Pennsylvania Bar Association
Civil Litigation Section Retreat
March 24-26, 2017
Nemacolin Woodlands Resort
Farmington, Pa.

Your Other Partner
Located in the picturesque Laurel Highlands of Southwestern Pennsylvania, the impressive five-star luxurious Nemacolin Woodlands Resort is the location of the PBA Civil Litigation Section 2017 Retreat. Recognized as one of North America’s premier resort destinations, Nemacolin provides a welcomed respite to section members and colleagues just as spring arrives. Attendees will receive up to seven hours of CLE credits, including 3.5 ethics CLE credits, on a variety of interesting subjects presented by exceptional speakers.

Sessions focus on forensic science in civil cases, liability avoidance, a comparison of state and federal rules, privileges and practice, the ABA Model Rule 8.4, employment law and quality of life issues. Esteemed members of the judiciary, including Judge Joy Flowers Conti, Judge Marilyn Heffley, Judge Anne E. Lazarus, Judge Stephanie Domitrovitch, Judge John F. Spataro and expert panelists, will deliver outstanding programs.

Featured speakers at Friday’s dinner event are Pennsylvania Supreme Court Justice David N. Wecht and his father, notable forensic pathologist, attorney and medical-legal consultant, Dr. Cyril H. Wecht.

Eat Drink and Be Murdered
During Saturday night’s dinner, theatrical mysteries, a healthy dose of humor, music and audience participation combine to help you figure out “whodunit.” Put on your Sherlock Holmes hat and be prepared for the unexpected. Everyone will enjoy this family-friendly evening of sleuthing.

Resort Amenities
Plenty of free time is built into the weekend so you can enjoy an incredible variety of activities and amenities offered by the resort. Contact a Resort Reservations Specialist at 866-388-6957 for additional information or to make advance reservations for any of the following activities.
Rejuvenate your mind, body and soul and indulge in an innovative spa treatment at the Woodlands Spa featuring 40 well-appointed treatment rooms and a full-service salon. Advance reservations are suggested.

Bringing together animals from all corners of the world, the Wildlife Academy provides interactive entertainment and live animal programs with an emphasis on education and experience. Be sure to visit the nursery and take a guided or self-guided tour of the animals or an interactive safari tour of some of the exotic species.

Art enthusiasts will marvel at the extensive Hardy Family Art Collection showcased throughout the resort. More than 1,000 pieces valued at more than $45 million grace all aspects of the facility. In addition to private tours, attendees may take an open studio or art class creating a masterpiece to take home.

The Nemacolin Field Club houses one of the nation’s top sporting clay facilities, the Shooting Academy, which features 35 sporting clay stations spread across two courses and offers a variety of shooting instructional packages. Additional outdoor activities include fly fishing, archery and more, weather permitting.

**Location**

Nemacolin Woodlands Resort and Spa is 70 miles from Pittsburgh and only a 4 1/2-hour drive from Philadelphia. The resort address is 1001 Lafayette Drive, Farmington, PA, 15437.

*On a first-come, first-reserved basis, the registration fee for section members includes lodging in the reserved block of rooms. After the block of rooms is filled, section members will pay for lodging in addition to registration.*
FRIDAY, MARCH 24

1 - 6:30 p.m.  
Registration

2 - 3:30 p.m.  
Avoiding Legal Malpractice
Ready to be scared? Hackers are at the door. The PBA Professional Liability Committee presents “Planning for Disaster” and “Running out of Time,” two vignettes designed to scare you into learning more about cyber liability and all the problems that your high-tech gadgets and computers can cause and how to avoid the pitfalls and plan for the consequences. Conference members who attend this session will receive a discount on their PBA-endorsed malpractice insurance.

Speakers: Marc L. Bogutz, Wilson Elser Moskowitz Edelman & Dicker LLP; Shelly Lawson, USI Affinity; Jay N. Silberblatt, Silberblatt Mermelstein; Paul C. Troy, Kane Pugh Knoell Troy & Kramer LLP

Cosponsored by the PBA Professional Liability Committee
1.5 ethics CLE credits

3:30 - 3:45 p.m.  
Break

3:45 - 5:15 p.m.  
Comparison of State and Federal Rules, Privileges and Practice
This program will feature an informative panel discussion on the differences between practice in federal and state court. The panel will focus on the key differences between the Federal and Pennsylvania State Rules of Evidence, as well as the notable differences between the rules of Civil Procedure for each jurisdiction.

