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LAWYERS

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New Orleans

APRL 20th ANNIVERSARY PROGRAM

APRIL 15 - 17, 2010

SCHEDULE OF PRO

THURSDAY, APRIL 15

6:00pm–7:30pm

WELCOME RECEPTION HOSTED BY ADAMS AND REESE LLP

ADAMS AND REESE NEW ORLEANS OFFICE / ONE SHELL SQUARE / 701 POYDRAS STREET

Join us for a Welcome Reception at the New Orleans offices of Adams and Reese LLP, a few blocks from the Royal Sonesta at One Shell Square.

DINNER OPTIONS

Recommendations and sign-ups for restaurants and/or music clubs to be circulated by email before the event.

FRIDAY, APRIL 16

8:00am–8:45am

BREAKFAST

8:45am–9:00am

WELCOME AND INTRODUCTION LUCIAN T. PERA, APRIL PRESIDENT

9:00am–10:30am

KEYNOTE ADDRESS BOB WOODWARD, ASSISTANT MANAGING EDITOR FOR INVESTIGATIVE NEWS, *THE WASHINGTON POST*

INTRODUCTION BY J. CHARLES MOKRISKI, DAY PITNEY, LLP, BOSTON, MA

**ETHICAL ACCOUNTABILITY AND THE LEGAL PROFESSION:
WHITE HOUSE LAWYERS FROM NIXON TO OBAMA**

Some lawyers in public life are exemplary models of ethical leadership, courageously embodying and upholding the core values of the profession. Other lawyers shrug their ethical duties and pander to the powerful, facilitate abuse of power, or become self-interested bureaucrats who elevate order and discipline over justice and fairness. What have been the effects of ethical and unethical lawyering by legal advisors to the most senior government officials, who literally sit at the right hand of the most powerful officeholder in our republic? Is the role of White House counsel unique, and should the ethical duties of lawyers in that role be different than those applicable to “ordinary” lawyers? How has the conduct of White House legal counsel affected the development of ethics rules and public’s perception of the moral compass of the legal profession? Preeminent journalist and author Bob Woodward, who has spent much of his career watching and reporting on law and lawyers and the White House and its occupants will kick off APRL’s 20th Anniversary program by sharing his observations and impressions of the ethics of lawyers in the rarefied venue of the White House, followed by comments and discussion among the assembly.

10:30am–10:45am

BREAK – Snacks and Refreshments

10:45am–12:15pm

**THE NATIONALIZATION AND GLOBALIZATION OF LEGAL ETHICS AND
LAWYER REGULATION**

In APRL’s lifetime we have witnessed several “mega-trends” affecting the field of legal ethics, including the nationalization of ethics regulation, the creeping (or, in some areas, galloping) intrusion of federal law into otherwise state-based lawyer regulation, and the globalization of legal practice as the rapid development of the Internet has made geographic location largely irrelevant. Technology is advancing so rapidly that, in many respects, lawyers are hard-pressed to prepare for and accurately predict the moral, ethical, legal, and practical consequence of their conduct. Are we better off having a global library at our fingertips, or were we better off when analyzing ethical issues required painstaking research and time for reflection? For the legal profession, will the consequences of the standardization of legal ethics regulations and global communication be the last nail in the coffin of decentralization of lawyer regulation, or will regional differences persist?

This panel examines the question of when uniformity in legal ethics rules benefits the administration of justice, in both criminal and civil proceedings. The panel will examine each system separately and foretell what types of changes we will see in regulation in the next five, ten, and twenty years.

Ellen C. Brotman, Montgomery McCracken Walker & Rhoads, Philadelphia, Moderator

Prof. Bruce A. Green, Fordham University School of Law, New York, NY

Prof. Carol A. Needham, Saint Louis University School Of Law, St. Louis, MO

Mark L. Tuft, Cooper, White & Cooper LLP, San Francisco, CA

Prof. Ellen Yaroshefky, Cardozo Law School, New York, NY

GRAM AND EVENTS

12:15pm–1:30pm

LUNCH and PRESENTATION:

THE OPINION LETTER: OBJECTIVE ETHICS ADVICE OR CYA INSURANCE?

Legal ethicists are frequently hired to opine on the ethical propriety of a proposed course of action, or to opine that a lawyer's past conduct complied with ethics requirements. Is the ethics lawyer free to base an opinion on assumed but controverted facts? Does the expert have any duty to independently investigate the facts on which his or her opinion is based? Is it proper to provide an ethics opinion that may be used for questionable purpose? This presentation is sure to elicit lively debate to spice up our lunch.

