

The Computer Law Association in association with

The American Bar Association Section of Science and Technology Law

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presents

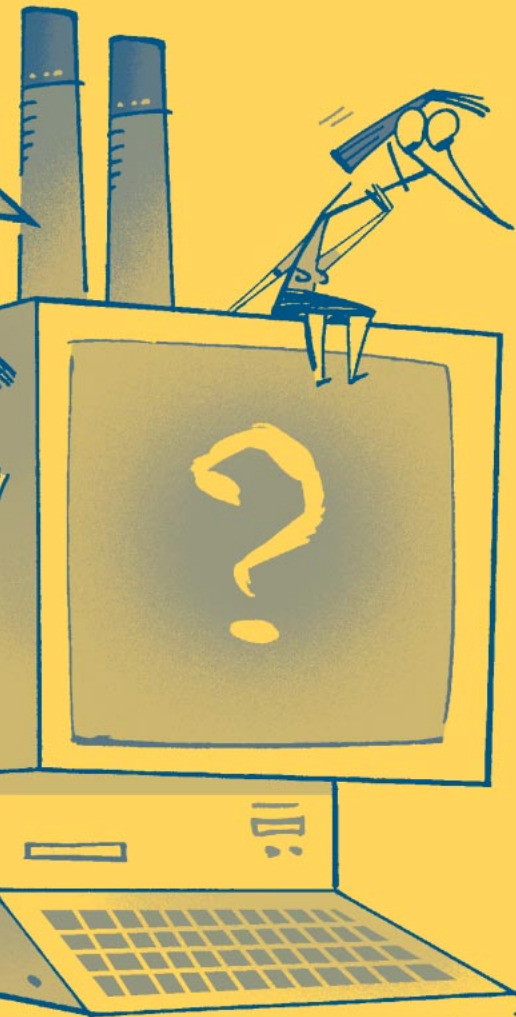
Advanced Issues in IT Law 2002

**A Two-Day Institute Presenting In-Depth Analysis of
Critical Issues in IT Contracting, Project and Risk Management,
Outsourcing, and Dispute Resolution For Lawyers,
IT Professionals, and Business Executives**

Case Study: *Successful Strategies for Avoiding and Resolving
Large-Scale IT System Project Failures*

Co-Chairs: **Stuart Cohen, Stephen Davidson, Warren S. Reid,
Michael J. Silverman**

Orlando, FL / October 3–4, 2002





The Computer Law Association

Advanced Issues in IT Law 2002

Join us at the beautiful **Grand Floridian Resort** for a comprehensive, advanced program addressing legal issues and business practices relating to information technology projects. Panels of internationally recognized legal, IT and business experts will present and analyze these issues by focusing on the real-world case study of large-scale systems development and outsourcing projects and the contracts, risks, disputes, and legal and business strategies concerning such projects.

Why Should I Attend? Lawyers, IT professionals and business executives will benefit from the conference.

Lawyers Whether you are a transactional lawyer or a litigator, your clients come to you for sophisticated yet practical counseling on their information technology projects. It is no longer acceptable for lawyers to simply provide clients with a statement of what the law is in a particular area. Instead, clients demand that their legal counsel have in-depth understanding not only of their own area of the law, but of how it fits into the overall business environment in which the client operates. This conference teaches advanced techniques for efficiently solving your clients' complex IT-related challenges and problems.

IT Professionals and Business Executives You are being called upon more and more these days to understand the legal issues and consequences relating to the projects you and your clients are working on, the ways in which your projects are bid and managed, the contracts you are negotiating and the disputes you are trying to resolve. You will learn how to recognize the legal issues relevant to the projects you are conceiving, managing, and working on, and you will learn strategies that you and your counsel can apply to those issues. By being part of the conference audience of jurors in a realistic mock trial of a systems failure dispute, you will see how the issues discussed during the conference impact the resolution of the dispute and how some of your common practices and procedures may be criticized or defended at trial.

What You Will Learn

A perfect case study for this conference is the complex IT development project.

Such projects are ubiquitous and generate a wide variety of IT law issues. One source reports that in the USA alone, business and government spend more than a quarter of a trillion dollars annually on large IT application development projects. These projects are risky and difficult for both developers and their clients, as the following statistics show:

- 31% will be cancelled before they ever get completed.
- 53% will cost 189% of their original estimates.
- More than half will be over 18 months late.
- Projects completed by the largest companies have only 42% of the proposed features & functions.
- 16.2% of all software projects are completed on time and on budget, in large companies the success rate drops to 9%.