Moderator: Brian J. Pulito, Steptoe & Johnson PLLC
Speakers: Hon. Joy Flowers Conti, Chief Judge, U.S. District Court, Western District of Pennsylvania; Hon. John F. Spataro, Court of Common Pleas, Crawford County; Steven F. Baicker-McKee, assistant professor, Duquesne University School of Law, and Of Counsel, Babst Calland

Cosponsored by the PBA Federal Practice Committee
1.5 substantive CLE credits

5:30 - 6:15 p.m.  
Civil Litigation Section Council Meeting

6:30 - 7 p.m.  
Cocktail Reception

7 - 10 p.m.  
Dinner and Keynote Speakers
Hon. David N. Wecht, Justice, Pennsylvania Supreme Court;
Cyril H. Wecht, M.D., J.D., forensic pathologist, attorney and medical-legal consultant

SATURDAY, MARCH 25

8 a.m. - noon  
Registration

8 - 9 a.m.  
Breakfast Buffet

9 - 10 a.m.  
How Busy Litigators Can Achieve Success While Finding Balance
A retired in-house counsel, a mindfulness expert and two busy lawyers give tips to maintaining a busy case load while avoiding burnout. They will also discuss why practicing mindfully is part of your ethical obligation.

Moderator: Kathleen D. Wilkinson, Wilson Elser Moskowitz Edelman & Dicker LLP

Cosponsored by the PBA Quality of Life/Balance Committee
1 ethics CLE credit

10 - 10:15 a.m.  
Break

10:15 - 11:15 a.m.  
Can We Rule Out Harrassment and Discrimination in the Practice of Law? Assessing the Scope and Application of the New Model Rule
New ABA Model Rule 8.4(g) makes it professional misconduct for a lawyer to engage in harassment or discrimination in the practice of law on the basis of race, sex, religion, age and other protected classifications. The Supreme Court and the Disciplinary Board are considering whether to adopt the Model Rule or some variant of the rule in Pennsylvania. The majority of other states already have rules or comment language prohibiting harassment or discrimination and others are actively considering adoption of the new Model Rule. The panel will review
Schedule of Events
(Current as of time of printing but subject to change)

the background on adoption of the Model Rule and the Unified Judicial System (UJS) policy on nondiscrimination in place for all UJS personnel and discuss what types of conduct may violate the rule if implemented. The panel will also address whether the rule extends to law related activities such as bar association and firm marketing activities not involving the representation of a client and the connection between the rule and substantive employment law governing harassing or discriminatory conduct in the workplace. In addition, the panel will discuss what role lawyer violations of substantive law in this area would play in the disciplinary context.

Moderator: Jennifer S. Coatsworth, Margolis Edelstein
Speakers: Hon. Anne E. Lazarus, Superior Court of Pennsylvania, Philadelphia; Amy J. Coco, Weinheimer Haber & Coco PC; Thomas G. Wilkinson Jr.; Cozen O’Connor

1 ethics CLE credit

11:15 - 11:30 a.m. Break

11:30 a.m. - noon PBA Leadership Recruitment and Development Committee Presentation
Presenter: Paul C. Troy, chair, PBA Leadership Recruitment and Development Committee

12:15 - 1:30 p.m. Lunch Buffet

1:30 - 7 p.m. Free time to relax and enjoy the activities and amenities the resort has to offer, or take advantage of one of the optional planned activities.

1:45 p.m. Fallingwater Tour
2 p.m. Safari Tour
3:30 p.m. Curator’s Art Tour
7 - 9 p.m. Murder Mystery Dinner

SUNDAY, MARCH 26

7:15 - 8:15 a.m. Breakfast Buffet
8:15 - 9:15 a.m. Current Trends and Topics in Employment Litigation

A lively review and analysis of recent employment cases and trends, including retaliation, discrimination and harassment cases. Supreme Court rulings and EEOC initiatives will be discussed from the perspective of counsel for the plaintiff-employee, counsel for the defendant-employer and the bench.

