

The Florida Bar Business Law Section 17th Annual Retreat



August 31 - September 3, 2012
The Ritz Carlton, Naples

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Chair's Welcome Message



The Retreat Tradition Continues – with some twists and turns to keep things interesting! On behalf of the Business Law Section it is my honor and pleasure to again welcome all of our valued members, sponsors, significant others, families and honored guests to the 17th Annual Business Law Section Retreat at the beautiful Ritz Carlton Beach Resort in Naples over Labor Day weekend, beginning Friday, August 31 through Monday, September 3. The entire Section Retreat Committee, chaired this year by Lori Vaughan, with the help of Retreat Chair Emeritus Alan Aronson and Vice Chair Michael Chesal, has once again outdone themselves and arranged for an outstanding program of Committee meetings, CLE programs throughout the weekend, enjoyable social, and recreational events, in addition to engineering record breaking attendance.

We will start the Retreat on Friday with a full day meeting of the Chapter 608 LLC Drafting Task Force which is coming close to reaching its goal and completing this important legislation. In addition to its regular drafting sessions, from 2:00 - 5:30 PM the Task Force will present a much anticipated 3.5 hour CLE program entitled “Getting to Know the Proposed Revised LLC Act.” Guests of the Section, Dan Kleinberger and Carter Bishop, the Co-Reporters of the Revised Uniform Limited Liability Company Act, will present a comprehensive overview of the proposed changes to the LLC Act in Florida. In addition, the Bankruptcy Judicial Liaison Committee will have its regular meeting Friday afternoon from 4:00 – 6:00 PM. Any issues impacting the Statewide Bankruptcy Bar should be furnished to Judge Hyman and Doug Bates in advance of the meeting.

We will officially kick off the social activities on Friday evening with our Welcome Reception and Dinner Dance. The “Goodbyeddie” Band, a classic rock band partly comprised of local attorneys and a judge who play professionally will be providing background music during the buffet dinner, and then livening it up for dancing by those of us so inclined. “The Vue” will again be our Hospitality Suite for the weekend and will be open to the adults every night of the Retreat for drink, snacks, entertainment and surprises. “Ritz Kids” will also be available for children for an additional charge billed directly to your room account.

On Saturday, we will start the morning with a Section-wide organizational meeting and introduction session followed by regular Committee meetings scheduled to maximize time for all the other planned activities. During our luncheon meeting on Saturday, we are honored to host two distinguished speakers, Gwynne Young, President of The Florida Bar, will take a few minutes to discuss some of her key concerns and initiatives during her upcoming year as President, and Professor Daniel Kleinberger will give what promises to be an entertaining talk titled, “Why Being a Good Business Lawyer Will Get You into Heaven.” The Business Court Judges Roundtable will again receive CLE credit and be moderated by past-Section Chair, Rick Gross following the Section Luncheon - featuring a new panel of Judges from around the State who have graciously agreed to share their views.

Saturday evening will bring our time-tested Family Cocktail Reception, Dinner and Casino Night Party, which is always an entertaining family event, and following which Executive Council Member, Amir Isaiah, will host an “Open Mic” night at the Vue. We encourage you to stay up late and show off your musical talents or just sing along with Amir. Don’t worry, no recording devices will be allowed!

On Sunday, we will start the morning with our now popular Family Omelet Breakfast and the four concurrent CLE sessions shown on the final Retreat schedule and presented by our Platinum and Gold Sponsors. Keep in mind that there will be CLE opportunities throughout the weekend, including presentations during various Committee meetings – as listed within this brochure. Sunday afternoon is free for you to enjoy, however, if you would like to participate in a group activity, we are organizing golf, tennis, kayaking, bicycling and yoga.

Sunday evening Berger Singerman will sponsor their annual “pre-game” cocktail reception, so everybody can meet-up and get ready to head out to a night on the town at some of Naples’ finest restaurants. We have made several reservations for groups of 10 or 12, and sign-up sheets for the restaurants will be available throughout the weekend at the Registration Desk. Please use these dinners as an opportunity to make some new friends in the Section while you enjoy Naples’ fine dining scene. Thanks as always to Jeanne Seewald for coordinating this event and finding some new places for us to go this year. When you get back to the Ritz, the Vue and the beverages, snacks and games will continue for your enjoyment.

