



2023 Midyear Meeting Austin, Texas USA

FEBRUARY 18 - 23



Printable Full Schedule

- program schedule as of February 15 -

Friday, February 17, 2023

3:30 – 5 p.m.

Board of Directors Meeting

Saturday, February 18, 2023

8 a.m. – 12:15 p.m.

2023 Trial Academy Training Session for Faculty

8:30 a.m. – 3 p.m.

Board of Directors Meeting

2 – 7:30 p.m.

Registration Desk

Have questions or need help? Visit IADC's Registration Desk during posted hours for assistance.

4:30 – 5:30 p.m.

First Timers Introductions

The First Timers program is for all IADC members and their registered guest(s) who have never attended a Midyear or Annual Meeting. At this introduction, you will learn more about the IADC and the Midyear Meeting. You will also meet other First Timers and their member Hosts, as well as the Board of Directors and Past Presidents in attendance, so throughout the meeting you will see familiar faces. *Resort casual attire.* Thank you to First Timers Chairs Sandy and Tom Wunderlich.

5:30 – 6 p.m.

First Timers Reception

Join other First Timers and their member Hosts at this reception that takes place prior to the Welcome Reception. *Resort casual attire.*

6 – 7:30 p.m.

Welcome Reception

Join us on the Fairmont Austin's 7th floor Palm Court overlooking downtown Austin for beverages and light hors d'oeuvres as we officially kick-off our Midyear Meeting. *Resort casual attire. Please note all registered attendees (main registrants, spouses, and guests) are invited. Name badge required for entry.*



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10 – 11:30 p.m.

After Dinner Gathering

SPONSORED BY BERKELEY RESEARCH GROUP, LLC

Wrap up your evening with a nightcap and camaraderie at this After Dinner Gathering held exclusively for IADC attendees in the hotel's lobby bar. Beer, house wine, and non-alcoholic beverages are complimentary with your meeting name badge.

Sunday, February 19, 2023

ON-DEMAND RELEASE

A Survey of Premiums and Class Actions

Committee Co-Sponsors: Class Actions and Multi-Party Litigation, Product Liability, Transportation

Counsel in search of class claims continue to push the envelope of injury, *Schell v. Volkswagen et al* being an example. Can a vehicle owner who bought and sold their vehicle before becoming aware that an advertised attribute did not exist, actually suffer injury? The 9th Circuit of the U.S. Court of Appeals said "no" in that case because the plaintiff's evidence could not establish the injury. Whether and when a plaintiff has standing to sue for an "injury" for alleged "premiums" related to vehicle purchases has been a hot topic in recent years, producing a mix of results for defendants. What constitutes a premium and what evidence is needed to prove that the consumer did not get what he or she says they paid for, implicates both legal and expert evidentiary issues which have broad application beyond the auto context. This panel will canvass where the courts are at with this issue and debate what may lie ahead.

Speakers: Sharon L. Caffrey, Duane Morris LLP, Philadelphia, Pennsylvania USA; Cheryl Woodin, Bennett Jones LLP, Toronto, Ontario Canada

ON-DEMAND RELEASE

Are You 'Dopesick'? Opioid Coverage Update

Committee Sponsor: Insurance and Reinsurance

Claims arising from the scourge of opioid addiction have continued to mount and only increase in complexity. As the targets of these claims have spread beyond the major pharmaceutical companies to pharmacies, individual physicians, and others, the challenges presented by these claims for insurers have grown exponentially. Government entities are now frequently the plaintiffs in these battles, and the result is that both the defense and indemnity costs associated with these claims have reached staggering proportions. Insurers have resisted these claims, spawning a plethora of coverage litigation in state and federal courts across the United States. The claims raise fundamental questions of policy interpretation, including whether these claims constitute an "occurrence," as well as the applicability of numerous exclusions. This program will explore the latest developments in these coverage battles from a national perspective, including tips for insurers on how to effectively control the costs associated with these claims. The program will also encompass an overview of where the underlying tort litigation stands.

Speakers: John T. Harding, Sulloway & Hollis P.L.L.C., Boston, Massachusetts USA; David Kenna, CapSpecialty Insurance, West Hartford, Connecticut USA



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ON-DEMAND RELEASE

False Claims Act 2023 – Already a Litigation Minefield but Now With a Cyber Security Overlay

Committee Co-Sponsors: Amicus Curiae, Corporate Compliance and Government Enforcement Actions, Cyber Security, Data Privacy and Technology, Employment Law, Medical Defense and Health Law

Claims brought under the False Claims Act continue to result in billions of dollars in recoveries to the United States at the expense of corporate defendants. The Department of Justice reported over \$5.6 billion in judgments and settlements for the fiscal year of 2021. While billions of these settlements arose from healthcare industry cases, any company that makes claims for payment of federal funds is at risk for claims or investigations under the FCA. In addition, DOJ may seek to reach private equity investors and other actors said to be "substantially involved" in alleged wrongdoing. Layered on top of this minefield of exposure, the current administration has launched a "Civil Cyber-Fraud Initiative" through which the Department of Justice will use FCA to target cybersecurity-related false claims. Companies that falsely claim satisfactory levels of information security preparedness while submitting claims for contract payments can face FCA litigation when a threat actor exposes a network vulnerability. Given the significant damages and penalties associated with the FCA, strong compliance programs are essential with particular emphasis on information security practices and protocols. This panel, comprised of current DOJ officials, in-house counsel, and private practitioners, will focus on current trends in FCA litigation, highlight recent decisions of importance, and will provide practical strategies companies can employ to avoid being the target of these suits.

