



# Business Litigation

Hot Topics in the Windy City:  
What's New and Coming  
Around the Corner?

Consider the ethical and practical application  
of privilege as it relates to modern day  
communication and social media

Advance your knowledge of cybersecurity risks

The Defend Trade Secrets Act is a year old—  
are you prepared for what comes next?

Specialized breakout sessions for young  
lawyers focused on copyright litigation  
basics and autonomous vehicles

May 11-12, 2017

Loews Chicago Hotel

Chicago, Illinois

DRI  
delivers  
**resources**  
to build  
your practice ■

**T**op business litigators from across the country and distinguished in-house counsel from leading companies will converge in the Windy City this May for cutting-edge litigation education, networking, and fun. Besides picking up strategic insights, fresh legal developments, and litigation skills that will prove useful immediately and for the long term, you'll have plenty of time to enjoy Chicago's famous attractions: fine dining, the Magnificent Mile, blues joints, the Second City Comedy Club, Major League Baseball, and the city's many museums and parks. As a bonus, our program will again offer "two for the price of one." Members of DRI's Intellectual Property Litigation Committee will be staying at the same hotel and hosting their seminar on emerging IP litigation issues at the nearby Gleacher Center. You are welcome to attend any session at either the Business Litigation or IP Litigation Seminars (your CLE credits will be offered through your Business Litigation Seminar registration), and you will be able to join speakers and attendees from both seminars during common breaks and social events.



**Dwight W. Stone II**  
Program Chair



**Christopher T. Sheean**  
Committee Chair



**Donald A. Daugherty, Jr.**  
Program Vice Chair



**Michelle Thurber Czapski**  
Committee Vice Chair



**E. Todd Presnell**  
Law Institute



**See** what others have to say about DRI seminars

PRESENTED BY **DRI's Commercial Litigation Committee**



## What You Will Learn

- How to take practical advantage of the Rule 26 discovery amendments
- How to avoid pitfalls caused by the latest rulings on privilege disputes
- How e-discovery is changing due to cloud and mobile technologies
- How the Defend Trade Secrets Act is reshaping trade secret litigation
- What business litigators need to know about marijuana law



## Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 Share on social media   

## Maximize Your DRI Seminar Experience

*No one gets you connected like DRI.*

- Access the **DRI Commercial Litigation Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house and claims professional registrants and speakers.

# PROGRAM SCHEDULE

## WEDNESDAY, MAY 10

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

SPONSORED BY **Miles & Stockbridge PC**  
**Swanson Martin & Bell LLP**

7:30 p.m. **Women's Networking Dinner** | For more information and to sign-up, contact Gail Westover at [gail.westover@sutherland.com](mailto:gail.westover@sutherland.com).

## THURSDAY, MAY 11

**Boarding Pass Kiosk**

SPONSORED BY **Aprio**

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Godfrey & Kahn SC**

7:00 a.m. **First-Time Attendees Breakfast**

**Christopher T. Sheean**, *Swanson Martin & Bell LLP*, Chicago, IL

8:00 a.m. **Welcome and Introduction**

**E. Todd Presnell**, *Bradley Arant Boult Cummings LLP*, Nashville, TN

**Dwight W. Stone II**, *Miles & Stockbridge PC*, Baltimore, MD

8:15 a.m. **Update on Recent Class Action Change Efforts from Outside the Courtroom**

Learn about developments regarding the CFPB's proposed rule banning the use of arbitration to defeat class actions, proposed amendments to Rule 23 regarding settlements, and prospects for legislation to address "no injury" class actions and other reforms in the wake of the 2016 election.

**Michael R. Pennington**, *Bradley Arant Boult Cummings LLP*, Birmingham, AL


9:00 a.m. **Ethical and Practical Considerations in Protecting Privilege in Light of Recent Rulings and Developments**

Courts are more and more inclined to inspect each and every communication to ensure that the attorney-client and work product privileges have been properly preserved. Electronic

*Click on any speaker name to view bio.*

communication and social media present new challenges to protecting information. How do you keep privileged information protected in this day and age?

