



2018 Midyear Meeting

February 10 - 15

La Quinta Resort & Club
La Quinta, California USA



CLE GUIDE



SUNDAY, FEBRUARY 11

7:30 - 8:30 a.m.

Fiesta 11, 12

Business Litigation/Corporate Counsel/Insurance and Reinsurance/Trial Techniques and Tactics

COVERAGE ISSUES FOR NON-COVERAGE COUNSEL: A SIMPLE PRIMER FOR ISSUE-SPOTTING SOME COMPLEX STUFF

If resolving coverage issues is not a regular part of your practice, the entire subject can seem arcane and mystifying. And yet, it can have a very real impact on your client's relationships with outside counsel and your client's bottom line. This foundational-level presentation will introduce participants to the key areas for issue-spotting and highlight a few traps for the unwary.

Speakers: *Matthew S. Brown, Carlile Patchen & Murphy LLP, Columbus, OH USA; Timothy Jabbour, Tressler LLP, Newark, NJ USA*

7:30 - 8:30 a.m.

Fiesta 13, 14

Cyber Security, Data Privacy and Technology/In-House and Law Firm Management/Professional Liability

ETHICAL AND FIDUCIARY OBLIGATIONS CONFRONTING PROFESSIONALS IN PROTECTING THEIR CLIENTS' RECORDS AND FILES FROM UNAUTHORIZED DISCLOSURE BY DATA BREACH

**This program is eligible for ethics credit.*

Join our interactive discussion about practical compliance problems confronting professionals (attorneys, accountants, directors and officers, claims professionals, etc.) and their ethical and fiduciary duties to protect clients' files and records from data breaches. Learn what regulators expect from insurers, how they respond, and proactive steps they demand retained professionals take to limit exposures. Hear about steps professionals need to consider to protect themselves financially and their clients from unauthorized disclosures of private insurance information occurring at the hands of retained experts or other third parties, like plaintiffs and their attorneys!

Speakers: *Gordon J. Calhoun, Lewis Brisbois Bisgaard & Smith LLP, San Francisco, CA USA; Barry G. Kaiman, Lewis Brisbois Bisgaard & Smith LLP, Los Angeles, CA USA; Melissa Ventrone, Thompson Coburn LLP, Chicago, IL USA*

7:30 - 8:30 a.m.

Fiesta 10

Drug, Device and Biotechnology

LEVELING THE PLAYING FIELD ON EX PARTE COMMUNICATIONS WITH TREATING PHYSICIANS

This session explores strategies to "level the playing field" with respect to defense counsel's access to plaintiff's prescribing and

treating physicians. The law governing the permissibility of ex parte communications between defense counsel and plaintiff's treating physicians varies widely by jurisdiction, but the more common scenario involves serious restrictions on defense counsel's ability to conduct informal discovery as to these important witnesses. At the same time, plaintiff's attorneys are permitted unfettered access which they regularly use to "woodshed" treating physicians with selective documents that frequently color their view of the case and their testimony. We will review strategies for convincing judges that fundamental fairness and legal principles necessitate equal or better access to these witnesses, as well as present options that have been successfully used to level the playing field in other litigation.

Speaker: *Joseph D. Piorkowski, Jr., The Piorkowski Law Firm, PC, Washington, DC USA*

7:30 - 8:30 a.m.

Fiesta 9

Product Liability/Toxic and Hazardous Substances Litigation

PERSONAL JURISDICTION POST-DAIMLER: STATE OF LAW AND STRATEGY

The United States Supreme Court dramatically altered the landscape of personal jurisdiction in mass tort and other matters in 2014 with the *Daimler* decision. *Daimler* severely limited court use of general jurisdiction to drag defendants into courts where the defendant was neither domiciled or had its headquarters, handing defendants a very powerful weapon for motions to dismiss. Since then, plaintiffs have made great efforts to limit the scope of *Daimler*, but the Supreme Court reinforced its more narrow view of jurisdiction in the recent *Bristol-Myers Squibb* case. This program will review the case law in this area, discuss the effect of the recent BMS ruling, and provide practice tips on when and how to present successful *Daimler* motions to dismiss.

Speakers: *Douglas J. Chumbley, Carlton Fields Jorden Burt, Miami, FL USA; Susanna M. Moldoveanu, Butler Snow LLP, Memphis, TN USA; Ben J. Scott, Butler Snow LLP, Memphis, TN USA*

Directly following this CLE program there will be a short Toxic and Hazardous Substances Litigation Committee Business Meeting. Please stay if you are able.

8:45 - 10:15 a.m.

