TORT TRIAL & INSURANCE PRACTICE
Committee News
Defending Liberty Pursuing Justice
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The SIRMon

News From the Self-Insurers and Risk Managers Committee

NATIONAL COUNSEL: AN APPROACH TO CONSIDER

By: C. Paul Carver and Charles J. Schoenwetter, Copyright 2007 *Bowman and Brooke LLP*

Early this year we tried a case in New Jersey. The trial lasted about 10 weeks and resulted in a verdict for our client. We were discussing the case at a local eatery and the waiter overheard the conversation. Strangely, he was not interested in the facts of the case, our brilliant performance or even our strategy for success. Instead he asked, "New Jersey? Why did they hire a lawyer from Minnesota to try a case in New Jersey?"

Of course, that's not a strange question at all. Anyone who watches Boston Legal "knows" the lawyers and experts all come from within a few miles of the courthouse. In the old days, that was the prototype. A national corporation with a case in Minneapolis hired a Minneapolis lawyer. The experts were also local and generalists just like the lawyers.

Today, many sophisticated companies handle their litigation differently. The lawyers you hire should be more than minimally qualified to handle your case. In simplest terms, you need an expert. That is what national counsel is – an expert in your issues, your business concerns, and your best possible advocate.

NATIONAL COUNSEL PROGRAMS

Several different models for national counsel programs exist. They can be as big or as little as you need. The model you choose depends on your goals.

The *Centralized Control Model* selects a single firm to handle all aspects of its cases, including attending all court appearances, taking and defending all depositions, preparing and arguing motions and trying the case. This model works best for a smaller volume of cases, each having a relatively large exposure. Obviously, travel costs are greater in this model, however, they are offset by the stakes and by your investment in the counsel you choose. Use of this model recognizes the return on your investment in having trained counsel on issues unique to your company. This model offers the advantages of clear lines of communication due to a reduced number of players. Disadvantages include the lack of a competitive environment (firms trying to one up each other) that may lead to innovation.

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... bringing together plaintiffs' attorneys, defense attorneys and insurance and corporate counsel for the exchange of information and ideas.

SIRMon FROM THE CHAIR

Fellow "SIRMsters,"

I hope this edition of the SIRMon finds everyone happy and healthy. For those of you who are involved in our Committee, we look forward to another good year. For those of you who have not yet gotten involved, we have a place for you in our leadership.

It is an exciting time to be a part of SIRM. Our membership numbers are increasing, our leadership is busy planning new and exciting activities, and our Committee is getting involved in many new ventures.

SIRM is poised to continue its exponential growth during the coming years. We are planning MORE CLE's, MORE activities, MORE opportunities to get involved. The Committee leadership accepted the challenge to do more, and we hope you do the same!

SIRM is always looking to provide more value to our members. We hope that you consider getting involved with our Committee. It is very rewarding to give back to the profession, network with others, and learn at the same time. Involvement comes in many forms from simply writing an article, to joining our Executive Committee, to getting involved in a subcommittee that helps plan CLE programs.

Becoming involved with SIRM has been one of the best decisions I made as a lawyer. I hope you consider making the same decision. SIRM provides attorneys with opportunities to learn, meet legal professionals from around the world, and develop a stronger professional network. Attorneys involved in SIRM have used the connections they made to develop new clients, expand their practice areas, and even find new jobs.

We need active members who want more to get involved in SIRM as Vice-Chairs. The time commitment is relatively minimal, but the benefits are immeasurable.

On behalf of the SIRM Executive Committee, you are invited to get involved. If you are up to the challenge to do more, please contact me!

I look forward to seeing everyone soon! ⚖⚖

David S. Cohen
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LETTER FROM THE CHAIR-ELECT

Preparation – most lawyers agree the key to developing a sound case for trial is to prepare for every potential twist, and then – hope for the best! No matter how much a lawyer prepares, there comes a point in every litigated matter when an issue surfaces that requires quick thinking, creativity, and a bit of dancing. Challenging? Yes. Exciting? Absolutely!

