corporate Counsel began an annual five-day intensive course devoted to the advanced study of litigation management. Due to the overwhelming success of the Litigation Management College, requests from alumni of the College, and inquiries from supervisors of litigation departments of both insurance companies and corporations, in 2004, the FDCC introduced the Graduate Program. Each year, the elite student body, with great geographic and employer diversity, and with more than 15 years litigation management experience, are asked to rate the Program and each faculty member on a scale of poor, average, good, or excellent. The graduates routinely rate the program as "excellent" (for example, 100% of the students in 2010 provided such a rating) and, in 2010, like in the prior years, 100% stated that they would recommend the program to colleagues.

The FDCC is pleased to announce its Eighth Annual Graduate Program of the Litigation Management College. Alumni of the Litigation Management College, as well as any students certified by their employers as having experience equivalent to the rigors of the College, are invited to register. Alumni receive first preference for registration.

The mission of the Graduate Program is to build upon the solid foundation provided by the Litigation Management College to refine the student's understanding of advanced insurance coverage issues, strategic litigation tactics, preparation of the handling of litigation, and alternatives for resolution of disputes on favorable terms, while gaining further understanding of the process to allow application of these skills in a cost effective manner to any type of litigation challenge that may be presented.

The Graduate Program is an intensive 32-hour classroom and workshop curriculum to increase, hone, and expand the litigation management, evaluation, and negotiation skills learned in the College. In addition, the demanding training includes homework assignments to be completed in advance of the program and during the session. The Graduate Program is designed to focus on the complex, advanced issues commensurate with the responsibilities of claims professionals with more than 15 years experience who have management responsibilities and claim resolution authority. The limited class size and very low student to faculty ratio (5:1) facilitates student participation and individualized skills training.

The insurance industry and many other corporations have reached a time when training is in high demand, but economic realities and shrinking budgets leave companies with less opportunity to provide advanced training internally. For the claim professional, being competent is no longer sufficient to meet the ever-changing demands of litigation management and the organizational demands of reporting, supervising, and training in the litigation environment. Today, senior claims professionals need not only an unprecedented higher level of knowledge and skill among all those who participate in the litigation process, but also a higher level of independence, self-reliance, and the capacity to exercise initiative to achieve favorable outcomes in disputes. The Graduate Program is the opportunity for the litigation management professional to acquire knowledge and skills to reach the next level of his or her career.

REGISTRATION

Eighth Annual Graduate Program Registration

Last Name: _____ First Name: _____ MI: _____

Nickname: _____ Professional Designations: _____

Title: _____ Company: _____

Address: _____ City: _____ State: _____

Zip: _____ Phone: _____ Fax: _____

Email: _____ # of Years Experience in Claims: _____

of Years Experience in Litigation Management: _____

Current Line of Business: _____

(GL, Products, Auto, WC, Med Mal, Property, Construction Defect, etc)

Litigation Management College Graduate: Yes No If yes, what year? _____

of Depositions _____; Trial Testimony _____; Mediations _____; Cases Taken to Trial: _____

Special Needs: _____

Payment Information:

(Check one): AMEX VISA MC Check

CC Number: _____ Exp Date: _____

Name on Card: _____ Code: _____

Billing Address: _____

*Cardholder's Signature: _____

**I authorize the FDCC to charge my credit card for the LMC Graduate Program registration fee*

Registration Fee: \$1495.00 Early Registration (Before April 1st): \$1395.00

Registration Fee: \$ _____

Administrative Fee: (+) \$ **50.00**

***Total Due:** \$ _____

**(Deduct \$50 from the total due if paying by check only)*

Mail Checks to:

Federation of Defense & Corporate Counsel

LMC/Graduate Program

11812 North 56th Street

Tampa, FL 33617

Phone: 813-983-0022

Fax: 813-988-5837

GENERAL INFORMATION

NOTE: As many of our faculty are practicing defense attorneys, due to litigation schedules, faculty substitutions may be necessary.