Source: The Standish Group Chaos Reports

At this conference you will learn practical, proven techniques and information that can help you, your CXO, and your client reduce the risk of IT project failures and successfully manage disputes that do arise. The conference will address these issues from the perspective of **both** the vendor and the customer.

You will get answers to questions like these:

1. What are the IT “best practices” for performing quality systems development, testing and implementation and how should IT contracts reflect those best practices?
2. What additional risks exist when integrating e-commerce front-ends with mainframe legacy systems – and how can those risks be managed?
3. How can the negotiation and structuring of IT and outsourcing contracts be done in a way that will help the project succeed?
4. What should be done when a project begins to show signs of failure?
5. When should a party sue, and when should it settle?
6. How should ADR mechanisms be specified and chosen?
7. How can a party discover the “undiscoverable?”
8. What insurance coverage is available?
9. What special considerations should be given when state or federal governments are a party?
10. How is a case tried when all other efforts to resolve the dispute have failed?

The conference faculty of **consultants, developers, in-house counsel, outside counsel, CIOs, and business executives** will share their experiences and strategies in an interactive, fast-paced environment culminating in a mock trial. The mock trial will demonstrate the techniques and strategies developed during our two days of work together.

The Schedule Day 1 October 3, 2002, 8:00 AM – 5:15 PM

1.0 SIGNIFICANT ISSUES IN THE DEVELOPMENT PROCESS AND HOW/WHY PROJECTS FAIL

Warren S. Reid, *Managing Director, WSR Consulting Group, LLC*

David Knigge, *President, Archon Technologies, Inc.*

In this fast-paced two-part session, experts in large-scale successes and failures will give you the real answers to the question “Why and how do systems projects fail?” Topics covered will include: project and risk management; eliciting and controlling requirements and specs; developing acceptance standards that work; creating realistic schedules and estimates; implementing world class testing; systems methodologies that are successful; and why the new “systems panaceas” never seem to work. This dynamic duo will address the top seven complaints and defenses raised by each side in virtually every large-scale systems failure matter and will discuss the “Twenty Things You Wish You Had Done, Documented, and Saved, in the Event of Systems Litigation.”

2.0 STRUCTURING CONTRACTS AND RELATIONSHIPS TO HELP IT PROJECTS SUCCEED

Michelle C. Kane, Esq., *Senior Vice President, The Walt Disney Company*

Michael D. Scott, Esq., *Perkins Coie LLP*

Mary J. Hildebrand, Esq., *Goodwin Procter LLP*

Top IT attorneys experienced in representing and negotiating with large and small customers, hardware and software vendors, software developers and consulting firms share their experiences in structuring relationships and contracts to facilitate the success of mission-critical IT projects. They will provide guidance in drafting contracts that reflect the expectations of the parties, allocate risks in a changing and multi-vendor environment, and position your company or client appropriately in the event a dispute arises.

3.0 KEYNOTE SPEAKER (Luncheon)

Roger Berry, *Senior Vice President and Chief Information Officer, The Walt Disney World Resort*

4.0 LEGAL STRATEGIES REGARDING FAILING PROJECTS

Michael J. Silverman, Esq., *Duane Morris LLC*
Peter Brown, Esq., *Brown Raysman Millstein Felder & Steiner LLP*

Lauren C. Ravkind, Esq., *Kenny Nachwalter*

Marc S. Friedman, Esq., *Goodwin Procter LLP*

Lawyers often say, “I wish my clients had gotten me involved in this problem earlier.” In this session, we will discuss the tools that lawyers, IT professionals, and business executives can use to deal with failing projects. Expert panelists will discuss: the business, technical and legal strategies useful in resolving a dispute on a failing project before it becomes a major lawsuit; positioning the issues and the facts in a manner to benefit the parties if litigation should arise; dealing appropriately with employees, project personnel, documents, and technical materials involved in failing projects; understanding the claims, defenses, and legal theories likely to be relevant if a project does fail; and analyzing the alternatives of suing or settling.

