ACI's 7th National Forum on ERISA Litigation

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Expert Coordination:

Working With Financial and Fiduciary Experts

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Tweeting about this conference?

#ERISALitigation

Speaker Bios

- Joseph M. Callow, Jr., Esquire
- Ronald S. Kravitz, Esquire
- Dr. Susan Mangiero, AIFA, CFA, FRM

Program Description

Many ERISA litigators will admit that the quality and communication skills of an economic expert can greatly impact the outcome of a case.

Getting the right expert(s) in place sooner than later can be a distinct advantage. When that does not occur, important items may be excluded from discovery or pre-motion analysis.

This panel will focus on the challenges associated with tight client budgets, working with multiple experts, knowing when to bring an expert(s) on board and evaluating how much information to share.

Joseph M. Callow, Esquire

Attorney Callow is a partner with Keating Muething & Klekamp PLL. He helps clients manage and reduce litigation risk and litigation costs. When litigation arises, he handles and coordinates cases on a national, regional, and local basis.

Joe primarily works on class action and complex commercial litigation. He has experience primarily in securities, ERISA, antitrust and general corporate and business litigation as well as in copyright infringement and intellectual property litigation; False Claims Act and qui tam litigation; and product liability/tort litigation; and constitutional law.

Joe has represented Cincom Systems, Inc., Fifth Third Bank, Griffin Industries, LSI Industries, Inc., and other clients in litigation matters and has also represented Great American Advisors, Fifth Third Securities, Inc., and other clients in FINRA and AAA securities arbitrations.

Joe is a leader in the establishment of the KMK E-Discovery Litigation Support Group and is responsible for the development of proactive, defensible, and cost-effective end-to-end E-Discovery solutions for clients.

Joe currently serves as Co-Practice Group Leader of the firm's Litigation Group. He frequently authors legal alerts and blog posts and presents CLE seminars on various litigation topics. He welcomes the opportunity to conduct seminars for clients and other organizations on litigation avoidance strategies and litigation related topics.

He can be reached at jcallow@kmklaw.com or 513-579-6419.

Ronald S. Kravitz, Esquire

Ronald S. Kravitz joined Shepherd, Finkelman, Miller & Shah, LLP ("SFMS") in 2014. He is admitted to practice law in the States of California and Texas and the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for all Districts of California, the Middle District of Florida, the Northern District of Illinois, the Eastern District of Michigan, the Northern District of Ohio, Eastern District of Pennsylvania, the Northern and Southern Districts of Texas, the United States Court of Appeals for the Fourth Circuit, Fifth Circuit, Ninth Circuit and Eleventh Circuit and the United States Supreme Court. In addition to these courts and jurisdictions, Ron has worked on cases with local and co-counsel nationwide and internationally. Ron began his legal career as an Attorney Advisor for the U.S. Department of Justice.

With more than 25 years of experience as legal counsel in complex business litigation matters, his practice has been focused primarily on ERISA, employment, intellectual property, and securities-related matters since 1992. He has represented numerous fiduciaries, third-party plan administrators, broker-dealers, and registered representatives in connection with plan administration and investment matters. Ron has served as lead or co-lead class counsel in numerous ERISA class actions throughout the country.

Ron is the current Chairman of the Integrated Advisory Group, a regional board member of the Anti-Defamation League and the co-chair of the ABA Employee Benefits Committee Fiduciary sub-committee. In addition, Ron is a Lifetime Fellow of the American Bar Foundation and is active in the University of San Francisco Inn of Court.

He can be reached at rkravitz@sfmslaw.com or 415-429-5272.

Dr. Susan Mangiero, AIFA, CFA, FRM

Dr. Susan Mangiero is a managing director with Fiduciary Leadership, LLC. Dr. Mangiero is a CFA charterholder, certified Financial Risk Manager and Accredited Investment Fiduciary Analyst. She has provided testimony and behind-the-scenes forensic analysis, calculation of damages and rebuttal report commentary for various investment governance, investment performance, fiduciary breach, hedge funds, derivatives, investment committee, private equity funds, fees, asset allocation, prudence, risk and valuation matters. Her work includes defense, plaintiff and regulatory disputes that involve banks, asset managers, executive compensation recipients, board members, ERISA plans (including ESOP plans), family offices, public pension funds, endowments and foundations.

She has over 20 years of experience in capital markets, global treasury, asset-liability management, portfolio management, economic and investment analysis, derivatives, financial risk control and valuation. This includes work on trading desks for several global banks, in the areas of fixed income, foreign exchange, interest rate and currency swaps, futures and options.

She is a frequently invited speaker and has keynoted or led workshops for organizations such as the Stable Value Investment Association, Harvard Law School, Florida Public Pension Trustees Association, New York State Department of Insurance, Association of Public Pension Auditors, AICPA – Employee Benefits Section, National Association of Corporate Directors and Financial Executives International. She is a member of the 401(k) vendor RFP best practices committee for the Association of Financial Professionals.

She can be reached at contact@fiduciaryleadership.com or (203) 261-5519.

Issues Relating to Use of Experts

- Attorneys Say That a Good Expert Makes or Breaks a Case But Experts Are Not Always Used When They Could Be – Why?
- Should Multiple Experts be Used?
- For What Purpose? Damages? Fiduciary Standards? Consulting? Testifying?
- When Should Experts Coordinate With Each Other?
- What Happens If Corporate Client and Litigator Disagree on Choice of Expert?
- How Should Communications Take Place Between Attorney and Expert?

Defense Counsel's Perspectives About Use of Experts

- Overview of Expert Selection by Type of Case
- What Constitutes "Good" Expert Versus "Bad" Expert
- Role of Expert in Setting Strategy
- When to Engage Multiple Experts
- When to Use Lawyer as Expert
- Separating Roles if Multiple Experts Are Used
- Using an Expert Too Many Times
- When to Hire Opposing Experts From Different Case(s)
- Pricing and Flat Fee Versus Hourly Rates
- Use of Expert Matchmaking Services

Plaintiff Counsel's Perspectives About Use of Experts

- Overview of Expert Selection by Type of Case
- What Constitutes "Good" Expert Versus "Bad" Expert
- Role of Expert in Setting Strategy
- When to Engage Multiple Experts
- When to Use Lawyer as Expert
- Separating Roles if Multiple Experts Are Used
- Using an Expert Too Many Times
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Economic and Fiduciary Expert's Perspectives About Working With Attorneys

- Flat Fee Versus Hourly Rates
- Conflict Check
- Getting Started Early
- Setting a Budget and Scope of Work
- Use of Support Staff
- Effective Communication
- Discovery
- Access to Other Experts' Reports

Budgeting and Contracting

- Tighter Budgets
- Role of Corporate Client to Approve Use of Experts
- Involvement of Insurance Company to Approve Use of Experts
- Retainer
- Liability
- Privilege
- Sharing Files
- Drafts Versus Final Reports

What the Future Holds

- Class Action Experts and Haliburton
- Lawyers as Experts
- Regulatory Experts Versus Civil Action Experts

Questions and Comments

Disclaimer

This presentation addresses information and developments in the broad area of ERISA litigation and use of experts.

This presentation is not intended to offer legal or financial advice, but rather, to provide general information and sources only.

The presenters and their respective affiliated firms do not assume any liability with respect to the content of this presentation.