Prof. Monroe Freedman, Former Dean, Hofstra Law School

Diane Karpman, Karpman And Associates, Beverly Hills, Ca

1:30pm–2:45pm

GROWING UP WITH LEGAL ETHICS: THE ORIGIN AND HISTORY OF APRL

Where did APRL come from? What was its original mission? How has APRL's history and development affected, in turn, the field of legal ethics? Is everything old new again? A number of those present at or near the creation – and still present – will explore APRL's roots, address trends in the development of legal ethics, and make some predictions as to where the field is heading.

This panel will talk about the core values in legal ethics as they existed in the 90's, talk about some of the hot button issues over the years, including commercialism of the practice of law, discernment and avoidance of conflicts, punishment for failure to comply with disciplinary rules, multijurisdictional practice, multidisciplinary practice, and how many of these issues remain unstable and evolutionary into the future.

John A. Weiss, John A. Weiss, P.A., Tallahassee, FL, Moderator

James S. Bolan, Brecher, Wyner, Simons, Fox & Bolan LLP, Newton, MA

Mark I. Harrison, Osborn Maledon, PA, Phoenix AZ

Sarah Diane McShea, Law Offices of Sarah Diane McShea, New York, NY

David Ross Rosenfeld, David Ross Rosenfeld, P.C., Alexandria, VA

2:45pm–3:45pm

THE PROGRESS (?) OF LAWYER DISCIPLINE: HOW LAWYER DISCIPLINE HAS CHANGED OVER THE LAST 20 YEARS AND HOW IT SHOULD CHANGE OVER THE NEXT 20 YEARS

Since the founding of APRL 20 years ago, lawyer discipline has clearly changed, but for better or worse? From Kutak to Ethics 2000 to model disciplinary procedural rules, have national model rules made disciplinary process and procedures more consistent and professional? Or just more punitive? How has the practice itself changed – both for disciplinary counsel and respondent's counsel? Does stricter discipline really protect the public? What is the effect of remedial education and compulsory education?

Ronald C. Minkoff, Frankfurt, Kurnit, Klein & Selz PC, New York, NY, Moderator

Janet S. Hunt, Chief Disciplinary Counsel, Disciplinary Board of the Hawaii Supreme Court

Steven L. Lee, Lione & Lee, P.C., Austin, TX

Mary T. Robinson, Downers Grove, IL

William J. Wernz, Dorsey & Whitney, LLP, Minneapolis, MN

3:45pm–4:00pm

BREAK – Snacks and Refreshments

4:00pm–5:00pm

A SHORT HISTORY OF CONFLICTS OF INTEREST, FOLLOWED BY LIVELY DEBATE

APRL's lifetime has witnessed skyrocketing interest by courts and lawyers in conflicts, as evidenced by disqualification decisions, ethics opinions, malpractice and fee disgorgement claims, and verdicts based on or colored by alleged conflicts. As a result, there has been a dramatic increase in focus paid by lawyers and law firms to actual and possible conflicts of interest. Are lawyers more conflicted today, or is the profession simply paying closer attention to the limitations on independent judgment and consideration of alternative courses of action that conflicting interests entail? Should lawyers be disciplined and sanctioned for technical conflicts that do not cause actual harm, or should a more utilitarian regime prevail?

Elizabeth A. Alston, Alston Law Firm, LLC, Covington, LA, Moderator

William Freivogel, Chicago, IL

Michael J. Flaherty, Flaherty & Youngerman, P.C., Chicago, IL

Dan L. Stanford, Stanford and Associates, San Diego, CA

Aaron E. Hoffman, ALAS, Inc., Chicago, IL

6:00pm

RECEPTION AND PRESENTATION OF THE FIRST CHARLES W. KETTLEWELL LEGAL ETHICS ADVISOR AWARD

RECIPIENT, JEANNE GRAY, DIRECTOR OF THE ABA CENTER FOR PROFESSIONAL RESPONSIBILITY

The Presentation will be held at the Royal Sonesta. A reception will be held at the Royal Sonesta to follow the award presentation.

8:00pm

FRIDAY NIGHT DINNER ANTOINE'S RESTAURANT,

713 RUE SAINT LOUIS, TWO BLOCKS FROM THE ROYAL SONESTA

What fun we have had! Hawaii! Paris! Cambridge! China! Amsterdam! Boston in February! Atlanta in August!

Come reminisce over dinner as we enjoy sharing recollections of past APRL Programs and adventures.

Dinner will be held at world-famous Antoine's, two blocks from the Royal Sonesta. Established in 1840, Antoine's is the country's oldest family-run restaurant. Presenting a French-Creole cuisine, our dinner will be in the 12th Night Room, a private dining room.

