

# The FDIC and the New Banking Crisis: Litigation Challenges Past, Present, and Future

January 15-16, 2009, The Westin Grand, Washington, D.C.

## CONFERENCE CHAIRS:

Scott H. Christensen, Esq., Hughes Hubbard & Reed LLP, Washington, D.C.

Dennis S. Klein, Esq., Hughes Hubbard & Reed LLP, Washington, D.C.



## LITIGATION CONFERENCES

formerly Mealey's Litigation Conferences

### MEETING ROOM: WASHINGTON BALLROOM

Thursday, January 15, 2009

8:00 Registration and Continental Breakfast

9:00 Introduction

- Overview of the FDIC's function and powers
- Update and overview of the current crisis
- How the current crisis contrasts with the S&L crisis of the 1990s
- What to expect when litigating on behalf or against the FDIC
- Impact of the Emergency Economic Stabilization Act of 2008 and predictions for future development

Scott Christensen, Esq., Hughes Hubbard & Reed LLP, Washington, D.C.

Dennis Klein, Esq., Hughes Hubbard & Reed LLP Washington, D.C.

10:15 Morning Break

10:30 FDIC's Special Powers: Litigating For or Against the FDIC

- Automatic stays and the claims process
- Federal jurisdiction for all cases
- Removal from any state court (including appellate courts)
- Enforcement and repudiation powers
- Ability to avoid any unwritten obligations
- How and when these powers may be asserted

Michael Tucci, Esq., Stinson Morrison Hecker LLP, Washington, D.C.

Rex Veal, Esq., Kilpatrick & Stockton LLP, Atlanta

12:15 Networking Luncheon

Location: THE PROMENADE

1:30 Professional Liability Litigation

- Issues involving litigation against directors and officers
- Lawsuits against law firms, accountants, appraisers
- Fidelity bonds v. D&O policies

Ronald Glancz, Esq., Venable LLP, Washington, D.C.

John Villa, Esq., Williams & Connolly LLP, Washington, D.C.

Thomas Richey, Esq., Bryan Cave Powell Goldstein LLP, Atlanta

John Gerstein, Esq., Troutman Sanders LLP, Washington, D.C.

3:00 Afternoon Break

3:15 Professional Liability Litigation: Insurance Coverage Issues

- Indemnification
- Reservations of rights
- Regulatory exclusions
- "One Loss" defenses

Anna Engh, Esq., Covington & Burling LLP, Washington, D.C.

Paul Wojcicki, Esq., Segal McCambridge Singer & Mahoney, Ltd., Chicago

5:00 Networking Reception

Location: WASHINGTON BALLROOM FOYER

Friday, January 16, 2009

8:00 Continental Breakfast

8:30 FDIC's Transactional Role: Receiver, Conservator, and Corporate Capacities

- Various structures of failed banks: IndyMac v. WaMu v. Wachovia
- FDIC as receiver: What it does? What are its powers?
- FDIC as conservator: What it does? How does it differ from receiver?

• FDIC in its corporate capacity: insurer of deposits  
Megan Kraai, Esq., DLA Piper, Baltimore, MD

Stephanie Nygard, Esq., Sonnenschein Nath & Rosenthal LLP, New York

Robert Azarow, Esq., Sonnenschein Nath & Rosenthal LLP, New York

10:15 Morning Break

10:30 Recent Developments

- The Emergency Economic Stabilization Act of 2008
- Increased deposit insurance: What does it mean for bank failures?
- Emphasis on consumers and preventing foreclosures
- The FDIC chair's views
- FDIC dilemma: minimizing costs v. protecting the consumer

Ernest Patrikis, Esq., White & Case LLP, New York

D. Jean Veta, Esq., Covington & Burling LLP, Washington D.C.

Lissa Broome, Wachovia Professor of Banking Law, Director, Center for Banking and Finance, UNC School of Law, Chapel Hill, NC  
Anita Boomstein, Esq., Hughes Hubbard & Reed LLP, New York

12:15 Adjourn