



David M. Aronowitz

The Gnoêsis Group
Columbus, Ohio

Inside and Outside Counsel: Understanding Change

The world of legal services is rapidly changing. RFPs, contract lawyers, off-shoring, non-partner track positions, reverse auctions and the like are radically altering the way clients think about and hire law firms. It is likely that the industry is just embarking upon this period of major change. While the recent recession provided some hope that a portion of the difficulties law firms faced were cyclical, many are secular and lasting.

David Aronowitz was at the forefront of innovation and led significant change as General Counsel of The Scotts Miracle-Gro Company. After leaving Scotts in 2007, he founded The Gnoêsis Group and is seeking both to capitalize on those changes and to advise clients on the adjustments necessary to prosper in the face of a rapidly evolving market. Cited by InsideCounsel magazine as one of the 10 most innovative general counsel in 2007, he brings a wealth of knowledge, experience and insight to the topic of winning and keeping business in today's world.

Founder and President of The Gnoêsis Group, David Aronowitz graduated with honors from Haverford College and obtained his law degree from Yale Law School in 1985. While at Yale, he was an editor of the *Yale Law Journal* and a member of the Yale Moot Court Board. He was a semi-finalist in the school's Barristers Union trial competition and served as commissioner of the law school's intramural basketball league.

After law school, Mr. Aronowitz was a litigation associate in the New York office of Skadden, Arps, Slate, Meagher & Flom. He then began a successful career as an in-house attorney and, from 1998 to 2007, served in the legal department of The Scotts Miracle-Gro Company.

At Scotts, he served as the company's Executive Vice President, General Counsel and Secretary from 2001-2007. In addition to acting as General Counsel, Mr. Aronowitz was also responsible for the company's environmental, health, safety and security functions, as well as the company's corporate compliance, government relations and community relations functions. He defended Scotts in three separate antitrust actions and successfully prosecuted numerous cases in state and federal courts, as well as before the International Chamber of Commerce. These wins not only saved the company hundreds of millions of dollars in damages, but also netted nearly one hundred million dollars in awards and settlements.

Gnoêsis is defined as knowledge or wisdom acquired through deep, extensive experience. The Gnoêsis Group's experience gives it the ability to participate in four independent, but closely related areas: strategic legal consulting, contract legal professionals, legal recruiting and

document review. Gnoêsis works to provide its corporate legal department and law firm clients innovative and cost-effective solutions. With headquarters in Columbus, Ohio, and offices in Cincinnati, Cleveland, Kansas City and Michigan, Gnoêsis is well-situated to serve clients in the Midwest and beyond and has worked with AmLaw 25 firms, small firms, boutiques and corporate law departments of all sizes. The legal landscape is changing, and Gnoêsis is creating solutions for its clients that are flexible, creative and individually tailored. Gnoêsis thrives on the challenge of providing strategic solutions to help its clients win in a manner that is consistent with its core set of principles: integrity, passion, excellence, service and wisdom.

Mr. Aronowitz is a Fellow of the Litigation Counsel of America and the Gnoêsis Group is an LCA Diversity Partner.



Sharie A. Brown

DLA Piper
Washington, D.C.

Anticorruption, Ethics and Corporate Compliance Trends: FCPA, UK Bribery Act, and OECD Convergence of Compliance Requirements

Just when international companies and their outside attorneys thought that previously implemented FCPA anticorruption compliance processes and procedures provided sufficient insulation from US anticorruption enforcement risks, the UK Bribery Act 2010 went into force on July 1, 2011, posing another formidable anticorruption enforcement threat to companies operating in high-risk countries for corrupt practices. Learn what you need to do to prevent your (client's) company, its senior management and corporate directors from attracting unwanted anticorruption enforcement scrutiny under the FCPA, UK Bribery Act and other key anticorruption laws, as well as the differences in the requirements under the FCPA, UK Bribery Act and other rules that make operating internationally even more challenging for both US and non-US companies and individuals. It is NOT too late to meet FCPA, UK Bribery Act and OECD standards for prevention of corrupt practices in international business transactions and operations.

Sharie A. Brown is the chair of the Foreign Corrupt Practices Act (FCPA), Anti-Corruption and Corporate Compliance practice group and a partner in DLA Piper's litigation practice, based in Washington, D.C. Ms. Brown represents multinational corporations and conducts internal investigations, audits and transactional due diligence worldwide in the areas of the Foreign Corrupt Practices Act (FCPA), U.K. Bribery Act, OFAC compliance and export controls, corporate ethics and compliance, World Bank procurement frauds, Economic Espionage Act (EEA) and USA Patriot Act anti-money laundering.

