

Plaintiffs' and Defense Perspectives Analyzed at the 14th Annual Advanced ALI-ABA

Conference on Insurance and Financial Services Industry Litigation

Thursday–Friday, July 9–10, 2009
Boston (Langham Hotel) | Live Webcast

With a compact format, the conference provides:

- **Updates on the most important developments in class actions** involving the marketing, sale, and administration of financial and insurance products
- A **complete overview of recent trends** in insurance and financial services industry litigation
- **Insight and analysis** from a faculty with broad experience in the courtroom and at company and industry levels
- **Perspectives from both the defense and plaintiffs' bar**, as well as from the judicial and regulatory communities
- **Invaluable networking opportunities**

A must-attend event for attorneys involved or interested in insurance, mutual fund, and financial services litigation

"I have attended this course many times over the years. It remains the very best. Jim Jordan continues to make the topics current and the panelists are excellent."

– previous course registrant

www.ali-aba.org/CR007

Conference on Insurance and Financial Services Industry Litigation

Class action filings against the financial services industry surged in 2008 to a level of intensity not seen since the passage of the 1995 Private Securities Litigation Reform Act. Now, more than ever, counsel dealing with financial services litigation should attend this conference to stay on top of the most important litigation developments affecting the industry. Plaintiffs' and defense counsel, federal and state regulators, and a federal judge discuss and debate the key issues!

Whether in private practice or the industry, you will find in this program a thorough review and update, and an important primer on litigation tactics in all of the important and relevant areas.

Time is reserved throughout the program to address written questions submitted by the registrants.

PROGRAM HIGHLIGHTS

Class Action Developments in Annuity Sales Practice Cases; Life Insurance, IOLI, 412(i) and 419 Litigation; Market Timing and Mutual Fund Litigation

- Developments in class certifications, RICO decisions, related state law issues, federal multi-district litigation activity, and settlements
- Important decisions in consolidated multidistrict litigation and related insurance product class actions
- Developments in mutual fund class actions and decisions in continuing "market timing" cases

The litigation Impact of Rule 151A Adoption and Continuing Regulatory Battles over Suitability Standards between "Securities" Regulation and "Insurance" Regulation

- Implications for litigation of SEC adoption of recent test for regulation of fixed annuities as securities
- Likely activities of state and federal regulators – FINRA and State Securities Commissioners
- Implications of suitability and "security" determinations on variable, index, and other fixed products under federal securities and state investment adviser regulation

Retirement Plan, ERISA, and Related Litigation Developments

- Class actions against providers and pension plan sponsors in the 401(k), 457, and 403(b) markets associated with the payment of fees by mutual funds and other expense and cost charges
- Update of the most important ERISA decisions of the year, including the U.S. Supreme Court's decision in *Metropolitan Life v. Glenn* (2008) addressing the standard for reviewing benefit determinations by a conflicted plan fiduciary
- Review of recent decisions in various 401(k) and related cases

A "Split in the Circuits" or just "Variations on a Theme" – The Developing Law of Standards for Class Certification

Perhaps no other issue involving class certification has presented as much controversy and intense debate as the issue addressed in the 2nd Circuit's decision in *In re IPO*, i.e., the "rigorous analysis" standards imposed on District Court judges in assessing the evidence with respect to each of the requirements of Rule 23. This panel is moderated by a U.S. District Court Judge and involves both plaintiff and defense counsel who are active participants in numerous class action cases.

Thursday, July 9, 2009

7:30 a.m. Registration and Networking Session

Webcast Segment A

8:30 a.m. Opening Remarks and Course Overview – *Mr. Jorden*

8:45 a.m. **Class Action Developments in Annuity Sales Practice Cases; Life Insurance, IOLI, 412(i) and 419 Litigation; Market Timing and Mutual Fund Litigation**
— *Messrs. Carroll, Gallagher, Leventhal, Miles, and Vaughan*

10:00 a.m. Networking Break

10:15 a.m. Class Action Developments (*continued*)

12:15 p.m. Lunch Break

1:30 p.m. Class Action Developments (*continued*)

3:00 p.m. Networking Break

Webcast Segment B

3:15 p.m. **Retirement Plan, ERISA, and Related Litigation Developments**
— *Ms. Bondurant and Messrs. Dean, Fleckner, Hauser, and Pfllepsen*

5:30 p.m. Adjournment for the Day

Friday, July 10, 2009

8:30 a.m. Networking Session

Webcast Segment C

9:00 a.m. **A “Split in the Circuits” or just “Variations on a Theme” — The Developing Law of Standards for Class Certification**
— *Judge Saris and Messrs. DeValerio (invited), Howell, Jorden, Miles, and Vaughan*

11:00 a.m. Networking Break

11:15 a.m. **The Litigation Impact of Rule 151A Adoption and the Continuing Regulatory Battles over Suitability Standards between “Securities” Regulation and “Insurance” Regulation** — *Messrs. Felker, Gallagher, Jorden, Mumford, and Sonnenberg*

1:00 p.m. Adjournment

Total 60-minute hours of instruction: 11

Note The discussions include at least **one full hour** on **ethics and professional responsibility issues**, accepted as such by most, but not all, MCLE jurisdictions.

13 CPE credit hours in Business Law (group-live and group-internet-based program)

PLANNING CHAIR (*also on faculty*)

James F. Jorden, Jorden Burt LLP, Washington, D.C.