Thus summarizes my enthusiasm as SIRM enters 2008 and beyond. Under the terrific leadership of David Cohen, our Committee is primed to take a greater position inside of TIPS, and within the ABA overall. We are planning much more communication between our senior leadership and our members, and are encouraging more involvement at all levels within our Committee. My goal as Chair-Elect is to assist David to meet his objectives for the Committee, plan for a successful 2008-2009, and prepare Jessie Harris and his colleagues for a sound and efficient succession plan. Simply, continuity.

Please feel free to drop me a line with any ideas you have to continue the momentum we have created – the Committee is nothing without ideas. One of the most impressive qualities drawing me to leadership in SIRM was a willingness of our prior leaders to invite and encourage creativity and contribution from everyone. We will pass on that legacy to our younger members.

Finally, I look forward to meeting as many of you as possible. The ABA Annual Meeting is in my hometown this year, New York City, and I look forward to welcoming any of you who can make that event. Get ready and – jump in!

Arnold Mascali
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A WORD FROM THE EDITOR

Greetings SIRM Members:

I wish to take this opportunity to thank the Vice-Chairs and Committee members for selecting me to serve as Editor this year. I also would like to extend a personal thank you to last year's Editor Arnold Mascali who is due much credit for his dedication to delivering insightful and consistent SIRMon editions. I have big shoes to fill.

This edition will feature an article by C. Paul Carver and Charles J. Schoenwetter of Bowman Brooke LLP in Minneapolis on the benefits of a national counsel model as self-insurers and risk managers endeavor to maximize efficiencies and reduce litigation costs. This edition will also feature an update on a legislative measure that promises to raise the stakes in insurance bad-faith litigation in the state of Washington and a recent NLRB ruling regarding employee use of company email.

As we press forward this year, it is important to understand that our Newsletter remains a vital tool for reaching out to the growing community of self-insurers and risk managers. We will endeavor to provide balanced content that we hope will interest our membership as a whole. All members are invited to submit materials for consideration.

Thank you for your continued support!

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WASHINGTON LEGISLATURE PASSES (AND VOTERS RATIFY) INSURANCE FAIR CONDUCT ACT

By: Jerry B. Edmonds[1]

During its 2007 session, the Washington Legislature enacted SSB 5726, commonly titled the Insurance Fair Conduct Act ("the Act"). The Act provided for up to treble damages in all Washington insurance coverage litigation, with the exception of certain "health" plans as defined in the insurance code. The Act made significant changes to the potential remedies available to insureds suing for coverage in Washington. Insurance industry efforts to convince the Governor to veto the bill were unsuccessful, and the Act became law on August 14, 2007.

Referendum Measure 67 ("R67") then was drafted and put before Washington voters for their decision during the November 2007 elections. A "yes" vote meant the Act would be effective law. A "no" vote meant the Act as passed by the Legislature would not go into effect. Proponents of R67 argued that the Act simply requires the insurance industry to treat their premium paying insureds fairly and pay legitimate claims in a reasonable and timely manner. Opponents argued that the Act is unnecessary as the Insurance Commissioner adequately addresses consumers' claims handling complaints, and only the "trial lawyers" would benefit. Opponents also argued that insurance premiums in Washington would rise over $650 million per year. On November 6, 2007, Washington voters approved R67 by a 57% to 43% margin.

OVERVIEW OF THE ACT

Previously, Washington insurers faced no significant exposure for punitive damages even where the insured alleged and proved that an insurer acted in bad faith. Punitive damages were available to insureds only where they proved a violation of the Washington Consumer Protection Act ("CPA") and, significantly, such damages are capped at $10,000 per violation. Furthermore, CPA claims are usually difficult to prove because the insured must establish that the insurer engaged in an unfair or deceptive act or practice that impacts the public, not simply an individual interest.

