



FOR LAWYERS AND ADR NEUTRALS

Co-sponsored by the ABA Section of Intellectual Property and The Forum on Entertainment and Sports Industries

ABA Section of Dispute Resolution Presents

# HOT TOPICS IN ENTERTAINMENT AND INTELLECTUAL PROPERTY

October 21, 2005 | Las Vegas Nevada

**The Venetian Resort Hotel Casino**

3355 Las Vegas Boulevard South  
Las Vegas, Nevada 89109

702-414-1000 Hotel  
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ABA Section of  
**Dispute Resolution**

740 15th Street N.W.  
Washington, D.C. 20005

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ASSOCIATION



8:00 - 9:00 REGISTRATION AND COFFEE

9:00 - 10:30 OPENING PLenary

**What's in a Name?**

**The California Angels Name Dispute**

Join us for a dynamic opening plenary session to kick off the day. How could ADR have changed the course of the California Angels Name Dispute? How could ADR have helped resolve the conflict between the City of Anaheim and the Angels? At what point in time should mediation have been initiated? Who should have a seat at the table in the mediation? This presentation will include a role-play by experts followed by audience participation and discussion.

**Presenters**

- + Jeffrey G. Kichaven, Mediator, Los Angeles, CA
- + Gerald (Gerry) Phillips, Phillips, Lerner & Lauzon, Los Angeles, CA
- + Steven Brower, Stephan, Oringer, Richman & Theodora, Costa Mesa, CA
- + James (Jim) Kobak, Hughes, Hubbard & Reed, New York, NY

10:45 - 12:15 MORNING CONCURRENT SESSIONS 1

**Session 1A : ADR in Intellectual Property Cases: Why Talk When You Can Litigate?**

A recent survey of members of the ABA Section of Intellectual Property Law shows that lawyers are reluctant to submit intellectual property (including patent) disputes for arbitration, stating that notwithstanding potential cost savings, they prefer to litigate and they also prefer to be able to appeal if they lose at trial. Some lawyers felt the perceived cost savings of arbitration is illusory, after taking into account lengthy delays and expensive fees and costs. There may be acceptance of mediation in principle, but in practice most lawyers are not proactive either in seeking or agreeing to mediation. Instead, they participate only when ordered to do so by a court. Relative advantages, disadvantages, ethics, timing, fees, costs, and strategies will be explored for arbitration and mediation, as compared to litigation, for resolution of intellectual property disputes.

**Presenters**

- + F. Scott Donahey, Tomlinson Zisko, LLP, Palo Alto, CA
- + V. Michelle Obradovic, Wise Resolution, LLC, Birmingham, AL
- + Richard P. Beem, Beem Patent Law Firm, Chicago, IL

**Session 1B : Resolving Film Distribution Disputes**

Film distribution disputes bring in a host of entertainment and IP issues. This program will use a mediation role-play of a film distribution dispute as the basis to discuss aspects of different ADR procedures used to resolve these unique disputes. Presenters will also address ethical issues (such as a mediator learning or knowing information beneficial to one side), med-arb questions (what should a party know before consenting), and potential creative solutions. An informative session for both the advocate and the attorney.

**Presenters**

- + Louise E. Dembeck, AIMAC Center for Dispute Resolution, New York, NY
- + Jim Kobak, Hughes, Hubbard & Reed, New York
- + Alida Camp, Mediator, New York, NY
- + Gerald (Gerry) Phillips, Phillips, Lerner & Lauzon, Los Angeles, CA

12:30 - 2:00 LUNCHEON AND PLenary

**Get the Low Down on Downloading**

A panel of experienced neutrals and counsel familiar with the issues in the "downloading of media content" cases (the subject of the recent US Supreme Court "Grokster" case) will discuss some of the interesting issues arising in cutting edge media and intellectual property issues. The presenters will provide a multi-media demonstration of some of the technical issues which a neutral needs to understand. They will provide perspective on some tough questions - How do you get participation when the defendants are individuals (whether as a class of plaintiffs or defendants)? How do you get participation and how do you control the proceedings when the defendants are shell corporations, maybe even foreign shell corporations? Does a neutral have the ability to issue orders in such cases? What tricks of the trade can be used in complex IP cases where the interests are so divergent that they need to be resolved by the Supreme Court?

**Neutrals**

- + Judge Larry Crispo (ret.), former LA Superior Court judge
- + Joel Grossman (invited), former Litigation Counsel for Sony Entertainment

**Counsel**

- + William Coats, White & Case, Silicon Valley intellectual property litigation counsel to high-tech companies

2:30 - 4:00 AFTERNOON CONCURRENT SESSIONS 2

**Session 2A : Confronting Realities and Ethical Traps in IP ADR**

This panel presentation will cover two principal topics. First, what is the most effective way to conduct risk analysis with parties to an IP dispute, and when is it appropriate? Discussion of risk analysis techniques, ethical implications for the neutral, and application to hybrid ADR procedures will be included. The second principal topic will be a "weather report" on emerging ethical issues in ADR proceedings, such as the erosion of mediation confidentiality by court decision, with implications for IP matters in particular.

**Presenters**

- + Jeffrey R. Jury, Burns Anderson Jury & Brenner, L.L.P., Austin, Texas
- + Peter Michaelson, Michaelson & Associates, Red Bank, New Jersey
- + Bruce E. O'Connor, Seattle, Washington

**SESSION 2B : A Good Advocate is Always Prepared**

This session will focus on mediation advocacy. Hear from seasoned mediators and advocates on how to draft well-crafted dispute resolution clauses, stage the different processes (negotiation, mediation and arbitration) and how to best represent clients in each situation.

**Presenters**

- + Mark Tratos, Greenberg Traurig, Las Vegas, Nevada
- + Alida Camp, Mediator, New York, NY
- + James (Jim) Kobak, Hughes, Hubbard & Reed, New York, NY
- + Jeffrey G. Kichaven, Mediator, Los Angeles, CA

4:30-6:00 RECEPTION

**Lodging**

The ABA has secured a block of rooms at the rate of \$189 single/double. The Hotel reservation cut-off date is Monday, September 26, 2005.

Hotel Rate : Single/Double: \$189.00 (Reference ABA Section of Dispute Resolution Block)

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**Registration**

Complete the form below and mail or fax to the ABA Section of Dispute Resolution.

Registration Deadline: October 7, 2005

**Yes**, please register me for:  
HOT TOPICS IN ENTERTAINMENT AND INTELLECTUAL PROPERTY

Name \_\_\_\_\_

Firm/Organization \_\_\_\_\_

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Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

E-mail \_\_\_\_\_

ABA ID Number \_\_\_\_\_

**Conference Fees**

\$150 ABA Members (includes luncheon reception and materials)

\$200 Non ABA Members

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