Speakers: Hon. Marilyn Heffley, District Judge, U.S. District Court, Eastern District of Pennsylvania; Nancy Conrad, White and Williams LLP; Harold M. Goldner, Kraut Harris PC

Cosponsored by the PBA Labor and Employment Law Section
1 substantive CLE credit

9:15 - 9:30 a.m. Break

9:30 - 10:30 a.m. Judicial Gatekeeping on Scientific Evidence and the Role of Experts in Frye and Daubert Jurisdictions

Justice and science coexist in our courtrooms for the good of society. When deciding the admissibility of scientific evidence, state trial judges in a Frye jurisdiction such as Pennsylvania consider whether the evidence is generally accepted within the relevant scientific communities; however, in Daubert-type federal jurisdictions, judges also consider empirical testing of hypotheses regarding falsifiability, known or potential error rates, existence and maintenance of standards and controls, peer review and publications and other factors. Your presenters will discuss issues in both Frye and Daubert jurisdictions and how expert testimony should be evaluated through the lenses of both Frye and Daubert to admit relevant and reliable scientific evidence.

Moderator: Pamela A. Lee, DiOrio & Sereni LLP
Speakers: Hon. Stephanie Domitrovitch, Court of Common Pleas, Erie County; Hon. John F. Spataro, Court of Common Pleas, Crawford County; Cyril H. Wecht, M.D., J.D.

1 substantive CLE credit

CLE credits: The retreat has been approved by the Pennsylvania Continuing Legal Education Board for 3.5 hours of substantive and 3.5 hours of ethics CLE credits.
OPTIONAL ACTIVITIES

Be sure to indicate on the registration form which planned activity you wish to join.

FALLINGWATER
Designed by world-renowned architect Frank Lloyd Wright, Fallingwater originally served as a summer home to department store owner Edgar J. Kaufmann. As one of Frank Lloyd Wright’s most widely acclaimed works, Fallingwater was built over a waterfall and exemplifies Wright’s concept of organic architecture — the harmonious union of art and nature. The tour includes transportation to and from Fallingwater, a one-hour guided tour of the house and time to explore the grounds and on-site museum shop.

Saturday, 1:45 - 5:30 p.m.
$40 per person; children must be at least 6 years old
Minimum 23 people/ maximum 29 people
Recommended attire: Weather appropriate clothing and comfortable walking shoes are a must. Most of the tour is outside with considerable walking and more than 100 stair steps.

SAFARI TOUR
Location: Wildlife Academy Check-In Station
Experience a behind the scenes and interactive look at some of Nemacolin’s exotic animals. The tour begins at Billy Goat Mountain where guests will feed and pet various breeds of sheep, cows and goats. Then on to the wolves, tigers, lions, zebra and buffalo to feed them their favorite treats. The final stop is a peek into the nursery area for the chance to interact with a few of the animals. This interactive tour lasts approximately 1-1/2 hours.

Saturday, 2 p.m.
$115 per person
Maximum 14 people
Recommended attire: Weather appropriate clothing and comfortable walking shoes as most of the tour will be outdoors.

CURATOR’S ART TOUR
This in-depth curator-escorted tour around Chateau Lafayette and the Lodge provides the history of the Nemacolin Art Collection and features paintings, sculptures, furniture, glasswork and historical artifacts. Guests will begin this tour with a glass of wine or cocktail and receive a catalogue describing the history and the pieces being viewed.

Saturday, 3:30 p.m.
$38 per person
Maximum 10 people

ADDITIONAL INFORMATION

Lady Luck Casino Nemacolin
Located approximately one mile from the resort, Lady Luck Casino Nemacolin features approximately 600 slot machines, 29 table games and a casual dining restaurant and lounge. Shuttle service is available from the resort.

Resort Accommodations
The Pennsylvania Bar Association has reserved guest rooms in the Chateau Lafayette of the resort. Guest rooms offer one king or two queen beds and feature vaulted ceilings with crown molding, crystal chandeliers and expansive windows. Amenities include jetted bathtubs, plush bathrobes, mini-bar and refrigerator, in-room coffee and tea, flat screen cabled television and complimentary wireless internet. Valet parking is available at no charge to all resort guests.

Registration Fees
The section generously subsidizes retreat costs for all section members. The registration fee of $350 includes seven CLE credits, including 3.5 ethics CLE credits, CLE written materials, overnight accommodations on Friday and Saturday and meals, including Friday’s reception and dinner, Saturday’s breakfast, lunch and dinner, Sunday’s buffet breakfast and all refreshments breaks. Nonsection members of the PBA are encouraged to become section members by February 17 to qualify for section member pricing.

The following PBA groups are proud cosponsors of CLE sessions for the Civil Litigation Section 2017 Retreat: Professional Liability Committee, Federal Practice Committee, Quality of Life/Balance Committee and the Labor and Employment Law Section.