Basically, the Act removes the $10,000 cap and appears to significantly expand the circumstances under which punitive damages may be awarded to a prevailing insured. The Act provides that after a finding that the insurer has either (a) "unreasonably denied a claim for coverage," or (b) violated the Washington Insurance Commission's claims settlement rules, the trial court has the discretion to "increase the total award of damages to an amount not to exceed three times the actual damages." The Act does not provide any definitions or other guidance as to the level of conduct that would warrant a punitive damages award. Therefore, Insurers should anticipate substantial litigation in coming years to determine the circumstances under which a trial court has the discretion to impose punitive damages in Washington.

Additionally, the Act explicitly endorses and expands the Washington Supreme Court's 1991 decision in *Olympic S.S. Co. v. Centennial Insurance Co.*,[2] which established a prevailing insured's right to recover reasonable attorney's fees. The Act provides that a trial court must award an insured not only reasonable attorney's fees, but also any expert witness fees, whenever there is a finding that an insurer unreasonably has denied coverage or violated one of the specified claims settlement rules.

The Act does impose a written notice requirement as a prerequisite to any suit under the Act. At least 20 days prior to filing suit, an insured must provide written notice "of the basis for the cause of action" to the Insurer and the Insurance Commissioner.

Finally, since certain health plans and insurance types are exempt from the Act as defined in the insurance code and there is nothing in the Act to indicate whether or not it applies only prospectively, future coverage litigation can be expected to clarify these issues.

SELF INSURANCE

The measure applies to first party claimants who are unreasonably denied a claim for coverage or payment of benefits by an insurer. As defined, a "first party claimant" includes claimants under all types of insurance except health care. Under the Revised Code of Washington, an "insurer" is any person or firm "engaged in the business of making contracts of insurance."[3] A self

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[2] 117 Wash. 2d 37, 811 P.2d 673 (1991).

[3] RCW 48.01.04.

insurer who sets up a captive likely exposes this captive to the Act, whereas a self insurer who pays claims without use of an insuring entity may not be subjected to the Act, although that is not yet decided.

In the campaign supporting the measure reference was made to a case in which an insurer allegedly had denied workers' compensation coverage for treatment, with the denial resulting in death. Payment for the decedent's care was provided by his employer, a city which self insured both workers' compensation and employee health coverage. The City contended it provided uninterrupted coverage for all care through workers' compensation benefits and/or employee health care benefits. Ironically, the City's behavior as self insurer probably would not have been subject to the Act had it been in effect. A claim administrator (also not subject to the Act) and an excess insurer whose coverage attachment point had not been reached were also joined in the litigation. Perhaps the final irony was that the claim was recently dropped without payment* in return for a promise not to pursue remedies for frivolous litigation.

*(After court rulings requiring the plaintiff to identify proof of specific instances of any care that was denied).

NLRB RULING ON EMPLOYEE USE OF COMPANY E-MAIL

By: Charles N. Eberhardt, Partner, *Perkins Coie LLP,* Copyright 2008

The National Labor Relations Board ("NLRB" or "Board") recently issued a significant decision that will affect workplace e-mail policies for both union and nonunion employers. Ending years of uncertainty, the Board held, in *Guard Publishing Co., d/b/a The Register-Guard*, that employees do not have a statutory right under the National Labor Relations Act (the "Act") to use an employer's e-mail system for union communications or other "concerted activity." The Board also modified its approach for determining whether an employer's e-mail policy unlawfully discriminates against protected activity. Such discrimination remains unlawful, but the Board's new standard gives employers more leeway to permit limited personal use of e-mail while still restricting the use of e-mail to solicit on behalf of outside organizations.

The employer's written policy prohibited use of e-mail for "non-job-related solicitations." The policy stated:

> Company communication systems and the equipment used to operate the communication system are owned and provided by the Company to assist in conducting the business of *The Register-Guard*. Communications systems are not to be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

Suzi Prozanski was a *Register-Guard* employee and the local union president. She received two written warnings for sending three union-related e-mails in violation of this policy. The first e-mail clarified facts related to a recent union rally; Prozanski composed this e-mail on her break and sent it from her work station. The second and third e-mails solicited employee support for upcoming union activities; Prozanski sent these e-mails from a computer in the union office, located off the employer's premises, to multiple unit employees at their work e-mail addresses.

