



Tort Trial and Insurance Practice Section

ANNUAL MEETING *san francisco, CA*

August 7-11, 2003

San Francisco Marriott

...bringing together plaintiffs'  
attorneys, defense attorneys  
and insurance and corporate  
counsel for the exchange of  
information and ideas.



presented by the **American Bar Association**

Sponsored by West, a Thomson business



WELCOME TO *san francisco*

## Table of Contents

Letter from the Chair .....	2
Meeting Information .....	4-5
Social Events .....	6-7
Schedule of Events and CLE Programs .....	8-17
Program Tracks .....	18-19
Committee Meetings and Programs .....	20-21

# DEAR MEMBERS

*of the TIPS' Leadership team*

Welcome to San Francisco, one of the top three tourist sites in the World. "The City", as it is known to the locals, will host the 2003 Annual ABA Meeting from August 7-13.

TIPS will be headquartered at the Marriott Hotel, which is strategically located in the heart of the City, Market and 4th Street, tucked between the Financial District to the North and the ever-changing SOMA (South of Market), to the South. The Marriott Hotel is one of the finest hotels in the City and is a great jumping off point for every major tourist attraction.

In addition to ABA and TIPS meetings, we will have some lively social events in order to network with friends old and new.

Thanks in large part to the generous sponsorship of Sonnenschein, Nath and Rosenthal, TIPS' opening reception at the Monadnock Building will be free to TIPS members and their guests and families.

The Monadnock Building, which survived the 1906 San Francisco earthquake and fire, also survived dynamite charges used in an attempt to build a fire wall. The building was reconstructed in 1907 and was the headquarters for many national railroads afterwards. In 1986, the Monadnock Building was renovated, complete with murals and sculpture gardens, including the San Francisco Renaissance Mural.

*The Marriott Hotel is one of the finest hotels in the city and is a jumping off point for every major tourist attraction in San Francisco.*

In other words, the Monadnock Building represents an important piece of San Francisco history. We are very pleased to have the opportunity to hold the TIPS opening reception there.

Our Leadership Dinner on Sunday evening will also be at a unique San Francisco locale, the exclusive and world famous St. Francis Yacht Club. We will enjoy some exquisite views of the San Francisco Bay, Golden Gate Bridge,

Alcatraz and the Marina Green from the St. Francis Yacht Club, a private yacht club which sits at the edge of Marina Green, perched on the San Francisco Bay. Since 1927, St. Francis Yacht Club sailors have challenged and defended the America's Cup, become Olympic Champions and participated and won scores of racing challenges including Whitebread, Transpac and the Pacific Cup.

In addition to the presentation of TIPS Section Awards, such as the McKay and Muskie Awards, we will present a special commemorative award to TIPS Past-Chair Ernie Sevier's family. Also, I will pass TIPS' Gavel to incoming TIPS Chair Linda Klein, at the Leadership Dinner. *(continued on page 3)*



TIPS Chair  
**Alex Gonzales,**  
Austin, TX

Annual Meeting  
Arrangements Chair:  
**Ronald L. Richman,**  
San Francisco, CA

Annual Meeting Program  
Committee Chair:  
**Thomas M. Downey,**  
Oakland, CA

## Letter from the Chair *(continued from page 2)*

In between TIPS meetings, from the Marriott Hotel, you can hop on the “F Market” trolley car and tour the City heading up Market Street, the newly renovated Ferry Building, the palm-tree lined Embarcadero, Pier 39 (shops, restaurants, galleries, aquarium), Fisherman’s Wharf and Ghiradelli Square (home of the world famous Ghiradelli chocolates). From Pier 39 and Fisherman’s Wharf, don’t miss the Ferry rides around the Bay, including trips to Alcatraz and Angel Island (both involve a bit of hiking). Tours to Alcatraz fill up fast during the summertime so it is advisable to make tour reservations well in advance.

For the more adventurous, walk one block west and on 5th and Market, take an incredible ride up and down the rolling hills of San Francisco through the Financial District, China Town and North Beach (the Italian Section) on the cable cars which date back to the late 1800’s.

Just across from the Marriott is Union Square – home of Saks Fifth Avenue, the Westin St. Francis and other high-end shops, galleries and restaurants (Kuletos and Postrio are “not to miss restaurants”). In addition, at Union Square, there are a wide variety of tour buses and trolleys available – no advance bookings necessary.

Within a five-minute walk from the Marriott Hotel, you can also visit the San Francisco Museum of Modern Art (3rd Street and Mission), Yerba Buena Gardens (the kids will enjoy the indoor ice-skating rink, bowling alley and Carousel) and catch the latest movies at the Sony Metreon Theatre Complex which also includes restaurants, shops and a whole host of kid-related activities.

For the true baseball fan, the red-hot Giants, 2002 National League Champions, are in town during August 5-10 at PacBell Park, a new “old fashioned” state-of-the-art ballpark surrounded by some of the best restaurants in town, MOMA’s, Paragon,

Acme Chop House (located just outside the ballpark) and Max’s.

Bleacher seats are usually available for the games, sold at the ballpark, although a little advance planning may get you an excellent seat at “face-value” prices. Anyone interested in seeing a Giants game should log on to the Giants website, [www.sfgiants.com](http://www.sfgiants.com), and click on “tickets”. The earlier you get the tickets on-line, the better the chance of getting good tickets at a reasonable price. PacBell Park is a 15-minute walk from the Marriott or a 5-minute ride on the underground trolley – “N Judah – Mission Bay”, which can, again, be accessed right from the Marriott.

Golden Gate Park and the San Francisco Academy of Sciences are a great way to spend an afternoon with the kids. The San Francisco Zoo is just blocks from Ocean Beach, one of the largest beaches in San Francisco. Both the San Francisco Academy of Sciences and the San Francisco Zoo are easily accessible by public transportation – mainly electric trolley.

For those wishing to venture outside of San Francisco, take a ride over the Golden Gate Bridge (you can also park and walk across the Bridge) into Sausalito, a small, but quaint, seaside village full of interesting shops, galleries and restaurants.

San Francisco is an incredibly beautiful City. Bring your families and take time to enjoy the many sites. As a veteran of San Francisco summers, San Francisco can be cool in August (mid 60’s, breezy and foggy), so bring layers – jackets and sweaters.

All in all, it’s going to be a fabulous meeting. I look forward to seeing you there.