5.0 ALTERNATE DISPUTE RESOLUTION

Stephen N. Hollman, Esq., *Business & Technology Law Group*

Andrea T. Tullo, Esq., *Tullo & DiBias LLP*

Ruben P. Lopez, *Chief Technology Officer, Florida Department of Education*

Is the explosion of alternatives to traditional litigation really more cost-effective, timely, and less acrimonious? If so, why do some attorneys say arbitration is not working, and why is the California Legislature overhauling its laws to rein in ADR providers? The focus of this session will be on where, when, and why ADR may make sense in IT procurements and disputes and the cost-benefit comparison for various types of ADR. The panelists will provide practical solutions, forms, and guidance on how to negotiate and draft the sensible and appropriate type of clause rather than using someone else's potentially ineffective boilerplate, key considerations in selecting the neutral and the ADR provider both domestically and abroad, strategies and tactics for achieving a successful ADR result, and facilitating problem resolution during contract negotiations by using ADR.

6.0 DISCOVERY STRATEGIES

Fran Goins, Esq., *Squire, Sanders & Dempsey L.L.P.*
Richard Lazar, *President and CEO, Fios, Inc.*

Panelists and participants will discuss the discovery strategies that apply in the investigation of large-scale IT system project failures, including the best uses of the rules of civil procedure and electronic discovery. The session will include a discussion of how to identify, collect, aggregate, and search key documents; strategies to identify key witnesses; evidentiary issues in the electronic discovery arena. The panel will also cover forensic issues including data recovery and electronic investigation, as well as a discussion of discovery and document management tools currently available to assist in case organization.

7.0 GOVERNMENT CONTRACTING AND LITIGATION

Stephen J. Davidson, Esq., *Leonard Street and Deinard*

Michael B. Johnson, Esq., *Senior Legal Counsel, Office of State Court Administration, State of Minnesota*

Eloisa Regalado, Esq., *Corporate Counsel, AT&T International Carrier Services*

Contracting with state and federal government agencies involves issues and considerations that are not present in dealings between commercial enterprises. Public bidding rules, approval processes, funding procedures, and administrative processes, can be quite different from those involving a commercial buyer. In addition, there will often be statutory or regulatory requirements that dictate contract terms not usually found in commercial contracts. This session will address those unique government projects.



The Schedule Day 2 October 4, 2002, 8:30 AM – 5:30 PM

8.0 SYSTEMS DEVELOPMENT PROJECT PANEL

Stuart K. Cohen, Esq., *Landye Bennett Blumstein LLP*
Nancy Diamond, Esq., *Assistant General Counsel,*
NIKE, Inc.

Dipti Bhargava, *Director of e-commerce, NIKE, Inc.*
Adeline Honnas, *Regional Delivery Management*
Principal, Lante Corporation

Randall Hargens, *Principal, e-business*
Development, IBM Global Services

David Anderson, *Senior Vice President and*
Chief Information Officer, Sprint Airlines

Michael C. Caulfield, Esq., *Vice President and*
General Counsel, Computer Horizons Corp.

Experienced representatives from users, developers, integrators, consultants, vendors, and business executives will share their techniques, strategies, and war stories regarding successes and failures. These individuals each bring a unique perspective on working to implement large-scale mission critical applications. The panel will candidly discuss some of their experiences in addressing problems once they arise and lessons learned on how to avoid problems in the first instance. This group will also explore their experiences in working with

lawyers, in both negotiating the transaction and working to resolve problems after implementation has begun.

9.0 OUTSOURCING & SERVICE LEVEL AGREEMENTS

Michael J. Silverman, Esq., *Duane Morris LLC*

Mark L. Gordon, Esq., *Gordon & Glickson LLC*

Roy A. Shulman, *Vice President and Corporate*
Counsel, Technology Law and Contracts,
Prudential Insurance Company of America

Raymond Spencer, *Chairman and Chief*
Executive Officer, Kanbay Incorporated

Projections for spending on IT in 2001 indicate that 19% of the total IT spending of organizations will be for outsourcing services. (Network World 2001 Survey). Cost efficiencies and available offshore talent provide, more than ever, a favorable environment for global sourcing. In this session you will learn how to structure successful outsourcing and cosourcing agreements, with a focus on pricing models, project management, risk allocation, and dispute management.