On Labor Day, we will hold our first Executive Council meeting of the 2012-2013 Program year from 8:30 –11:30 AM and address the important matters facing the Section this year, although we will do our best to finish our meeting early so that you can enjoy more time with your families at the resort before heading home.

The Ritz has again provided a 20% discount on all spa services, so be sure to request this discount when you take advantage of the spa. We strongly recommend that you make your spa reservations early to secure an appointment.

Please note that registration is required for all Retreat scheduled meals and activities so please register your guests and children as well.

Special thanks to all of our sponsors, particularly our Platinum Sponsors, for their generous contributions to making the Retreat such a memorable weekend. Please be sure to get to know our sponsor representatives.

On behalf of myself and the entire Retreat Committee, we look forward to seeing you in Naples!

Section Officers/Committee Chairs

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Program Administrator:

Mary Ann Obos, The Florida Bar, mobos@flabar.org

Retreat Schedule

Friday, August 31, 2012

9:00 a.m. – 1:30 p.m.	LLC Act Drafting Task Force Meeting	Plaza III
2:00 p.m. – 5:30 p.m.	LLC Act CLE Program: “Getting to Know the Proposed Revised Act” <i>(3.5 hours General CLE Credit)</i>	Salon I
3:00 p.m. – 6:00 p.m.	Retreat Registration	Registration Foyer
4:00 p.m. – 6:00 p.m.	Bankruptcy Judicial Liaison Committee	Salon I
6:30 p.m. – 7:30 p.m.	Welcome Reception <i>Sponsored by: Algon Group; Bill Maloney Consulting; Genovese Joblove & Battista, P.A.; GrayRobinson; & Shutts & Bowen</i>	Salon III & IV
7:30 p.m. – 10:00 p.m.	Kick-Off Dinner, Music & Dancing <i>Sponsored by: Michael Moecker & Associates, Inc.; Bilzin Sumberg Baena Price & Axelrod LLP; & Morrison Valuation & Forensic Services</i> <i>Featuring the band “GOODBYEDDIE”</i>	Vanderbilt Ballroom
9:00 p.m. – 12:00 a.m.	Hospitality Suite (Ages 12 & up) <i>Sponsored by: Stahl Consulting Group; Damian and Valori; & Thomson Reuters</i>	The Vue

