



# **Tri-State Defense Lawyers Association 10<sup>th</sup> Annual Meeting**

**September 22 & 23, 2016**

Portsmouth, New Hampshire

Hilton Garden Inn, 100 High Street, Downtown Portsmouth

## **REGISTRATION BROCHURE**

**TDLA Chairperson**

***Matthew S. Borick***

Paul C. Catsos, Maine President

Christopher J. Pyles, New Hampshire President

Matthew S. Borick, Vermont President



## MESSAGE FROM THE CHAIR



Hi everyone,

I hope to see you all at the upcoming TDLA Annual Meeting set for Portsmouth, New Hampshire, on September 22-23. This year is special in that it marks our **10<sup>th</sup> ANNIVERSARY** as an organization, and now is the time to celebrate that achievement, acknowledge our history, and envision our future. Thursday evening's events are sure to be a hit – following our traditional reception and dinner we will get to test our memories and wits with group trivia hosted by Stump! So if you've got a bunch of random facts archived in the deep recesses of your brain, this could be your chance to shine. On Friday we'll begin with buffet breakfast and a short business meeting, followed by valuable CLE sessions covering mock trials and jury research, avoiding ethical pitfalls, and the recent FRCP amendments on proportionality of discovery.

As always, the Annual Meeting will be a great time for networking, reconnecting with old friends, making new ones, and, of course, brew pub beverages and shuffleboard. Please join us in Portsmouth if you can!

Regards,

*Matthew S. Borick*

Tri-State Defense Lawyers Association

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**Join Us Thursday  
Evening for the  
Ultimate Live Trivia  
Experience. Test Your  
Memories and Wits  
with Group Trivia  
Hosted by**



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Tri-State Defense Lawyers Association

# 10<sup>th</sup> ANNUAL MEETING

Hilton Garden Inn, Portsmouth, NH  
September 22 & 23, 2016

## SCHEDULE

### Thursday, September 22, 2016

- 6:00 p.m. Reception (open bar)  
7:00 p.m. Dinner  
7:45 p.m. Welcome and Introductions  
Matthew S. Borick, TDLA Chair, Downs Rachlin Martin PLLC (Burlington, VT)  
8:00 p.m. Stump! The Ultimate Live Trivia Experience

### Friday, September 23, 2016

- 7:00 a.m. Breakfast  
8:00-8:10 a.m. Opening Remarks  
Matthew S. Borick, TDLA Chair, Downs Rachlin Martin PLLC (Burlington, VT)  
8:10-8:25 a.m. Business Meeting (all members are invited to attend)

#### 8:30-9:45 a.m. CUTTING-EDGE JURY RESEARCH: WHAT CLIENTS NOW GET FOR \$6,500

Since 1989, First Court has provided trial lawyers and claim managers with mock trial and focus group feedback to reduce the cost and uncertainties of litigation. The process combines the ease and efficiency of the internet with the passion of diverse jurors deliberating face-to-face and giving a constant flow of real-time feedback. The presenters will share results of a mock trial for a nursing home case. Learn how using some of these jury research tools can save you time and money and result in efficient dispute resolution.

Michael Liffbrig, Senior Counsel and Jury Consultant, First Court (Mandan, ND)  
Paul C. Catsos, Thompson & Bowie, LLP (Portland, ME)

#### 9:45-10:45 a.m. TOP TEN ETHICAL TRAPS: AVOIDING MISCONDUCT IN TODAY'S LEGAL LANDSCAPE

This training highlights a "top ten" list of ethical missteps that can trip up even the most ethically diligent lawyer. From inadvertently creating an attorney-client relationship to engaging in business transactions with clients, there are a number of issues that come up in an attorney's practice that could potentially lead to liability and sanctions. This engaging presentation is meant to provide an overview of such traps for the unwary, such that attorneys will be able to spot the traps and understand how to spare themselves from falling prey to inadvertent unethical conduct.

Amy Carlin, Partner, Morgan, Brown & Joy (Boston, MA)

#### 10:45-11:00 a.m. BREAK

#### 11:00 a.m.-Noon AMENDMENTS TO FEDERAL RULES OF CIVIL PROCEDURE: A PANEL ON THE CHANGING RULES FOR DISCOVERY

At the time of TDLA's annual meeting in September, the Federal Rule amendments will have been effect 9.5 months. The focus of this session is on how the federal courts in our jurisdictions have ruled under the new amendments, particularly on Rule 26(b)(1) on proportionality and Rule 37(e) spoliation of Electronically Stored Information.