Speakers: Ashley Garry, Viatrix, Indianapolis, Indiana USA; Kimberly Martin, Bradley Arant Boult Cummings LLP, Huntsville, Alabama USA; Sara McLean, U.S. Department of Justice, Washington, District of Columbia USA; Peter J. Pizzi, Walsh Pizzi O'Reilly Falanga LLP, Newark, New Jersey USA

ON-DEMAND RELEASE

Through the Looking Glass: How California's AB5 Legislation Turned the Owner-Operator Model Upside Down Throughout the United States and Beyond

Committee Sponsor: Transportation

The strongest challenge to the application of the "ABC" test to determine whether drivers are employees or independent contractors was recently denied by the United States Supreme Court, leaving California's AB5 legislation in place and now applicable to motor carriers and drivers in California. Effectively, the "ABC" test prevents owner-operators from maintaining their independence and forces motor carriers to use employee drivers. Motor carriers throughout California and the 20+ states using the "ABC" test are scrambling to reorganize such that they avoid enforcement actions while retaining the operational and financial benefits of independent contractors. Brokers too are busy shoring up their contracts and business relationships to ensure they fall within the business-to-business exemptions. This panel will explain the "ABC" test and its implications, analyze the popular "work-arounds" for both motor carriers and brokers, and provide guidance for assisting motor carriers to implement the necessary changes. Because the newly applicable law applies to all California resident drivers and any foreign or domestic company with operations in California, which could create contractual or tort liability for companies wholly unconnected to California, all attorneys representing motor carriers and brokers, no matter where they are located, will benefit from this program.

Speakers: Hillary Arrow Booth, Booth LLP, Los Angeles, California USA; Jeff Simmons, GlobalTranz, Phoenix, Arizona USA



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6 – 7 a.m.

Morning Run

Get your blood pumping, get moving, and get to know fellow attendees at this IADC morning run. The Morning Runs are complimentary and sign-ups are not required. Thank you to Morning Run Chair Kim Hardeman.

7 – 9 a.m.

Grab and Go CLE Breakfast

"Grab and Go" breakfasts are available outside the morning meeting rooms, making it easy for attendees to have breakfast without missing a minute of the great CLE programming we have planned for you.

7 a.m. – 4 p.m.

Registration Desk

Have questions or need help? Visit IADC's Registration Desk during posted hours for assistance.

7 – 9 a.m.

Meet and Greet Breakfast

Join fellow attendees for breakfast to network, discuss ideas, or plan your day. Breakfast is available to all registered attendees. Meeting name badge required for entry.

7:30 – 8:30 a.m.

Examining the Challenges for a Wearables Revolution in Healthcare

Committee Co-Sponsors: Cyber Security, Data Privacy and Technology, Drug, Device and Biotechnology, Product Liability

Wearable technology has the capacity to unlock broad, far-reaching possibilities in the healthcare industry. Wearables can help continuously collect invaluable, individualized real-world data to support innovation in care delivery and clinical research. Leveraging wearables to gather comprehensive physical and behavioral user metrics can help identify those at risk of disease, improve adherence to treatment regimens, and enhance the overall patient experience. Digital data can also be used to measure patient-centered endpoints in clinical trials and observational studies to determine the factors driving patient outcomes, enabling a true "digital transformation" in healthcare. Patient confidentiality can be a major concern when it comes to protecting the data of those using wearable devices. Collecting patient information that is not required by a provider or pharmaceutical company can have serious ethical implications. Industries need to prioritize implementing strong cybersecurity protections around their devices' data, in compliance with HIPAA regulations, to protect users and the integrity of the information collected. Companies must also ensure that their wearable technologies have regulatory grade hardware. A recent article detailing regulatory aspects of smart devices for cardiac monitoring highlighted the safety and regulatory assessments conducted by entities like the U.S. Food and Drug Administration and the European CE Mark. The strict guidelines that wearable devices must meet to be disseminated in the market are important for the pharmaceutical industry to consider as they invest in durable, reliable hardware for their wearables. Leading organizations will have to expand their scope to include the latest innovations of smart wearables and their medical uses that meet the highest standards for safety and performance.



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Speakers: Jennifer L. Bragg, Skadden, Arps, Slate, Meagher & Flom and Affiliates, Washington, District of Columbia USA; Steven Murray, Exponent, Menlo Park, California USA; Chad R. Hutchinson, Butler Snow LLP, Ridgeland, Mississippi USA; Kathryn Klaus, Medmarc Insurance Company, Chantilly, Virginia USA

7:30 – 8:30 a.m.

Foundation President's Circle Breakfast

Foundation President's Circle donors (members who donated \$1,000 or more to the IADC Foundation in 2022) will receive an emailed invitation prior to the meeting with a request to RSVP.

7:30 – 8:30 a.m.

STOP! FAKES! Preventing Cross Border Transportation of Fake Luxury Goods

Committee Co-Sponsors: Intellectual Property, Transportation

The importation of fake designer/luxury products into Canada and the U.S. affects retailers, designers, and every aspect of e-commerce. The rise of e-commerce offers a haven for criminals who hide behind seemingly legitimate listings on popular websites. These sales provide profits to smugglers and traffickers. Intellectual property and transportation lawyers can team up together to stop these products at the border. IADC members who represent clients in e-commerce, manufacturing, retail, and transportation and warehousing will learn the latest practical tips for reporting suspected IPR violations, fraud, and/or illegal activity; how to protect a client's brand and value; how to avoid or limit the expense of making a successful report, and how to deal with the subsequent repercussions. The solutions can be expensive, though, as secure warehouses on either side of the border can be costly.

Speakers: Hillary A. Booth, Booth LLP, Los Angeles, California USA; Heather C. Devine, Traffix, Toronto, Ontario Canada; Selena Kim, Gowling WLG (Canada) LLP, Toronto, Ontario Canada

7:30 – 8:30 a.m.

Toxic and Hazardous Substances Litigation Committee Business Meeting

8:30 – 8:45 a.m.

Networking Coffee Break

Connect with fellow members to build relationships and pursue strategic opportunities for your practice or law firm at these Networking Coffee Breaks each morning.

8:45 – 10:15 a.m.

Opening Session

We encourage you to attend this general session where IADC President Mark Beebe will give a State of the Association address and valuable meeting highlights and information will be shared. The Opening Session is not available for CLE credit.

10:15 – 11:30 a.m.