Graduate Program Tuition: \$1,495.00
Early Registration (By April 1, 2011): \$1,395.00

Please make checks payable to FDCC/LMC and SUBMIT COMPLETED REGISTRATION FORM EITHER BY MAIL, FAX (one form per student) AND PAYMENT BY May 2, 2011 TO:

Federation of Defense & Corporate Counsel
LMC/Graduate Program
11812 North 56th Street
Tampa, FL 33617
Phone: 813.983.0022
Fax: 813.988.5837

For information about the Graduate Program or to register electronically, visit www.thefederation.org or contact:

James A. Foster
Dean of the Graduate Program
312.444.2479 or jaf@cassiday.com

Susan B. Harwood
Assistant Dean of the Graduate Program
407.660.0990 or sbharwood@boehmbrown.com



Federation of Defense & Corporate Counsel

Curriculum Highlights

- √ Enrollment limited to 25 students with a 5:1 student: faculty ratio.
- √ Faculty composed of nationally known counsel and insurance executives.
- √ Workshop and individual participation in “Making Your Case” to colleagues and upper management.
- √ Workshop in advanced mediation techniques with full participation by students.
- √ Advanced study of bad faith issues and full participation as deponent in defense of claims handling practices.
- √ Participation with individual faculty in advanced techniques for evaluating cases, budgets, and litigation plans in complex cases.
- √ Interactive participation between students and faculty throughout the entire program.
- √ Discussions of emerging issues with faculty.
- √ Exposure and training with experts in the fields of persuasion and communication skills.
- √ Continuing Education credits with CPCU and RPA and other entities.
- √ Past student evaluations complimented the high level of interaction among the students and with our faculty.

Sample comments from 2010:

“Top notch faculty participation”

“Good interaction between faculty and students”

“The facilities are excellent”

“The presenters know their material and are most interested in sharing it with others”

“All good”

LITIGATION MANAGEMENT COLLEGE GRADUATE PROGRAM CURRICULUM AND SCHEDULE 2011

(Subject to possible change)

Sunday, June 12, 2011

5:00 - 6:30pm Registration

6:30pm Reception

Monday, June 13, 2011

7:00 - 8:00am Breakfast with Faculty

8:00 - 8:40am OPENING SESSION

8:00 - 8:10am Welcome from President of FDCC – **Tom Cordell**

8:10 - 8:40am Description of Program and Introductions of Students and Faculty -
Jim Foster

PHASE ONE – MAKING YOUR CASE

Advanced Techniques for Case Evaluation, Focused Litigation Planning, and Presentation of Your Analysis to Decision Makers

This unique three-part course immerses students in the processes and conceptual frameworks for evaluating and formulating litigation strategy for successful outcomes, and demonstrates how to present the case to senior management, insureds, mediators, arbitrators, and opposing counsel. Centered around a complex litigation case study, topics include identification of coverage issues, management and analysis of multiple party fault allocations, identification of resources for liability determinations, and analysis of chances of a successful outcome. Part One focuses on the evaluation of the complex, multi-party case. Part Two focuses on the litigation plan and budget as the roadmap to achieve a successful resolution. The rigorous curriculum culminates in Part Three, a written and oral presentation of the student's litigation plan to "senior management" as represented by the faculty and their student colleagues in a small group setting.

GENERAL INFORMATION

involving issues of multiple claims and insurance policies, and is designed to illustrate the lesions without the distraction of specialized knowledge concerning the subject matter of the occurrence. Pre-reading materials and assignments will be sent to the students approximately four weeks in advance of the commencement of the Program.

REGISTRATION: Registration for the Graduate Program must be completed before May 2, 2011. The registration fee includes admission to the Graduate Program, course materials, evening receptions, daily breakfast, lunch, and dinner, unless otherwise noted. All registrations will be confirmed in writing via email. There will be no on-site registration for this program. In order to maintain the favorable faculty-student ratio, class size is limited to 25 persons meeting the course prerequisites. Electronic registration is available at www.thefederation.org.