SATURDAY, APRIL 17

8:00am–9:00am

BREAKFAST

9:00am–10:15am

THE RISE AND ROLE OF LAW FIRM ETHICS COUNSEL AND GENERAL COUNSEL

Most law firms – and not merely the mega-firms – have an in-house lawyer whose job it is to answer ethics questions, address conflict situations, handle claims and malpractice insurance questions, and myriad other functions. Over the last 20 years, this function has become more and more formalized. Has this development improved compliance with and promoted high standards of legal ethics? Should in-house ethics advice be protected by confidentiality, and if so, will that promote better fulfillment of fiduciary duties? Do firms benefit from independent, outside legal ethics counsel, even if in-house ethics counsel is also in place?

Anthony E. Davis, Hinshaw & Culbertson LLP, New York, NY, Moderator

Martin S. Checov, O'Melveny & Myers LLP, San Francisco, CA

Prof. Susan Saab Fortney, Texas Tech University School of Law, Lubbock, TX

10:15am–10:30am

BREAK – Snacks and Refreshments

10:30am–11:45am

WHAT WILL AN "ETHICS LAWYER" LOOK LIKE IN 2030? HOW WILL THE PRACTICE OF ETHICS LAW CHANGE IN THE NEXT 20 YEARS? WILL APRL BE IN THE PICTURE?

When APRL was founded with a few dozen members, there was barely any concept of what it was to practice in the area of "legal ethics." The typical response was "Now, that's an oxymoron!" Now that legal ethics and professional responsibility is an internationally recognized and growing area of practice, what role will APRL and its members continue to play? How can we assist the profession in improving the performance of fiduciary duties, and how can we preserve the integrity of the legal profession? Our panel will offer their own perspectives and launch a robust discussion among all present, in the finest traditions of APRL.

Ellen A. Pansky, Pansky Markle Ham LLP, South Pasadena, CA, Moderator

Susan Hackett, Senior Vice President & General Counsel, Association of Corporate Counsel, Washington, D.C.

Charles J. Kettlewell, Kettlewell & Donchatz LLC, Columbus, OH

Prof. Nancy J. Moore, Boston University School of Law

ACCOMMODATIONS APRIL 15 - 17, 2010



ROYAL SONESTA HOTEL NEW ORLEANS

300 Bourbon Street • New Orleans, LA 70130

Lodging arrangements for APRL's 20th Anniversary Program are at the Royal Sonesta Hotel New Orleans, 300 Bourbon Street, New Orleans, LA 70130. For reservations, contact the hotel directly at 504-586-0300. The APRL group rate is \$175.00 per night, plus tax. When contacting the hotel, identify yourself as part of the **Association for Professional Responsibility Lawyers** to receive the APRL rate. This group rate is available until the room block is exhausted or March 25, 2010, whichever occurs first.

The Royal Sonesta is located in the heart of the French Quarter on Bourbon Street, walking distance from the central business district, the Mississippi Riverfront, Jackson Square, world famous restaurants, historic sites, and nationally recognized museums.

A guide to other restaurants, bars, and music venues, covering many different cuisines and styles of music, will be circulated by e-mail in advance of the meeting for those members who want to explore the amazing food and entertainment opportunities New Orleans offers. For a list of entertainment and recreational options within the French Quarter, go to <http://frenchquarter.com>. The site has downloadable maps for shopping, dining, nightlife/ music clubs and museums.



R E G I S T E R N O W



20th ANNIVERSARY PROGRAM
NEW ORLEANS, LOUISIANA
APRIL 15 - 17, 2010
ROYAL SONESTA HOTEL

NAME _____ PHONE _____

FIRM _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____ EMAIL ADDRESS _____

The meeting registration fee is \$195.00 for members and \$225.00 for nonmembers and includes Thursday Welcome Reception, Friday and Saturday breakfast, and lunch on Friday. APRL's traditional group dinner (at an additional cost of \$85.00) will be held at historic Antoine's Restaurant in the French Quarter on Friday, April, 16, 2010. See the program brochure for details.

_____ APRL member(s) @ \$195.00	=	\$ _____
_____ Nonmember(s) @ \$225.00	=	\$ _____
_____ Friday night dinner @ \$85.00	=	\$ _____
TOTAL AMOUNT ENCLOSED	=	\$ _____

Make your check payable to APRL, and send it WITH THIS COMPLETED REGISTRATION form to:
APRL at 134 North LaSalle Street, Suite 1600, Chicago, IL 60602.

To receive a full refund from APRL, cancellations must be received no later than **APRIL 1, 2010**.

MAKE YOUR HOTEL RESERVATIONS DIRECTLY WITH THE HOTEL.

See the back page of the program brochure for information regarding reservations at the Royal Sonesta at the APRL rate.

**The deadline for room reservations at the group rate is March 25, 2010, OR
whenever the block of rooms is exhausted, whichever occurs earlier.**

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