**See you in August!**

**Alex Gonzales**  
Tort Trial and Insurance  
Practice Section Chair

**Advance Registration  
Deadline:** July 11, 2003  
**Hotel Accommodations  
Deadline:** July 11, 2003

**Housing and Registration**

To register or to obtain additional information on housing and registration, including, ABA programs, events and activities in San Francisco, contact the ABA Meetings and Travel Department at 312-988-5870 or visit them on the web, [www.abanet.org/annual/2003](http://www.abanet.org/annual/2003).



**Note:** the Tort Trial and Insurance Practice Section (TIPS) headquarter hotel in San Francisco is the San Francisco Marriott Hotel. There are special meeting registration rates available for ABA members, young lawyers, law students, judges and government/public sector attorneys.

**REGISTER NOW AND  
EARN DOUBLE MARRIOTT  
REWARDS POINTS!**

Members who register for the meeting and book their accommodations at the Section headquarters facility, the San Francisco Marriott, will earn Double Marriott Rewards Points over the contracted dates of your stay. Qualifying reservations must be made through I.T.S./ExpoExchange, the Association's official housing provider for the Meeting, prior to July 11, 2003. Marriott Rewards number must be provided by guest at check-in time to receive points. To sign-up for Marriott Rewards Program now and receive your number go to: [www.marriott.com](http://www.marriott.com).

**American Bar Association Registration Center**

Head to the Moscone Center South after Thursday, August 7, to pick up your badge, kit of materials, and any tickets you may have ordered for special ABA or TIPS events. Tickets for ABA events, to the extent that they remain available, can be purchased at the ABA Ticket Desk located in the Registration Center.

**TIPS Ticket Sales and Program Materials Center**

If you need assistance or would like to purchase additional TIPS event tickets, stop by the TIPS desk at the San Francisco Marriott Hotel during the following hours:

THURSDAY, August 7:	8:00am - 5:00pm
FRIDAY, August 8:	8:00am - 5:00pm
SATURDAY, August 9:	8:00am - 5:00pm
SUNDAY, August 10:	8:00am - 5:00pm

**Get Your Coupon for a Free CD-ROM**

Continuing a process established in recent years, each TIPS member who returns the enclosed **Ticket Order Form** (on page 22 of this brochure) will receive a coupon\* in their San Francisco ABA packet at registration for a **free TIPS CD-ROM** which contains program material for ALL of TIPS program held at this meeting. Redeem your coupon for the CD-ROM at the TIPS Information/Ticket Sales Desk, at the San Francisco Marriott Hotel.

*\* If you do not receive a coupon in your ABA registration packet on-site, your TIPS membership will need to be verified at the TIPS Information/Ticket Sales Desk at the San Francisco Marriott Hotel before you can pick up your CD-ROM.*

# a TIP from TIPS

## Flexible Annual Meeting / CLE Pricing Options

All participants must be registered for the ABA Annual Meeting in order to attend CLE programs. Most program sponsors will charge fees to attend their programs. Generally, these fees will range from \$50 to \$75 per program. Tickets will be collected at the door.

### Customize the Annual Meeting to fit your needs.

*If you plan to attend many programs, a few programs or only programs offered by one specific Section, there is an option that works for you. Each of the following options is available for purchase on the Advance Registration Form or when you register online.*

#### **TIPS PASS:** (Reciprocal with JCEB)

<b>\$150</b>	Full Passport TIPS Members
<b>\$50</b>	TIPS Members who are Government Lawyers, Judges or Young Lawyers
<b>\$200</b>	Full Passport Non-TIPS Members
<b>\$100</b>	Non-TIPS Members who are Government Lawyers, Judges or Young Lawyers
<b>\$250</b>	Full Passport for Non-ABA Members
<b>FREE</b>	Law Students

#### **OPTION 1: Pay-As-You-Go**

This option is ideal for the busy attorney who may only attend a few CLE programs and is also recommended to any registrant who prefers to attend a variety of programs across a broad range of topics. CLE Tickets will be sold in \$25 increments and can be purchased online in advance when you register or on site at ABA Registration.

#### **OPTION 2: Section Passports**

Some ABA Sections offer “Passports” valid for admission to all of their programs. This convenient option is a great savings opportunity for the registrant who participates in many programs offered by a single Section or Division.

#### **OPTION 3: Super Passport**

This option, new to the 2003 Annual Meeting, is for the registrant who prefers to pay one fee for unlimited access to all CLE programs.

This option, an incredible value at \$395 for unlimited access to over 200 CLE programs, provides a no-hassle purchase option for today’s busy attorney.

**Order your TIPS Pass on page 22.**

**All TIPS programs will be held at the CLE Centre/Moscone Center.**

## WELCOME *reception*

Come one, come all to the TIPS Opening Reception at the open-air atrium at the Historic Monadnock Building, 685 Market Street, one short block away from the TIPS Headquarters at the Marriott Hotel.

**Friday, August 8, 2003 6:30pm - 8:30pm**

The Monadnock Building holds a unique piece of San Francisco history. The Monadnock Building was under construction prior to the 1906 earthquake and subsequent fire-storm which was generated by the earthquake.

After the earthquake, fearing that the building would collapse, the United States Army attempted to dynamite the building in an

attempt to create a fire break to protect the old Palace Hotel, one of San Francisco's (and the world's, to boot) finest hotels.

The Monadnock Building survived the dynamiting.

**Ticketed event:**

Complimentary but a ticket is required for adults and children

**Attire:**

Business or Business Casual

So, having survived the 1906 earthquake, the ensuing fire and bit of dynamite, thanks to the US Army, the decision was made to rebuild the Monadnock Building. The building was finished in 1907. For years after its construction, the Monadnock Building was the headquarters for many national railroads.

In 1986, the Monadnock Building was renovated, complete with murals and sculpture gardens, including the San Francisco Renaissance Mural.

Thanks in large part to the generous sponsorship of Sonnenschein, Nath and Rosenthal, the price for admission is free, but you must sign up in advance. Bring your families to this fun-filled out-door event. Let's have a lot of fun, meet up with old friends, meet new friends and kick off the 2003 ABA Annual Meeting with a bang (not including dynamite, of course). A wide variety of hors d'oeuvres will be available, as well as wine, beer and other refreshments.



*This photo was taken three years after the 1906 earthquake. Looking from Kearny Street facing Market Street east; from left: Chronicle Building, Palace Hotel and Monadnock Building.*

*Photo courtesy of the Online Archive of California.*

## social events

Tort Trial and Insurance Practice Section

# PRESIDENT'S *reception*

The 2003 President's Reception will be held at the historic, Beaux Arts San Francisco City Hall.