Fiesta 5, 6, 7, 8

OPENING SESSION

10:15 - 11:30 a.m.

Fiesta 5, 6, 7, 8

FOUNDATION FORUM SPEAKER: IMMACULÉE ILIBAGIZA

The Foundation Forum speaker is sponsored by The Foundation of the IADC.

MONDAY, FEBRUARY 12

7:30 - 8:30 a.m.

Fiesta 11, 12

Alternative Dispute Resolution/Business Litigation/International Arbitration **INNOVATIONS IN ADR**

Come learn innovative ADR strategies and techniques to assist counsel in settling cases that otherwise appear unlikely to resolve. Our experienced panel includes outside counsel, an arbitrator/mediator, and an insurance professional. Topics include the idea of parties obtaining non-binding viewpoints from judges or mock juries, appointing a standing neutral to resolve certain case-related disputes, resolving portions of claims, and other “outside the box” ways to move difficult or complex cases towards resolution.

Moderator: *Michael A. Airdo, Kopon Airdo, LLC, Chicago, IL USA*

Speakers: *Albert C. Hilber, Swiss Re America Corporation, Armonk, NY USA; F. Peter Phillips, Business Conflict Management LLC, Montclair, NJ USA; Steven E. Sletten, Gibson Dunn & Crutcher LLP, Los Angeles, CA USA*

7:30 - 8:30 a.m.

Fiesta 13, 14

Construction Law and Litigation/Corporate Counsel/In-House and Law Firm Management/Product Liability **TWO SIDES OF THE SAME COIN: PERSPECTIVES OF A NEW INSIDE COUNSEL**

The recent transition from outside counsel to inside counsel has given Carin Brock a unique and very fresh perspective from “both sides of the aisle.” Former inside and current outside counsel Chas Reynolds will pose some of the most vexing questions to her for insights from someone who understands both worlds and can speak to concerns of lawyers and clients alike.

Speakers: *Carin Brock, Builders FirstSource, Dallas, TX USA; Charles E. Reynolds, II, Butler Weihmuller Katz Craig LLP, Tampa, FL USA*

7:30 - 8:30 a.m.

Fiesta 10

Drug, Device and Biotechnology/Insurance and Reinsurance **PUNITIVE DAMAGES UPDATE: THE IMPACT ON INSURERS AND THEIR INSURED**

Punitive damage awards in drug, medical device, and other categories of cases are soaring in both volume and amounts. Reducing the risk of these judgments is a challenge that both insurers and policyholders must confront on a daily basis. This panel will explore the relevant issues: from a variety of vantage points, including issues relating to strategies for minimizing the likelihood of a punitive damages verdict; the impact that allegations of punitive damages may have on an insurer's

defense obligations; the current status of constitutional challenges to punitive damage awards; and new developments in whether such losses are covered under insurance policies.

Moderator: *John T. Harding, Jr., Lewis Brisbois Bisgaard & Smith LLP, Boston, MA USA*

Speakers: *Chad R. Hutchinson, Butler Snow LLP, Ridgeland, MS USA; Sonia Valdes, Medmarc Insurance Group, Chantilly, VA USA; Bryan M. Weiss, Murchison & Cumming, LLP, San Francisco, CA USA*

7:30 - 8:30 a.m.

Fiesta 9

Environmental and Energy Law **A NEW ENVIRONMENT FOR CLIMATE CHANGE LITIGATION**

Marina Cassio will alert our members to a new type of climate change litigation, *Juliana v. United States*, Case No. 6:15-cv-01517-TC (D. Or.), in which claims were brought against the federal government grounded in constitutional rights, and/or the public trust doctrine by a small group of young people and a climate scientist representing future generations for violating their asserted constitutional rights to a stable climate system. Also, IADC member Benne Hutson will discuss his experience as the Chairman of the North Carolina Environmental Management Commission and being sued by a 13-year-old (through Our Children's Trust) in 2015 over his denial of a rulemaking petition to impose stringent GHG emission standards.

Speakers: *Marina D. Cassio, Marten Law, San Francisco, CA USA; Benne Hutson, EnPro Industries Inc., Charlotte, NC USA*

8:45 - 10:15 a.m.

Fiesta 6, 8

LAW PRACTICE EXIT STRATEGIES

Sponsored by In-House and Law Firm Management Committee and Professional Liability Committee

***This program is eligible for ethics credit.**

A lawyer invests in a career serving her/his profession and clients. Many of those clients required guidance in transitioning their businesses to others - these included intra-family succession or intra-owner transition, sale in-part or whole, or liquidation. Now, you have arrived at that point in your career where you contemplate similar challenges...