Foundation Forum: Yusef Salaam

SPONSORED BY THE FOUNDATION OF THE IADC

In 1989, at just 15 years young, Dr. Yusef Salaam was tried and convicted in the “Central Park jogger” case along with four other Black and Latinx young men. The Exonerated Five spent between seven to 13 years behind bars



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for crimes they did not commit, until their sentences were overturned in 2002. Since then, they have received a multi-million dollar settlement from the city of New York for its injustice and have been profiled in award-winning films, including *The Central Park Five* documentary from Ken Burns, Sarah Burns, and David McMahon and most recently the Emmy award-winning Netflix limited series *When They See Us*, written and directed by Ava DuVernay. Over the past two decades, Yusef has become a family man, father, poet, activist, and inspirational speaker. He continues to utilize his platform to share his story with others and educate the public about the impact of mass incarceration and police brutality rooted in our justice system. He regularly advocates for criminal justice reform, prison reform, and the abolition of juvenile solitary confinement and capital punishment. Yusef is also a *New York Times* bestselling author, and recently released his memoir, [Better, Not Bitter](#), detailing his journey where in the face of misjustice, Yusef found hope. Yusef is the recipient of a Lifetime Achievement Award from President Barack Obama (2016) and more recently has shared his story and stance on current issues on CNN, MSNBC, REVOLT TV, NPR Atlanta, FOX, and more.

1:30 – 3:30 p.m.

The Keep Austin Weird City Tour (\$)

It might be the city's tagline, but what exactly makes Austin weird? On this tour, you will not only learn about city's evolution of weird, but also explore the famous locations that made the city the "weird" destination it is today. Go inside artist residences, visit funky local pads, and make stops at Austin's most famous murals. This tour isn't just about the weird destinations Austin is known for but also the people behind them. *The registration fee is \$99.00 USD per person and includes roundtrip transportation, admittance fees, bottled waters, and a guide.*

2 – 4 p.m.

Alvies Boot Party

Austin Originals. Made with Soul.

The IADC has partnered with local boot company, Alvies, to outfit our attendees with some of the best cowboy boots on the market. Designed to last a lifetime and built with purpose, Alvies boots look great and are broken in from the start. They were dreamed up in Austin, Texas. By a guy named [Alvie](#). Check out Alvies complete boot selection [here](#) and then complete the online form in the link below with your *no risk* order **by Wednesday, February 15**. Alvies crew will be onsite at the Fairmont Austin Sunday, February 19 from 2 to 4 p.m. for one of their signature Boot Parties. You'll then have an opportunity to try on your requested boots along with a half size up and half size down to make sure you get the perfect fit. Once satisfied, you'll pay for your boots onsite. Whether you're a Country Guy, City Girl, Southerner, Yankee, Musician, or Lawyer, EVERYONE belongs in a pair of Alvies! Use the link below to check out styles and place your online order request. [IADC's Alvies Boots: Online Request Form](#) *On the fence?* The Alvies crew will bring sample boots in varying sizes and colors on Sunday, February 19 and orders can be placed onsite at that time. Onsite orders will be delivered to the Fairmont Austin on Monday, February 20 and boots can be picked up at IADC's Registration Desk.

3 – 4:30 p.m.

Speed-Networking for IADC Members

SPONSORED BY THE ENGAGEMENT AND RETENTION COMMITTEE AND DIVERSITY, EQUITY, INCLUSION AND BELONGING COMMITTEE



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Networking can be one of the most powerful and productive activities an individual can do to enhance both their professional and personal relationships. And speed-networking, taking its cue from speed-dating, has emerged as a popular variation on the traditional business networking event. Structured and fast-paced, speed-networking allows participants to interact with others in a series of brief one-on-one exchanges in a round robin type format. IADC members: Take advantage of this business development opportunity (BDO) and expand your IADC relationships and connections. Be sure to register for this event! *This event is complimentary and open to IADC members ONLY, but registration is required to participate.* Thank you to Speed-Networking Chairs Chas Reynolds and Tara Ward.

5:30 – 6:30 p.m.

Foundation President's Circle Reception

Foundation President's Circle donors (members who donated \$1,000 or more to the IADC Foundation in 2022) will receive an emailed invitation prior to the meeting with a request to RSVP.

5:30 – 6:30 p.m.

Member Mix and Mingle (\$)

Meet up with friends and fellow attendees in the hotel's lobby bar before going out for the evening at this cash bar reception.

5:30 – 6:30 p.m.

45 and Under Member Mix and Mingle (\$)

Join other 45-year-old and under members and their spouses/guests for a great social networking opportunity at this cash bar reception. *Invitation only; offsite location to be determined.* Thank you to 45 and Under Chair Kelly Hodges.

10 – 11:30 p.m.

After Dinner Gathering

SPONSORED BY BERKELEY RESEARCH GROUP, LLC

Wrap up your evening with a nightcap and camaraderie at this After Dinner Gathering held exclusively for IADC attendees in the hotel's lobby bar. Beer, house wine, and non-alcoholic beverages are complimentary with your meeting name badge.

Monday, February 20, 2023

6 – 7 a.m.

Morning Run

Get your blood pumping, get moving, and get to know fellow attendees at this IADC morning run. The Morning Runs are complimentary and sign-ups are not required. Thank you to Morning Run Chair Kim Hardeman.

7 – 9 a.m.

Grab and Go CLE Breakfast

"Grab and Go" breakfasts are available outside the morning meeting rooms, making it easy for attendees to have breakfast without missing a minute of the great CLE programming we have planned for you.



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7 – 9 a.m.

Meet and Greet Breakfast

Join fellow attendees for breakfast to network, discuss ideas, or plan your day. Breakfast is available to all registered attendees. Meeting name badge required for entry.

7 a.m. – 3 p.m.

Registration Desk

Have questions or need help? Visit IADC's Registration Desk during posted hours for assistance.

7:15 – 8:45 a.m.

Foundation Board Meeting

7:30 – 8:30 a.m.

It's Electric. . . and on Fire!

Committee Co-Sponsors: Environmental and Energy Law, Insurance and Reinsurance, Product Liability, Transportation

While electronic vehicles continue to gain market share, the number of legal issues with EVs are similarly on the rise. This experienced panel will explain the latest technology involved in lithium-ion batteries and discuss the current issues with charging EVs – whether in a garage, at charging stations, in a golf cart barn, at a bus station, or on charging pads. They will also discuss the push for manufacturers to provide vehicle-specific response guides for fighting battery fires and to limit chemical thermal runaway and reignition. Finally, the panel will address the property and casualty insurance coverage issues surrounding EV fires, including addressing supplier indemnity. Whether your practice involves EVs – or you are just shopping for one – this is a panel you won't want to miss.

