

# CORPORATE COUNSEL COLLEGE

APRIL 28 - 29, 2016

THE RITZ-CARLTON

CHICAGO, ILLINOIS



## Unique and Advanced Perspectives of Corporate Practice:

A Must for Inside and Outside Corporate Attorneys Regarding Where We Have Been, Where We Are, and Where We Are Going



## HIGHLIGHTS

- Keynote Speaker Jim Emission: Prominent Lawyer Who Single-Handedly Instigated the Reopening of the Unsolved Case of a Slain Civil Rights Activist
- The Nation's Preeminent Plaintiffs' Lawyers Share Their Perspectives from Inside the Plaintiffs' Bar
- Reflections from Former Corporate Counsel College Deans on Issues They Addressed and How Those Issues Have Evolved
- How to Handle the Monumental Loss and Lessons Learned
- How Social Media, Advertising, and Litigation Financing is Fundamentally Changing the Legal Landscape
- Effective Methods and Useful Allies in Reforming the Law Through Litigation
- Esteemed Minority Judges' Perspectives From the Bench

# SCHEDULE

## THURSDAY, APRIL 28, 2016

7:30 – 8:15 a.m. **CONTINENTAL BREAKFAST**

8:15 – 8:30 a.m. **OPENING REMARKS**

**Connie Lewis Lensing, Corporate Counsel College Dean**  
*FedEx Express, Memphis, TN USA*

**Joseph E. O’Neil, IADC President**  
*Lavin, O’Neil, Cedrone & DiSipio, Philadelphia, PA USA*

8:30 – 10:00 a.m.

### **WHAT IS THE OTHER SIDE THINKING?**

This panel of high-profile lawyers who primarily represent the interests of plaintiffs in litigation will discuss what they see on the litigation horizon in the next five years. Specifically, they will address the future of class actions and mass tort litigation, the impact of the global economy on future litigation practice, how the recent amendments to the Federal Rules of Civil Procedure may impact discovery, and how technology will redefine litigation practice as we know it.

\*The panelists for this session will not be present during subsequent presentations to preserve the ability of corporate counsel to have open discussions about the issues most important to them – a key component of the Corporate Counsel College.

*Moderator: QUENTIN F. URQUHART, JR., Irwin Fritchie Urquhart & Moore LLC, New Orleans, LA USA*

*Panelists: ANDY D. BIRCHFIELD, JR., Beasley, Allen, Crow, Methvin, Portis & Miles, PC, Montgomery, AL USA; ROBERT A. CLIFFORD, Clifford Law Offices, Chicago, IL USA; KELLY M. DERMODY, Lieff Cabraser Heimann & Bernstein, San Francisco, CA USA; RUSS M. HERMAN, Herman Herman & Katz, LLC, New Orleans, LA USA; MICHAEL A. KELLY, Walkup Melodia Kelly & Schoenberger, San Francisco, CA USA*

10:00 – 10:15 a.m. **REFRESHMENT BREAK**

10:15 – 11:45 a.m.

### **PAST CORPORATE COUNSEL COLLEGE DEANS UPDATE THEIR COLLEGE’S ISSUES**

Corporate Counsel College Deans from years past will discuss the unique legal challenges that were addressed at their Colleges and the evolution of those challenges in today’s legal environment. They will also provide insight and wisdom on effective ways in which to tackle the current trending obstacles to the Defense Bar.

*Moderator: GEORGE S. HODGES, Hodges Walsh & Messemer LLP, White Plains, NY USA*

*Panelists: DESMOND T. BARRY, JR., Condon & Forsyth LLP, New York, NY USA; T. THOMAS COTTINGHAM, III, Winston & Strawn LLP, Charlotte, NC USA; CATHY HAVENER GREER, Wells, Anderson & Race, LLC, Denver, CO USA; BRUCE R. PARKER, VENABLE LLP, BALTIMORE, MD USA*

11:45 a.m. – 1:15 p.m.