**Saturday, August 9, 2003 7:00pm - 10:00pm**

Shuttle bus transportation will be provided to and from all official ABA hotels as well as from the Opening Assembly.

Guests will have City Hall to themselves for the entire wonderful evening. The Walt Tolleson Strings will perform for your listening and dancing

pleasure. An open bar and hors d'oeuvres will be provided.

Admission to the 2002 President's Reception will require a ticket. Tickets for registrants and guests age 18 and over are \$35. Tickets for registrants under the age of 18 are \$15. Tickets can be ordered online through the Advance Registration form and are fully refundable until 72 hours prior to the event.

**Ticketed event:**

**\$35** Registrants & guests age 18 & over

**\$15** Under age 18

**Attire:**

Business

# LEADERSHIP *dinner*

The San Francisco Bay, Golden Gate Bridge, Alcatraz and the Marina Green are the sites for the TIPS 2003 Leadership Dinner at the exclusive St. Francis Yacht Club located in the Marina District of San Francisco.

**Sunday, August 10, 2003 7:00pm - 10:00pm**

The St. Francis Yacht Club is a private yacht club which sits at the edge of Marina Green, perched on the San Francisco Bay. The St. Francis Yacht Club was founded in 1927. Sailors based at the St. Francis Yacht Club have challenged and defended the America's Cup, become Olympic Champions and participated and won scores of racing challenges including Whitebread, Transpac and the Pacific Cup.

The St. Francis Yacht Club hosts over 40 regattas on San Francisco Bay, including the annual Big Boat series each September. In addition, the St. Francis Yacht Club hosted the 2000 US Olympic sailing trials and continues to host world and national sailing championships. The St. Francis

Yacht Club clubhouse contains an incredible array of sailing portraits and intricate models of championship sailboats.

The St. Francis Yacht Club offers one of the most fabulous vistas in San Francisco. Along with the fabulous views, the St. Francis Yacht Club promises an incredible dining experience. If you don't mind getting sand in your shoes, there is a beach front area to which we will have access.

**Be sure to sign up early because tickets for this incredible venue will quickly sell out.**

**Ticketed event:**

**\$100** adults

**\$20** for children 10-18

**Attire:**

Business



san francisco, CA  
annual meeting

August 7-11, 2003 San Francisco Marriott

**THURSDAY, AUGUST 7, 2003**

8:00am - 5:00pm

TIPS Ticket Sales and Program  
Materials Center

8:00am - 9:00am

Administrative Committee Meeting

8:00am - 10:00am

Emerging Issues Committee Meeting

9:00am - 12:00pm

Professionalism Committee Meeting

9:00am - 11:00am

Finance Subcommittee on Internal Review

10:00am - 11:30am

Finance Subcommittee on  
Investment Allocation

10:00am - 11:30am

Finance Subcommittee on Budget Policies

10:30am - 12:30pm

Finance Subcommittee on Historical  
Review and External Benchmarking

12:30pm - 2:00pm

ABA/TIPS Committee Meeting

1:00pm - 3:00pm

*Tort Trial and Insurance Law Journal*  
Editorial Board Meeting

3:00pm - 4:00pm

2004 Annual Meeting Program Planning  
Committee Meeting

10:00pm - 11:00pm

TIPS Hospitality

**FRIDAY, AUGUST 8, 2003**

7:30am - 8:30am

Senior Issues Law Committee  
Business Meeting

7:30am - 8:30am

Excess Surplus, Lines and Reinsurance  
Committee Business Meeting

7:30am - 8:30am

eCommerce Committee Business Meeting

8:00am - 5:00pm

TIPS Ticket Sales and Program  
Materials Center

8:00am - 9:00am

Meeting of the Chairs, Chairs-Elect and  
Program Chairs Presenting Programs in  
San Francisco

8:00am - 11:00am

Scope and Correlation Committee Meeting

8:00am - 11:00am

*TortSource* Editorial Board Meeting

8:00am - 11:00am

Technology Committee Meeting

8:00am - 12:00pm

Section Council Meeting

9:00am - 11:00am

Senior Advisory Committee Meeting

9:00am - 12:00pm

Joint Section Membership Chairs Meeting

(continued on page 9)

## schedule of events

Friday, August 8 (continued from page 8)

### All TIPS programs will be held at the CLE Centre/Moscone Center.

9:30am - 12:30pm

#### Overtime, Claims Adjusters And The White Collar Exemptions: The Relationship Between Federal Collective And State Class Actions

*Sponsored by Employer-Employee Relations, Staff Counsel and Insurance Coverage Litigation Committees*

In *Bell v. Farmers Insurance Exchange*, a class action seeking overtime compensation on behalf of a class of personal lines insurance claims adjusters, a \$90 million judgment was entered against the company. This judgment, and a spate of similar decisions suggesting that insurance claims adjusters are “production workers” entitled to overtime compensation have created uncertainty and enormous potential liabilities for insurance companies and other service industry employers both within and beyond California. At this program, a representative of the Wage Hour Administrator of the United States Department of Labor, the chief counsel of the California Department of Labor, plaintiffs’ counsel, defense counsel, and in-house counsel for a major insurance company will discuss (1) the interaction between pending federal collective and state class actions; (2) proposed administrative and statutory reforms of the white-collar administrative exemptions; and (3) the risks and benefits of reclassifying large groups of employees.

#### Moderators:

**Allison Blakley**, *Chicago, IL*  
**Jeff Goldman**, *Chicago, IL*

#### Speakers:

**Judy Keyes**, *San Francisco, CA*  
**David Borgen**, *Oakland, CA*  
**Eric Dreiband**, *Washington, D.C.*  
**Ann Stevason**, *Sacramento, CA*  
**Jim Finberg**, *San Francisco, CA*  
**Ellis Murov**, *New Orleans, LA*



9:30am - 12:30pm

#### What's Next In Reinsurance and the Health Care Industry?

*Sponsored by Excess, Surplus Lines and Reinsurance Committee*

The health care industry continues to create waves in the insurance and reinsurance markets. This interactive program will review new developments in reinsurance for the health care industry. The first segment will review the current state of the health care reinsurance market, including the use of captives, risk retention groups and claim management partnering. The second segment will examine emerging trends and strategies in health care reinsurance disputes, including updates on litigation, mediation and arbitration.