1. How do I monetize what I labored on for so many years?
2. What is the value that I am passing to others and how do I ensure that happens?
3. What special factors affect what I do, such as ethical restraints, market conditions, and nuances of a law practice?
4. What is the timeline for accomplishing this?

In this interactive session, attendees will learn about very practical approaches to effect a transfer of a law practice.

Moderator: *Daniel K. Cray, Cray Huber Horstman Heil & VanAusdal LLC, Chicago, IL USA*

Speakers: *Timothy J. Gephart, Minnesota Lawyers Mutual,*

Minneapolis, MN USA; Donald L. Mrozek, Hinshaw & Culbertson LLP, Chicago, IL USA; Joseph E. O'Neil, Lavin, O'Neil, Cedrone & DiSipio, Philadelphia, PA USA

8:45 - 10:15 a.m. Fiesta 5, 7

CIVIL LITIGATION IN THE "POST TRUTH" ERA: DEFENDING AGAINST MOTIVATED REASONING

Sponsored by Business Litigation Committee, Product Liability Committee, Toxic and Hazardous Substances Litigation Committee, and Trial Techniques and Tactics Committee

SPONSORED BY TSONGAS LITIGATION CONSULTING, INC.

We live in a "post-truth" era where people often are skeptical of facts or evidence inconsistent with their world view. Many times, these people will instead rely upon their emotions or "gut" in making decisions. It is not a new tactic for plaintiffs lawyers to use "motivated reasoning" to encourage jurors to engage in emotion-biased decision-making. What has changed, however, is the extent to which people are willing to follow and discard objective evidence. This panel of well-seasoned trial lawyers and a jury consultant will discuss the social psychology behind motivated reasoning, use examples from mock trials to demonstrate some of the changes in juror behavior, and provide practical tips to try to counter this growing phenomenon.

Speakers: Christopher Dominic, Tsongas Litigation Consulting, Inc., Portland, OR USA; Sherry A. Knutson, Tucker Ellis LLP, Chicago, IL USA; Lori B. Leskin, Arnold & Porter Kaye Scholer LLP, New York, NY USA

10:30 a.m. - 12:00 p.m. Fiesta 6, 8

HUMAN TRAFFICKING: LEGAL AND REGULATORY PITFALLS FOR CORPORATIONS

Sponsored by Corporate Counsel Committee, Social Justice Pro Bono Committee, and White Collar Defense and Investigations Committee

Human trafficking is a global scourge that affects nearly every country. Corporations are obligated by statutes and regulations to insure that they do not foster human labor trafficking through their vendors, including overseas vendors. A panel of experts in the field of labor trafficking regulation will examine human trafficking and the legal and regulatory requirements that companies must meet to insure that the products they sell are not manufactured through trafficked labor or incorporate components made with trafficked labor. In addition to regulatory and statutory requirements, the panel will review several recent class actions filed against companies that allegedly used trafficked labor in their products.

Speakers: T. Markus Funk, Perkins Coie, Denver, CO USA; Eric Gunning, Molson Coors International, Denver, CO USA; The Honorable Virginia M. Kendall, United States District Court - Northern District of Illinois, Chicago, IL USA

4:00 - 5:00 p.m.

Fiesta 2, 3

INTERNATIONAL COMMITTEE BUSINESS MEETING

TUESDAY, FEBRUARY 13

7:30 - 8:30 a.m.

Fiesta 2

CYBER SECURITY, DATA PRIVACY AND TECHNOLOGY COMMITTEE BUSINESS MEETING

7:30 - 8:30 a.m.

Fiesta 11, 12

Business Litigation/Corporate Counsel/Insurance and Reinsurance/Trial Techniques and Tactics WAKING YOUR JURY UP WITH CREATIVE DEMONSTRATIVE EXHIBITS

If a picture is worth a thousand words, a good and engaging demonstrative is worth even more. This panel will discuss the costs and benefits of thinking outside the box. The discussion will include finding the right balance of polished and engaging without appearing too slick; tailoring your demonstratives to your projected jury; appropriate use of animations, summaries, and physical objects; and how to object to and exclude your opponent's demonstratives.

Speakers: Carl A. Aveni, Carlile Patchen & Murphy LLP, Columbus, OH USA; David Aveni, Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, San Diego, CA USA; Christopher B. Parkerson, Campbell Campbell Edwards & Conroy P.C., Boston, MA USA

Directly following this CLE program there will be a short Business Litigation Committee Business Meeting. Please stay if you are able.

7:30 - 8:30 a.m.

Fiesta 13, 14

Construction Law and Litigation CONCURRENT DELAYS: AN OWNER'S SWORD, SHIELD...OR LAND MINE?