A central question in the case was whether the employer's policy, on its face and as applied, was an overbroad no-solicitation rule that unlawfully restricted employees' "Section 7" rights. Section 7 of the Act grants employees the right "to engage in . . . concerted activities for the purpose of collective bargaining and other mutual aid or protection." The NLRB general counsel alleged that the employer violated the Act by simply maintaining the written policy, as well as by issuing the written warnings to Prozanski.

In a close 3-2 decision, the Board majority concluded that employees have no statutory right to use an employer's e-mail system for Section 7 matters. Analyzing the issue under a property rights framework, the majority reasoned that e-mail use is governed by Board decisions dealing with the use of an employer's equipment. In these decisions, the Board has consistently held that employees have no statutory right to use employer-owned property (including bulletin boards, telephones and televisions) for Section 7 communications so long as the restrictions are nondiscriminatory. The majority found that *Republic Aviation Corp v. NLRB*, in which the U.S. Supreme Court held that a general ban on solicitation in the workplace during nonworking time was unlawful absent special

circumstances, was inapplicable because the policy at issue regulated use of the employer's communication equipment and not traditional, face-to-face solicitation. Because the employer's no-solicitation policy on its face did not discriminate against Section 7 activity, maintenance of the policy did not violate the Act.

Turning to the question of discriminatory application, the Board adopted a new standard, overruling several prior Board decisions. The majority announced that "discrimination under the Act means drawing a distinction along Section 7 lines." In doing so, it adopted the reasoning of the Seventh Circuit Court of Appeals in cases involving use of employers' bulletin boards. Those cases distinguished between personal, nonwork-related postings (such as for-sale notices and wedding announcements) and "group" or "organizational" postings, including union materials. The Board concluded that the Seventh Circuit's analysis, "rather than existing Board precedent, better reflects the principle that discrimination means unequal treatment of equals." Thus, unlawful discrimination consists of disparate treatment of activities or communications of a similar character because of their union or other Section 7 protected status.

Applying its new standard, the Board found that, although the employer had permitted a variety of personal, nonwork-related e-mails, it had not permitted e-mails soliciting support for groups or organizations. Because Prozanski's second and third e-mails were solicitations to support the union, the employer did not discriminate along Section 7 lines by applying its policy to those e-mails. The first e-mail was not a solicitation, but rather a clarification of facts surrounding a recent union event. Accordingly, the Board held that enforcement of the policy with respect to that e-mail was unlawful.

In a sharply worded dissent, two Board members argued that because e-mail has revolutionized communication and has become "the natural gathering place" for employees to communicate in the workplace, "one cannot reasonably contend . . . that an e-mail system is a piece of communications equipment to be treated just as the law treats bulletin boards, telephones, and pieces of scrap paper." The dissenters rejected the majority's property rights analysis and argued that, under *Republic Aviation*, the Board's duty is to balance employees' Section 7 right to communicate with the employer's right to protect its business interests. According to the dissenters, where an employer gives employees access to e-mail in the workplace for regular and routine use, a ban on nonwork-related solicitations should be deemed unlawful absent a showing of special circumstances. Because no proof of special circumstances was demonstrated here, the dissenters would have found that maintenance of the policy violated the Act.

This decision is important to both union and nonunion employers. Under it, employees do not have a statutory right to use their employer's e-mail system for union activities, and no-solicitation e-mail policies are permissible, but *only* if they do not discriminate along Section 7 lines. The Board majority provided several examples to illustrate this proposition, noting that an employer may draw a line between charitable solicitations and noncharitable solicitations, between solicitations of a personal nature (e.g., a car for sale) and solicitations for the commercial sale of a product (e.g., Avon products), between invitations for an organization and invitations of a personal nature, between solicitations and mere talk, and between business-related use and nonbusiness-related use. Employers that adopt a no-solicitation e-mail policy must remember that consistent enforcement is essential to prevent and defend against discriminatory enforcement charges. Moreover, even facially neutral distinctions may be held unlawful if the employer's motivation for the line drawing is anti-union. (One member of the majority would permit an inference of anti-union motive where line drawing that effectively prohibits Section 7 communications is not based on any reasonable employer interest.)

