

## ***2011 DISTRICT CONFERENCE***

### ***“Democracy and Access to the Courts”***

**8:00 - 9:00 a.m.**      **Registration (coffee and pastries available)**

**Location:**      3<sup>rd</sup> Floor Lobby

**8:15 – 8:45 a.m.**      **Advance Session – “*Meet the Magistrate Judges*”**

Young lawyers (i.e. less than 10 years in practice) and attorneys who spend less time in Federal Court are invited to attend a special session with Magistrate Judges David L. Martin and Lincoln D. Almond. Participants will have the opportunity to speak with Judge Martin and Judge Almond in an informal setting while enjoying coffee and pastries. Although no formal agenda for the discussion exists, possible topics include: the roles of the Magistrate Judges in the civil and criminal processes, proper courtroom etiquette and best practices for handling matters before a Magistrate Judge.

**Moderator:**      Timothy Bliss, Esq.

**Location:**      3<sup>rd</sup> Floor Lobby

**9:00 a.m.**      **Welcome Remarks from Chief Judge Mary M. Lisi**

**9:05 – 10:45 a.m.**      **Morning Plenary Session – “*Civil Liberties in the Age of Terrorism*”**

Join three experts from the field of national security law and terrorism for a wide ranging discussion of the state and future of civil liberties in the Age of Terrorism. In the ten years since 9/11 have we become a safer nation? Have we sacrificed too much (or too little) of our civil liberties in the name of security? In the last ten years have there been any significant changes in policy? Will new technologies make us safer? And how will the law respond to the potential implications of new technologies such as facial recognition and profiling? Is anything private anymore? And what is the role of the lawyer in these tense and evolving times? These questions and much more will spark a lively and informative debate among our highly experienced panel of experts.

**Panel:**

U.S. District Judge Richard G. Stearns, District of Massachusetts

Jack Landman Goldsmith, Henry L. Shattuck Professor of Law, Harvard Law School

Professor Peter S. Margulies, Roger Williams University School of Law

**Moderator:**

U.S. District Judge William E. Smith, District of Rhode Island

**Location:** Exhibit Hall A, 3<sup>rd</sup> Floor

**10:55-11:45 a.m. Morning Breakout Sessions:**

**Civil**

***“Access Issues: The Impact of Bell Atlantic Corp. v. Twombly and Ashcroft v. Iqbal on the Federal Rules and Practice in Federal Court”***

The United States Supreme Court’s opinions in Twombly and Iqbal significantly altered federal court civil practice by imposing a “plausibility” standard under Fed. R. Civ. P. 8(a)(2) to examine the sufficiency of the allegations pled in a complaint. This session will analyze the impact of Twombly and Iqbal upon civil pleading practice and the adjudication of motions to dismiss, including a discussion of unresolved issues that have arisen among the federal courts in their application of the plausibility standard. The panel will also provide practical suggestions regarding best practices in the drafting of a complaint and strategies to prepare and oppose a motion to dismiss in light of the evolving federal case law applying Twombly and Iqbal.

**Panel:**

U.S. District Judge John J. McConnell, Jr., District of Rhode Island

Professor Niki Kuckes, Roger Williams University School of Law

**Moderator:**

Steven M. Richard, Esq.

**Location:** Room 551, 5<sup>th</sup> Floor

**Criminal**

***“The Genescience Pharmaceutical Co. Ltd. Case”***

Assistant United States Attorneys, Michael Iannotti and Adi Goldstein, and John Tarantino will discuss the unique challenges that arose during the prosecution of the Gen Sci case and the litigation of related asset forfeiture matters. The defendant corporation was a Chinese pharmaceutical company ultimately owned by the Chinese government. There were issues of jurisdiction, Chinese sovereign immunity, various language and cultural barriers, difficulties in explaining U.S. law and procedure to a Chinese Board of Directors, legal matters of first impression (including a Chinese company pleading guilty to a felony in the United States), and creative aspects of plea negotiation, plea acceptance and sentencing.

**Panel:**

Adi Goldstein, Assistant United States Attorney

Michael Iannotti, Assistant United States Attorney

John A. Tarantino, Esq.

**Moderator:**

Victoria M. Almeida, Esq.