**Heidi G. Goebel**, *Goebel Anderson PC*, Salt Lake City, UT

 **Kristin P. Herber**, *Under Armour Inc.*, Baltimore, MD

10:00 a.m. **Refreshment Break**

10:15 a.m. **When Uncle Sam Comes After Corporate Cybercrime Victims**

Hear an explanation of the FTC's data security enforcement program generally, a discussion of how the FTC dramatically expanded the scope of that program in the Obama years, and commentary on the significant judicial, legislative, and executive branch challenges that have been or may be mounted against that expansion starting in 2017.

**Douglas H. Meal**, *Ropes & Gray LLP*, Boston, MA

11:05 a.m. **What Business Litigators Should Know About Marijuana Law**

Learn about the licensing issues, practical considerations, and pitfalls that the various types of marijuana businesses and their counsel must consider. Mr. Gard will also discuss types of business litigation that can arise out of the operation of a marijuana business.

**Jeffrey S. Gard**, *Gard Law Firm LLC*, Boulder, CO

12:00 p.m. **Lunch (on your own)**

1:30 p.m. **New Tech, New Threats, New Rules: What Commercial Litigators Need to Know**

With clients and their lawyers flocking to new cloud services, embracing a mobile workforce and struggling to deal with immense and unavoidable cybersecurity risk, there is an urgent need for litigators to get up to speed. This session will cover what you need to know.

**Adam I. Cohen**, *CISSP CEH*, *Berkeley Research Group LLC*, New York, NY

1:45 p.m. **Young Lawyers Breakout (see page 3)**

**2:30 p.m. The DTSA at One: What We Know and What Is to Come**

As the Defend Trade Secrets Act turns one year old, review what was new in the act, how it has been applied and interpreted by the courts so far, and what we can expect moving forward.

**Paul M. Mersino**, *Butzel Long*, Detroit, MI

**3:15 p.m. Refreshment Break****3:30 p.m. New Developments in Personal Jurisdiction After Daimler AG v. Bauman**

Learn the effects that *Daimler AG v. Bauman* has had on corporate defendants, how plaintiffs are trying to circumvent the decision through the theory of “consent-by-registration” and expansive “specific jurisdiction” theories, and what the pending Supreme Court case of *Bristol-Myers Squibb Co. v. Superior Court* might hold for corporate defendants.

MODERATOR | **Donald A. Daugherty, Jr.**, *Godfrey & Kahn SC*, Milwaukee, WI

**Sean M. Marotta**, *Hogan Lovells US LLP*, Washington, DC

 **Brittany M. Schultz**, *Ford Motor Company*, Dearborn, MI

**4:30 p.m. Adjourn****4:45 p.m. Commercial Litigation Committee Meeting (open to all)****6:00 p.m. Networking Reception (open to all)**

SPONSORED BY **CDS—Complete Discovery Source**

**7:30 p.m. Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.**7:30 p.m. Business Torts and Contracts SLG Dinner**

For more information and to sign-up contact **Tori Simmons** at [tsimmons@hwhlaw.com](mailto:tsimmons@hwhlaw.com). (*open to all*)

## FRIDAY, MAY 12, 2017

**Boarding Pass Kiosk**

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**7:00 a.m. Registration****7:00 a.m. Continental Breakfast****8:00 a.m. Announcements**

**Donald A. Daugherty, Jr.**, *Godfrey & Kahn SC*, Milwaukee, WI

**8:10 a.m. Washington, We Have a Problem: Preparing for and Defending Clients in Cybersecurity Litigation**

The presentation will discuss *Ashley Madison* and other recent cases, as well as how companies and their outside counsel should prepare for and respond to cyber breaches.

**David A. Wheeler**, *Chapman Spingola LLP*, Chicago, IL

## YOUNG LAWYERS BREAKOUT

THURSDAY, MAY 11 1:45 P.M.–4:30 P.M.