A final word of caution. *Register-Guard* was one of several significant 2007 Board decisions decided by a 3-2 vote. Such close decisions are vulnerable to change because, by longstanding tradition, the composition of the five-member Board has split in favor of the party occupying the White House. Thus, the results of the upcoming presidential election may affect the Board's ideological balance and could lead to the modification or reversal of the rule announced in *Register-Guard*.

The full text of the decision can be found on the National Labor Relations Board Web site..

Char Eberhardt, a partner in the firm's Labor & Employment practice, focuses on public and private sector labor relations, and class action litigation. He provides counseling on administrative proceedings, grievance arbitration and wage and hour issues. He has extensive experience representing clients, such as The Boeing Company, in high-stakes arbitration matters, including subcontractor arbitration disputes. He also handles a wide range of public sector labor matters, including teacher strikes and municipal employment issues. Char is available via phone at (425) 635-1408 or at ceberhardt@perkinscoie.com.

NATIONAL COUNSEL...

Continued from page 1

The *Coordination Model* uses one outside firm to coordinate management of cases. These include such things as discovery, witness preparation, motion practice and trial strategy. Implementation, such as taking and defending of depositions and trying cases, is handled by local attorneys where the cases are filed. This model works well with high volume, low exposure cases. For this model to work well, national coordinating counsel needs to be an active communicator, good at managing over the phone and willing to share its expertise for your benefit.

An offshoot of the Coordination Model involves a firm creating a "playbook" for handling certain types of cases you regularly face – including a description of the typical claims, responses thereto, form discovery, etc. Whenever a new case is filed, you provide the playbook to a local lawyer. Under this version of the Coordination Model, you share more managerial responsibility to make sure the individual lawyers are following the playbook. Alternatively, if you keep national coordinating counsel involved, then they are responsible for actively verifying that the playbook is being used. National counsel can analyze court filings and quarterly case evaluations to ensure cases are progressing and that the standards for resolution are uniform across all jurisdictions. An advantage to this model is the elimination of travel costs. The tradeoff is that national counsel is more of an invisible hand rather than an active participant in executing strategies.

The *Regional Control Model* involves selection of several key firms located where cases arise. Each is coequal in responsibility to the others. In that regard they act like the Central Control model, with one significant difference. They must coordinate efforts among themselves to ensure uniformity. The major disadvantage is the necessity of constant communication among the several firms. Companies must remain active to ensure this occurs through institution of, for example, periodic required telephone calls. An advantage to this model is exposure to more firms from which good ideas percolate up to your other legal counsel.

Finally, you can adopt a *Task Model* where each national counsel handles one aspect of litigation. Under this model, a firm might handle only your written discovery or motions and appeals. For example, a motion in limine in one state, once written, can easily be adapted to a new state's law using the counsel that you have in that state. This model lends itself especially well to appeals since not all firms have legitimate appellate practitioners. Another Task strategy is a division between liability and damages. Damages typically are jurisdiction specific and are easily carved out of preparation of the liability portion of the case. A disadvantage to dividing litigation along task lines is the absence of a "buck stops here" person. Again, you must ensure there are no gaps in coverage.

Given the menu of options, you must first decide what your needs and goals are, then create a model that most efficiently achieves it.

BENEFITS OF NATIONAL COUNSEL

Using national counsel affords you: (1) maximized efficiencies; (2) a uniform response; (3) a better return on your investment; and (4) a formidable advocate.

MAXIMIZED EFFICIENCIES

Using national counsel results in tremendous efficiencies. Of course, economies of scale are proportional to the number of claims handled. However, financial economies can be recognized through use of national counsel regardless of the number of claims handled. For example, assume you have 3 cases, one in San Diego, one in New York and one in Miami. The cases have the same allegations about the same contract with distributors. Retention of one national counsel for all cases recognizes an immediate reduction by 2/3rds in startup costs. A greater reduction may exist if the selected counsel is otherwise familiar with the company's business. Likewise, in-house counsel has only one phone call to make on 3 cases instead of 3.