Photography Disclaimer
The PBA photographs and videotapes some of its programs for later use. Your presence at PBA activities serves as your consent to use of your appearance or likeness by the PBA and its licensees, designees or assignees in all media, worldwide, in perpetuity. Questions or concerns should be directed to the PBA Communications Department at 800-932-0311.
Name ____________________________ Nickname or first name for badge ____________________________
Address ____________________________________________________________________________ Supreme Court ID # ____________________________
Phone ____________________________ Fax ____________________________ Email ____________________________

Name (and preferred nickname for badge) of spouse/guest, if attending events _____________________________________________________

Child(ren) Name(s) and age(s), if attending events _________________________________________________________________________

☐ Please check here if you or any of your guests require special services, including any special dietary needs. Please attach a written description of needs that includes the name of the individual.

SECTION MEMBER* REGISTRATION FEE (*SECTION MEMBER AS OF FEB. 17, 2017):
Registration fee of $350 includes up to seven CLE credits, including 3.5 ethics CLE credits, course materials and meal functions and overnight accommodations on Friday and Saturday nights in one of the guest rooms in the PBA-reserved block of rooms on a first-come, first-reserved basis.
☐ PBA Civil Litigation Section member $350 Amount Due _______________

PBA MEMBER, NONSECTION MEMBER REGISTRATION FEE:
Registration fee includes up to seven CLE credits, including 3.5 ethics CLE credits, course materials and meal functions. The registration fee does not include hotel accommodations for nonsection member attorneys.
☐ PBA member, nonsection member attorney $395 Amount Due _______________

NON-PBA MEMBER ATTORNEY REGISTRATION FEE:
Registration fee includes up to seven CLE credits, including 3.5 ethics CLE credits, course materials and meal functions. The registration fee does not include hotel accommodations for non-PBA member attorneys.
☐ Non-PBA member attorney $595 Amount Due _______________

HOTEL GUEST ROOMS:
The PBA has reserved a block of guest rooms at a reduced group rate. Anyone attending the PBA Civil Litigation Section Retreat must book guest rooms through the PBA using this registration form. Rates include taxes. Attendees must indicate their reservation request, but nonsection members and non-PBA member attorneys will need to include their room payment. For section members, the room is included in their registration fee. If you register after the block of rooms has been filled, you will be notified promptly. There is a maximum of four people to a guest room.

ROOM TYPE DESIRED (CANNOT BE GUARANTEED): ☐ KING BED ☐ TWO QUEEN BEDS

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<th>Desired room</th>
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<th>$237 x ___ (# of nights) = Amount due</th>
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MEAL FUNCTIONS:
(Registration fee includes all meal functions. For planning purposes, please indicate the functions you will attend.)
☐ Friday Reception/Dinner ☐ Saturday Buffet Breakfast ☐ Saturday Lunch ☐ Saturday Dinner ☐ Sunday Breakfast Buffet

Spouse/guest (9 years old and older): $125 per person $125 x ___ (# of tickets) Amount Due _______________
Children (5-8 years old): $75 per person $ 75 x ___ (# of tickets) Amount Due _______________

OPTIONAL SATURDAY AFTERNOON ACTIVITIES:
Fallingwater 1:45 pm. $40 x ___ (# of tickets) Amount Due _______________
Safari Tour 2 p.m. $115 x ___ (# of tickets) Amount Due _______________
Curator’s Art Tour 3:30 p.m. $38 x ___ (# of tickets) Amount Due _______________

METHOD OF PAYMENT:
☐ A check, payable to PBA, is enclosed. Or charge my: ☐ Master Card ☐ Visa ☐ AMEX ☐ Discover
Account # __________________________________________ Exp. Date __________ Authorized Amount __________
Billing Address ____________________________________________________________________________

CANCELLATION POLICY: Registration deadline for the meeting is Feb. 17, 2017. After that date, all registrations will be accepted on a space-available basis. Cancellations must be received no later than Feb. 21, 2017. Upon receipt of a written cancellation request, a refund will be issued minus a $50 administrative fee. No refunds will be issued after Feb. 21, 2017.

RETURN COMPLETED REGISTRATION FORM AND PAYMENT BY FEB. 17, 2017 TO:
PBA Meetings Department, P.O. Box 186, Harrisburg, Pa. 17108
FAX CREDIT CARD REGISTRATIONS TO 717-213-2507
For more information, contact Missy Hepfer at 800-932-0311, ext. 2245, or melissa.hepfer@pabar.org.
Pennsylvania Bar Association
100 South St., PO Box 186
Harrisburg, Pa. 17108
ADDRESS SERVICE REQUESTED

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