HOTEL INFORMATION: The Graduate Program has reserved a block of rooms at the Emory University Conference Center Hotel, 1615 Clifton Road, Atlanta, Georgia 30329. Reservations should be made by calling the hotel at 404-712-6000. When making reservations, advise the hotel you are attending the FDCC Litigation Management College in order to receive the preferred group room rate of \$159.00 (plus tax). Reservations must be made by May 2, 2011 to receive the group rate. You are responsible for making your hotel reservation and space is limited, so you are encouraged to do so early. A rental car is not needed, as there is a shuttle service to/from Hartsfield Airport and the hotel is connected to the Emory Conference Center.

FACULTY: The Graduate Program faculty includes top industry claims executives, is geographically diverse, and represents a complete spectrum in litigation management.

EDUCATIONAL FACILITIES: The Graduate Program is conducted at the Emory University Conference Center in Atlanta, at what may be the finest educational facility and learning atmosphere in the southeastern United States. State-of-the-art technology and breakout rooms with PCs, printers, and supplies, make this facility a remarkable executive training location in a beautiful forest setting. Constructed in the tradition of famed architect, Frank Lloyd Wright, this is indeed an inspired venue where classes are conducted in progressive but comfortable surroundings.

CANCELLATION POLICY: No registration fee refunds can be granted after May 2, 2011. If a student is unable to attend Graduate Program, a replacement can be sent in his or her place provided the student meets the course prerequisite. Such arrangements need to be confirmed in advance with the Deans.

Deans of the Graduate Program

James A. Foster
 Dean of Graduate Program
 Cassidy Schade LLP
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 Emory University Conference Center, Atlanta, Georgia

GENERAL INFORMATION

ADMISSION PREREQUISITES: Claims professionals and litigation managers with (1) a minimum of 15 years experience, (2) management responsibilities and/or overall claim resolution authority, and (3) successful completion of the Litigation Management College **or** employer certification of experience equivalent to the rigors of the Litigation Management College and subject to approval by Deans.

COURSE REQUIREMENTS: Due to the interactive and fast-paced nature of the Graduate Program, and to enable students to get the most out of their education, students are required (1) to attend all sessions including dinner meetings, (2) to complete pre-reading and reporting assignments pertaining to the complex case study which is integral to the Program, prior to commencement of the Program, prior to commencement of the Program, and (3) to complete homework assignments during the course of the Program. The complex case study is designed around a multi-party personal injury case.

Curriculum and Schedule 2011

8:40 - 9:30am *The Process of Litigation Management in Complex Cases - Kate Daly*

A process overview of the Graduate Program, as well as additional tools to assist students to think in terms of process, a senior insurance executive will address in detail the process of analyzing the complex claim, and communication processes to assist claims managers and supervisors in performing their jobs more efficiently and effectively.

PART I – EVALUATION & PREPARATION

Focusing on the process to evaluate a complex case, topics include:

- Evaluation of coverage issues (i.e., excess and umbrella coverage, reinsurance, occurrence trigger, targeted tenders, duties to insureds with SIRs, choice of counsel, multiple insureds);
- Identification of coverage and collateral sources of defense and indemnity;
- Evaluation of the propriety of cross claims and third party claims;
- Identification of online resources for fact and expert investigation;
- Use of the Internet for fact finding of liability and damages questions;
- Methods to assess the likelihood of prevailing, allocation of fault, and assessment of verdict potential; and
- Timely and effective use of alternative dispute resolution methodologies.

9:30 - 9:45am Break

9:45 - 10:30am *Using the Internet in Fact Finding and Valuation* - **Scott Kreamer**

Students will learn advanced Internet research skills in the morning session to utilize when preparing to “Make Their Case” to senior management.

10:30 - 11:15am *Coverage Concepts* - **Tom Segalla and Bruce Celebrezze**

11:15am - 12:00 *Assessment of Fault, Likelihood of Prevailing and Assessment of Verdict Potential* - **Jim Crandall**

12:00 - 1:00pm Lunch with Faculty

PART II– LITIGATION PLANS & BUDGETING

1:00 - 2:00pm *Litigation Plan and Budgeting for the Complex Case* - **Jim Foster**

Projecting costs and benefits from the utilization of advanced case preparation methodologies requires an understanding of the various case preparation alternatives and the potential benefits of each to measure the cost against the likely outcome to be achieved. Discussion of the strategic benefits, costs, and tactical objectives of various innovative approaches are covered in this course segment. Topics include:

- Document Databases
- Joint Defense Agreements
- Jury Research Options
- Expert Selection Considerations
- Demonstrative Exhibit Options and Timing for Engineering, Testing, and Animation
- Strategic Planning of Corporate Depositions
- Tactical Decisions in Motion Practice
- Mock Trials and Focus Groups

Faculty of the Graduate Program

David M. Bell
David Bell & Associates
Phoenix, Arizona

Kathleen B. Brown
Swiss Re
New York, New York

Bruce D. Celebrezze
Sedgwick LLP
San Francisco, California

James L. Crandall
Crandall Wade & Lowe
Irvine, California

Kathleen M. Daly
XL Insurance
Hamilton, Bermuda

Bruce S. Dickinson
Stephenson Dickinson
Las Vegas, Nevada

James A. Foster
Cassiday Schade LLP
Chicago, Illinois

H. Mills Gallivan
Gallivan White & Boyd, PA
Greenville, South Carolina

David Gervers
Century Surety Company
Westerville, Ohio

Susan B. Harwood
Boehm Brown, Fischer Harwood
Kelly & Scheihing PA
Orlando, Florida

William J. Kautter
RSUI Group Inc.
Atlanta, Georgia

Michael K. Kiernan
Traub Lieberman Straus &
Shrewsbury LLP
St. Petersburg, Florida

J. Scott Kreamer
Baker Sterchi Cowden
& Rice LLC
Kansas City, Missouri

James D. Martin
CNA
Chicago, Illinois

Craig A. Marvinney
Cleveland, Ohio

Jess B. Millikan
Bullivant Houser Bailey PC
San Francisco, California

Audrey Nelson, Ph.D.
Nelson Communication
Boulder, Colorado

Barbara A. O'Donnell
Zelle McDonough & Cohen LLP
Boston, Massachusetts

Thomas F. Segalla
Goldberg Segalla LLP
Buffalo, New York

- 1:00 - 2:15pm *Bad Faith and Extra-Contractual Damages in the Complex Case* - **David Bell and Jim Crandall**
- A panel of leading experts presents a graduate level discussion of the law of bad faith in the complex case.
- 2:15 - 2:45pm *Coverage Redux—Analysis of Coverage Issues in this Case Study* - **Tom Segalla and Bruce Celebrezze**
- 2:45 - 3:00pm Break
- 4:30 - 5:30pm *Defending the Case: Preparation for Depositions* - **Susan Harwood**
- 6:30 - 9:00pm **RECEPTION AND BANQUET**

Thursday, June 16, 2011

- 7:00 - 8:00am Breakfast with Faculty
- 8:00 - 9:00am *Deposition Preparation* - **Jim Crandall, Barbara O'Donnell, Bruce Dickinson, Jess Millikan, David Bell, Susan Harwood, and Jim Foster**
- 9:00 - 11:30am *Depositions* - **Jim Crandall, Barbara O'Donnell, Bruce Dickinson, Jess Millikan, David Bell, Susan Harwood, and Jim Foster**
- One-on-one practice and advice on how to effectively prepare for a deposition while defending the handling of a complex case.
- 11:30am - 12:00 *Constructive Deposition Critique* - **Jim Foster (Moderator), Jim Crandall, Barbara O'Donnell, Bruce Dickinson, Jess Millikan, Susan Harwood, and David Bell**
- 12:00 - 12:15pm CLOSING SESSION: DISCUSSION OF THE LESSONS LEARNED AND HOW TO APPLY THEM TO COMPLEX LITIGATION – AWARDING OF DIPLOMAS - **Jim Foster and Susan Harwood**
- 12:15pm Adjourn