#### Moderators:

**David Anderson**, *Chicago, IL*  
**Michael Cass**, *Chicago, IL*

#### Speakers:

**Michael Knoerzer**, *New York, NY*  
**John Howard**, *Wilton, CT*  
**Leslie Davis**, *Stamford, CT*  
**Bruce Sundquist**, *Princeton, NJ*  
**Patricia J. Austin**, *New York, NY*

Friday, August 8 (continued)

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1:00pm - 2:00pm  
2003 Fall Planning and Orientation  
Committee Meeting

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1:00pm - 2:00pm  
Corporate Counsel Committee  
Business Meeting

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1:00pm - 3:00pm  
Committee for Diversity  
in the Profession Meeting

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1:00pm - 3:30pm  
Task Force on Plaintiff's  
Involvement Meeting

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2:00pm - 3:00pm  
2004 Spring Planning and Orientation  
Committee Meeting

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2:00pm - 4:00pm  
Task Force on Insurance and  
Corporate Counsel Interests  
and Involvement Meeting

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2:00pm - 4:00pm  
Celebrities and the Right of Publicity:  
Joe Montana Takes the Field

*Sponsored by Media, Privacy, and Defamation  
Torts Law, in conjunction with the Intellectual  
Property and the E-Commerce Committees,  
ABA Forum on Communications Law*

Joe Montana, former star quarterback of the San Francisco Forty-Niners, highlights a panel discussing the tension between celebrities' rights of publicity and privacy on the one hand, and the First Amendment on the other. Mr. Montana will discuss his perspectives on the right of publicity, including the case in which he sued the San Jose Mercury News for selling posters of front pages of the Mercury News containing photographs of Montana during his Super Bowl victories. The conflict between celebrities right to control their images and the right of the media and others to use those images has arisen in numerous contexts: Vanna White suing an advertiser who showed a robot

in a red dress turning letters on the stage of a game show; Norm and Cliff of Cheers suing based on the use of manikins depicting them in restaurants; the heirs of the Three Stooges suing an artist who sold images of the famous comics on tee-shirts; and Dustin Hoffman, who sued Los Angeles Magazine for using his image in an article that depicted actors in famous movie scenes altered to show them wearing new Spring fashions.

In addition to Mr. Montana, the Panel will include experts in the litigation of right to privacy claims. Robert Mezzetti represented Montana in his litigation with the San Jose Mercury News that resulted in a widely-sited decision by the California Court of Appeal. Mr. Mezzetti has represented plaintiffs in several other right of publicity cases, representing clients such as astronaut Neil Armstrong. Edward P. Davis, Jr., represented the San Jose Mercury News in the Montana case, and has defended media clients in other actions involving celebrities, such as Donald Sipple, the Republican campaign consultant for George Bush and Robert Dole. Jean Zoeller, Vice-President of Litigation at ABC, represented the company during the trial and appeal of the Dustin Hoffman case.

**Moderator:**

**George Freeman, New York, NY**

**Speakers:**

**Joe Montana, Atherton, CA**

**Robert L. Mezzetti, San Jose, CA**

**Edward P. Davis, Jr., Palo Alto, CA**

**Jan Zoeller, Burbank, CA**

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3:00pm - 3:30pm  
2004 Midyear Planning Committee Meeting

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3:00pm - 5:30pm  
Long Range Planning Committee Meeting

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3:30pm - 4:30pm  
2004 Annual Meeting Planning  
Committee Meeting

(continued on page 11)

## schedule of events

**Friday, August 8** (continued from page 10)

**4:00pm - 5:00pm**

**Task Force on Plaintiff's Involvement and Committee for Diversity in the Profession Joint Reception—Pursuit of Justice Award**

*Sponsored by Brayton Purcell, The Sturdevant Law Firm, Gwilliam, Ivary, Chiosso, Cavalli & Brewer, Law Office of Thomas Dempsey, Stritmatter, Kessler, Whelan, Withey, Coluccio, Smoger & Associates, Baron & Budd, PC, and Wallace & Graham, PA*

**5:00pm - 6:00pm**

**Reception for New TIPS Members, First Time Attendees, Task Force on Insurance Corporate Counsel Interests and Involvement**

**6:30pm - 8:30pm**

**Tort Trial and Insurance Practice Section Welcome Reception**

*Sponsored by Sonnenschein, Nath and Rosenthal*  
Monadnock Building on Market Street  
(685 Market Street) Complimentary Reception

**10:00pm - 11:00pm**

**TIPS Hospitality**

## **SATURDAY, AUGUST 9, 2003**

**7:00am - 8:00am**

**TIPS Hospitality Center**

*Sponsored by Burnham Brown*

**7:30am - 8:30am**

**Toxic Torts and Environmental Law Committee Business Meeting**

**7:30am - 8:30am**

**Non-Profit Organizations Committee Business Meeting**

**7:30am - 8:30am**

**Intellectual Property Law Committee Business Meeting**

**7:30am - 8:30am**

**Alternative Dispute Resolution Committee Business Meeting**

**7:30am - 8:30am**

**Appellate Advocacy Committee Business Meeting**

**7:30am - 8:30am**

**Admiralty and Maritime Law Committee Business Meeting**

**7:30am - 8:30am**

**Aviation and Space Law Committee Business Meeting**

**7:30am - 8:30am**

**Media, Privacy, and Defamation Torts Committee Business Meeting**

**7:30am - 8:30am**

**Insurance Coverage Litigation Committee Business Meeting**

**7:30am - 8:30am**

**Economics of Law Practice Committee Business Meeting**

**7:30am - 8:30am**

**Business Litigation Committee Business Meeting**

**7:30am - 8:30am**

**Employer-Employee Relations Committee Business Meeting**

**8:00am - 9:00am**

**Scholarship Fund Board Meeting**

**8:00am - 5:00pm**

**TIPS Ticket Sales and Program Materials Center**

**9:00am - 11:00am**

**Membership Committee Business Meeting**

**9:00am - 11:00am**

**Title Insurance Litigation Committee Business Meeting**

**9:00am - 12:00pm**

**Public Relations Committee Meeting**

**Saturday, August 9** *(continued)*

**9:00am - 12:00pm**

**Task Force on Strategic Alliances Meeting**

**9:30am - 12:30pm**

**Vision 20/20, The Future of the Civil Justice System and Insurance – a Retrospective**

*Sponsored by Insurance Regulation, Emerging Issues, Excess Surplus Lines and Reinsurance, and Insurance Coverage Litigation Committees*

During the course of the past year, Vision 20/20 brought together key thought leaders from various areas of influence – academia, the trial bar, and the insurance industry to examine the future of the civil justice system and insurance from a broad range of perspectives. Our panelists will comment upon the core issues identified, developed, and debated by this “think tank” including **Tort Law And The Underwriting Cycle, Mass – Torts, and The Role Of The Justice System In The 21st Century.**