Prior to DLA Piper, Ms. Brown practiced law at Foley & Lardner, where she served as chair of that firm's White Collar Defense & Corporate Compliance practice. While at Foley, Ms. Brown

was also a member of the Transactional & Securities and International practices. She was chair of the litigation department's Diversity Committee and served on the Litigation Program Committee and the Women's Network Steering Committee.

Before joining Foley, Ms. Brown was senior counsel at Mobil Oil Corporation, where she also served as the company's ethics and compliance officer. She developed a worldwide ethics and compliance program, a code of conduct and employee training videos, as well as pamphlets on the FCPA, and Iran, Iraq, Cuba and Libya sanctions compliance. As Mobil's policy advisor in corporate planning and economics, she handled trade, tax and sanctions issues. Previously, Ms. Brown directed Mobil's state government relations in key states.

Prior to Mobil, Ms. Brown was an Assistant United States Attorney in the Eastern District of Pennsylvania, where she handled tax, bank fraud and securities fraud cases. She was commended by FBI Director William Sessions, for her co-prosecution of a securities fraud RICO, among other enforcement agency commendations. Ms. Brown clerked for the Honorable Richard M. Bilby, United States District Court, District of Arizona.

Ms. Brown received her B.A. and M.A. degrees from the University of Pennsylvania, and her law degree from Georgetown University Law Center. She is a member of the District of Columbia Bar and the Pennsylvania Bar Association, and is admitted to practice in the United States Supreme Court.

Ms. Brown's memberships include the National Foreign Trade Council (NFTC), USA*Engage, OFAC Working Group, Iran Working Group, Georgetown Corporate Counsel Institute advisory board, ABA International Anticorruption Committee, ABA International Antimoney Laundering Committee, and the International Bar Association. She speaks at ABA, ACI, Compliance Week, CCI and DC Bar conferences, and she has served on ABA and DC Bar programming committees.

Ms. Brown's writings and comments frequently appear in professional publications and in the media. In March 2009, she was the subject of the "In My Opinion" interview featured in the *National Association of Women Lawyers News*. In May 2009, she was quoted in the *Business World India* article "A Legal Landmine" by Sreevalsan Menon, discussing the domino effect companies may experience when they face FCPA charges.

In May 2009, the National Bar Association's Greater Washington Area Chapter Women Lawyers Division honored Ms. Brown as a Distinguished Attorney at its 2009 Annual Networking Reception. GWAC was founded in 1974 by a group of African-American women lawyers in the District of Columbia metropolitan area to address community concerns with an emphasis on African-American women in the legal profession.

In July 2009, the Ethisphere Council named Ms. Brown to its list of 2009 Attorneys Who Matter, described by the Council as "the best and brightest in the legal field" who exemplify "the best public service, legal community engagement and academic involvement" and "help lead their companies to the top of the ethics and compliance world."

Ms. Brown is a Fellow of the Litigation Counsel of America.



Denise K. Drake

Little Mendelson, P.C.
Kansas City, Missouri

Dukes v. Wal-Mart Stores, Inc.: Class Action Ripple Effect, Big Splash or Tidal Wave?

Class action practitioners are already beginning to see the impact of the United States Supreme Court's Dukes v. Wal-Mart decision in class certification and de-certification proceedings. But, how much of an impact? We'll take a look at decisions to date, motions filed, and possible certification outcomes based on the Supreme Court's teachings.

Denise K. Drake is the Office Managing Shareholder of the Kansas City, Missouri, office of Little Mendelson, P.C. She represents management in employment lawsuits including class, collective, multi-plaintiff and multi-defendant employment actions. She has successfully defeated nationwide certification of several wage and hour collective actions, convinced plaintiffs to voluntarily dismiss approximately 30 actions and advantageously used offers of judgment, questionnaires and other strategic tools to appropriately position cases for efficient and successful resolution.

Ms. Drake has obtained jury verdicts on behalf of management in sexual harassment, race discrimination, disability discrimination, age discrimination and retaliation cases. She has successfully obtained dismissal or summary judgment (upheld on appeal when challenged) in many cases filed across the nation.

