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RESOLVING ELECTRIC UTILITY LAWSUITS

Collaborating with Outside Counsel to Efficiently, Fairly, and Cost-Effectively Resolve Lawsuits

March 23-24, 2020
EUCI Conference Center
Plaza Tower One Conference Center
Denver, CO

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EUCI is authorized
by IACET to offer 1.1
CEUs for the course

OVERVIEW

Based on the author's 25+ years of expertise in resolving large and small lawsuits, this course introduces participants to a proven method of Early Case Assessment and negotiation strategies with which to resolve utility lawsuits efficiently, fairly, and cost-effectively—whether you're the plaintiff or defendant. The course begins with an overview of major types of utility-related litigation and lawsuit prevention strategies and then provides an extensive introduction to effective dispute resolution strategies that lead to best possible outcomes. Using actual and fictional case materials, participants receive a hands-on experience that will equip them to use strategic dispute resolution techniques in their own companies and law firms.

No familiarity with or knowledge of the law or lawsuits is required or assumed.

As a prerequisite to this class, attendees are asked to read Michael Palmer's book, *Win Before Trial: What Lawyers and Clients Must Know to Get the Best Outcomes Possible*. Attendees will receive this book via email upon registration, or approximately 3 weeks prior to the event.

Key Topics:

- Introduction to utility codes used in litigation.
- The many faces of legal risk in utilities
- Preventing legal claims
- The litigation processes
- Litigation under the National Electricity Safety Codes and PURPA
- Collaboration with outside legal counsel for mutual gain
- Early Case Assessment
- Legal Dispute Resolution

LEARNING OUTCOMES

At the conclusion of this course, lawyers, paralegals, compliance and risk managers, and business executives will have the resources with which to:

- Identify major litigation risks in utilities, including NESC- and PURPA-based lawsuits
- Explain how utility lawsuits are brought, fought, and resolved
- Understand legal disputes from multiple stakeholder perspectives
- Engage in strategic dispute resolution
- Cost-effectively manage relationships with utility representatives and outside counsel
- Understand and work with counsel to develop an Early Case Assessment plan
- Make use of strategic dispute resolution methods, including
 - o How to conduct internal negotiations about disputes
 - o How to understand the other side's interests
 - o How to resolve disputes based on a thorough understanding of all parties' interests, options that satisfy those interests, and an objective assessment of each party's best walkaway alternative

WHO SHOULD ATTEND

- Adjusters, claims, and risk managers
- Inhouse legal counsel
- Outside counsel who work with utilities
- Regulators & regulatory affairs personnel
- Regulatory counsel
- Ethics & compliance officers
- Enterprise risk managers

AGENDA

MONDAY, MARCH 23, 2020

8:00 – 8:30 am Registration and Continental Breakfast

8:30 - 9:30 am An Introduction to Legal Jeopardy in Utilities

How lawsuits are brought, fought, and resolved: An Overview Types of Lawsuits Utilities Face

- Standard business claims (contract, employment, discrimination, harassment, anti-trust, negligent acts, product liability, workers compensation)
- Legal claims peculiar to electric utilities
 - o National Electric Safety Code
 - o PURPA claims
 - o Environmental Damage from Electricity Generation
- Bet-the-company lawsuits (e.g., liability for failure to mitigate Global Warming)
- Law-making and law-clarifying lawsuits (what does a provision of PURPA mean?)

Legal Risk Management is part of Integrated Enterprise Risk Management

Know and mitigate the risks: Strategies for preventing legal jeopardy in organizations

Strategies for Managing Risk of Loss in Utility Lawsuits

9:30 – 10:00 am Strategies for Engaging and Working with Outside Counsel

- Finding the right firm for your legal dispute
- Negotiating an appropriate fee arrangement
- Developing a dispute resolution strategy

10:00 – 10:30 am Networking Break

10:30 am – 12:00 pm Negotiating the Voluntary Resolution of a Real Case Part I

- An Introduction to the Basic Dispute Resolution Strategy
 - o Clarify purposes and objectives
 - o Develop a working relationship through effective communication
 - o Understand the stakeholders' respective points of view and interests

12:00 – 1:00 pm Group Luncheon

1:00 – 3:00 pm Negotiating the Voluntary Resolution of a Real Case Part II

- Develop options for agreement that satisfy stakeholder interests
- Compare the options for agreement on the table with the parties' best walkaway alternatives
- Commit to an agreement only if it is better than your best walkaway alternative
- Early Case Assessment: How to predict the financial value and risk of trying a case to final judgment
- Why and when to use settlement counsel or a mediator