### **LUNCHEON AND KEYNOTE SPEAKER**

*JIM EMISON, Author of Upcoming Book-“Elbert Williams: First to Die”*  
*Alamo, TN USA*

After 43 years as a successful trial lawyer, Jim Emison has devoted his retirement years to initiating a new investigation into the murder of slain civil rights activist Elbert Williams. In Brownsville, Tennessee in the 1930s and 40s, Williams was an NAACP leader who risked his life to protect the right to vote for black citizens in the county. During that time, white rogue vigilantes kidnapped and violently threatened NAACP members in an effort to impede voting rights. When news circulated that Williams was planning an NAACP meeting at his home to organize the civil rights effort, police officers picked him up, and he was never seen alive again. His lifeless body was later found in the river. An autopsy determined death was caused by “foul means,” however, Williams’ body was buried quickly and no physical evidence was taken. The Department of Justice was directed to get an indictment for a civil rights violation, but none ever came, and the case was closed in 1942. As a result of this atrocity, the local NAACP chapter disbanded and did not reinstitute until 1961. Williams’ story was all but forgotten until Jim Emison refocused attention to it by coordinating a team of investigators, including a retired FBI agent and the University of Tennessee Anthropology Department, and calling for the Department of Justice to reopen the investigation into Williams’ murder. Jim also memorializes and vividly recounts the events surrounding Elbert Williams’ murder in his upcoming book - *Elbert Williams: First to Die*. Jim tirelessly travels the country speaking about this cold case to shine a light on it in an effort to procure justice for Williams all of these years later.



1:15 – 2:45 p.m.

### **CORPORATE CHARACTER BUILDING 101: LESSONS FROM LOSSES**

Coach Vince Lombardi once said, “If you can’t accept losing, you can’t win.” While winning is more enjoyable, losing provides more opportunities to learn and character-build. Our panelists are seasoned and successful veterans of the Boardroom and the Courtroom who have had many significant wins, but each have experienced a significant loss from which they have learned and grown. The panel will share their wisdom from these character-building losses for our audience’s benefit.

*Moderator: TRIPP HASTON, Bradley Arant Boult Cummings LLP, Birmingham, AL USA*

*Panelists: JEFFREY W. JACKSON, State Farm Mutual Automobile Insurance Company, Bloomington, IL USA; JAMES SIMPSON, Friday, Eldredge & Clark, Little Rock, AR USA; KRISTEN WRIGHT, AutoZone, Inc., Memphis, TN USA*

2:45 – 3:00 p.m.

### **REFRESHMENT BREAK**

3:00 – 4:30 p.m.

### **THE IMPACT OF SOCIAL MEDIA, ADVERTISING, AND LITIGATION FINANCING**

Advertising by plaintiffs’ lawyers has long been the bane of existence for the defense bar and corporate America. This problem is now being exacerbated by litigation financing by third parties, with third parties actually financing the advertising. Plaintiffs’ law firms are now collecting, bartering, and selling inventories of cases against corporate defendants and multi-district litigation panels, and courts are being inundated with thousands of cases. This panel will discuss these tactics, the impact upon the judicial system and clients, and potential ways to address the associated problems.

*Moderator: CHRISTY D. JONES, Butler Snow, Ridgeland, MS USA*

*Panelists: JOHN BEISNER, Skadden Arps, Washington, DC USA; MITCHELL BORGER, Macy’s Inc., New York, NY USA; JESSICA DYE, Thomson Reuters, New York, NY USA; RUSTIN SILVERSTEIN, Silverstein Group, Washington, DC USA; LISA WARREN, Johnson & Johnson, New Brunswick, NJ USA*

4:30 – 4:45 p.m.

### **CONCLUDING COMMENTS FOR DAY ONE**

**Connie Lewis Lensing, Corporate Counsel College Dean  
FedEx Express, Memphis, TN USA**

5:00 – 6:00 p.m.

### **COCKTAIL RECEPTION**

## **FRIDAY, APRIL 29, 2016**

7:30 – 8:15 a.m.