**Speakers:**

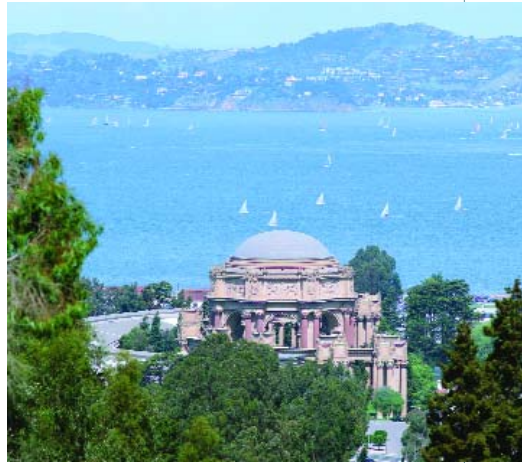
- Elizabeth W. Benet**, Stamford, CT
- Robert M. Ferm**, Denver, CO
- Sean Fitzpatrick**, Simsbury, CT
- Deborah Hensler**, Palo Alto, CA
- Richard H. Murray**, New York, NY
- Robert S. Peck**, Washington, D.C.

**9:30am - 12:30pm**

**Health and Fitness, Including Sex: The Quality of Life for Patients and their Physicians and the Rights of All in the 21st Century**

*Sponsored by Seniors Issues Law, Excess, Surplus Lines & Reinsurance, Corporate Counsel, Professionals’, Officers’ & Directors’ Liability, Self Insurers’ & Risk Managers, and Staff Counsel Committees*

Explore the blending of increased professional and non-professional standards of care for the patient, his or her family and guardian, where applicable, in the 21st Century. Discussions



include the hazard of failed benefits of Medicare, excluding prescriptions drugs, Medicaid, life insurers, HMOs and health insurers and the uninsured allocating cost of care.

Find out when this panel (Part I) addresses the current issues relating to keys to improving mental and physical health in the elderly, and prevention of disability and rehabilitation from disabling illness will be explored.

Part II Panel will be addressing the current issues relating to medical malpractice and the nursing home insurance crisis. Where are the rates for this insurance coverage and what should we expect? Will caps on pain and suffering remedy the crisis? This panel will provide insight and the latest updates on the insurance market place and tort reform across the country.

**Moderator:**

**John W. Thornton**, Miami, FL

**Speakers:**

- Carol Banyas**, Sausalito, CA
- Kathryn Locatell**, Sacramento, CA
- John W. Thornton**, Miami, FL
- Frances E. O’Connell**, Deerfield, IL
- Matthew Y. Biscan**, Denver, CO
- H. Wesley Sunu**, Chicago, IL

*(continued on page 13)*

## schedule of events

**Saturday, August 9** (continued from page 12)

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**9:30am - 12:30pm**

### One Day at A Time: Turning Your Solo or Small Firm Practice Into A Huge Success

*Sponsored by Workers' Compensation and Employers' Liability Law and Solo and Small Firm Practitioners Committees*

This program will concentrate in the substantive areas of worker compensation, personnel injury and employment law. In addition to the substantive panelists, speakers will address issues in technology and ethics as they pertain to the material as presented by the substantive speakers.

The program will be highly interactive and is designed to be the first in a series of programs which will address a variety of substantive issues in a solo and small firm practice.

#### **Moderator:**

**Stephen Ozcomert**, *Decatur, GA*

#### **Speakers:**

**Janice Brown**, *San Diego, CA*

**Diane Hernandez**, *Fort Lauderdale, FL*

**Martin Blake**, *San Francisco, CA*

**Anthony Vittal**, *Los Angeles, CA*

**Richard Zitrin**, *San Francisco, CA*

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**9:30am - 12:30pm**

### Securities Litigation and Liability in the New Era

*Sponsored by Professionals', Officers' & Directors' Liability, Business Litigation, Insurance Coverage Litigation and Employee Benefits Committees*

In the aftermath of the collapse of Enron and Arthur Andersen, and the passage of new federal securities laws and SEC regulations, new challenges and questions confront corporations and their directors, officers, accountants and lawyers, securities litigators, and D&O insurers. What will be the impact of the Sarbanes-Oxley Act and new SEC rules on securities litigation? Will new types of plaintiffs, new classes of defendants, and new theories of liability become commonplace? How are corporations and the SEC responding to new reporting requirements? How is the D&O insurance industry reacting? Assembled to discuss these and other questions posed by the events of the past year is a panel of experts representing the entire gamut of parties affected by these developments.

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#### **Moderator:**

**Hon. Eugene F. Lynch (Ret.)**, *San Francisco, CA*

#### **Speakers:**

**William S. Lerach**, *San Diego, CA*

**Tower C. Snow, Jr.**, *San Francisco, CA*

**Gary V. Dixon**, *Washington, D.C.*

**Helene Morrison**, *San Francisco, CA*

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**9:30am - 12:30pm**

### Old vs. New: Presenting Evidence with PowerPoint vs. Traditional Courtroom Presentations

*Sponsored by Trial Techniques Committee*

A jury trial simulation comparing computer graphics to traditional visual presentation using top trial lawyers and a California trial judge.

#### **Moderator:**

**David Deehl**, *Coral Gables, FL*

#### **Speakers:**

**Frank Rothschild**, *Honolulu, HI*

**Hon. Martin Jenkins**, *San Francisco, CA*

**Alice Hector**, *Miami, CA*

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**12:00pm - 2:00pm**

### CLE Board Meeting

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**12:30pm - 2:00pm**

### 2002-2003 and 2003-2004 General Committee Boards Joint Meeting

Moscone Center

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**1:00pm - 4:00pm**

### The Brief Editorial Board Meeting

---

**2:00pm - 5:00pm**

### Law in Public Service Committee Meeting

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**2:00pm - 3:30pm**

### Task Force on Outreach to Law Students Meeting

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**2:00pm - 3:30pm**

### Task Force on Outreach to State and Local Bars Meeting

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**2:00pm - 4:00pm**

### National Trial Academy Meeting

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**2:00pm - 5:00pm**

### Finance Committee Meeting

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**Saturday, August 9** *(continued)*

**2:00pm - 5:00pm**

**Recovery and Restitution for Risk Managers, Captives and Corporate Counsel: Handling the Complex Property Loss within the Self Insured Retention**

*Sponsored by Property Insurance Law and Self Insurers and Risk Managers Committees*

This program will explore the current state of the corporate risk manager and her approach to self-insured recovery in today's hard insurance market. Speakers, who include Mark Pitchford, Sr., Insurance Specialist at DaimlerChrysler, attorneys Scott Katz, a partner with the Butler Pappas firm in Tampa, FL, and Geoffrey Veith, a partner with the Hecker Brown firm in Philadelphia, PA, and two experts to be named later will explore the pitfalls facing corporate risk managers now faced with rising deductibles and self insured retentions. The program will discuss specific problems, current corporate recovery techniques as well as how corporations can improve upon an area once left to their insurance carriers.