Saturday, September 1, 2012

8:15 a.m. – 8:30 a.m.	Meeting of Executive Committee with Sponsors	Salon II
8:30 a.m. – 9:00 a.m.	General Information Meeting for All Section Members & Retreat Attendees	Salon I
8:00 a.m. – 4:00 p.m.	Retreat Registration	Registration Foyer
8:00 a.m. – 9:30 a.m.	Continental Breakfast <i>Sponsored by: Burr & Forman, LLP; Greenberg Traurig, P.A.; Hahn Loeser & Parks, LLP; & Morris, Manning & Martin, LLP</i>	Plaza / Salon I Foyer
9:00 a.m. – 10:00 a.m.	Committee Meetings E-Discovery Committee Legislation Committee Communications Committee Diversity Committee Joint Meeting CLE Committee Pro Bono Committee Membership Committee	Coquina Sands Plaza I Salon II Plaza III Salon I Plaza II Salon I
10:00 a.m. – 12:00 noon	Antitrust, Franchise & Trade Regulation Committee Bankruptcy/UCC Committee <i>(1 hour CLE Program)</i> Business Litigation Committee and State/Federal Judicial Liaison Committee Intellectual Property Committee <i>(1 hour CLE Program)</i> Corporations, Securities & Financial Services Committee	Plaza I Salon II Plaza III Salon I Plaza II
12:00 noon – 12:50 p.m.	Luncheon (Registered Section Members Only) <i>Opening Remarks by Gwynne Young, 2012-2013 President of The Florida Bar</i> <i>Sponsored by: JAMS; Carlton Fields, P.A.; Ackerman, Link & Sartory, P.A.; Beggs & Lane; Shook, Hardy and Bacon, LLP; Bush Ross</i> <i>Speaker: Prof. Dan Kleinberger</i> <i>“Why Being a Good Business Lawyer Will Get You Into Heaven.”</i>	Salon III & IV
1:00 p.m. – 1:55 p.m.	Business Court Judges Roundtable: <i>(1 hour General CLE Credit)</i>	Salon II
2:00 p.m. – 4:00 p.m.	Computer and Technology Committee <i>(1 hour General CLE Credit)</i>	Plaza I
2:00 p.m. – 4:00 p.m.	Opinion Standards Committee	Plaza III
6:30 p.m. – 7:30 p.m.	Family Night Reception <i>Sponsored by: PCE</i>	Salon III & IV
7:30 p.m. – 10:00 p.m.	Family Dinner and Casino Night <i>Sponsored by: Messana, P.A.; Resources Global Professionals; Wolters Kluwer Corporate Legal Services; Shumaker, Loop & Kendrick, LLP; Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.; Baker & Hostetler; & Milam Howard Nicandri Dees & Gillam, P.A.</i>	Vanderbilt Ballroom
9:00 p.m. – 12:00 a.m.	Hospitality Suite & Open Mic Night (Ages 12 & up) <i>Sponsored by: BB&T; Lott & Fischer, PL; Polenberg Cooper, P.A.; Wells Fargo Advisors & Bloomberg Law; Akerman Senterfitt</i>	The Vue

Sunday, September 2, 2012

7:30 a.m. – 9:30 a.m.	Family Breakfast / Omelet Station – All Welcome <i>Sponsored by: Navigant Consulting LLC; Fiske & Company; Brown, Smith and Wallace LLC; Devine Goodman Rasco & Wells; & Philip Bates, P.A.</i>	Salon III & IV
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Sunday, September 2, 2012 (cont'd)

8:15 a.m. – 9:05 a.m.	OPEN CLE SESSION: A Financial Review of the Legal Industry <i>Speakers: Michael Stewart & Jeff Grossman</i> <i>Sponsored by: Wells Fargo Advisors</i>	Salon I
9:15 a.m. – 10:05 a.m.	CONCURRENT SESSIONS SESSION 1: A: Changing Dynamics in the Insolvency World <i>Speaker: Troy Taylor</i> <i>Sponsored by: Algon Group</i> B: How A Valuation/Damages Expert Can Make A Good Case Worse And A Bad Case Better? <i>Speakers: Alan Fiske, Sheri Schultz & Peter Gampel</i> <i>Sponsored by: Fiske & Company</i> C: Delaware's Business Entity Laws - 2012 <i>Speaker: Lori Ann Fox</i> <i>Sponsored by: Wolters Klawer Corporate Legal Services</i>	Plaza I Salon I Plaza III
10:10 a.m. – 11:00 a.m.	SESSION 2: A: Lessons Learned from the Taylor, Bean, Whitaker Chapter II Case (TBW) <i>Panel Discussion Led by: Robert Barron</i> <i>Sponsored by: Navigant Consulting and Berger Singerman</i> B: Daubert/Frye challenges <i>Speakers: Diane Womack & Briggs Stahl</i> <i>Sponsored by: Stahl Consulting</i> C: 10 Steps to Effective Legal Writing <i>Speaker: Steven Peretz</i> <i>Sponsored by: Peretz, Chesal & Hermann</i>	Plaza I Salon I Plaza III
11:05 a.m. – 11:55 a.m.	SESSION 3: A: Trends & Developments in Assignment for Benefits of Credits (ABC) <i>Speaker: Phil Von Kahle</i> <i>Sponsored by: Michael Moecker & Associates</i> B: Managing the Complex Business Case in ADR: What Lawyers Want From Neutrals; What Neutrals Want from Lawyers <i>Speakers: Ronald Ravicoff & Carol Cope</i> <i>Sponsored by: JAMS</i> C: Effective Deal Making Strategies <i>Speaker: Denise Dell-Powell, Dave Jennis, Frank Wolff, Cody Smith, & John Hylltin</i> <i>Sponsored by: Resources Global Professionals</i>	Plaza I Salon I Plaza III
12:00 noon – 12:55 p.m.	SESSION 4: A: Leading Companies Through Transition: Exploring the Operational and Legal Issues of Distressed Companies <i>Speaker: Gary Colbert</i> <i>Sponsored by: Nperspective</i> B: Liquidity Events in 2012: What Can Still Get Done This Year? <i>Speaker: Will Stewert</i> <i>Sponsored by: PCE</i> C: Statutory Fair Value <i>Speakers: Robert Morrison & Jon Swergold</i> <i>Sponsored by: Morrison Valuation</i>	Plaza I Plaza III Salon I
1:00 p.m. Afternoon	Lunch On Your Own Free Time	
2:00 p.m. – 3:00 p.m.	Yoga Class (15 openings - First Come, First Served) \$20 per person	Fitness Studio
6:30 p.m. – 7:30 p.m.	Pre-Game Reception <i>Sponsored by: Berger Singerman; Stichter Riedel Blain et al; Nperspective LLC; Peretz Chesal Herrmann, PL; Trenam Kemker; & Wiand Guerra King, P.L.</i>	Artisans
7:30 p.m. – 10:00 p.m.	Dinner on the Town: Naples Area Restaurants <i>Sign up at Retreat Registration Desk</i>	
10:00 p.m. – 12:00 a.m.	Hospitality Suite (Ages 12 & up) <i>Sponsored by: BB&T; Lott & Fischer, PL; Polenberg Cooper, P.A.; Wells Fargo Advisors & Bloomberg Law; Akerman Senterfitt</i>	The Vue