### **CONTINENTAL BREAKFAST**

8:15 – 9:45 a.m.

### **REGULATION THROUGH LITIGATION**

Panelists will discuss reforming the law through litigation, which will include a review of the landmark legal precedents that have been developed through court cases as opposed to legislation. They will also address how future legal issues can be developed through the judicial system, effective ways to shape public opinion as to broad-ranging issues, and allies in the fight to reform the law to make it more conducive to business interests.

*Moderator: MALINI MOORTHY, Bayer Corporation, Pittsburgh, PA USA*

*Panelists: MARK BEHRENS, Shook, Hardy & Bacon, Washington, DC USA; JONATHAN F. COHN, Sidley Austin LLP, Washington, DC USA; MARKUS GREEN, Pfizer, Inc., New York, NY USA; TOM MARS, former General Counsel of Walmart, Friday, Eldredge & Clark, LLP, Little Rock, AR USA; LISA RICKARD, U.S. Chamber of Commerce Institute for Legal Reform, Washington, DC USA*

9:45 – 10:00 a.m.

### **REFRESHMENT BREAK**

10:00 – 11:30 a.m.

### **A VIEW FROM THE MINORITY SIDE OF THE BENCH**

A panel of esteemed minority judges will discuss their unique perspectives from the bench and the demographics of the parties and attorneys who appear before them. Candidly, they will share their insight on racial and gender diversity on the bench, unconscious bias, race, and gender issues playing out in the courtroom, and ways to achieve a diverse judicial applicant pool. This will be a lively and thought-provoking discussion from their unique perspective.

*Moderator: CRAIG A. THOMPSON, Venable LLP, Baltimore, MD USA*

*Panelists: HONORABLE CONSUELO BLAND MARSHALL, Senior Judge of the U.S. District Court for the Central District of California, Los Angeles, CA USA; HONORABLE TERRY J. HATTER, Judge of the U.S. District Court for the Central District of California, Los Angeles, CA USA; HONORABLE RICARDO HINOJOSA, Chief Judge of the U.S. District Court for the Southern District of Texas, McAllen, TX USA; HONORABLE ALEXANDER WILLIAMS, JR., Former Senior Judge of the U.S. District Court for the District of Maryland, Baltimore, MD USA*

11:30 – 11:40 a.m.

### **CLOSING REMARKS**

**Connie Lewis Lensing, Corporate Counsel College Dean  
FedEx Express, Memphis, TN USA**

**Molly H. Craig, Corporate Counsel College Dean-Elect  
Hood Law Firm, LLC, Charleston, SC USA**

# COLLEGE GENERAL INFORMATION

## Location

### The Ritz-Carlton Chicago

160 East Pearson Street, Chicago, IL 60611 Phone: 1.312.266.1000 Fax: 1.312.266.1194

[www.ritzcarlton.com/en/properties/Chicago/Default.htm](http://www.ritzcarlton.com/en/properties/Chicago/Default.htm)

The Ritz-Carlton Chicago is set atop Water Tower Place, high above prestigious North Michigan Avenue, and it features exquisite décor, intuitive service, and one of the city's most acclaimed restaurants. The Ritz-Carlton Chicago offers a setting of unmistakable grandeur, ideal for business or for leisure.

## Reservations and Room Rates

The room rate at The Ritz-Carlton, which is subject to the current applicable occupancy and sales tax per room, per night, is \$280 for a Deluxe Room with a maximum of 3 adults per room. An additional charge of \$40 per night will be assessed for a 4th adult in a room. The room rate at The Westin Michigan Avenue, which is subject to the current applicable occupancy and sales tax per room, per night, is \$239 for a Traditional Room with one or two adults. An additional charge of \$25 per night will be assessed for a 3rd and 4th adult in the same room. **In order to make your hotel reservation you must first register for the meeting with the IADC.** Once registered, a code will be generated by the IADC along with your registration confirmation that will allow you to secure a hotel room at The Ritz-Carlton. You must call the hotel directly and request the Reservations Department. To make a reservation at The Westin Michigan Avenue Chicago, please call the hotel at 1.888.627.8385 and reference IADC to receive the group rate.