3:00 – 3:30 pm Legal Dispute Management Software

- Dispute prevention software
- Case assessment and resolution software
- Matter management software
- Related technology

3:30 – 4:00 pm Networking Break

AGENDA

MONDAY, MARCH 23, 2020 (CONTINUED)

4:00 – 5:00 pm Electric Safety Codes in Litigation: An Overview

Overview of the National Electrical Safety Code and National Electrical Code

- Origins- NFPA in the 1890s
- Usages General
- Coverages Generally, the law in almost all states & municipalities
- Governs primarily low voltage electrical use in the U.S.
- Governs use in homes, buildings, commercial establishments, etc.
- Usually enforced by municipal inspectors
- Licensed electricians use this Code as their guide during construction
- Examples of requirements, wire size, conduit, grounding requirements
- Litigation Instances of NEC, compliance and non-compliance

The NESC in litigation: Some Examples

TUESDAY, MARCH 24, 2020

8:00 – 8:30 am Continental Breakfast

8:30 am – 12:00 pm Hands on Dispute Resolution Techniques

Using actual case materials, participants will play one or more roles in simulated exercises that will enable them to make use of the principles and methods taught on day 1.

Simulated dispute resolution exercises using the facts of a case involving National Electricity Safety Code: *Black v. Pennsylvtucky Power & Light, Inc.*

The simulation case involves plaintiff’s claim that he suffered permanent injuries as a result of being electrocuted when his body came within a few inches of an electric power transmission line carrying 100,000 volts.

- Developing legal dispute resolution skills in the company. These skills include:
 - o Understanding how the other side and a judge or jury might see the case
 - o Assessing the financial value/risk of a lawsuit
 - o Negotiating with reference to interests, options, and standards of legitimacy (rather than haggling over positions)
 - o Effectively using a mediator
 - o Getting past NO

12:00 pm Course Adjourns

INSTRUCTORS



Michael Palmer, J.D., Ph.D.

Legal Risk Management

A Co-founder & Managing Director of Legal Risk Management, Mike Palmer has over 35 years of litigation experience. A Fellow of the American Bar Foundation, Mike has a Ph.D. in social ethics and has written several books and articles on litigation strategy and negotiated dispute resolution. His litigation experience includes anti-trust, trademark, civil rights, death penalty, personal injury, legal malpractice and bankruptcy cases.

Mike is also the founder of Win Before Trial, a consulting firm that assists clients with Early Case Assessment & Dispute Resolution Strategy. He is the author of Win Before Trial: What Lawyers and their Clients Must know to Get the Best Outcomes Possible as well as numerous articles and workshops on the subject.

Mike has taught negotiation, dispute resolution, and ethics courses at Middlebury College and the University of Vermont, has spoken frequently on Dispute Resolution at ABA and State Bar conferences and has worked as a Dispute Resolution expert on international Rule of Law of Projects in emerging countries.



Robert C. Dew, Jr.

Regional Manager at GDS Associates, Inc./Hi-line Engineering

Robert Dew has over 40 years of electrical power engineering experience, primarily with electric cooperatives in the Southeast and Midwestern United States. In his career, Robert has prepared over 220 work plans, long range plans, sectionalizing studies, and capacitor (power factor improvement) for electrical cooperatives and utilities from Alaska to Florida. He has designed several large underground commercial, industrial, and residential developments as well. His education consists of a BSEE degree from Purdue University, Masters level credits at Georgia Tech, and an MBA from Butler University in Indianapolis. Robert is a licensed professional engineer in 16 states and was formerly Vice President of Engineering at Southern Engineering Company in Atlanta, Georgia. More recently, he was CEO of PowerTech Engineering in Tucker, Georgia. Robert is a longtime member and former Chairman of the IEEE Rural Electric Power Committee and the NRECA-T&D System Planning Subcommittee and is an NESC expert and frequent expert witness in numerous electric contact cases and electric service territorial cases. He has qualified as an expert witness in state and federal court as well as numerous state Public Service Commissions.

REQUIREMENTS FOR SUCCESSFUL COMPLETION

Participants must sign in/out each day and be in attendance for the entirety of the course to be eligible for continuing education credit.