Economies of scale will be recognized as the cases develop. For example, written discovery served on you in San Diego is likely to overlap with discovery served in New York and Miami. Once your national counsel has responded to the San Diego discovery, the economies of scale are recognized in reuse of the legal work. What might have caused 3 different lawyers to bill time to answer 3 sets of discovery, instead causes one lawyer to bill a fraction of that.

It is highly likely your company's written discovery responses in one case will surface in one if not both of the other cases. Your opponents will use inconsistent responses against you. Therein lies an important lesson. Your opponents are coordinating their efforts; you have no choice but to do the same.

Extending the discovery example, assume a San Diego lawyer answers the San Diego discovery, a New

York lawyer answers the New York discovery and a Miami lawyer also separately answers discovery. Without any coordination, there is likely to be variation in the responses given. Even with coordination, the potential for variation in responses still exists. Each of these similar cases will also require preparation of an answer to the complaint, affirmative defenses, counterclaims, expert reports and dispositive motions. In order to maximize efficiency and uniformity, national counsel is a preferred approach.

UNIFORMITY

The value of uniformity is further illustrated if, instead of 3 cases, you have 300. By the time case exposure rises to that level, typically there is a significant amount of coordination by your adversaries. That means you are seeing the same discovery served time and again in a variety of jurisdictions. National counsel provides a top-down approach to ensure uniformity across all cases. This example also illustrates the adaptability of national counsel.

Perhaps the exposure in each of the 300 cases does not warrant national counsel handling day-to-day matters. Nevertheless, to ensure uniformity, a national discovery counsel is desired. In that situation, the national counsel has a more limited role. Nevertheless, it serves the vital need of ensuring uniformity so cases can be handled on their merits rather than being resolved based upon the idiosyncrasies of numerous different lawyers, some of whom may not perform as well as others in responding thoroughly and timely to discovery.

Uniformity is also best achieved through national counsel in case evaluations of pattern cases. If you rely on your outside counsel to evaluate exposure, those evaluations will be more reliable if the dataset your counsel uses is larger. When national counsel is looking at large numbers of cases, they develop an expertise which helps to standardize your approach to claim resolution. Further, the subjective views of a single evaluator remain consistent rather than varying from case-to-case.

RETURN ON INVESTMENT

In a products liability case, for example, the lawyer learns the product – history of design, testing, challenges the engineers encountered, changes made along the way, field performance, and every other important detail. The manufacturer pays the lawyer to learn its product. When the same allegation comes in a second time, the manufacturer can hire the same lawyer to travel to where the new case is or hire a new lawyer there and pay the new lawyer to learn the product. Obviously, the more times that "same case" gets filed, the more sense it makes to recover the return on investment represented by the lawyer's previously acquired knowledge. You paid for that education. It is your investment.

Any lawyer you send to trial also gains a valuable asset at your expense—trial experience. Not many cases get tried, and thus not many lawyers develop significant trial experience. If you pay a lawyer to go to trial, you invest in making a better lawyer for your next case. Part of your overarching strategy is presenting a credible trial threat. By using the same lawyer or lawyers over and over, you cultivate skills and create better trial lawyers to serve you. You invest in your own strategy. To maximize the return on that investment, focus your investments. Sending 20 lawyers to trial one time does not create as credible a threat as sending 2 lawyers to trial 10 times each. The national counsel program allows you to focus resources as investments in your future.

PRESENTING A FORMIDABLE ADVOCATE

Once your national counsel program is established, your investment will pay dividends in terms of the efficiencies achieved and the ability to direct your army through a streamlined chain of command. For example, if you face 400 cases across the United States, involving 3 principle adversaries, and you perceive a coordinated effort to leverage higher settlements; first, you are able to detect that trend sooner as a result of the streamlined communications offered by national counsel. Second, you can respond across a broad base in a very short time through the same chain of command, with a coordinated strategy, implementing a consistent message. Your adversaries no longer will reap the benefits of your inconsistencies or a lawyer's failure to zealously represent you because you are not a top priority client. A single, clear voice delivering your consistent message will be heard louder than the chatter of dozens of attorneys in isolation.