10.0 INSURANCE RELATING TO IT SYSTEM FAILURES

Steven Brower, Esq., *Stephen Oringer*
Richman & Theodora PC

Jay Levin, Esq., *Cozen & O'Connor*

Insurance has always been a significant factor in systems failure litigation. The absence of insurance coverage often means an early conclusion to the litigation. However, there are a number of challenging differences with technology litigation insurance coverage. You will learn: which types of coverage are most likely to apply to different types of claims, including some insurance coverages you probably never heard about before; whether damage to data constitutes damage to property for insurance purposes (a debate); the most common mistakes by litigation counsel relating to insurance coverage.

11.0 LUNCHEON SPEAKER - COMPUTER SECURITY AND PRIVACY IN ENTERPRISE AND INTERNET SYSTEMS

James E. Gordon, *Vice President & National*
Director of Computer Security & Forensics,
Pinkerton Consulting and Investigations

12.0 EXPERTS

Stephen J. Davidson, Esq., *Leonard Street & Deinar*

Andy Johnson-Laird, *President, Johnson-Laird, Inc.*

Barbara A. Frederiksen, *Director and Senior
Management Consultant, Johnson-Laird, Inc.*

Warren S. Reid, *Managing Director, WSR
Consulting Group, LLC*

A properly qualified consulting expert can pretty quickly and inexpensively give a good indication of what the truth is and where the fault lies.

These people know what to look for and where to look for it, and they tend to have an almost uncanny ability to give a quick and accurate read on the case. They know what questions to ask and what documents to look for. They can also be of great help in crafting a discovery plan, and even individual discovery requests. This session will address the engagement, management, and use of liability experts in failed system cases.

13.0 PUTTING ON THE CASE – HYPOTHETICAL & ROLE PLAY

Michael J. Silverman, Esq., *Duane Morris LLC*

Stuart K. Cohen, Esq., *Landye Bennett Blumstein LLP*

Donovan G. Conwell, Jr., Esq., *Fowler White
Gillen Boggs et al.*

Tom Christo, Esq., *Hare & Chaffin*

Mike Maddigan, Esq., *O'Melveny & Myers LLP*

Steve Brower, Esq., *Stephen Oringher Richman
& Theodora PC*

Jeff Parmet, *PricewaterhouseCoopers*

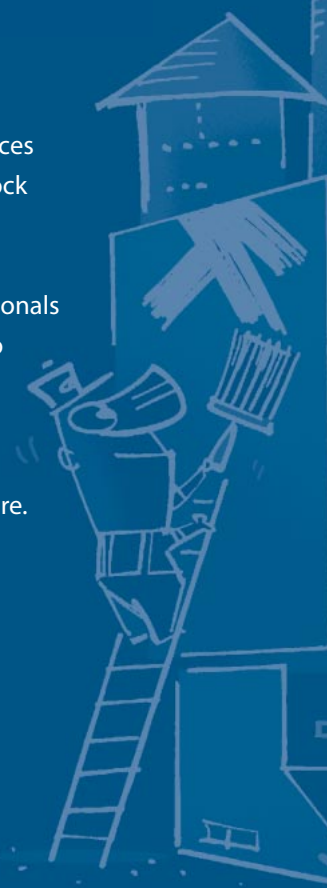
Warren S. Reid, *Managing Director, WSR
Consulting Group, LLC*

Sandra Jeskie, Esq., *Duane Morris, LLP*

Lubomyr Chabursky, Esq., *Computer Litigation*

The last session of the conference will be an interactive role-play in which the participants will implement the material developed during the previous sessions of the conference. We will actually try portions of a hypothetical systems failure case involving the problems faced by the LargeWorld Consortium in developing its travel web site, LargeWorld.com. Experienced lawyers, business people, and expert witnesses will deliver

Oscar™ caliber performances in the mock trial. This mock trial promises to be an eye-opening experience, particularly for IT professionals and business people who have not yet had the “opportunity” to observe or participate in a trial of a complex system failure.



For more information call

Barbara Fieser, Executive Director, Computer Law
Association at **703-560-7747** or e-mail **clanet@aol.com**
or visit the website at **www.cla.org**

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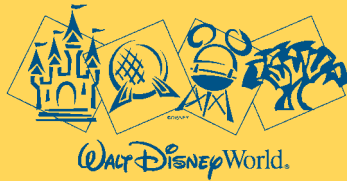


Visite a www.cla.org para ver un programa en **Español.**

Special Events!