FACULTY

Elizabeth J. Bondurant, Smith Moore Leatherwood LLP, Atlanta

James R. Carroll, Skadden, Arps, Slate, Meagher & Flom LLP, Boston

Ronald G. Dean, Law Offices of Ronald Dean, L.C., Pacific Palisades, California

Glen DeValerio, Berman DeValerio LLP, Boston (*invited*)

Charles Joshua Felker, Assistant Director, Division of Enforcement, Securities and Exchange Commission, Washington, D.C.

James O. Fleckner, Goodwin Procter LLP, Boston

Paul L. Gallagher, Vice President & Counsel, John Hancock Financial Services, Boston

Timothy D. Hauser, Associate Solicitor, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, D.C.

Paul A. Howell, Jr., Deputy General Counsel, ING America Legal Services, Atlanta

Markham R. Leventhal, Jorden Burt LLP, Miami

W. Daniel “Dee” Miles, III, Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., Montgomery, Alabama

James R. Mumford, First Deputy Commissioner, Division of Insurance, Department of Commerce, State of Iowa, Des Moines

Waldemar J. Pfllepsen, Jr., Jorden Burt LLP, Washington, D.C.

Patti B. Saris, Judge, U.S. District Court, Boston

David R. Sonnenberg, Vice President and Director, Washington Enforcement Center, FINRA, Washington, D.C.

J. Michael Vaughan, Walters, Bender, Strohhahn & Vaughan, P.C., Kansas City, Missouri

Additional faculty to be confirmed

ALI-ABA Staff Attorney: Thomas M. Hennessey, Assistant Director, Office of Courses of Study

• **MAIL** this form together with payment to ALI-ABA: REGISTRAR, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104-3099. Please attach names and addresses of additional registrants.

• **FAX** (215) 243-1664
• **Phone** 1-800-CLE NEWS
• **WEB** www.ali-aba.org

⊕ **Attend this course live in Boston, July 9-10, 2009, for only \$1,199.**



Please enter _____ registration(s) for the ALI-ABA **Conference on Insurance and Financial Services Industry Litigation**. Tuition: \$1,199. CR007

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- Webcast Segment C. Tuition: \$299 WAR007C

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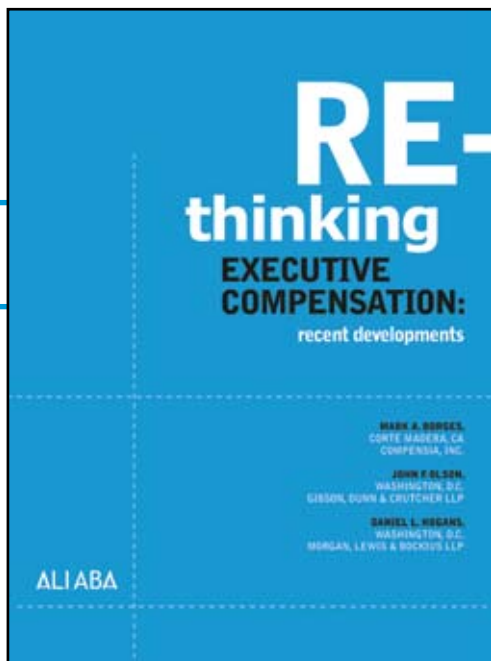
IRS Guidance Excluding Principal Financial Officers from Coverage Under Section 162(M)

SEC Section 16 Interpretations

IRS Interpretations of Section 409A of the Internal Revenue Code, including the short-term deferral rules

Recent Interpretations and Comments on Executive Compensation Disclosure Rules

Clarifications to Rules 16b-3 and 16b-7 Under Section 16



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See registration form for details.



HOTEL ACCOMMODATIONS / GROUP RATE

The Langham Hotel Boston blends the legendary hospitality of the original Langham grand hotel with the classic architectural elegance of Boston's former Federal Reserve Bank building.

Reserve your hotel room by June 19 to take advantage of the group rate of \$245 per night. You must mention this ALI-ABA course of study to qualify for this special rate. Room reservations may be made by calling or writing to The Langham Hotel, 250 Franklin Street, Boston, MA 02110; phone 617-451-1900 or 800-791-7761; FAX 617-422-5163. Confirmations will be sent by the hotel. Please read the cancellation policy carefully.

GET MANDATORY CLE AND CRE CREDIT

ALI-ABA is an accredited MCLE provider in AR, AZ, CA, CO, IL, ME, MO, MS, MT, ND, NM, NV, NY, OK, PA, RI, SC, VT, WI, WV, and WY. We apply for accreditation on a course-by-course basis in virtually all other MCLE jurisdictions, including AL, DE, FL, GA, IA, ID, IN, KS, KY, LA, MN, NC, NH, OH, OR, TN, TX, UT, VA, and WA. For this course, ALI-ABA will apply for 11 credits, including one ethics credit, in 60-minute states; and for 13.2 credits, including 1.2 ethics credits, in 50-minute states. In NY, this course is appropriate for both newly admitted and experienced attorneys. For specific information on CLE, CPE, or other professional accreditation, please e-mail the MCLE Team at TeamMCLE@ali-aba.org, go to <http://www.ali-aba.org/mcle>, or call 1-800-CLE-NEWS.

NASBA ACCREDITATION



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for more information about: registration • cancellation • breaks and refreshments • requirements for persons with disabilities • tuition assistance • discounted airfares

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"This is a terrific program. [The faculty] did an outstanding job of presenting defense and plaintiff perspectives on a wide variety of legal issues that impact the insurance and financial services industry." – previous course registrant

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