Monday, September 3, 2012

8:00 a.m. – 11:30 a.m.	Continental Breakfast – For Executive Council Members Only <i>Sponsored by: Kozyak Tropin & Throckmorton, Higer Lichter & Givner, LLP, Roetzel and Andress, & Fowler, White, and Boggs</i>	Salon I & II
8:30 a.m. – 11:30 a.m.	Open Executive Council Meeting – All Invited	Salon I & II

CLE PROGRAMS

FRIDAY, AUGUST 31, 2012

GETTING TO KNOW THE PROPOSED REVISED ACT

LLC Drafting Taskforce will present a three hour program on Getting to Know the Proposed Revised Act. Don't miss this opportunity to hear from the national reporters on the important changes to the LLC statutes.

Presenters: Carter Bishop, Dan Kleinberger and Lou Conti

Credits: 3.50 General CLE Credit, 3.50 CJE Credit (3.50 Business Litigation Certification Credit)

SATURDAY, SEPTEMBER 1, 2012

HOT INTELLECTUAL PROPERTY ISSUES IN BANKRUPTCY

The IP Committee meeting will include a one hour presentation following the conclusion of its business meeting. This program will include a description of bankruptcy basics, rejection of executory contracts (Section 365), special exception in IP cases (Section 365(n)), drafting solutions to the bankruptcy problem, trademarks not covered by 365(n), areas where your drafting brilliance won't help you, rights of licensors when the licensee files bankruptcy (Catapult and its progeny), and recent cases and developments.

Presenters: Carly Johnson and Daniel Benavides

Credits: 1.00 General CLE Credit, (1.0 Hour Business Litigation Certification Credit and 1.0 Hour Intellectual Property Certification Credit)

BIG BANKRUPTCY CASE MANAGEMENT

The Bankruptcy/UCC Committee meeting will include a one hour presentation following the conclusion of its business meeting. The program will focus on big bankruptcy case management. The panel will include Florida bankruptcy judges with big case experience and some of Florida's most notable bankruptcy practitioners.

Presenters: Panelist: Judges Funk, Judge Isicoff, Steve Busey, and Paul Singerman. Moderator: Russ Blain

Credits: 1.00 General CLE Credit, (1.0 Hour Business Litigation Certification Credit)

THE CLOUD

The Computer and Technology Committee will be presenting a CLE program following the conclusion of its business meeting. This course will explore the risk implications & legal perspective of the "Cloud."