**Speakers:**

**Mark Pitchford, Sr.,** *Detroit, MI*

**Scott Katz,** *Tampa, FL*

**Geoffrey Veith,** *Philadelphia, PA*

**2:00pm - 5:00pm**

**Equal Access in the Legal Profession: Ending Lip Service to Diversity**

*Sponsored by Committee for Diversity in the Profession, Task Force on Plaintiff's Involvement, TIPS Law Students and Jackson & Wallace*

The President-Elect of the ABA, Dennis Archer, will headline this exciting and motivating CLE presentation about equality and diversity in the legal profession. A nationally recognized panel of diverse and gifted speakers will address issues of racial, ethnic and gender diversity in the legal profession, as well as practical means of implementing diversity initiatives. Our great profession, as a proactive body in the pursuit of justice, must address its failure to be all-inclusive and this CLE program will give you a chance to

examine what your professional perspective is, bringing new and effective ideas to input change. Overcoming ignorance and notions from prior generations, which had a limited vision will take time. We cannot succumb to the perils of complacency; allowing preconceived ideas of what an attorney looks like by sex or color continue. This is more than a continuing legal education program; it is a provoking opportunity to bring about change.

**Speakers:**

**Dennis Archer,** *Detroit, MI*

**Karen Nobumoto,** *Los Angeles, CA*

**Lucinda Finley,** *Buffalo, NY*

**Zoe Nettles,** *Columbia, SC*

**Myrna Raeder,** *Los Angeles, CA*

**Michael Pratt,** *Morristown, NJ*

**3:00pm - 5:00pm**

**B.B. Wolf vs. Curly Pig**

This family program combines courtroom drama with the fairy tale favorites of the Big Bad Wolf and Curly Pig. The charge against Curly Pig is attempted Wolf cooking and the defense theory is longstanding pig family harassment. A cauldron of boiling water was allegedly placed by Curly Pig in a location where the Wolf was sure to show up! A cast of adults and children will provide a real life portrayal of how disputes are resolved in the civil justice system. Members of the audience will serve as the Jury. Written by the American Bar Association's Division for Public Education, this Program is sponsored by the Public Relations Committee of TIPS. Although this program is particularly well suited for PK to 6th graders, everyone is welcome!

**3:30pm - 5:00pm**

**Task Force on Young Lawyer Outreach Meeting**

**5:00pm - 6:00pm**

**Equal Access in the Legal Profession: Ending Lip Service to Diversity CLE Program Reception (by invitation only)**

*Sponsored by Morgenstein & Jubelirer*

*(continued on page 15)*

## schedule of events

**Saturday, August 9** *(continued from page 14)*

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5:30pm - 7:30pm  
Fidelity and Surety Law  
Committee Reception

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5:30pm  
ABA Opening Assembly

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7:00pm - 10:00pm  
President's Reception  
Beaux Arts San Francisco City Hall  
Shuttle bus transportation will be provided to  
and from all official ABA hotels as well as from  
the Opening Assembly.

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10:00pm - 11:00pm  
TIPS Hospitality

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## SUNDAY, AUGUST 10, 2003

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7:00am - 8:00am  
TIPS Hospitality Center

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7:30am - 8:30am  
Property Insurance Law Committee  
Business Meeting

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7:30am - 8:30am  
Self-Insurers and Risk Managers  
Committee Business Meeting

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7:30am - 8:30am  
Civil Procedures and Evidence Business  
Committee Meeting

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7:30am - 8:30am  
Commercial Transportation Litigation  
Committee Business Meeting

---

7:30am - 8:30am  
Medicine and Law Committee  
Business Meeting

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7:30am - 8:30am  
Automobile Law Committee  
Business Meeting

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---

7:30am -8:30am  
Workers' Compensation and Employers'  
Liability Law Committee Business Meeting

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7:30am -8:30am  
Employee Benefits Committee  
Business Meeting

---

7:30am - 8:30am  
Professionals', Officers' and  
Directors' Liability Committee  
Business Meeting

---

7:30am - 8:30am  
Products, General Liability and Consumer  
Law Committee Business Meeting

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7:30am - 8:30am  
Financial Services Integration Committee  
Business Meeting

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7:30am - 8:30am  
Governmental Liability Committee  
Business Meeting

---

7:30am - 8:30am  
International Committee Business Meeting

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7:30am - 8:30am  
Insurance Regulation Committee  
Business Meeting

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8:00am - 9:30am  
Fidelity and Surety Law Committee  
Business Meeting

---

8:00am - 12:00pm  
Publications Editorial Board Meeting

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8:00am - 5:00pm  
TIPS Ticket Sales and Program  
Materials Center

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9:00am -11:30am  
Section Council Meeting

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**Sunday, August 10** *(continued)*

**9:30am - 12:30pm**

**I'm Sorry — Can I Say It? — Do I Really Mean It? — The Ethics and Use of Apologies in Dispute Resolution**

*Sponsored by Professionalism Committee and the Section of Dispute Resolution*

This Program will explore the growing use, and increasing ethical issues, of apologies (public and private) in the anticipation and resolution of claims. A diverse team of speakers (Plaintiff, Defendant, Insurer, Corporate, Educator, Journalist/Social Commentator, Native American) will relate a variety of real life experiences to: probe the ethics involved with the scope and degree of sincerity of the apology; explore spreading efforts to protect apologies by statutes and evidentiary rules; and enhance the perception by the public and lawyers of the legal profession as one which values itself as a “healing” art capable of holistic service to clients and others.