Moderator: Patricia S. Orr, Law Offices of Patricia S. Orr PLLC (Shelburne, VT)  
Twain Braden, Thompson & Bowie, LLP (Portland, ME)  
Kevin Lumpkin, Sheehey, Furlong & Behm (Burlington, VT)

**Twain Braden—Thompson & Bowie, LLP (Portland, ME):** Twain joined Thompson & Bowie, LLP, in 2014. He is a 2007 graduate of the Charleston School of Law (cum laude) in Charleston, S.C., where he was a founding member of the school's Maritime Law Institute. His law practice focuses on maritime and admiralty litigation – vessel collisions, Jones Act coverage, salvage, charter disputes, maritime liens, and insurance coverage. Twain also works with maritime businesses to enhance legal compliance and build effective strategies for success.



Before becoming a lawyer he served as Managing Editor of Ocean Navigator and Maritime Casualties Editor of Professional Mariner. In 2002, Twain co-founded Portland Schooner Co. by bringing the 1924 wooden schooner Bagheera from San Francisco to Portland for a daysail and charter business. He maintains a current captain's license. Twain is the author of three books: In Peril (with co-author Skip Strong); Ghosts of the Pioneers; and The Complete Guide to Sailing & Seamanship. He serves on the Casco Bay Lines Board of Directors and lives on Peaks Island with his wife and their four children.

**Amy Carlin—Morgan, Brown & Joy (Boston, MA):** Amy's practice includes representing clients in the wide range of cases that arise in the employment context, such as discrimination and retaliation claims, wage and other state and federal statutory actions, and common law employment torts. She represents clients before State and Federal courts and administrative agencies. Outside of her litigation practice, Amy provides advice on employment issues that managers, human resources professionals and in-house counsel face on a day-to-day basis. She also conducts sexual harassment and discrimination prevention training for employees of the firm's clients, as well as trainings in best management practices and other employment topics.



Amy graduated cum laude from Boston College and earned her law degree from Northeastern University School of Law. After graduating from college and before entering law school, she worked for Legal Sea Foods in a number of different capacities, including as the company's corporate training specialist. After graduating from law school, she served as a law clerk to the Justices of the Massachusetts Superior Court, and then worked at two small Boston firms, where her practice included employment law as well as other civil and criminal litigation.

She is currently Chair of DRI's Lawyers' Professionalism & Ethics Committee, and is a frequent speaker on legal ethics and other related topics. **Amy** served as President of the Board of Directors of Children's Village, Inc., a non-profit childcare center in Cambridge, Massachusetts for three years. Amy has been recognized as a "Rising Star" in the field of employment litigation defense by Boston Magazine's Super Lawyers edition for five years.

**Paul C. Catsos—Thompson & Bowie, LLP (Portland, ME):** Paul has been involved in the field of insurance defense since graduating from Cornell University with a B.A. in Government in 1982. He initially worked as a claims representative and later as a claims supervisor while attending Suffolk University Law School, where he graduated cum laude, in 1989. He began practicing law in Maine in 1989 and New Hampshire in 2009.



He successfully represented individuals and businesses including insurance companies in state and federal court trials, arbitrations, administrative and workers compensation hearings, licensing board proceedings, mediations and

appeals. His practice is focused on civil litigation, including professional liability, products liability and food claims, and workers' compensation. He presently serves as the Maine's President to the Tri-State Defense Lawyers Association, and is a past President and an Advisory Board member of the Wayside Soup Kitchen.

**Mike Liffrig—First Court (Mandan, ND):** Mike is an attorney, a mediator, and an expert jury consultant. Mike graduated from the University of Michigan Law School in 1985. He started his career at a prominent North Dakota insurance defense firm, and eventually went on to start his own law firm specializing in plaintiff's personal injury work. As a mediator, Mike has settled over 1,200 cases. Mike organized First Court in 1989. Over the years, First Court has run hundreds of mock trials in over 40 states. Mike excels at crafting a jury research project to provide realistic, high-quality feedback on the most important issues in a case.