INSTRUCTIONAL METHODS

Pre-course book, PowerPoint presentations, simulations, and role-playing materials

IACET CREDITS



EUCI has been accredited as an Authorized Provider by the International Association for Continuing Education and Training (IACET). In obtaining this accreditation, EUCI has demonstrated that it complies with the ANSI/IACET Standard which is recognized internationally as a standard of good practice. As a result of their Authorized Provider status, EUCI is authorized to offer IACET CEUs for its programs that qualify under the ANSI/IACET Standard.

EUCI is authorized by IACET to offer 1.1 CEUs for the course.

REGISTER 3, SEND THE 4TH FREE

Any organization wishing to send multiple attendees to this event may send 1 FREE for every 3 delegates registered. Please note that all registrations must be made at the same time to qualify.

EVENT LOCATION



Plaza Tower One Conference Center

6400 S Fiddlers Green Cir. Greenwood Village, CO 80111

The EUCI conference center is conveniently located adjacent to the Arapahoe at Village Center Light Rail Station, allowing easy access to and from DIA, Downtown, and Local Area Attractions. EUCI will validate parking at the Plaza Tower One Conference Center.

NEARBY HOTELS

Each of these hotels offers a complimentary shuttle to and from the EUCI conference center.

Hyatt Regency Denver Tech (2.8 miles away)

7800 E. Tufts Ave. Denver, CO 80237
303-779-1234

Special EUCI Room Rate: \$179.00 or lowest available rate

To access EUCI room rate visit

denvertechcenter.regency.hyatt.com

Click "Book Now", then click "Special Rates",

Click "Corporate or Group Code" and enter **CR102338**

You may also call central reservation at **1-800-233-1234** and give them the corporate code of **CR102338**

Springhill Suites DTC (0.3 miles away)

7900 East Peakview Ave., Greenwood Village, CO 80111
303-721-3321

Wingate by Wyndham (0.3 miles away)

8000 E. Peakview Ave., Greenwood Village, CO 80111
303-626-2641

Hyatt Place DTC (2.1 miles away)

8300 E. Crescent Pkwy, Greenwood Village, CO 80111
303-804-7000

Denver Marriott Tech Center (3.1 miles away)

4900 S. Syracuse St., Denver, CO 80237
303-779-1100

To Register Click Here, or

Mail Directly To:
PMA Conference Management
PO Box 2303
Falls Church VA 22042
201 871 0474
Fax 253 663 7224
register@pmaconference.com

EVENT LOCATION

Plaza Tower One Conference Center
6400 S Fiddlers Green Cir.
Greenwood Village, CO 80111

See nearby hotels on page 6

PLEASE REGISTER

RESOLVING ELECTRIC UTILITY LAWSUITS COURSE
MARCH 23-24, 2020: US \$1395
Early bird on or before March 6, 2020: US \$1195

ENERGIZE WEEKLY

Energize Weekly is EUCI's free weekly newsletter, delivered to your inbox every Wednesday. We provide you with the latest industry news as well as in-depth analysis from our own team of experts. Subscribers also receive free downloadable presentations from our past events.

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How did you hear about this event? (direct e-mail, colleague, speaker(s), etc.)

Print Name Job Title

Company

What name do you prefer on your name badge?

Address

City State/Province Zip/Postal Code Country

Phone Email

List any dietary or accessibility needs here

CREDIT CARD INFORMATION

Name on Card Billing Address

Account Number Billing City Billing State

Exp. Date Security Code (last 3 digits on the back of Visa and MC or 4 digits on front of AmEx) Billing Zip Code/Postal Code

OR Enclosed is a check for \$ _____ to cover _____ registrations.

Substitutions & Cancellations

Your registration may be transferred to a member of your organization up to 24 hours in advance of the event. Cancellations must be received on or before February 21, 2020 in order to be refunded and will be subject to a US \$195.00 processing fee per registrant. No refunds will be made after this date. Cancellations received after this date will create a credit of the tuition (less processing fee) good toward any other EUCI event. This credit will be good for six months from the cancellation date. In the event of non-attendance, all registration fees will be forfeited. In case of course cancellation, EUCI's liability is limited to refund of the event registration fee only. For more information regarding administrative policies, such as complaints and refunds, please contact our offices. EUCI reserves the right to alter this program without prior notice.