Preparation for trial will be streamlined. Re-inventing the wheel (and paying for it each time) will not happen. The same winning summary judgment motions and motions in limine will continue to be re-used and refined. The subtleties of special verdict forms and jury instructions tailored to suit your unique position will be leveraged to great advantage.

Your national counsel will speak to the court and opposing counsel with authority and credibility and

will be familiar with both the strengths and weaknesses of your case. This advantage, gained by working closely with you over time, knows no substitute. Confidence gained from such experience and detailed knowledge of your company carries through to jury selection, opening statements, cross-examination of expert witnesses and closing arguments.

CONCLUSION

National counsel acts as experts, advocating your position and protecting your interests. They provide accountability, consistency and efficiency. They provide dedication and loyalty to your company as a priority client. National counsel provides a credible, persistent threat to those who seek to make you responsible for their personal misfortunes. Instead of asking, "Why hire national counsel?" the better question may be, "Why haven't we hired national counsel yet?" ⚖

C. Paul Carver and Charles J. Schoenwetter are partners with *Bowman and Brooke LLP* in Minneapolis, MN.

Did You Know About TIPS Scholarship Fund?

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The American Bar Association Tort Trial & Insurance Practice Section established a scholarship fund to broaden the involvement of current or potential TIPS members who do not have the financial ability to participate in Section activities. The purpose of this fund is to increase diversity in participation in Section activities and to promote inclusion in those activities of traditionally underrepresented groups, including women, ethnic minorities, young lawyers, plaintiffs' lawyers, government attorneys, solo and small firm practitioners, staff and in-house counsel, and public interest attorneys. Scholarships may be used to offset costs for travel, lodging, and registration or any related fees for Section and Committee programs, seminars, and business meetings. The International Risk Management Institute (IRMI) and the Tort Trial & Insurance Practice Section established this scholarship fund through royalties from membership subscriptions to the IRMI CGL Reporter.

The identity of applicants for scholarship funds is confidential. No information related to the name or identity of any recipient is released to any person other than the TIPS staff member(s) who receives and processes the application and the reimbursement.

Individuals may apply directly to the Scholarship Fund Board by contacting Linda Wiley at (312) 988-5673 or they may go online at http://www.abanet.org/tips/scholarship.html where they will find the guidelines and the application form.

The Board evaluates the applications and awards full or partial Scholarships based on the number of applications received on a per program basis. Criteria used in evaluating applications include the applicant's income level, financial need, the specific diversity factors (gender, national/ethnic heritage, size and type of employer organization, practice setting, years of practice, geographic differences, etc.), and commitment to future TIPS participation. The maximum number of scholarships per person will not exceed $1500 in any three-year period.

Applications for Scholarship funds should be received by the TIPS office no later than 45-days prior to the meeting or program for which the funds are sought. Applicants will be notified promptly of the Board's decision. Untimely applications may be disregarded by the Board. See https://www.abanet.org/tips/scholarshipapp.html.

2008 TIPS CALENDAR

March		
6-7	Trial Techniques National Program	Point South Mountain Resort Phoenix, AZ
25-26	Staff Counsel National Program	InterContinental Hotel Chicago, IL
April		
3-5	2008 Property Insurance Law Committee Meeting	Four Seasons Aviara Hotel Carlsbad, CA
9-11	2008 Emerging Issues in Motor Vehicle Product Liability Litigation Meeting	The Arizona Biltmore Resort & Spa Phoenix, AZ
10-12	2008 Toxic Torts & Environmental Law Committee Meeting	The Arizona Biltmore Resort & Spa Phoenix, AZ
12-16	2008 TIPS National Trial Academy The National Judicial College	Harrah's Reno Hotel Reno, NV

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http://www.abanet.org/tips/selfrisk/home.html