**Moderator:**

**John W. Allen**, *Kalamazoo, MI*

**Speakers:**

**Jeff Kichaven**, *Los Angeles, CA*

**David T. Link**, *Kalamazoo, MI*

**David A. Hoffman**, *Boston, MA*

**Steven Keeva**, *Chicago, IL*

**Bradley M. Henry**, *Boston, MA*

**Janet S. Kloenhamer**, *Novato, CA*

**12:00pm - 2:00pm**

**Tort Trial and Insurance Practice Section Luncheon**

Frederick D. McClure, former Assistant to President George H.W. Bush for Legislative Affairs; Special Assistant to President Ronald Reagan for Legislative Affairs; and Associate Deputy U.S. Attorney, will speak on the topic: The Federal Political Landscape for Tort Reform. Ticketed Event: \$50 per person.



**Speaker:**

**Frederick D. McClure**,  
*Washington, D.C.*

**2:00pm - 3:00pm**

**Governmental Affairs Committee Meeting**

**2:00pm - 4:00pm**

**Guidebook and Bylaws Committee Meeting**

**2:00pm - 5:00pm**

**Direct and Cross - Examination of an Expert Witness in a Mass Tort Case — Evidentiary and Strategic Issues**

*Sponsored by Products, General Liability & Consumer Law, Toxic Torts & Environmental Law and Medicine and Law Committees*

This program focuses on the art of putting on and attacking an expert in states in an era where Daubert is prevalent but not universal. The program will consist of a demonstration of an examination and cross-examination of an expert and a discussion of the substantive law and tactics.

**Moderators:**

**John J. Weinholtz**, *Buffalo, NY*

**Randy Aliment**, *Seattle, WA*

**Speakers:**

**Diane Abraham**, *Sonoma, CA*

**Ira Leesfield**, *Miami, FL*

**Roger McCarthy**, *San Francisco, CA*

**John McMeekin**, *Philadelphia, PA*

**Bruce Parker**, *Baltimore, MD*

**3:00pm - 4:00pm**

**History Committee Meeting**

**7:00pm - 10:00pm**

**Tort Trial and Insurance Practice Section Leadership Dinner**

*St. Francis Yacht Club in the Marina District*  
Ticketed Event: \$100 Adults; Children 10-18 \$20. Transportation will be provided busses will begin boarding at 6:00pm and returning at 10:00pm. Attire: Business

**10:00pm - 11:00pm**

**Section Hospitality**

## schedule of events

### MONDAY, AUGUST 11, 2003

---

7:00am - 8:00am  
TIPS Hospitality Center

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7:30am - 8:30am  
Life Insurance Law Committee  
Business Meeting

---

7:30am - 8:30am  
Trial Techniques Committee  
Business Meeting

---

7:30am - 8:30am  
Health and Disability Insurance Law  
Committee Business Meeting

---

7:30am - 8:30am  
Solo and Small Firm Practitioners  
Committee Business Meeting

---

8:00am - 8:30am  
Section Business Meeting

---

8:00am - 9:00am  
Staff Counsel Committee Business Meeting

---

8:30am - 9:30am  
Leadership Breakfast  
*Sponsored by Bullivant Houser Bailey PC*

For the new regime - 2003-2004 Council,  
Committee Chairs and Chairs-Elect, Task Force  
Chairs and Coordinators, and spouses/guests.  
Sign up for tickets so we know you're coming.

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9:30am - 12:30pm  
Corporate Responsibility  
In The 21st Century

*Sponsored by Health & Disability Insurance  
Law, Life Insurance Law, Self Insurers & Risk  
Managers Committees*

In the wake of Enron and the revelation of  
numerous other cases of corporate wrongdoing,  
corporate America is facing a new barrage of  
suits challenging not only the conduct, but the  
very integrity of the corporations and their  
officers, directors and staff. Even insurers are  
not immune to this recent trend. This program,  
divided into three segments, takes a hard look

from many perspectives at corporations that are  
charged with unlawful or fraudulent conduct,  
and the issues these suits present for defense,  
plaintiffs and inside counsel.

The three segments, and their respective  
speakers are as follows:

- I. Records retention policies relating to  
officers and directors of corporations
- II. Privileges and conflicts of interest in  
connection with the representation  
of corporations
- III. Insurance Issues: privileges, document  
retention and conflicts of interest

#### Panel I

**Moderator:**

**B. John Pendleton**, *Newark, NJ*

**Speakers:**

**Sheila Murphy**, *New York NY*

**Robert Phillips**, *Walnut Creek, CA*

#### Panel II

**Moderators:**

**Steven Getzoff**, *New York, NY*

**Renee Rothauge**, *Portland, OR*

**Speakers:**

**Mark E. Friedman**, *Portland, OR*

**Gail Peek**, *Temple, TX*

**Shepard Goldfein**, *New York, NY*

#### Panel III

**Moderator:**

**Arlene Zalayet**, *Mineola, NY*

**Speakers:**

**Brian Kenner**, *Boston, MA*

**William Barker**, *Chicago, IL*

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9:30am - 10:30am

**Mandatory Orientation: 2003-2004  
Committee Chairs and Chairs-Elect**

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9:30am - 11:30am

**2003-2004 Section Council Meeting**

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10:30am - 12:00pm

**2003-2004 General Committee  
Board Meeting**



# san francisco, CA

annual meeting

All TIPS programs will be held at the CLE Centre/Moscone Center.

FRIDAY, August 8	Corporate Counsel	Employment & Health	Ethics & Professionalism	Insurance	Solo	Technology	Trial Practice
9:30am - 12:30pm Overtime, Claims Adjusters And The White Collar Exemptions: The Relationship Between Federal Collective And State Class Actions	✓	✓	✓	✓			
9:30am - 12:30pm What's Next In Reinsurance and the Health Care Industry	✓			✓			
2:00pm - 4:00pm Celebrities and the Right of Publicity: Joe Montana Takes the Field	✓	✓	✓				
SATURDAY, August 9							
9:30am - 12:30pm Vision 20/20: The Future of the Civil Justice System and Insurance - a Retrospective	✓		✓	✓			✓
9:30am - 12:30pm Health and Fitness, Including Sex: The Quality of Life for Patients and their Physicians and the Rights of All in the 21st Century		✓	✓	✓			✓
9:30am - 12:30pm One Day at A Time: Turning Your Solo or Small Firm Practice Into A Huge Success			✓		✓		✓
9:30am - 12:30pm Securities Litigation and Liability in the New Era	✓		✓	✓			✓
9:30am - 12:30pm Old vs. New: Presenting Evidence with PowerPoint vs. Traditional Courtroom Presentations	✓					✓	✓

program tracks

Saturday, August 9 (continued from page 18)