Curriculum and Schedule 2011

- 2:00 - 3:00pm *Litigation Plan Breakout Groups (by Party with Faculty Mentors)* - **Jim Crandall, Barbara O'Donnell, Bruce Dickinson, Jess Millikan, and David Bell**
- Practical application of case evaluation skills to complex case study in a small group dynamic.
- 3:00 - 3:15pm Break
- 3:15 - 4:00pm *Presentation of Litigation Plan Revisions* - **Jim Foster**
- Interactive discussion, analysis, and critique of Group Litigation Plans following presentation to the class.
- 4:00 - 6:00pm *Preparation for Final Case Evaluation Reports to Management (Break-outs with Faculty Mentors)* - **Jim Crandall, Barbara O'Donnell, Bruce Dickinson, Jess Millikan, and David Bell**
- 6:30 - 8:30pm Reception and Dinner with Faculty

Tuesday, June 14, 2011

- 7:00 - 8:00am Breakfast with Faculty
- 8:00 - 9:00am *Finalize Case Evaluations (Break-outs – continued)* - **Jim Crandall, Barbara O'Donnell, Bruce Dickinson, Jess Millikan, and David Bell**
- 9:00am - 12:00 *Victors without Victims: Managing Conflict for a Positive Outcome* - **Audrey Nelson, Ph.D.**
- Dr. Audrey Nelson is an internationally recognized consultant and seminar leader whose expertise includes communication, interpersonal skills, and conflict management.
- 12:00 - 1:00pm Lunch with Faculty

PART III- IMPLEMENTATION

The culmination of the “Make Your Case” curriculum. The student presents and defends his/her evaluation of the case study and litigation plan - an interactive course.

1:00 - 3:00pm *ROLE PLAY – “Make Your Case to Senior Management”*
Kate Brown, Swiss Re
Kate Daly, XL Insurance
David Gervers, Century Surety
Bill Kautter, RSUI
Jim Martin, CNA

3:00 - 3:30pm *Summary of “Making Your Case”*
Kate Brown, Swiss Re
Kate Daly, XL Insurance
David Gervers, Century Surety
Bill Kautter, RSUI
Jim Martin, CNA

3:30 - 3:45pm Break

PHASE TWO - MEDIATION - THE ULTIMATE RESOLUTION

Third party mediation is a primary vehicle for case resolution. This graduate level course builds upon the negotiation techniques learned in the Litigation Management College and focuses the participant on that mediation process. A panel of top national mediators provides the students with an inside look at the strategies they employ in resolving complex cases and directs them on how to improve their success in the mediation process. Using the complex case study, students will prepare for mediation and mediate with one of the panel of national mediators. The course concludes with a critique of the mediation techniques seen by the panel and some additional practice pointers.

3:45 - 4:30pm *Perils, Pitfalls, and Possibilities of a Good Mediation -*
Mills Gallivan (Moderator), Tom Segalla, Craig Marvinney,
and Mike Kiernan

Curriculum and Schedule 2011

A panel of national mediators discusses the strategies they use in trying to resolve complex cases and how the participants can push their agendas.

4:30 - 5:30pm *Mediation Preparation (Breakouts) -* **Jim Crandall, Barbara O’Donnell, Bruce Dickinson, Jess Millikan, and David Bell**

Students participate in small group planning sessions to formulate strategy for mediating a complex case.

STUDENT NIGHT OUT

Wednesday, June 15, 2011

7:00 - 8:00am Breakfast with Faculty

8:00 - 11:00am *Mediation Sessions -* **Mills Gallivan, Tom Segalla, Craig Marvinney, and Mike Kiernan**

Utilizing skills learned during the program, students mediate a complex case study.

11:00 - 11:55am *Mediation Critique, Lessons Learned -* **Mills Gallivan (Moderator), Tom Segalla, Craig Marvinney, and Mike Kiernan**

PHASE THREE – EXTRA-CONTRACTUAL CONCERNS/ISSUES

To avoid bad faith and other potentially sanctionable conduct, the claims professional must understand the types of conduct that can lead to such damages and sanctions. In this course, several of the nation’s leading authorities on the subject teach the students the pitfalls to avoid. Lessons taught are reinforced when the students are required to defend the conduct that would have better been avoided in a session of advanced witness training for depositions.

11:55am - 12:00 *Handout and Analysis of Bad Faith Case Studies -*
Bruce Celebrezze

12:00 - 1:00pm Lunch with Faculty