Speakers: Michael L. Fox, Duane Morris LLP, San Francisco, California USA; Sylvie Gallage-Alwis, Signature Litigation AARPI, Paris, France; Michelle L. Kuykendal, Exponent, Phoenix, AZ USA

7:30 – 8:30 a.m.

Mass Torts Made Too Easy? Claims Registries and Shadow Dockets Defined and Analyzed

Committee Co-Sponsors: Class Actions and Multi-Party Litigation, Product Liability, Toxic and Hazardous Substances Litigation

Federal judges attempting to manage multi-district litigation are creating administrative dockets and registries of unfiled claims. These claims registries are in use in MDLs involving Zantac, 3M Ear Plugs, Juul, and Paraquat. The innovation is under consideration by a federal rules committee examining whether specific rules are needed in multi-district litigation to cover their use. Are these tools making mass torts even more massive? Do these tools assist defense counsel in screening out the unscreened meritless claims or just shift the cost to defendants in a new way? This panel discussion will examine the pros and cons of these registries, explore ways to improve on the concept, and discuss whether specific rules codifying their use are warranted.

Speakers: Mark S. Cheffo, Dechert LLP, New York, New York USA; Connie A. Matteo, Pfizer Inc., Madison, New Jersey USA; Lana K. Varney, King & Spalding LLP, Austin, Texas USA

8:30 – 8:45 a.m.

Networking Coffee Break



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Connect with fellow members to build relationships and pursue strategic opportunities for your practice or law firm at these Networking Coffee Breaks each morning.

8:45 – 10:15 a.m.

Including Veterans in DEI Programs

Committee Co-Sponsors: Diversity, Equity, Inclusion and Belonging, Social Justice Pro Bono, Toxic and Hazardous Substances Litigation

The Mansfield Rule and other private diversity and inclusion programs have developed over the recent years to address a lack of diversity at the higher levels of law firms. The Mansfield Rule, as the best example, originated at the 2016 Women In Law Hackathon. The 2016 Women In Law Hackathon was a competition among nine teams “consisting of 54 high level law firm partners, 18 expert advisors, and 9 Stanford Law students.” Based on a review of publicly available media, none of the 81 law firm leaders, attorneys, consultants, and law students competing in the 2016 Women In Law Hackathon was a Veteran. Veterans are omitted from the “Mansfield Rule.” There is a well-grounded public policy rationale for advantageous treatment of women, persons of color, and those with disability based on a lattice-work of statutes, regulations, and state and federal court decisions. There is a developing public policy rationale for advantageous treatment of LGBTQ+ persons based on federal regulations and some state laws. There is no rationale for excluding Veterans from similarly advantageous treatment. This program will address the origin of private DEI programs and address how and why Veterans are omitted from these programs. The program will also discuss the public policy reasons for including veterans in DEI programs.

Speakers: Laura Marshall, McGuireWoods LLP, Richmond, Virginia USA; Robert Redmond, Jr., McGuireWoods LLP, Richmond, Virginia USA; James Shelson, Phelps Dunbar, LLP, Jackson, Mississippi USA; Jack L. White, McGuireWoods LLP, Tysons Corner, Virginia USA

8:45 – 10:15 a.m.

When the Walls Fall Down: Disaster Litigation and the Surfside Condo Collapse

Committee Co-Sponsors: Class Actions and Multi-Party Litigation, Construction Law and Litigation, Insurance and Reinsurance, Insurance Executives

SPONSORED BY PIVOT ENGINEERS

The collapse of the Champlain Towers South condominium in Surfside, Florida on June 24, 2021 unleashed a tidal wave of litigation. These cases extended far beyond the threshold issue of who was responsible for the collapse among the dozens of defendants (from the general contractor to the pool maintenance company) that were sued. The parties were soon embroiled in complex issues surrounding the requests for class-action certification of classes with directly competing interests. Insurance issues pervaded the entire process. And in a bold move intended to resolve the morass, a mediator was appointed to triangulate all of the conflicting claims and defenses in an expedited ADR proceeding. Miraculously, large portions of these cases were resolved in less than a year. This program will provide an exciting and one-of-a-kind opportunity to explore how these cases unfolded and lessons learned from defense counsel, insurance counsel, and an engineering consultant who were in “the room where it happened.”

Speakers: Kathleen J. Maus, Butler Weihmuller Katz Craig LLP, Tampa, Florida USA; Douglas M. McIntosh, Segal McCambridge Singer & Mahoney, Ltd., Fort Lauderdale, Florida USA; Randall Poston, Pivot Engineers, Austin, Texas USA; Stephen P. Smith, Marlow, Adler, Abrams, Newman & Lewis, Miami, Florida USA



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9:30 – 10:30 a.m.

Morning "Coffee Run" Walk

Get your blood pumping, get moving, and get to know fellow attendees at this IADC morning walk. Attendees will go to different nearby coffee shops each morning. The Morning Walks are complimentary and sign-ups are not required. Thank you to Morning "Coffee Run" Walk Chairs Kathrine Butler, Stacie Hansen, Patty Kenney, and Beth Morrissette.

10:30 a.m. – 12 p.m.

Wheel of Fortune: Effective *Voir Dire* Strategies

Committee Co-Sponsors: Business Litigation, Class Actions and Multi-Party Litigation, Construction Law and Litigation, Medical Defense and Health Law, Product Liability, Trial Techniques and Tactics

SPONSORED BY IMS CONSULTING AND EXPERT SERVICES

Trial lawyers consider *voir dire* to be one of the most critical (and fun) parts of any trial. *Voir dire* presents the first chance to make an impression on the jury and advocate on the client's behalf. Effective trial lawyers, however, know that *voir dire* is about much more than picking the jury. Making first impressions, connecting with the jury, presenting the theories of the case, and educating the jury on relevant legal concepts are all part of the process. During this session, a panel of experienced trial lawyers will explore *voir dire* strategies, tactics, and ethical issues in a dynamic and engaging format featuring audience participation and panel discussions. Panelists will take turns playing the role of counsel and the court, directing their questions to the prospective "jurors" in the audience. The panel will explore using *voir dire* to develop challenges for cause, the attorney's duty of candor to the court, juror bias, rehabilitating jurors after potentially harmful admissions, meeting the duty to zealously advocate for clients during *voir dire*, and several ethical considerations. The panel's questions will cover numerous practice areas to benefit all members in attendance and do so in a manner engaging for lawyers and non-lawyers alike. The panel will explore numerous areas, including:

- Whether to "Facebook" the jury and ethical pitfalls of using social media to research a jury;
- Developing a record to win motions to strike for cause;
- Using jurors to argue for you; and
- When to object and protecting against efforts to "poison" the jury

Speakers: Allyson Julien, Goldman Ismail Tomaselli Brennan & Baum LLP, Chicago, Illinois USA; Christina Marinakis, IMS Consulting & Expert Services, Los Angeles, California USA; Caroline Tinsley, Tucker Ellis LLP, Saint Louis, Missouri USA; Douglas Vaughn, Deutsch Kerrigan, LLP, Gulfport, Mississippi USA

12 – 12:30 p.m.

2023 Annual Meeting CLE Steering Committee Meeting

12:15 – 1:15 p.m.

Membership Committee Meeting and Luncheon

1 – 6 p.m.

Hill Country Winery Tour (\$)

Discover what a million annual visitors already know: Hill Country wineries are a hidden gem in the heart of Texas! With more than 50 unique and visually stunning wineries scattered throughout the Hill Country, each winery has



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its own personality, terroir, and style of winemaking, yet all share a commitment to quality, hospitality, and a fervent passion for what they do. *The registration fee is \$175.00 USD per person and includes roundtrip transportation, admittance and tasting fees at three wineries, bottled waters, and a guide.*

1:30 – 4 p.m.

The Empowerment Collaborative Activity: Downtown Austin Scavenger Hunt (\$)

Join other members of IADC's The Empowerment Collaborative* for a truly unique and engaging way to see Austin! Participants will be divided into teams before heading out on this urban scavenger hunt where you will find clues at historic sites, "Instagramable" murals, and all sorts of memorable places in-between. Play the game, see the sights, and experience downtown Austin in a whole new way! *The Empowerment Collaborative is a Diversity, Equity and Inclusion Committee initiative supporting the continued professional advancement of IADC's women members. TEC welcomes all IADC members (women and men) who care to participate in this event. *The registration fee is \$65.00 USD per person and includes equipment, bottled waters, and guides.* Thank you to The Empowerment Collaborative Chair Di Averell, Heidi Friedman, and Whitney Watt.

1:30 – 5:30 p.m.

Texas State Capitol and LBJ Presidential Library Tour (\$)

The Texas Capitol is widely recognized as one of the nation's most distinguished state capitols. It was placed on the National Register of Historic Places in 1970 and designated a National Historic Landmark in 1986. At the LBJ Presidential Library, visitors have an opportunity to learn about America's 36th President, Lyndon Johnson, one of our most complex and fascinating leaders. While exploring the library's exhibits, visitors step into a replica of the Oval Office, hear about life in the White House from the President's daughters, delve into the digital archives to read letters, watch videos, view photos from the library's collections, and experience the decade of the Johnson Administration – the turbulent 1960s. *The registration fee is \$99.00 USD per person and includes roundtrip transportation, admittance fees, bottled waters, and a guide.*

6 – 7 p.m.

First/Second Timers, Current/Past Board Members, and Sponsors Reception

Invited guests will receive an emailed invitation prior to the meeting with a request to RSVP.

7 – 10:30 p.m.

Mardi Gras Theme Party

Let the good times roll on Lundi Gras! Don your purple, green, and/or gold and celebrate Mardi Gras with IADC's First Couple from the Big Easy, President Mark Beebe and his wife Anne. Feast on traditional New Orleans cuisine and signature cocktails and then hit the dance floor to the sounds of one Texas's hottest party bands, Drywater.

Mardi Gras colored attire (purple, green, and gold) or smart casual attire.

[The Truth About the Purple, Green, and Gold of Mardi Gras](#)

For inspiration or to shop for your Mardi Gras themed attire, check out the links below. To narrow your options, search "Mardi Gras Attire Men" or "Mardi Gras Attire Women" on the sites below.

[Mardi Gras Attire \(Amazon\)](#)

[Mardi Gras Attire \(Etsy\)](#)

[Mardi Gras Attire \(Oriental Trading\)](#)



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Tuesday, February 21, 2023

6 – 7 a.m.

Morning Run

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7:30 – 8:30 a.m.

Navigating Turbulence: How the Pandemic Impacted the Global Disputes Landscape

Committee Co-Sponsors: International Arbitration, International

The COVID-19 pandemic has brought disruption to businesses worldwide. For instance, supply chains have been deeply affected by national lockdowns, which slowed and sometimes brought to a halt the flow of raw materials and finished goods, disturbing manufacturing. The surge in prices – from food to microchips – has rendered agreements untenable in many cases. Construction projects have been stopped and later deeply impacted by COVID-19 restrictive guidelines. As a result, disputes arose in most countries, and this panel will provide an overview not only on the types of disputes, but especially on how different legal frameworks are addressing them.

Topics to be addressed:

- How are the concepts of Force Majeure, Frustration, Economic Impossibility, and others perceived in different jurisdictions around the globe?
- Differences in the approach to COVID-19 related disputes: courts and arbitration.
- Disputes arising out of the COVID-19 disruption (construction, supply etc.). Analysis of landmark cases.
- What to expect in the future: new disputes on the horizon.

Speakers: Sylvie Gallage-Alwis, Signature Litigation AARPI, Paris, France; Tripp Haston, Bradley Arant Boult Cummings LLP, Birmingham, Alabama USA; Sara M. Keith, Shell, Houston, Texas USA; Siraj Omar, S.C., Drew & Napier LLC, Singapore



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7:30 – 8:30 a.m.

Practical Solutions for Seeking and Defending Against Economic Damages in Business Litigation

Committee Co-Sponsors: Business Litigation, Intellectual Property, International Arbitration, Product Liability, Transportation, Trial Techniques and Tactics

Whether you are seeking them on behalf of your client or opposing the other side's demand, economic damages are the heart of business litigation. These damages can be challenging to quantify and even more challenging to present to a judge or jury with no understanding of business. This program will discuss the types of potential damages such as lost profits, lost business opportunities, diminished stock value, harm to reputation, etc., that require a particular kind of proof to go beyond speculation; as well as strategies for presenting these types of damages, or their antidote to the factfinder in an engaging way.