Ms. Drake helps management avoid litigation by providing proactive advice before issues become problematic; working with in-house counsel and managers to resolve day-to-day issues; and training managers and employees regarding their employment rights and responsibilities.

Ms. Drake received her B.S. degree from Iowa State University and her M.S. degree from Webster University, both *summa cum laude*. She received her law degree from the University of Kansas, where she graduated first in her class and received numerous awards. She has received numerous national and local awards for her accomplishments, has written numerous articles, and spoken at many local and national seminars.

Ms. Drake is a Fellow of the Litigation Counsel of America.



Ann T. Greeley, Ph.D.

DecisionQuest
State College, Pennsylvania

That's the verdict?! Rationality, Reality and the Psychology of Jurors' Decision-Making

Jury trials in the public eye have taken on the feeling of reality TV—a combination of rationality and irrationality that is confusing and frustrating to the viewing public and to attorneys alike. This program will use the intriguing verdicts of the past year to discuss the whys and hows of juror-decision-making in both civil and criminal cases. For example, the Casey Anthony verdict is one that stirred up the ratings of talk show hosts and the ire of many, but a review of the trial process, the evidence and, most importantly, the psychology of how jurors make decisions provides various explanations of the outcome. The discussion of psychology literature that contrasts decision-making as irrational or rational will be supplemented by video clips of mock jurors' deliberations and a lively discussion of the issues.

Dr. Ann Greeley has been a psychologist and trial consultant for over twenty years. She has consulted on over 1,000 civil and criminal cases in more than 100 federal and state jurisdictions throughout the country. In her practice, Dr. Greeley has conducted extensive pre-trial research including jury deliberation groups, surrogate jury research groups and surveys, witness preparation, jury selection and post-trial interviews in venues in most of the 50 states and territories, including Alaska, Puerto Rico and Guam.

Dr. Greeley has worked on intellectual property, product liability, antitrust, commercial, employment, insurance coverage, environmental, personal injury, and medical, accounting and legal malpractice cases, many of which have been high stakes and highly publicized. Dr. Greeley's experience talking with more than 600 deliberating surrogate and actual juries provides her with the expertise and resources to make a difference to a winning trial team.

Dr. Greeley received her B.A. in Psychology from Pennsylvania State University, and her M.A. and Ph.D. in Psychology from Southern Illinois University. She is the Senior Director of Research at DecisionQuest.

The principals of DecisionQuest have been retained in high-risk, high-stakes litigation spanning a wide range of industries – more than 18,000 cases in all. From 10 offices and graphics studios, 100 DecisionQuest professionals assist trial teams and in-house counsel in all 50 states and in foreign jurisdictions. At DecisionQuest, trial research is about arming you with an understanding of what, why and how the decision-makers are thinking as your case evolves.

DecisionQuest's research reports and graphic designs are full of specific ideas and strategies for presenting your case. An in-depth understanding of juror attitudes informs settlement negotiations, sharpens discovery strategies and improves the drafting of initial pleadings.

Wherever your case stands now – whether you’re assessing potential litigation or preparing your opening statement for the jury – DecisionQuest is prepared to help at a moment’s notice. DecisionQuest brings a fresh perspective that results in better-informed choices about strategies and tactics at every step of the dispute-resolution process to help you create the best case scenario.

DecisionQuest is a Diversity Partner of the Litigation Counsel of America.



Jim M. Greenlee

Holcomb Dunbar, P.A.
Oxford, Mississippi

Honest Services to Sweet Potatoes: The Slide From Ethical Behavior to Criminal Exposure

As a concept, an expectation of "honest services" is a fundamental pretext to many relationships, especially those based upon trust. In the law, determining when unethical and improper conduct creates criminal exposure may depend on when a benefit is provided and is just a matter of a "sweet potato" exchange. The slide from ethics to exposure for criminal sanctions poses a danger for the practitioner and a struggle for the courts.

Jim Greenlee is a partner in the Oxford, Mississippi office of Holcomb Dunbar, where he practices in the areas of criminal and civil litigation, compliance and risk avoidance, and government relations. He is the former United States Attorney for the Northern District of Mississippi. His practice focuses on aiding businesses and not-for-profits in risk avoidance and compliance matters. He also focuses on assisting businesses in the prevention and mitigation of regulatory or criminal exposure, healthcare fraud, grant fraud and assisting businesses and nonprofit organizations in the investigation and assessment of regulatory and statutory compliance.