FRIDAY, August 8	Corporate Counsel	Employment & Health	Ethics & Professionalism	Insurance	Solo	Technology	Trial Practice
2:00pm - 5:00pm Recovery and Restitution for Risk Managers, Captives and Corporate Counsel: Handling the Complex Property Loss within the Self Insured Retention	✓			✓			✓
2:00pm - 5:00pm Equal Access in the Legal Profession: Ending Lip Service to Diversity		✓	✓	✓			✓

SUNDAY, August 10							
9:30am - 12:30pm I'm Sorry – Can I Say It? – Do I Really Mean It? – The Ethics and Use of Apologies in Dispute Resolution	✓		✓				✓
2:00pm - 5:00pm Direct and Cross - Examination of an Expert Witness in a Mass Tort Case – Evidentiary & Strategic Issues	✓						✓

MONDAY, August 11							
9:30am - 12:30pm Corporate Responsibility In The 21st Century	✓	✓	✓	✓			✓

**CM** = Committee Business Meeting

**PG** = Committee Sponsored Program

**Admiralty and Maritime Law**

CM: Saturday Morning

**Alternative Dispute Resolution**

CM: Saturday Morning

**Appellate Advocacy**

CM: Saturday Morning

**Automobile Law**

CM: Sunday Morning

**Aviation and Space Law**

CM: Saturday Morning

**Business Litigation**

CM: Saturday Morning

PG: Saturday Morning

**Civil Procedure and Evidence**

CM: Sunday Morning

**Commercial Transportation Litigation**

CM: Sunday Morning

**Corporate Counsel**

CM: Friday Afternoon

PG: Saturday morning

**eCommerce**

CM: Friday Morning

PG: Friday Afternoon

**Economics of Law Practice**

CM: Saturday Morning

**Employee Benefits**

CM: Sunday Morning

PG: Saturday Morning

**Employer-Employee Relations**

CM: Saturday Morning

PG: Friday Morning

**Excess, Surplus Lines and Reinsurance**

CM: Friday Morning

PG: Friday and Saturday Morning

**Fidelity and Surety Law**

CM: Sunday Morning

**Financial Services Integration**

CM: Sunday Morning

**Governmental Liability**

CM: Sunday Morning

**Health and Disability Insurance Law**

CM: Monday Morning

PG: Monday Morning

**Insurance Coverage Litigation**

CM: Saturday Morning

PG: Friday and Saturday Morning

**Insurance Regulation**

CM: Sunday Morning

PG: Saturday Morning

**Intellectual Property Law**

CM: Saturday Morning

PG: Friday Afternoon

**International**

CM: Sunday Morning

**Life Insurance Law**

CM: Monday Morning

PG: Monday Morning

**Media Law, Privacy and Defamation Torts**

CM: Saturday Morning

PG: Friday Afternoon

**Medicine and Law**

CM: Sunday Morning

PG: Sunday Afternoon

## committee meetings

### Non-Profit Organizations

CM: Saturday Morning

### Products, General Liability and Consumer Law

CM: Sunday Morning

PG: Sunday Afternoon

### Professionals', Officers' and Directors' Liability

CM: Sunday Morning

PG: Saturday Morning

### Property Insurance Law

CM: Sunday Morning

PG: Saturday Afternoon

### Self Insurers and Risk Managers

CM: Sunday Morning

PG: Saturday Morning, Saturday  
Afternoon and Sunday Morning

### Seniors' Issues Law

CM: Friday Morning

PG: Saturday morning

### Solo and Small Firm Practitioners

CM: Monday Morning

PG: Saturday Morning

### Staff Counsel

CM: Monday Morning

PG: Friday and Saturday Morning

### Title Insurance Litigation

CM: Saturday Morning

### Toxic Torts and Environmental Law

CM: Saturday Morning

PG: Sunday Afternoon

### Trial Techniques

CM: Monday Morning

PG: Saturday Morning

### Workers' Compensation and Employers' Liability Law

CM: Sunday Morning

PG: Saturday Morning



## TIPS TICKETED EVENT ORDER FORM

DATE	CODE	FUNCTION	QTY	PRICE	TOTAL
8/8	SDT1	Welcome Reception	_____	Complimentary	_____
8/8	SDT2	Welcome Reception/Child	_____	Complimentary	_____
8/10	SDT3	Leadership Dinner	_____	\$100	_____
8/10	SDT4	Leadership Dinner/Child	_____	\$20	_____
8/10	SDT5	Luncheon	_____	\$50	_____
	SDT6	Meeting Materials Coupon*	_____	FREE to TIPS Members	_____

TOTAL TICKET ORDER \_\_\_\_\_ \$ \_\_\_\_\_

\*Coupon available in advance for TIPS members only.

## TIPS PASS: (Reciprocal with JCEB)

PPTA	\$150	Full Passport TIPS Members
PPTB	\$50	Government Lawyers, Judges or Young Lawyers, TIPS Members
PPTC	\$200	Full Passport Non-TIPS Members
PPTD	\$100	Government Lawyers, Judges or Young Lawyers, Non-TIPS Members
PPT E	\$250	Full Passport for Non-ABA Members for TIPS Programs Only
PPTH	Free	Law Students

TOTAL PASSPORT ORDER \$ \_\_\_\_\_

**WE URGE YOU TO RETURN YOUR TICKET ORDER PROMPTLY!**

No refunds within the 72-hour period preceding the function or after the function has taken place

## Tort Trial and Insurance Practice Section | 2003 ANNUAL MEETING – SAN FRANCISCO

\_\_\_\_\_  
Please print or type full name of registrant\*

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City/State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Email

Check Payable to the American Bar Association

Credit Card Number: \_\_\_\_\_ Exp. Date \_\_\_\_\_

Type:  Visa  MasterCard  American Express

Signature: \_\_\_\_\_

\*You must register for the meeting separately. See page 4 for details.

**Advance ticket order deadline: July 11, 2003**

Return ticket order and check to: **I.T.S./ABA Annual Meeting**  
108 Wilmont Road; Suite 104  
Post Office Box 825  
Deerfield, IL 60015-0825  
847/940-2389  
[www.abanet.org](http://www.abanet.org)

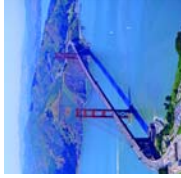


Defending Liberty  
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American Bar Association  
Tort Trial & Insurance Practice Section  
750 North Lakeshore Drive  
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## INSIDE: Annual Meeting 2003



*Schedule of Events*

*TIPS pass Info*

*CLE Program Info*

*Ticket Order Form*

*TIPS Program Tracks*

Check out the homepage at [www.abanet.org/tips](http://www.abanet.org/tips)