



From the Chair

By Vickie L. Henry

Making room for everyone and finding ways to keep people involved.

Friends. Education. Business. What We Can Do For You!



■ Vickie L. Henry is a partner at Foley Hoag LLP in Boston. She specializes in Intellectual Property Litigation and Commercial Litigation. She can be reached at vhenry@foleyhoag.com or (617) 832-1185.

DRI's Commercial Litigation Committee offers you a great network of friends, excellent legal education, and an opportunity to bring in business. This committee is one of DRI's largest and most vibrant, now numbering over 1,500

members. We have character as well as characters and room for you to join our merry band of defense lawyers. The hallmark of the committee—what brought me in and keeps me dedicated to building this group—is that we make room for everyone, working hard to find ways to get and keep people involved. It is my privilege to be the chair.

One of the drivers of growth for this committee has been the economic crisis. Commercial litigation is on the upswing as attorneys are retooling their practice focus to this area of law, which has a very broad reach. To paraphrase my predecessor, Joe Fortner, this committee is *the* place for business and IP litigators to maintain an edge, learn from the best, and help your colleagues to more effectively represent their clients.

Your next opportunity to meet us all in person is at the 2010 DRI Annual Meeting, October 20–24, in San Diego. Our committee meeting is first thing Friday morning. We will repeat our popular structured networking session to allow our members and newcomers to get connected. We also will offer “Six Hot Litigation Picks for 2011.” In 60 minutes six experts will look into their crystal balls and describe the six “lead pipe cinch” hot litigation issues in commercial litigation for 2011. Subjects will include Business Torts (Richard Dukes); Intellectual Property (Kyle Anne Citrynell); Class Actions (Tammy Webb); Financial Institutions (John C. Minett); Securities Litigation (Jaime Theriot); and Sports Law (Tim Epstein). The committee also will present a plenary session—Blind Cross Examination on Friday afternoon featuring extraordinary trial lawyers who will share their tips and tricks for cross-examining a witness without a prior deposition. We'll come together again as a committee for a dinner Friday night. Hope Cannon is our Annual Meeting liaison and will be emailing members soon.

Our specialized litigation groups (SLGs), the backbone of the committee, illustrate

the breadth of this committee. Some focus on an area of law and others focus on a particular industry or market sector. They are:

- **Business Torts**—Chair: Jim Gale, Jim.Gale@smithmoorelaw.com
- **Intellectual Property**—Chair: David Levitt, dlevitt@hinshawlaw.com
- **Class Actions**—Chair: Tim Congrove, tcongrove@shb.com
- **Financial Institutions and Creditors Rights**—Chair: Jim Miller, jim.miller@moyewhite.com
- **Sports Law**—Chair: Tim Epstein, TEpstein@salawus.com
- **Contract Law**—Chair: Mark Porada, mporada@pierceatwood.com
- **Dealer and Franchise Litigation**—Chair: Mike Sturm, msturm@wileyrein.com
- **Antitrust and Trade Regulation**—Chair: Ryan Beckett, ryan.beckett@butlersnow.com
- **D&O/E&O Litigation**—Chair: Bruce Wallace, bwallace@nexsenpruet.com
- **Securities and Shareholder Litigation**—Chair: Tim Mast, tim.mast@troutmansanders.com

If you are interested in joining any of the existing SLGs, email me and the SLG chair or complete the “Commercial Litigation SLG Sign Up Form” (found on the committee's page at www.dri.org under “Links of Interest”).

Then there is our committee's own annual seminar—really a committee event. This past year we painted the town in New York City. A big thank you to Kerry McInerney and Jeffrey Kass, our program chair and vice chair, respectively, and marketers extraordinaire Laurie Miller and Steve Lieb. We will be launching our 2011 program offering shortly. If you want to see the best this committee can be, join us in Chicago on April 14–15, 2011. We will welcome you into the group and wow you with a great program. Bring a colleague.

Webcasts also are a great way to speak for the committee. Our Sports Law, Antitrust and IP SLGs came together for a June

webcast on the Supreme Court's decision in *American Needle Inc. v. National Football League*, described further in Tim Epstein's article on page 48. In addition, committee mainstay Dave Henry is leading a webcast in September entitled, “Mediation: How Smart Lawyers and Clients Achieve Success in Business and Complex Litigation.” Mediation practice is often an underappreciated art and form of advocacy. Topics will include important pre-mediation activity for lawyers and clients, overcoming hurdles in advance of the mediation session, managing client expectations, timing of mediation, and selection of the mediator. The program also will demonstrate the importance of selecting the right mediation participants and the breadth of creative solutions that are possible.

We also have publishing opportunities galore. Our monthly e-newsletter, *The Business Suit*, under the leadership of Publications Chair Rob Bodzin, rbodzin@burnhambrown.com, with his assistant editors Todd Presnell and Russ Jones, continues to regularly disseminate cutting edge articles, substantive law reports, member successes, circuit reports, and lighter moments, all designed to educate and showcase our members.

The Defense Library Series allows us to take a deeper dive into topics of interest to you. The Class Action SLG is working on a 50-state survey of class action law. Bruce Wallace is spearheading an upcoming publication on TROs. These follow our 50-state survey of *Trade Secrets and Agreements Not to Compete*, a publication requiring 100 separate articles. Jeffrey Kass is to be highly commended for his efforts in spearheading that effort. We welcome new ideas for publications and articles.

All of these efforts are supported by my vice chair, Peter Strand. Peter plays a vital role, bringing his extensive trial experience to bear for you and our committee.

The collection of articles that follows illustrates the variety of issues that fall within the ambit of commercial litigation. A big thank you to the collection's editor, Mark Porada, and vice editor, Shauna Correia. As you will see, the scope of this committee and its collegial members ensure that the experienced as well as the new business litigator can find value and a place to get involved. Join us.