Reservations at The Ritz-Carlton must be made prior to Wednesday, April 6, 2016. Unused rooms held for this meeting will be released on this date. Any reservation requests received after April 6, 2016 will be accepted only on a space available basis at the group rate. Please note that the room block may fill before April 6, so we encourage you to register with the IADC so that you can make your hotel reservation early. Cancellations must be made at least 24 hours in advance of check-in to avoid forfeiture of first night room deposit. Check-in time is 3:00 p.m. and check-out time is 12:00 noon CST.

Reservations at the Westin Michigan Avenue must be made prior to Friday, April 1, 2016. Unused rooms held for this meeting will be released on this date. Any reservation requests received after April 1, 2016 will be accepted only on a space available basis at the prevailing hotel rate. Please note that the room block may fill before April 1, so we encourage you to make your hotel reservation early. When making your travel arrangements, please note that check-in time is 3:00 p.m. and check-out time is noon CST. Cancellations must be made at least 72 hours in advance of check-in to avoid forfeiture of a one night room and tax charge.

## Ground Transportation

Average one-way cab fare to the hotel from O'Hare International Airport is \$40-\$50 and from Midway Airport is \$35-\$45. GO Airport Express provides service from both O'Hare and Midway airports to downtown Chicago for discounted fares. For more information, please visit the GO Airport Express website at [www.airportexpress.com](http://www.airportexpress.com). During rush hour times, you may consider taking the Orange Line train (Midway) or Blue Line train (O'Hare) to the downtown Loop stations and taking a short cab ride to the hotel. ([www.transitchicago.com](http://www.transitchicago.com))

## Climate and Dress

When packing for your trip, please note that average temperatures in Chicago this time of year range from a high of 64 degrees Fahrenheit to a low of 46 degrees Fahrenheit. Business attire is recommended for the meeting.

## Registration Fees and Procedures

IADC outside counsel members – contact your in-house clients today and invite them to join you at the Corporate Counsel College. Outside counsel members and partners of members can attend the College only if they are accompanied by a client. The package registration fee is \$1,675 (includes one outside counsel and one in-house client). Fee for first additional client: \$700; second additional client: \$650; third or greater additional client: \$600. For in-house counsel and insurance executive members and in-house counsel and insurance executive non-members who are attending on their own, the fee is \$750. Please fill out the registration form and send it to the IADC office or register online at [www.iadclaw.org](http://www.iadclaw.org).

## CLE Credit

Approximately 9 hours of general CLE credit in 60-minute states and 10.5 hours of general CLE credit in 50-minute states will be requested for accreditation from all mandatory continuing legal education jurisdictions.

## CPD Credit (Canada)

The IADC is a Pre-Approved Provider of CPD Credit with the Law Society of British Columbia. The Quebec CPD Committee recognizes courses approved by other Canadian bars as approved in Quebec. 9 CPD credits are available for attendance at the Corporate Counsel College.

## Cancellation Policies

**Registration Fee:** A CASH REFUND, less a \$150 processing fee, will be made if a written notice of cancellation is received by the IADC office more than thirty (30) days prior to the first day of the meeting. No reason for the cancellation need be provided for a timely notice of cancellation. NO CASH REFUND will be made if notice of cancellation is received by the IADC office thirty (30) days or less prior to the first day of the meeting. However, if special circumstances arise before the meeting which prevent attendance, a member may request a future meeting credit. The request needs to be in writing and submitted to the IADC office. It should be directed to the Finance Committee's attention and note the special circumstances which caused cancellation. The credit request can only apply to meeting registration fees (not air, hotel, activity, tour, or special event fees) and, if approved, will be valid for use toward any IADC meeting for one (1) year from the date of the meeting for which credit is requested. A \$150 processing fee will be deducted from the total future meeting credit. All future meeting credit requests will be considered by the Finance Committee and the decision of that Committee will be final.