Speakers: Vincent Biemans, Berkeley Research Group, LLC, Dallas, Texas USA; John W. Campbell, FedEx Express, Memphis, Tennessee USA; Craig T. Schulman, Berkeley Research Group, LLC, College Station, TX USA; Dixie T. Wells, Ellis & Winters LLP, Greensboro, North Carolina USA

8:30 – 8:45 a.m.

Networking Coffee Break

Connect with fellow members to build relationships and pursue strategic opportunities for your practice or law firm at these Networking Coffee Breaks each morning.

8:45 – 10:15 a.m.

Science Doesn't Sell Itself; It Needs a Story

Committee Co-Sponsors: Drug, Device and Biotechnology, Medical Defense and Health Law, Product Liability

Medical or other technical evidence is often necessary to prove claims and defenses in product liability and medical liability cases, among others. Many people do not understand science, do not like it, and may avoid it. You may not know about the physical properties of building materials, but you probably know *The Three Little Pigs*. Decisions are often emotional, and this session will present strategies to help you use technical scientific evidence to create a compelling narrative that connects science with emotion.

Speakers: Brandee Kowalzyk, Nelson Mullins Riley & Scarborough LLP, Atlanta, Georgia USA; Robert G. Smith, Mayer LLP, Houston, Texas USA; Sonia M. Valdes, Medmarc Insurance Company, Reston, Virginia USA

8:45 – 10:15 a.m.

Social Justice on the Main Stage

Committee Sponsor: Diversity, Equity, Inclusion and Belonging

Recent events involving the treatment of marginalized communities in the United States have caused the world of sports and entertainment to respond by exercising their First Amendment Rights. These acts have resulted in consequences to both those exercising their free speech as well as to those trying to limit this fundamental right. This panel, which will include attorneys associated with both the NFL and NBA, will focus on the events that gave rise to some athletes' decision to take a knee and the resulting legal and social challenges the professional sports organizations faced when attempting to manage this on the public stage.

Speakers: Joe Briggs, NFL Players Association, Washington, District of Columbia USA; Stacy L. Douglas, Everett Dorey LLP, Irvine, California USA



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9:30 – 10:30 a.m.

Morning "Coffee Run" Walk

Get your blood pumping, get moving, and get to know fellow attendees at this IADC morning walk. Attendees will go to different nearby coffee shops each morning. The Morning Walks are complimentary and sign-ups are not required. Thank you to Morning "Coffee Run" Walk Chairs Kathrine Butler, Stacie Hansen, Patty Kenney, and Beth Morrissette.

10:30 a.m. – 12 p.m.

Book Review: *Anxious People* by Fredrik Backman

[*Anxious People*](#): A Novel by Fredrik Backman

An instant #1 New York Times bestseller, the new novel from the author of *A Man Called Ove* is a “quirky, big-hearted novel...Wry, wise and often laugh-out-loud funny, it’s a wholly original story that delivers pure pleasure” (*People*). Looking at real estate isn’t usually a life-or-death situation, but an apartment open house becomes just that when a failed bank robber bursts in and takes a group of strangers hostage. The captives include a recently retired couple who relentlessly hunt down fixer-uppers to avoid the painful truth that they can’t fix their own marriage. There’s a wealthy bank director who has been too busy to care about anyone else and a young couple who are about to have their first child but can’t seem to agree on anything. Add to the mix an eighty-seven-year-old woman who has lived long enough not to be afraid of someone waving a gun in her face, a flustered but still-ready-to-make-a-deal real estate agent, and a mystery man who has locked himself in the apartment’s only bathroom, and you’ve got the worst group of hostages in the world. Each of them carries a lifetime of grievances, hurts, secrets, and passions that are ready to boil over. None of them is entirely who they appear to be. And all of them—the bank robber included—desperately crave some sort of rescue. As the authorities and the media surround the premises, these reluctant allies will reveal surprising truths about themselves and set in motion a chain of events so unexpected that even they can hardly explain what happens next. Thank you to Book Review Chair Melissa Dorman Matthews.

10:30 a.m. – 12 p.m.

Building Your Circle of Trust: The Future of Strategic Risk Management

Committee Co-Sponsors: Corporate Counsel, Product Liability, Trial Techniques and Tactics

Is there an ideal strategy for coming up with your ideal strategy? You bet there is! This panel of elite litigation specialists and trial lawyers will introduce you to the future of risk management and litigation strategy when defending businesses and industries. In this presentation, you will learn that litigation strategy is more than just what happens in the courtroom when it comes to defending a business. Through early collaboration with creative professionals who can assist in helping to think outside the box, you will discover how business strategies can influence and inform your winning litigation strategy. By inviting new perspectives and harmonizing business and litigation goals, you will be able to optimize your brain trust and minimize wasted time and effort when preparing a comprehensive defense strategy.

Speakers: Bernadette W. Catalana, Manning Gross+ Massenburg LLP, New York, New York USA; William G. Childs, 3M Company, Saint Paul, Minnesota USA; Nancy M. Erfle, Gordon Rees Scully Mansukhani, LLP, Portland, Oregon USA; Donald F. (Fritz) Zimmer, Jr., King & Spalding, LLP, San Francisco, CA USA



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12:30 – 5:30 p.m.

45 and Under Member Outing: BBQ and Brews Adventure (\$)

Join other 45 and Under members for this BBQ and brews adventure which includes a full BBQ lunch with local craft beer at one of the best smokehouses in town. Discover how BBQ came to the Lone Star State and learn the secrets of Texas BBQ from the pitmaster himself. Spend the rest of the afternoon tasting the famed craft beers of Texas at two local breweries. Please Note: This outing is only open to IADC's 45 (years old) and Under Members and their registered guests. *The registration fee is \$99.00 USD per person and includes roundtrip transportation, lunch, craft beers and non-alcoholic beverages, and a guide.* Thank you to 45 and Under Chair Kelly Hodges.

12:45 – 4:15 p.m.