Mr. Greenlee served in the U.S. Attorney’s office in Oxford for 22 years. After serving as an Assistant U.S. Attorney, he was sworn in as U.S. Attorney in 2001 following his appointment by President George W. Bush and confirmation by the U.S. Senate. While serving as U.S. Attorney, his office prosecuted white collar crimes, public corruption, drug and gun trafficking, and identity theft cases, while also representing the United States in civil cases.

Mr. Greenlee received his B.E. degree from the University of Mississippi in 1974, after which he served active duty in the United States Navy until 1978, and in the United States Navy Reserve until 1997, retiring as a Captain. During his reserve service, he served as commanding officer of a Reserve Naval Criminal Investigative Service Unit (NCIS).

In 1981, Mr. Greenlee graduated from the University of Mississippi School of Law and entered private practice in north Mississippi. He joined the United States Attorney's Office for the Northern District of Mississippi as an Assistant United States Attorney in 1987, working in the Civil Division where he became the lead civil fraud attorney trying bankruptcy, tort, employment rights, eminent domain and white collar criminal cases.

As U.S. Attorney, Greenlee's office prosecuted major drug distribution networks, assisted in the cold case investigation of the murder of Emmett Till, and successfully prosecuted public corruption and judicial influence cases against prominent individuals and public officials. Greenlee also served on the initial Attorney General's Advisory Council for Attorney General John Ashcroft during the aftermath of 9/11. He also served as senior member of the Office of Management and Budget Subcommittee, White Collar Crime Subcommittee, Controlled Substances/Asset Forfeiture Subcommittee and the Terrorism and National Security Subcommittee.

Mr. Greenlee served on the Mississippi Bar Special Task Force on the Attorney-Client Privilege. Greenlee has made presentations to the Federal Bar Association, Federal Judicial Center on Charging Decisions and the Sentencing Guidelines, International Leadership Conference on Social Justice and Public Policy at the University of Mississippi and was the keynote speaker at the 2009 convention of the Council on Litigation Management.

Mr. Greenlee is a Fellow of the Litigation Counsel of America.



Gary T. Lafayette

Lafayette & Kumagai LLP
San Francisco, CA

Conducting a Corporate Investigation

This session will discuss the privilege, work product, and other issues that arise when conducting a corporate investigation. It will focus on these issues in myriad situations, including dealing with experts, whistleblowers, current employees, and outside counsel.

Gary Lafayette, a founding partner of Lafayette & Kumagai LLP, is a highly regarded trial attorney who has tried numerous cases to verdict. His minority-owned firm, known for excellence and effective advocacy, represents a number of *Fortune* 500 companies. Called a "big gun" and "high profile" by the *San Francisco Chronicle* and the *Recorder*, Mr. Lafayette is often sought to handle extremely complicated and sensitive matters, and to take over cases from other firms, particularly cases that appear headed for trial. He is rated AV® Preeminent™ by Martindale-Hubbell and was given one of twenty-six 2002 *California Lawyer* Attorneys of the Year Awards ("CLAY Award") by *California Lawyer* magazine. He was also presented the

Charles Houston Bar Association's Clinton W. White Advocacy Award for 2002. Mr. Lafayette has been recognized in the Northern California *Super Lawyers*[®] list for 2004 and from 2006 through 2010. He currently serves as a member of the Editorial Advisory Board of *California Lawyer* magazine and the Executive Committee of the National Employment Law Council. Eighteen of his cases have resulted in published opinions, including a significant Supreme Court housing case, *HUD v. Rucker*, 535 U.S. 125 (2002).

Mr. Lafayette is a graduate of Dartmouth College and the University of California at Berkeley, School of Law (Boalt Hall). He interned with Justice Frank Newman of the California Supreme Court and, after graduating from law school in 1979, he commenced his practice with the law firm of Pettit & Martin. He worked with the firm of Feldman, Waldman & Kline before joining as a partner the firm of Alexander, Millner & McGee, predecessor to McGee, Lafayette, Willis & Greene.

Mr. Lafayette was a lawyer-representative to the U.S. District Court for the Northern District of California and is a past member of the San Francisco Inns of Court, the Executive Committee of the Litigation Section of the San Francisco Bar Association and the U.S. District Court Northern Magistrate Review Committee. In his years of practice, he has tried and prevailed in a number of complex and document-intensive cases. In the past five years, he has narrowed the scope of his practice to emphasize labor and employment, commercial litigation and environmental matters.