Speaker: Kevin Levy

Credits: 1.00 General CLE Credit, (1.0 Hour Business Litigation Certification Credit and 1.0 Hour Intellectual Property Certification Credit)

BUSINESS COURT JUDGES ROUNDTABLE

The program will follow a panel format with an attorney moderator and a panel of state court judges assigned to Business Court and/or Complex Litigation Divisions from around the State. The program will update participants on the progress and success of the Business Court model, as applied in different circuits. Judges will also share local practices and preferences for handling complex business litigation cases, including discovery, motion practice, case management, and special issues posed in the trials of complex business cases.

Presenters: Panel: Judge Meenu Sasser, Judge Jennifer Bailey, Judge Jose Rodriguez, Judge Alice Blackwell/ Moderator: Rick Gross

Credit: 1.00 General CLE Credit, (1.0 Hour Business Litigation Certification Credit)

SUNDAY, SEPTEMBER 2, 2012

DELAWARE'S BUSINESS ENTITY LAWS - 2012

By: Wolters Kluwer Corporate Legal Services

Find out why Delaware is the nation's leading formation state. This information will give you a clear understanding of the workings of the state and mitigating issues that may arise in your time sensitive transactions, with an emphasis on the corporation and LLC laws. You'll also learn hands-on filing tips, recent changes and updates to entity statutes, and receive an overview of the State's franchise taxes that impact these entities.

Presenters: Lori Ann Fox

Credit: 1.00 General CLE Credit, (1.0 Hour Business Litigation Certification Credit)

HOW A VALUATION/DAMAGES EXPERT CAN MAKE A GOOD CASE WORSE AND A BAD CASE BETTER

By: Fiske & Company

Arm yourself with tips and tricks of the trade directly from experienced practitioners. Find out what to do (and not to do) to strengthen (or weaken) your client's position and learn strategies to ensure a smooth valuation/damage process. Presenters will share real-life case examples of what went right and what went wrong with expert testimony. Discussion will include Daubert challenges, timing issues, dealing with unfavorable facts, and coordinating attorney and expert for more impactful testimony.

Presenters: Alan Fiske, Sheri Schultz and Peter Gampel

Credit: 1.00 General CLE Credit, (1.0 Hour Business Litigation Certification Credit)

A FINANCIAL REVIEW OF THE LEGAL INDUSTRY - ARE FLORIDA FIRMS POISED FOR RECOVERY?

By: Wells Fargo Advisors

This session will cover 2011 financial results as well as 2012 six month review, looking at all aspects of financial performance, including hours, rates, expenses, profitability, staffing as well as overall trends.

Presenters: Michael Stewart and Jeff Grossman

Credit: 1.00 General CLE Credit, (1.0 Hour Business Litigation Certification Credit)

LESSONS LEARNED FROM THE TBW CASE

By: Navigant Consulting and Berger Singerman

Lessons learned from the TBW's Bankruptcy Case, including, (i) diligence information sharing among debtor and creditors, (ii) protection of innocent borrowers in the midst of meltdown of the largest independent mortgage seller/servicer in the U.S., (iii) UCC issues with large mortgage portfolios, and (iii) dealing with FDIC, Ginnie Mae, Freddie Mac and Fannie Mae in bankruptcy and litigation.

Presenters: Robert Barron

Credit: 1.00 General CLE Credit (1.0 Hour Business Litigation Certification Credit, 1.0 Hour Real Estate Certification Credit)

SUNDAY, SEPTEMBER 2, 2012 (cont'd)

DAUBERT CHALLENGES

By: Stahl Consulting

An overview of Daubert/Frye challenges including the implications of recent national trends and success rates. Highlights from Florida cases provide insight into defending against challenges and keys for keeping your expert in the case.