On the personal side, Mike ran for the United States Senate in 2004. Mike and his wife Julie have nine children, and live on a 500-acre ranch in beautiful western North Dakota.

**Kevin Lumpkin—Sheehey Furlong & Behm, P.C. (Burlington, VT):**

Kevin is a litigation association. Prior to joining Sheehey, Kevin served as a law clerk for the Vermont Superior Courts in Bennington, Addison, and Chittenden Counties. His practice focuses on complex business litigation, professional negligence defense, and appellate practice.

In both 2015 and 2016, Super Lawyers magazine named Kevin to its list of Rising Stars in New England. Kevin received the Vermont Bar Association's Distinguished Pro Bono Service Award in 2016 for his work providing indigent litigants with legal representation through a pro bono clinic at the civil division of the Chittenden Superior Court. Kevin holds a J.D. from Vanderbilt University Law School and a B.A. from the University of Vermont.



**Patricia S. Orr—Law Offices of Patricia S. Orr PLLC (Shelburne, VT):**



Patricia focuses primarily on personal injury, professional negligence and insurance coverage matters. She represents individuals, local and national corporations in state and federal courts. She has tried more than 25 cases to verdict in Vermont.

Patricia is the Past President (VT) to the Tri-State Defense Lawyers' Association. In 2013, she was elected to the DRI Board for the Northeast Region after serving as the Vermont State Representative. She is also active in the Vermont Bar Association, having served as a VBA member on the Judicial Nominating Board when it was charged with vetting, interviewing and approving applicants for ten judicial appointments in a two-year period. She has given seminars on the effective use of expert witnesses and has served as a faculty member for the VBA's Trial Skills Summer Course. She has also given a presentation to the National Association of Insurance Women (now the International Association of Insurance Professionals) on claims handling conduct that may preclude the Statute of Limitations defense through waiver or estoppel when a claim becomes a lawsuit.

Patricia received a Bachelor of Science degree in Mathematics from Elmira College, summa cum laude. She received her Juris Doctor from the Fordham University School of Law. She is admitted to practice in the state and federal courts of Vermont and New York (Southern, Eastern and Northern Districts), as well as the Second Circuit Court of Appeals.



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10<sup>th</sup> Annual Meeting

September 22 & 23, 2016

Hilton Garden Inn

Portsmouth, New Hampshire

## REGISTRATION FORM

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Spouse/Guest Name: \_\_\_\_\_

Check states for which you wish to receive CLE credit: ME  NH  VT

State Bar Number: ME \_\_\_\_\_ NH \_\_\_\_\_ VT \_\_\_\_\_

### MEETING REGISTRATION FEES:

Registration fee includes Thursday night reception and dinner, Friday breakfast and CLE program.

*Handout materials will be emailed prior to the meeting.*

Member:	\$195	_____
Non-Member Attorney:*	\$310	_____
<i>*Not a member of TDLA? Join today for \$75.00 and register at the member rate!</i>		
*Sign me up as a new Individual Member of TDLA	\$75	_____
Spouse/Guest of Registrant:	\$100	_____

**TOTAL FEES:** \_\_\_\_\_

**TO REGISTER:** Register and pay online by visiting [www.tristatedefenselawyers.org](http://www.tristatedefenselawyers.org) or make a check payable to TDLA and mail with this registration form to:

**Mark Filler, TDLA Treasurer**  
**P. O. Box 4177, Portland, ME 04101-0377**

### ACCOMMODATIONS:

A block of rooms has been reserved at the  
**HILTON GARDEN INN, PORTSMOUTH DOWNTOWN**

100 High Street, Portsmouth, New Hampshire 03801

*under the name of TDLA*

Rate: \$195+ | Parking is \$25 per night

Call the Hilton Garden Inn at 603-431-1499.

**The deadline for the block rate is August 22, 2016.**

For more information, please contact: Sheri Leahan, Executive Director, TDLA

Email: [sleahan@tristatedefenselawyers.org](mailto:sleahan@tristatedefenselawyers.org)

[www.tristatedefenselawyers.org](http://www.tristatedefenselawyers.org)