Mr. Lafayette is a Fellow of the Litigation Counsel of America.



Donald M. Maciejewski

Zisser, Robison, Brown, Nowlis, Maciejewski & Cabrey, P.A.
Jacksonville, Florida

Dirty Litigation Tactics: Dealing With the Rambo Litigator - A Matter of Ethics and Civility

Practicing law should be fun and challenging. We all realize that there are at least two sides to every story, and most seasoned attorneys realize that you can have a difference of opinion in a case with your opponent and still maintain civility. Nevertheless, many of us have had at least one case with a "Rambo litigator," or you have heard stories from your colleagues about this hardball approach to practicing law. As you know, it's no picnic. There are a number of effective ways to successfully deal with the "scorched earth" litigator. These approaches that will help you deal with and neutralize frustrating and all-too-common litigation techniques. Knowledge is power – learn how to deal with these dirty litigation tactics!

Donald M. Maciejewski is a partner in the law firm of Zisser, Robison, Brown, Nowlis, Maciejewski & Cabrey, P.A. in Jacksonville, Florida. His plaintiffs' practice focuses primarily on

aviation, airplane and helicopter crash litigation, personal injury and complex product liability suits. Prior to joining the firm, he was a partner in another Jacksonville law firm, and before practicing law, he was a commissioned officer and helicopter pilot in the United States Army. He holds a commercial instrument rating in helicopters with extensive flight experience in UH1, OH58 and Hughes 300 aircraft. He is a retired major in the United States Army Reserve. While in the military, MAJ Maciejewski became a certified aircraft accident investigator and attended advanced courses in Crash Survival & Investigation. He is also a graduate of the Aviation Safety Officer's Course.

Mr. Maciejewski has represented plaintiffs in a wide variety of air crash and product liability cases involving commercial, general aviation and military aircraft. He has handled air crash cases in the continental United States (Florida, Georgia, Texas, Arizona, Hawaii, Nevada, Maryland, Kansas, Tennessee and Arkansas), as well as overseas (South Africa, Ecuador, Mexico and Columbia), and has represented victims of air carrier negligence against Gulfstream Airlines, Delta, USAir and Continental Airlines. He has also represented plaintiffs in various military air crash cases involving the UH-60 Blackhawk, F-14 Tomcat, Bell 206 Jet Ranger, Cessna 206, and AH-1 Cobra. He has also handled major product liability suits all over the world. He is licensed to practice law in Florida, Georgia, Maryland and Washington, D.C.

Three of his more noteworthy cases include the representation of over 40 victims in Tennessee who were seriously injured when a Navy F-14 Tomcat jet crashed after takeoff into a residential neighborhood in Nashville. He represented some of the most seriously injured victims from a product liability fire and explosion catastrophe that occurred in Doha, Kuwait in July, 1991, following Desert Storm. He represented 14 victims of an AMTRAC train derailment that occurred in Smithfield, North Carolina. In addition to his specialty in aviation and product liability cases, Mr. Maciejewski handles auto and truck crash cases and personal injury and wrongful death cases.

Mr. Maciejewski received his B.S. degree from John Carroll University in biology and chemistry and his M.S. degree from the University of Southern California in safety engineering. He earned his law degree at the University of Baltimore School of Law. He is a member of the American Bar Association, and the state bars of Maryland, Florida, Georgia and the District of Columbia. He is admitted to practice before the United States Court of Appeals for the Eleventh Circuit and the United States Court of Military Appeals. He is an active member of the Army Aviation Association of America, the American Helicopter Society and the American Society of Safety Engineers and is a board-certified aviation law attorney. He is a frequent lecturer on product liability, safety and aviation law, and a former faculty member at the United States Army School of Aviation Medicine, where he taught aerospace medicine, altitude physiology and aeromedical evacuation. He teaches Aviation Law and Product Liability Law at Florida Coastal School of Law.

Mr. Maciejewski is a Fellow of the Litigation Counsel of America.