Texas State Capitol and LBJ Presidential Library Tour (\$)

The Texas Capitol is widely recognized as one of the nation's most distinguished state capitols. It was placed on the National Register of Historic Places in 1970 and designated a National Historic Landmark in 1986. At the LBJ Presidential Library, visitors have an opportunity to learn about America's 36th President, Lyndon Johnson, one of our most complex and fascinating leaders. While exploring the library's exhibits, visitors step into a replica of the Oval Office, hear about life in the White House from the President's daughters, delve into the digital archives to read letters, watch videos, view photos from the library's collections, and experience the decade of the Johnson Administration – the turbulent 1960s. *The registration fee is \$99.00 USD per person and includes roundtrip transportation, admittance fees, bottled waters, and a guide.*

5 – 6 p.m.

International Committee Business Meeting

5:30 – 6:30 p.m.

Member Mix and Mingle (\$) **toasting members who are no longer with us*

Meet up with friends and fellow attendees in the hotel's lobby bar before going out for the evening at this cash bar reception.

Toasting our friends who are no longer with us:

Many of us are mourning IADC friends who recently died, including Asim Desai, Joe Goldberg, and Jim Simpson. Members have expressed interest in toasting their friends and sharing stories at the Midyear Meeting. Any and all are welcome to join the Tuesday Mix and Mingle at 5:30 p.m. to raise a glass and celebrate our IADC members who are no longer on this earth but always in our hearts.

6 – 10 p.m.

Dine-Around (\$)

The IADC invites attendees to dine together at some of Austin's best restaurants. A list of participating restaurants and sign-up sheets will be available onsite at the IADC Registration Desk. Spots will be filled on a first come, first served basis. All costs associated with dinner, as well as transportation to/from the restaurants, will be the attendee's responsibility. Thank you to Dine-Around Chair JT Wilson.

10 – 11:30 p.m.

After Dinner Gathering



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SPONSORED BY BERKELEY RESEARCH GROUP, LLC

Wrap up your evening with a nightcap and camaraderie at this After Dinner Gathering held exclusively for IADC attendees in the hotel's lobby bar. Beer, house wine, and non-alcoholic beverages are complimentary with your meeting name badge.

Wednesday, February 22, 2023

6 – 7 a.m.

Morning Run

Get your blood pumping, get moving, and get to know fellow attendees at this IADC morning run. The Morning Runs are complimentary and sign-ups are not required. Thank you to Morning Run Chair Kim Hardeman.

7 – 9 a.m.

Grab and Go CLE Breakfast

"Grab and Go" breakfasts are available outside the morning meeting rooms, making it easy for attendees to have breakfast without missing a minute of the great CLE programming we have planned for you.

7 – 9 a.m.

Meet and Greet Breakfast

Join fellow attendees for breakfast to network, discuss ideas, or plan your day. Breakfast is available to all registered attendees. Meeting name badge required for entry.

7 a.m. – 2 p.m.

Registration Desk

Have questions or need help? Visit IADC's Registration Desk during posted hours for assistance.

7:30 – 8:30 a.m.

Current Issues in Legal Ethics for Lawyers and Risk Management in Law Firms

Committee Co-Sponsors: In-House and Law Firm Management, Professional Liability

A panel of legal ethics and risk management experts will discuss a series of ethics scenarios raising significant challenges for law firm and in-house lawyers. The Rules of Professional Conduct require every law firm partner or supervisory lawyer to make reasonable efforts to ensure that all lawyers they supervise conform to the ethics rules. This presentation will provide practical guidance on evolving principles of legal ethics and tips on avoiding legal malpractice claims.

Speakers: Scott Barabash, Aspen Insurance, Jersey City, New Jersey USA; Zandra E. Foley, Thompson, Coe, Cousins & Iron, LLP, Houston, Texas USA; Evans L. King, Jr., Steptoe & Johnson PLLC, Bridgeport, West Virginia USA; Charles Lundberg, Lundberg Legal Ethics P.A., Roseville, Minnesota USA

7:30 – 8:30 a.m.

Reflections of a Litigator: Mistakes I Have Made or Seen Others Make

Committee Co-Sponsors: Product Liability, Toxic and Hazardous Substances Litigation



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Becoming very good at anything, including litigation, takes time and involves making mistakes along the way. Some people have shorter learning curves, some have longer learning curves. Learning from mistakes is one key to improving and becoming an excellent litigator and trial lawyer. In this session, brave IADC members will share mistakes they have made and seen others make inside and outside the courtroom. They will also highlight some of the lessons learned in the process.

Speakers: Stuart Goldberg, Eastman & Smith LTD, Toledo, Ohio USA; Melissa Dorman Matthews, Steptoe & Johnson PLLC, Dallas, Texas USA; Charles Reynolds, Tyson Mendes, Tampa, Florida USA

8:30 – 8:45 a.m.

Networking Coffee Break

Connect with fellow members to build relationships and pursue strategic opportunities for your practice or law firm at these Networking Coffee Breaks each morning.

8:45 – 10:15 a.m.

"Blurred Lines" – Is it Copyright Infringement or Fair Use? You Decide.

Committee Co-Sponsors: Business Litigation, Corporate Counsel, Cyber Security, Data Privacy and Technology, In-House and Law Firm Management, Insurance and Reinsurance, Intellectual Property

Does Robin Thicke and Pharrell Williams' "Blurred Lines" song remind you of Marvin Gay's hit "Got to Give it Up"? How about 2 Live Crew's version of "Pretty Woman" compared with Roy Orbison's song? What about visual artists like Andy Warhol, Jeff Koons and Richard Prince, who appropriate and incorporate others' material into their own works of art? Did Google inappropriately copy Oracle's smartphone code? Did Apple misappropriate Microsoft's graphic interface design? These are just a few examples of questions that arise when judges and juries decide whether use of another's intellectual property is infringing, or whether it constitutes fair use. Our panel will explain how the line between copyright infringement and fair use is constantly being challenged and expanded, whether in the context of songs, pop art, proprietary computer code, or other forms of expression. Intellectual property accounts for a huge piece of the U.S. economy, and copyright – and its accompanying legal issues – is all around us. Each corporate client has intellectual property it needs to protect, and each needs to understand any potential risks of infringement. Come join this interactive panel which will walk-through real-world examples of alleged infringement, asking the audience to vote whether the secondary use should constitute a "fair use." The panel will then reveal the actual outcome of the case, and the audience will see how their instincts align with court decisions. The panel will explore what factors courts analyze when examining fair use cases, and will discuss examples including:

- Oral arguments presented to the Supreme Court in the case involving Andy Warhol's use of a copyrighted photograph to create a series of portraits of Prince;
- Lawsuits against celebrities posting paparazzi photographs of themselves on social media, such as actress Emily Ratajkowski, LeBron James, and NFL player Deshaun Watson;
- The Ninth Circuit's recent ruling in Katy Perry's "Dark Horse" IP dispute;
- Alice Randall's critique of *Gone With the Wind* in her book *The Wind Done Gone*;
- The Court ruling in *Dr. Seuss Enters., L.P. v. ComicMix* regarding fair use of Dr. Seuss's material;
- Street artists and their challenges and successes in protecting copyright in graffiti;



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- The case of *Disney v. Vid Angel*, where the court ruled that the fair use defense did not apply where an unlicensed video-on-demand streaming service allowed customers to filter out adult content from movies and television shows;
- Instances of musicians suing over politicians' use of their music at campaign events; and
- Infringement cases based on celebrity tattoos being replicated on video game characters.

Come hear why this area of the law is so hard to predict and why these cases are always fact intensive and highly debated. You'll walk away armed with advice to give your own clients as they protect their own intellectual property interests.

Speakers: Nicholas Bartelt, U.S. Copyright Office, Washington, District of Columbia USA; Nicholas Hoffman, McGuireWoods LLP, Los Angeles, California USA; Anna G. Schuler, Spencer Fane Britt & Browne LLP, Overland Park, Kansas USA

8:45 – 10:15 a.m.

Leading Into the Future: Lessons From Ted Lasso

Committee Sponsor: In-House and Law Firm Management

Corporations and law firm leaders need to rethink their leadership approaches to adapt to the expectations of a post-pandemic world and generational shifts in the workplace. During this session, emerging leaders will explore the future of leadership from a unique and entertaining perspective, focusing on how we can apply the leadership approach of the entertaining sports comedy *Ted Lasso* to our legal workplaces. The panel will delve into how Ted's "be a good person, respect others, and judge no one" philosophy can help your organization not just survive, but thrive in changing and challenging times.

Speakers: Elizabeth M. Brotten, Foley & Mansfield, PLLP, Minneapolis, Minnesota USA; Laura Emmett, Strigberger Brown Armstrong LLP, Waterloo, Ontario Canada; Guilherme R. Amaral, Souto Correa Cesa Lummertz & Amaral Advogados, Porto Alegre, Brazil

9:30 – 10:30 a.m.

Morning "Coffee Run" Walk

Get your blood pumping, get moving, and get to know fellow attendees at this IADC morning walk. Attendees will go to different nearby coffee shops each morning. The Morning Walks are complimentary and sign-ups are not required. Thank you to Morning "Coffee Run" Walk Chairs Kathrine Butler, Stacie Hansen, Patty Kenney, and Beth Morrisette.

10:30 a.m. – 12 p.m.

Training Your Witness Not to Fail Under Pressure

Committee Co-Sponsors: Business Litigation, Class Actions and Multi-Party Litigation, Construction Law and Litigation, Intellectual Property, International Arbitration, Medical Defense and Health Law, Product Liability, Trial Techniques and Tactics

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As a follow up to a popular program presented at the 2022 Midyear Meeting, How to Regain Control of a Witness That Has Lost It, the panelists will discuss techniques for preparing witnesses so that they maintain composure on the stand and express themselves in a credible way. After identifying the challenges that a particular witness presents due to their unique personality traits, this program provides strategies for effectively preparing the



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witness including behavior modification techniques; strategies to develop the witnesses' muscle memory, pattern interruptions, preparation, and practice; videotaping the witnesses; using mock depositions, etc. The panelists will discuss the risks of over-prepping the witness, how to know when to start the preparation, and when to stop.

Speakers: Jennifer R. Annis, GableGotwals, Tulsa, Oklahoma USA; Daniel Wolfe, Magna Legal Services, Chicago, Illinois USA; Sandra J. Wunderlich, Tucker Ellis LLP, Saint Louis, Missouri USA

12:30 – 2 p.m.

Audit Committee Meeting and Luncheon

12:30 – 2 p.m.

CLE Committee Meeting and Luncheon

1 – 6 p.m.

Hill Country Winery Tour (\$)

Discover what a million annual visitors already know: Hill Country wineries are a hidden gem in the heart of Texas! With more than 50 unique and visually stunning wineries scattered throughout the Hill Country, each winery has its own personality, terroir, and style of winemaking, yet all share a commitment to quality, hospitality, and a fervent passion for what they do. *The registration fee is \$175.00 USD per person and includes roundtrip transportation, admittance and tasting fees at three wineries, bottled waters, and a guide.*

1:30 – 3:30 p.m.

The Keep Austin Weird City Tour (\$)

It might be the city's tagline, but what exactly makes Austin weird? On this tour, you will not only learn about city's evolution of weird, but also explore the famous locations that made the city the "weird" destination it is today. Go inside artist residences, visit funky local pads, and make stops at Austin's most famous murals. This tour isn't just about the weird destinations Austin is known for but also the people behind them. *The registration fee is \$99.00 USD per person and includes roundtrip transportation, admittance fees, bottled waters, and a guide.*

7 – 10:30 p.m.

Austin City NO Limits Closing Party

There are no limits on fun, food, or festivities in a city like Austin! We'll cap off the week with local fare, cocktails, and the high-energy performance of one of Austin's most popular bands, PDA. Join us as we celebrate all there is to love about the "Live Music Capital of the World" at this Texas-sized event before "Howdy" becomes "Aloha" at IADC's Annual Meeting this summer in Hawaii. *Texas chic or smart casual attire.*

Need boots? The IADC has you covered!

Checkout the details of IADC's partnership with Austin bootmakers, Alvies, [here](#).

Please note all registered attendees (main registrants, spouses, and guests) are invited. Name badge required for entry.