**Location:** Room 550, 5<sup>th</sup> Floor

**Appellate “Appellate Advocacy – Best Practices”**

Chief Judge Lynch and Judge Thompson will discuss presentation of your case on appeal, including both drafting your appellate papers and advocating at oral argument. They will describe common mistakes they have seen and discuss some of the different techniques for effective appellate advocacy.

**Panel:**

Chief Judge Sandra L. Lynch, U.S. Court of Appeals for the First Circuit

Judge O. Rogerie Thompson, U.S. Court of Appeals for the First Circuit

**Moderator:**

George Lieberman, Esq.

**Location:** Room 553, 5<sup>th</sup> Floor

**12:00 – 1:45 p.m. Luncheon**

Featured Speaker: The Honorable Stephen G. Breyer,  
Associate Justice of the Supreme Court of the United States

**Location:** Exhibit Hall A, 3<sup>rd</sup> Floor

**2:00 – 2:50 p.m. Afternoon Breakout Sessions**

**Civil** ***“Jurisdictional Issues: The Impact of J. McIntyre Machinery, Ltd. v. Nicastro and Goodyear Dunlop Tires Operations, S.A. v. Brown”***

After nearly a quarter century since its last opinion on the issue of personal jurisdiction, the United States Supreme Court issued two opinions on the subject last term. Yet, questions remain whether these decisions clarified this often complex legal area or whether they spawned new questions. Did J. McIntyre Machinery Ltd. v. Nicaastro answer lingering questions regarding the sufficiency of contacts necessary in “stream of commerce” cases involving foreign manufacturers? Did Goodyear Dunlop Tires Operations, S.A. v. Brown bring order to competing understandings of the line between specific and general personal jurisdiction? The panel will address these issues and others of contemporary interest.

**Panel:**

Professor Michael J. Yelnosky, Roger Williams University School of Law

S. Michael Levin, Esq.

**Moderator:**

Rajaram Suryanarayan, Esq.

**Location:** Room 551, 5<sup>th</sup> Floor

**Criminal**     ***“Electronic Discovery in Criminal Cases”***

Advances in technology mean that discovery comes to the practitioner in all different forms, both electronic and paper. Moreover, technology seems to have resulted in even the simplest of federal cases generating hundreds if not thousands of pages of documents. This session will teach the use of technology to improve the organization, review, and analysis of case materials, with a concentration on discovery, including use of Adobe Acrobat Professional; ISYS; and CaseMap, emphasizing how electronic case management can aid the defense. With its focus on software programs that are more typically within the budget of a CJA panel attorney (\$600 or less), the session will help practitioners handle the small to medium cases more effectively and provide direction for those with larger cases.

**Speaker:**

Timothy Watkins, Assistant Federal Defender

**Moderators:**

Stephen Dambruch, Assistant United States Attorney

Camille McKenna, Esq.

**Location:** Room 553, 5<sup>th</sup> Floor

**3:00 – 4:15 p.m.**

**Afternoon Plenary Session – “*The Bernard L. Madoff Investment Securities LLC Liquidation Proceeding*”**

Since mid-December 2008, Baker Hostetler partner Irving H. Picard has been engaged in the administration and management of the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS) as the court-appointed SIPA Trustee. The Madoff recovery initiative is a challenging and multifaceted mission that requires deep and thorough investigations of global banking practices, financial instruments and feeder fund activity among countless other issues surrounding this complex financial fraud. As of December 11, 2010, more than 1,000 lawsuits had been filed by the Trustee as part of efforts to marshal assets for ultimate distribution to BLMIS customers with allowed claims.

As of August 2011, the BLMIS Customer Fund held more than \$2.6 billion. An additional \$5 billion has been recovered, but its distribution is being held up pending a Court challenge to the settlement, and another \$1 billion settlement is awaiting Bankruptcy Court approval. All told, the recoveries by the Trustee are nearly half of the estimated losses in the fraud.

Mr. Picard will speak on the ongoing matter, including background of the case, the complexity of the fraud, his ongoing work on behalf of victims of the Ponzi scheme and the likely outcome of his and his team’s efforts.

**Speaker:**

Irving Picard, Trustee

**Moderator:**

Matthew McGowan, Esq.

**4:15 – 4:20 p.m.**

**Location:** Exhibit Hall A, 3<sup>rd</sup> Floor

**Closing Remarks from Chief Judge Mary M. Lisi**

**4:20 – 5:30 p.m.**

**Reception**

**Location:** 3<sup>rd</sup> Floor Lobby