**1:45 p.m. Musical Compositions and Sound Recordings: Copyright Basics**

**Michelle M. Wahl**, *Swanson Martin & Bell LLP*, Chicago, IL

**2:30 p.m. Developing a Niche as a Young Lawyer in the e-Discovery Practice**

**Salina M. Hamilton**, *Dickinson Wright PLLC*, Detroit, MI

**3:15 p.m. Refreshment Break****3:30 p.m. A Primer on Responding to a Third-Party Subpoena Duces Tecum**

**Liam E. Felsen, PhD**, *Frost Brown Todd LLC*, Louisville, KY

**4:00 p.m. Legal Rules of the Road for Autonomous Cars**

**Allyson J. Petersen**, *Nilan Johnson Lewis PA*, Minneapolis, MN

**4:30 p.m. Adjourn**

 Denotes **THE DRI CLIENT CONNECTION**: In-house and claims professional speakers

**9:00 a.m. Commercial Drones: Flying into Litigation Turbulence**

The FAA's "Small UAS Rule" is a significant step toward incorporating commercial drones into our nation's airspace. Further loosening of restrictions can be expected. As drone use expands, so will litigation involving product liability and negligent design claims, as well as class actions. Suits alleging drone-facilitated corporate espionage may soon follow.

**John P. Heil, Jr.**, *Heyl Royster Voelker & Allen PC*, Peoria, IL

**9:50 a.m. Litigation Finance: Best Practices and Emerging Opportunities for Law Firms**

This presentation draws on Burford's experience as the largest provider of commercial litigation finance and its work with AmLaw 100 firms, and it provides an overview of key concepts, emerging trends, and opportunities for firms to leverage legal finance to enhance client offerings and fuel growth.

 **Travis D. Lenkner**, *Burford Capital LLC*, Chicago, IL

**10:45 a.m. Refreshment Break****11:00 a.m. The Rule 26 Amendments: How Are They Working Out in Practice?**

The recent amendments to Rule 26 of the Federal Rules of Civil Procedure represent the most significant changes to federal discovery practice in many years. Hear a discussion of the practical effects of these amendments.

**The Honorable Stephanie Dawkins Davis**, *US District Court for the Eastern District of Michigan*, Flint, MI

**11:50 a.m. Staying Enforcement of an Adverse Judgment on Appeal: How to Secure and File a Sufficient Supersedeas Bond**

Learn about the law related to staying enforcement of a judgment during an appeal; the process of identifying a client's existing surety relationship or establishing a new one; and the steps to secure a sufficient supersedeas bond and obtain court approval, with emphasis on federal practice.

**Charles T. Frazier, Jr.**, *Alexander Dubose Jefferson & Townsend LLP*, Dallas, TX

 **Jon A. Schroeder**, *Arthur J. Gallagher & Co.*, Rolling Meadows, IL

**12:40 p.m. Confessions of a Rookie Judge: What I Wish I Knew as an Advocate**

Judge Robinson had a varied business litigation practice for nearly 15 years before taking the bench in 2016. He will discuss the many practical things that he has learned since donning the black robe that would have been helpful to know when he was a litigator, including tips on what really works—and doesn't work—in oral and written advocacy, handling discovery disputes and scheduling issues, how best to change a judge's mind, and how to maximize one's credibility with the court.

**The Honorable Dennis M. Robinson, Jr.**, *Baltimore County Circuit Court*, Towson, MD

**1:30 p.m. Adjourn**

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## GENERAL INFORMATION

### In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

### Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

### CLE Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **11.25** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please check the DRI website at [dri.org](http://dri.org) for the latest information for your state.



A limited number of discounted hotel rooms have been made available at **Loews Chicago Hotel, 455 North Park Drive, Chicago, IL 60611** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$299 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](http://dri.org) and go to the **DRI Business Litigation Seminar** page and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 312.840.6600** and mention the **DRI Business Litigation Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 18, 2017**, to be eligible for the group rate. Requests for reservations made after **April 18, 2017**, are subject to room and rate availability.