Private Dinner at Disney's Living Seas Pavilion

On the first evening of the conference, we will have a special, informal opportunity to get to know each other during a private dinner at the Living Seas Pavilion at Epcot, a 5 1/2-million gallon salt water wildlife environment. We will descend to view the undersea world while we dine at Sea Base Alpha in the Living Seas Pavilion, watching dolphins, rays, tarpon, sharks, and other aquatic life in their natural habitat. Space is limited - you MUST register in advance. (Information on the Registration Form.)



Disney Theme Park Tickets

For advance purchase of exclusive, specially-priced Disney PARK HOPPER® Meeting/ Convention Theme Park tickets please go to the CLA web site at www.cla.org.



Disney's Grand Floridian Resort and Spa

To receive the special group rate for this outstanding resort and spa, call Grand Floridian reservations at (407) 824-1383 and mention that you are attending the CLA conference. The Grand Floridian is Disney's most elegant resort located in the heart of Walt Disney World. The Grand Floridian is a luxurious, 900-room hotel located on a white sand beach, with pool, spa, health club, and marina facilities, and access to Disney's five championship golf courses.

Registration Information

REGISTER BY AUGUST 15, 2002 FOR A \$100 DISCOUNT ON THE CONFERENCE FEE.

CONFERENCE REGISTRATION:

The registration fee for CLA members and members of the ABA Section on Science and Technology Law and the ABA Section on Intellectual Property Law is \$795. The non-member registration fee is \$895. Group registration per company or firm deduct \$25.00 from each registration. This fee includes continental breakfast, lunches and the conference book. Reduced fees for judges, professors, government employees, and employees of non-profit organizations, \$599; law students \$200. To qualify for reduced fees you must be in one of the above categories.

EARLY REGISTRATION DISCOUNT:

Register before August 15, 2002, and receive a \$100 discount on the registration fees listed above (not applicable to reduced fee and law student registrations). Payment must be received by August 15 to receive the discount.

AIRLINE RESERVATIONS:

United Airlines in cooperation with the Computer Law Association, offers special rates that afford a 10% saving from United's unrestricted coach fares of 5% from its lowest applicable discounted fares for attending this conference provided that all rules and conditions are met. To take advantage of these special fares, you or your travel planner should call United Airlines at 1-800-521-4041 and refer to special meeting ID# 583PZ.



HOTEL RESERVATIONS:

To receive the special group rate for the outstanding Grand Floridian Resort and Spa, call reservations at (407) 824-1383 and mention that you are attending the CLA conference. The Grand Floridian is Disney's most elegant resort located in the heart of Walt Disney World. The Grand Floridian is a luxurious, 900-room hotel located on a white sand beach, with pool, spa, health club, and marina facilities, and access to Disney's five championship golf courses.

CANCELLATIONS:

Conference refunds will be made if requested in writing or by fax received NO LATER THAN September 13, 2002. There will be no exceptions. A \$25.00 processing fee will be charged for refunds. The CLA fax number is (703) 207-7028.

CLE CREDIT:

The CLA has been approved as a provider of Minimum Continuing Legal Education credit by the State Bars of California and New York. Credit available by application in other states.

HOW TO REGISTER:

To register by mail, send the original or a photocopy of the fully completed Registration Form on the next page to The Computer Law Association Conference Registration, 3028 Javier Road, Suite 402, Fairfax, VA 22031 (703) 560-7747, fax (703) 207-7028. You may also register on our web site at www.cla.org.

PAYMENT MUST ACCOMPANY REGISTRATION.

Registration Form

Name/Title

Firm/Affiliation

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Zip/Postcode

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REGISTRATION

Early (*before Aug.15*)

Regular (*after Aug. 15*)

Members of CLA, ABA
SciTech and IP Sections

\$695.

\$795.

Non-Member

\$795.

\$895.

Reduced Fee
(*judges, professors,
government, non-profit*)

\$599.

\$599.

Law Student

\$200.

\$200.

PAYMENT INFORMATION

Check enclosed

American Express

Visa

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Credit Card Number

Exp. Date

Signature

I wish to become a CLA member

yes

no

Regular Member \$145

Admitted less than 5 years \$120

Student \$45

Register for the Private Dinner at Disney's Living Seas Pavilion

\$85. per person x _____ people

Total Enclosed

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Send completed form with payment to The Computer Law Association Conference Registration, 3028 Javier Road, Suite 402, Fairfax, VA 22031

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