## A Special Note for the Disabled

The IADC wishes to ensure that no individual with a disability is treated differently from other individuals because of the absence of auxiliary aids and services. If you are in need of auxiliary aids or services or have any other questions about the Corporate Counsel College, please contact Melisa Maisel Vanis, Professional Development Manager, at [mmaisel@iadclaw.org](mailto:mmaisel@iadclaw.org).

### Thank You to Our Sponsors



# 2016 CORPORATE COUNSEL COLLEGE REGISTRATION FORM

DATE: April 28 - 29, 2016 • LOCATION: The Ritz-Carlton, Chicago, Illinois USA

## IADC OUTSIDE COUNSEL MEMBER AND CORPORATE CLIENT PACKAGE

\$1,675

IADC outside counsel members must bring an in-house client to attend. Fee includes registration for member and client.

### IADC MEMBER OUTSIDE COUNSEL INFORMATION

NAME	NAME ON BADGE		
FIRM NAME			
BUSINESS ADDRESS			
CITY	STATE	ZIP	COUNTRY
BUSINESS PHONE		BUSINESS FAX	
EMAIL ADDRESS			
U.S. STATE BAR NUMBER(S) FOR ALL STATES WHERE LICENSED			

### IN-HOUSE CLIENT INFORMATION

NAME	NAME ON BADGE		
COMPANY NAME			
BUSINESS ADDRESS			
CITY	STATE	ZIP	COUNTRY
BUSINESS PHONE		BUSINESS FAX	
EMAIL ADDRESS			
U.S. STATE BAR NUMBER(S) FOR ALL STATES WHERE LICENSED			

## INSURANCE EXECUTIVE AND IN-HOUSE COUNSEL ATTENDEE

\$750

For in-house counsel and insurance executive members and non-members who are attending on their own or for additional clients attending with an outside counsel IADC member. For members bringing additional clients, the fee for the first additional client is \$700; second additional client is \$650; and third or greater additional clients are \$600 each.

NAME	NAME ON BADGE		
COMPANY NAME			
BUSINESS ADDRESS			
CITY	STATE	ZIP	COUNTRY
BUSINESS PHONE		BUSINESS FAX	
EMAIL ADDRESS			
U.S. STATE BAR NUMBER(S) FOR ALL STATES WHERE LICENSED			

TOTAL AMOUNT ENCLOSED \$ \_\_\_\_\_

### PAYMENT

Complete and mail or fax form with payment to: IADC, 303 West Madison, Suite 925, Chicago, IL 60606 or fax to 1.312.368.1854.

Check/Money Order (Payable to the IADC in USD)       AMEX       Visa       MasterCard

Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_ Security Code: \_\_\_\_\_

Name on Card: \_\_\_\_\_

Signature: \_\_\_\_\_

If you wish to pay by wire transfer, please contact the IADC for routing information.

**Please note:** You must register for the meeting prior to reserving rooms at the hotel. You will receive a code with your meeting confirmation that will allow you to reserve a room at The Ritz-Carlton. Questions? Call 1.312.368.1494.



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A special thanks to each member for their effort and expertise.

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## COLLEGE COORDINATORS

Thank you to our coordinators for their  
time and commitment.

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### Who should attend?

*In-house counsel responsible for hiring and managing outside counsel / Senior insurance industry executives / Corporate compliance officers / Senior executives and counsel to non-profit corporations / Heads of corporate governmental relations departments / Heads of litigation departments / Experienced outside defense trial counsel*

The IADC Corporate Counsel College is designed to be an interactive and dynamic learning experience that takes advantage of the vast knowledge and experience of panelists, in-house corporate counsel, and the outside counsel attendees. While each session will follow a slightly different format, panelists and moderators will share their experiences and what they learned. The moderators will engage the audience and panel members in a spirited and educational discussion about the issues, sometimes posing hypothetical situations to stimulate further discussion.