### Registration Policy

**Save \$100 when you register by April 18, 2017.** (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks and networking receptions. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **April 18, 2017** (*please allow 10 days for processing*). Registrations received after **April 18, 2017**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 18, 2017**. Cancellations received after **April 18** and on or before **April 25, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **April 25** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email ([seminars@dri.org](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

### Discounts

**Group Discount** The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **April 18, 2017**. After **April 18**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

**Travel Discounts** DRI offers discounted meeting fares on various major air carriers for **DRI Business Litigation Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

## Hotel Accommodations

## FACULTY *Click on any name to view bio.*

**Adam I. Cohen, CISSP CEH**, Berkeley Research Group LLC,  
New York, NY

**Michelle Thurber Czapski**, Bodman PLC, Troy, MI

**Donald A. Daugherty, Jr.**, Godfrey & Kahn SC, Milwaukee, WI

**The Honorable Stephanie Dawkins Davis**, US District Court  
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**Liam E. Felsen, PhD**, Frost Brown Todd LLC, Louisville, KY


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Minneapolis, MN

**E. Todd Presnell**, Bradley Arant Boulton Cummings LLP,  
Nashville, TN

**The Honorable Dennis M. Robinson, Jr.**, Baltimore County  
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**David A. Wheeler**, Chapman Spingola LLP, Chicago, IL

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May 4–5  
**Retail and Hospitality Litigation**  
*Loews Chicago Hotel, Chicago, IL*

May 11–12  
**Drug and Medical Device**  
*Sheraton New Orleans,  
New Orleans, LA*

May 11–12  
**Intellectual Property**  
*Gleacher Center, Chicago, IL*

May 17–19  
**Employment and Labor Law**  
*Hilton Nashville Downtown,  
Nashville, TN*

June 15–16  
**Diversity for Success**  
*Swissôtel Chicago, Chicago, IL*

June 22–23  
**Marijuana Law**  
*Hotel 1000, Seattle, WA*

July 20–21  
**Class Actions**  
*The Westin Washington DC  
City Center, Washington, DC*

September 7–8  
**Cybersecurity and Data Privacy**  
*Westin Michigan Avenue, Chicago, IL*

## Publications for Your Practice

Members can access  
committee newsletters  
and seminar course  
materials via **DRI Online**  
at **dri.org**.

**Newsletter** *The Business Suit* (6 times a year)

Visit the **Commercial Litigation Committee page** on **dri.org** for information about  
the committee and related resources.

**Commercial Litigation** focus in *For The Defense*

**July 2017** (upcoming)

**July 2016**

**July 2015**

**Defense Library Series**

*Class Action Compendium* (coming in 2017)

*Federal Consumer Credit Protection Statutes*

*Trade Secrets and Non-Competes*



### Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of  
business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to  
the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives,  
backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and  
potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national,  
state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

## SEMINAR SPONSORS

DRI wishes to thank our sponsors for their support at this year's seminar!

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# Business Litigation Seminar

May 11-12, 2017  
Loews Chicago Hotel | Chicago, IL

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Please list any special needs

Are you a first-time attendee at this DRI seminar? ☐ Yes ☐ No

How many attorneys are in your firm?What is your primary area of practice?

## REGISTRATION FEE

Registration fee includes seminar attendance, networking events and course materials. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Apr. 18, 2017	After Apr. 18, 2017	
<input type="checkbox"/> Member	\$875	\$975	For inclusion on the preregistration list and to receive course materials in advance, register by April 18, 2017.
<input type="checkbox"/> Nonmember	\$1,110	\$1,210	
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<input type="checkbox"/> In-House Counsel Member*	FREE		
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<input type="checkbox"/> Group Discount*	\$775	\$875	(*as defined on page 5)

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