Presenters: Diane Womack, CPA/ABV, CFF, CFE and Briggs Stahl, CPA/ABV, CBA, CFF

CLE Credit: 1.00 General CLE Credit (1.0 Hour Business Litigation Certification Credit, 1.0 Hour Civil Trial Certification Credit)

10 STEPS TO EFFECTIVE LEGAL WRITING

By: Peretz, Chesal & Hermann

This seminar guarantees to make you a better, more dazzling writer in under one hour!

Presenters: Steven Peretz

CLE Credit: 1.00 General CLE Credit

EFFECTIVE DEAL MAKING: SATISFYING THE NEEDS OF THE CREDITOR & DEBTOR WITHOUT BREAKING THE BANK

This panel will discuss the various methods of deal making from both inside and outside the box. The panel will include creditors counsel, debtors counsel & two workout professionals.

By: Resources Global Professionals

Presenters: Denise Dell-Powell, Dave Jennis, Frank Wolff, Cody Smith & John Hytlin

CLE Credit: 1.00 General CLE Credit (1.0 Hour Business Litigation Certification Credit)

MANAGING THE COMPLEX BUSINESS CASE IN ADR: WHAT LAWYERS WANT FROM NEUTRALS; WHAT NEUTRALS WANT FROM LAWYERS

By: JAMS

This panel discussion featuring experienced ADR neutrals and ADR advocates will explore techniques and skills that will make the complex mediation/arbitration process more efficient and how the attorneys and neutrals can be more effective.

Presenter: Ronald Ravikoff and Carol Soret Cope, both of JAMS Miami; R. Wayne Thorpe of JAMS Atlanta; Steven Peretz, BLS member of Peretz Chesal & Hermann, PL; and Jon Swergold of Greenberg Traurig, P.A.

CLE Credit: 1.00 General CLE Credit (1.0 Hour Business Litigation Certification Credit)

TRENDS AND DEVELOPMENTS IN ABC'S OPERATIONS AND LITIGATION

By: Michael Moecker & Associates, Inc.

A discussion on how the economy and other influences have effected today's Assignment for the Benefit of Creditor cases.

Presenter: Phil Von Kahle

CLE Credit: 1.00 General CLE Credit

LEADING COMPANIES THROUGH TRANSITION: EXPLORING THE OPERATIONAL AND LEGAL ISSUES OF DISTRESSED COMPANIES

By: Nperspective

This course will be oriented toward "Leading Companies through Transition". The subject matter will cover addressing the operational and legal issues of distressed companies.

Presenter: Gary Colbert

CLE Credit: 1.00 General CLE Credit (1.0 Hour Business Litigation Certification Credit)

STATUTORY FAIR VALUE

By: Morrison Valuation and Greenberg Traurig

Participants in this session will: Receive updates on case law affecting the fair value concept; learn how the concept has been interpreted in certain cases; learn how business appraisers apply the fair value standard; and learn how business appraisers misapply the fair value standard.

Presenter: Robert B. Morrison, ASA; Jon L. Swergold, Esq.

CLE Credit: 1.00 General CLE Credit (1.0 Hour Business Litigation Certification Credit)

CHANGING DYNAMICS IN THE INSOLVENCY WORLD

By: Algon Group

The presentation will cover 3 areas: 1) industries/sectors that should see increased activity; 2) the approach (process vs results); and 3) who should "quarterback" the negotiations, the lawyers or the financial advisor/investment banker??

Presenter: Troy Taylor

CLE Credit: 1.00 General CLE Credit (1.0 Hour Business Litigation Certification Credit)

LIQUIDITY EVENTS IN 2012: WHAT CAN STILL GET DONE THIS YEAR?

By: PCE

The presentation will focus on deals that can be completed before the end of 2012 for clients that want to take advantage of the lower capital gains rate environment. What deals can still get closed before the end of the year? What buyers can move quickly? What do structures look like? The presentation will cover sales and dividend recapitalizations involving strategic buyers, private equity and Employee Stock Ownership Plans (ESOPs).

Presenter: Will Stewart

CLE Credit: 1.00 General CLE Credit (1.0 Hour Business Litigation Certification Credit)

Thank you, Sponsors!

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