Lea Carol Owen

Waller Lansden Dortch & Davis, LLP
Nashville, Tennessee

Sex, Lies, and Videotape: How the Secret Husband, the Hidden Files, and One Credible Witness Brought an End to a Business in the Business of Litigation (Panel Discussion With Joseph A. Woodruff)

In February 2006, Essent Healthcare signed an agreement to outsource certain “denial management services” for the company’s five hospitals. That simple act was the beginning of a five-year saga that involved a failed business relationship, a secret marriage, fabricated financial records, alleged damages of \$30 million, a seven-figure document production, a dozen discovery hearings, and, finally, a dramatic ending in which a federal judge entered default judgment in Essent’s favor and referred opposing counsel for “a psychological and competency evaluation.” This presentation by Essent’s lead defense lawyers traces the chronology of the dispute, profiles the litigation strategies used by plaintiff and defendant and focuses on the key decisions made by defense counsel that led to a total victory for Essent.

Carol Owen is a partner in Waller Lansden's Trial and Appellate Practice. She concentrates her practice in the area of complex civil litigation in the financial services industry. She defends officers and directors against shareholder derivative lawsuits alleging claims of securities fraud, breach of fiduciary duty, waste of corporate assets, and unjust enrichment, many of which stem from the current crisis in the financial markets. Ms. Owen also has extensive experience representing healthcare clients. In July 2010, Ms. Owen was one of 30 Nashville lawyers named "Best of the Bar" by the *Nashville Business Journal*.

Ms. Owen is rated AV® Preeminent™ by Martindale-Hubbell. She has served as counsel in the successful defense of a regional bank holding company's capital markets division in a case challenging the enforceability of certain interest rate derivative agreements; counsel to healthcare provider in defense of breach of contract and equitable accounting claims related to the management and collection of payments from third party payors; counsel in the successful defense of several shareholder-derivative lawsuits alleging breach of fiduciary responsibility by directors and officers of a regional bank holding company; counsel in the defense of two financial institutions against state law claims related to the handling of funds embezzled by a former insurance company executive; counsel to a coalition of healthcare providers in Medicaid class actions that shaped the preservation of TennCare, Tennessee's managed healthcare program; and counsel in a successful defense against five contempt petitions in a landmark class action suit, to name a few.

Ms. Owen received her B.A. degree, *cum laude*, from Yale University, and her law degree from Vanderbilt University where she was Managing Editor of the *Vanderbilt Journal of Transnational Law* and a recipient of the Grace Wilson Sims Medal for Editorial Excellence.

She served as a law clerk to the Honorable Robert L. Echols, former Chief Judge, M.D. Tennessee. She is a member of the Tennessee Bar Association and the Alabama State Bar.

Ms. Owen is a Fellow of the Litigation Counsel of America.



W. Ray Persons

King & Spalding
Atlanta, Georgia

LCA Induction of Fellows Keynote Speaker

W. Ray Persons is a Partner at King & Spalding in Atlanta, Georgia, where he serves on the firm's Policy Committee. His practice focuses on product liability and mass torts. He is actively engaged in the trial of cases across the country and has served as lead counsel in more than sixty jury trials. He is a Fellow the American College of Trial Lawyers and the International Society of Barristers. In addition, he is a member of the Federation of Defense and Corporate Counsel, the International Association of Defense Counsel, and Defense Research Institute. He is listed in Best Lawyers in America in the categories of commercial litigation, Bet-the-Company litigation and mass torts, Chambers Guide to America's Leading Lawyers for Business, Chambers Global and the Lawdragon 500.

Mr. Persons received his B.S. degree, *cum laude*, from Armstrong State College in Savannah, and his law degree from The Ohio State University.

Mr. Persons is a Fellow of the Litigation Counsel of America.



Daniel I. Small

Holland & Knight LLP
Boston, Massachusetts

Powerful Witness Preparation: This is NOT a Conversation!

Every caring lawyer involved in litigation has experienced the stress of wondering and worrying about witness testimony. Developing expertise, or even modest success, in witness preparation takes years, trials and, for most lawyers, many errors. This session will provide a modern prescription for persuasive verbal and non-verbal witness communications from which every

lawyer, regardless of their level of experience, will benefit. Learn the methods, procedures and rules that will result in making your witness a powerful and compelling communicator.

Dan Small is a partner in the Boston and Miami offices of Holland & Knight. He practices in the area of litigation, focusing on witness preparation, government and internal investigations, white-collar criminal law and complex civil litigation. He has extensive investigation, jury trial and other litigation experience.

Prior to entering private practice, Mr. Small was a prosecutor for the U.S. Department of Justice, during which time he tried RICO, corruption, financial and regulatory cases. Mr. Small received various awards and commendations for his work. He was also General Counsel for a publicly traded healthcare management firm where he oversaw in-house legal and risk management staff, outside counsel, litigation, compliance, and facility, entity and physician contracting.

Mr. Small has represented witnesses, plaintiffs and defendants in a wide range of internal and external investigations, administrative proceedings, and civil and criminal litigation. These have included issues of healthcare, regulation, insider trading, revenue recognition and others.

Mr. Small received his B.A. degree, *cum laude*, from Harvard College and his law degree from Harvard Law School. He is a member of the Massachusetts Bar Association and The Florida Bar.

Mr. Small has written several books on litigation for the ABA, including *Preparing Witnesses* and *Going To Trial*, which are used in CLE programs he gives throughout the country, and he was a Lecturer on Law at Harvard Law School. He is a frequent television, radio and newspaper commentator and is the author of a series of articles on witness preparation appearing in the LCA's online law journal, *Litigation Commentary & Review*.

Mr. Small is a Fellow of the Litigation Counsel of America.



Joseph A. Woodruff
Waller Lansden Dortch & Davis, LLP
Nashville, Tennessee

Sex, Lies, and Videotape: How the Secret Husband, the Hidden Files, and One Credible Witness Brought an End to a Business in the Business of Litigation (Panel Discussion With Leah Carol Owen)

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discovery hearings, and, finally, a dramatic ending in which a federal judge entered default judgment in Essent's favor and referred opposing counsel for "a psychological and competency evaluation." This presentation by Essent's lead defense lawyers traces the chronology of the dispute, profiles the litigation strategies used by plaintiff and defendant and focuses on the key decisions made by defense counsel that led to a total victory for Essent.

Joseph Woodruff is a partner in Waller Lansden's Trial and Appellate practice where he serves as the head of the firm's financial services litigation group. He has nearly 30 years of trial and appellate experience in business and tort litigation. His principal clients include financial institutions and fiduciaries, healthcare companies, manufacturers and suppliers, real estate developers, and individuals engaged in business transactions in a wide variety of industries. Mr. Woodruff has represented clients with national operations in state and federal courts throughout the United States. Mr. Woodruff also has extensive experience in mediation, arbitration and other alternative forms of dispute resolution. He is listed by the Tennessee Supreme Court as a Rule 31 General Civil Mediator and is recognized in The Best Lawyers in America (Woodward White, Inc.) for his work in commercial litigation.

Mr. Woodruff recently led a team of Waller Lansden attorneys that successfully represented the State of Tennessee in its efforts to return the \$100 million Maddox Foundation to Tennessee after its controversial move to Mississippi. The Maddox Foundation litigation involved litigation in trial and appellate courts in three states and garnered extensive media attention, including coverage in *The New York Times*. In April 2005, Mr. Woodruff provided testimony about the Maddox Foundation case to the U.S. Senate Finance Committee with respect to legislation aimed at curbing abuses in the management of tax-exempt organizations. His article about the Maddox Foundation litigation, "One Foundation's Legal Battle: A Cautionary Tale for All Nonprofits," was published in the September 2008 edition of *Nonprofit World* magazine.

Mr. Woodruff successfully represented a bank defendant in class action lawsuits brought under the Equal Credit Opportunity Act (ECOA) involving dealer-generated automobile loans. Approximately one dozen ECOA lawsuits were filed in federal court in Nashville, Tennessee, against the lenders in these "indirect" loan transactions. Only two of the suits were decided by the Court in favor of the lender, and Mr. Woodruff represented the bank defendant in both of those cases. His editorial "Rulings on Auto Loan Markups Contradictory" was published in the June 10, 2005, issue of *American Banker*.

A native of Alabama, Mr. Woodruff earned his undergraduate degree from the University of Alabama and his law degree from the University of Alabama School of Law. He is a member of the Tennessee Bar Association and the Alabama State Bar.

Immediately following his graduation from law school, Mr. Woodruff returned to active military service as a Judge Advocate in the U.S. Army. He has served more than 30 years and holds the rank of Lieutenant Colonel in U.S. Army Reserve.

In addition to his legal practice, he is the author of *Historic Photos of University of Alabama Football*, published in June 2009 by Turner Publishing Company.

Mr. Woodruff is a Fellow of the Litigation Counsel of America.