Owners actively use "concurrent delay" as a primary defense against contractor extension-of-time claims. In addition, "concurrent delay" clauses in contracts more often confuse than clarify the issue. This program, aimed at construction litigators, will: 1) delve into various kinds of concurrency; 2) discuss best practices in contract language to adequately address concurrency from the owner's perspective; 3) explain effective schedule analysis methodologies to demonstrate concurrent delay; and 4) demonstrate the typical flaws in contractor delay claims and how the litigator can deflate or defeat these claims.

Moderator: Robert M. Craig, III, Berkeley Research Group, LLC, Houston, TX USA

Speakers: Antoine Bigenwald, Langlois, Montreal, QC Canada; Thomas M. Buckley, Hedrick Gardner, Raleigh, NC USA; Anamaria Popescu, P.E., Berkeley Research Group, LLC, Denver, CO USA

Directly following this CLE program there will be a short Construction Law and Litigation Committee Business Meeting. Please stay if you are able.

7:30 - 8:30 a.m.

Fiesta 10

Drug, Device and Biotechnology/Medical Defense and Health Law

HIGH STAKES LITIGATION: SAME ACTORS, DIFFERENT SCRIPT

High stakes litigation continues to pose significant risks and challenges for corporations and defense counsel. Healthcare providers and drug manufacturers are some of the key industries that have been recently targeted by trial lawyers. Television and social media advertisement continue to rise. Multi-million dollar verdicts are becoming the new normal. Renowned practitioners and experienced in-house counsel will discuss emerging trends and effective strategies for defending high stakes litigation related to product/pharmaceutical, professional negligence, and nursing home litigation. The distinguished panel will address issues related to warm to hot venues, alternative billing, implementing the national counsel model, creative staffing in document intensive cases, getting more bang for your buck in trial counsel, and more.

Moderator: Sharon F. Bridges, Baptist Memorial Health Care Corporation, Memphis, TN USA

Speakers: Mollie Benedict, Tucker Ellis LLP, Los Angeles, CA USA; Eric Gardner, Imerys North America, Roswell, GA USA; William D. Purnell, Ingersoll-Rand Company, Davidson, NC USA

7:30 - 8:30 a.m.

Fiesta 9

Social Justice Pro Bono

THE JUDICIAL AND LEGAL RESPONSE TO HUMAN TRAFFICKING

Trafficking in humans for the sex industry and/or cheap labor is a modern plague. Tens of thousands of men and women lead a life of modern slavery because of trafficking. This program examines human trafficking and considers how the bar and judiciary can identify and mitigate the effects of human trafficking.

Speakers: The Honorable Virginia M. Kendall, United States District Court - Northern District of Illinois, Chicago, IL USA; Robert F. Redmond, Jr., McGuireWoods LLP, Richmond, VA USA

8:45 - 10:15 a.m.

Fiesta 6, 8

AGEISM AND SEXISM IN COURT

Sponsored by Diversity and Inclusion Committee, In-House and Law Firm Management Committee, and Trial Techniques and Tactics Committee

***This program is eligible for Elimination of Bias credit in applicable states.**

How are plaintiffs, defendants, witnesses, jurors, attorneys, and judges impacted by ageism and sexism in court? This presentation will provide real-life examples and film clips of ageism and sexism in the courtroom, as well as explore the advantages and disadvantages faced by many in the legal system based on their age and sex. The panel will discuss and explore problems encountered; the reaction by the bar, public, and judiciary; and potential resolutions and responses.

Speakers: Rhonda Hunter, Dallas County District Attorney's Office, Dallas, TX USA; Tammy J. Meyer, Metzger Rosta LLP, Noblesville, IN USA; The Honorable Gary L. Miller, Marion Superior Court, Indianapolis, IN USA

8:45 - 10:15 a.m.

Fiesta 5, 7

IS YOUR CIVIL CLIENT IN DANGER OF CRIMINAL CHARGES?

Sponsored by Appellate Practice Committee, Business Litigation Committee, Drug, Device and Biotechnology Committee, Environmental and Energy Law Committee, Insurance and Reinsurance Committee, Medical Defense and Health Law Committee, Toxic and Hazardous Substances Litigation Committee, Transportation Committee, and White Collar Defense and Investigations Committee

SPONSORED BY LIGHTHOUSE eDISCOVERY

Civil practitioners, how can you protect your client in heavily-regulated areas such as securities, FDA, insurance, healthcare, and the environment? The United States can use the broad wording of money-laundering, false statement, and other criminal statutes to turn ordinary-seeming civil or regulatory litigation into criminal indictments. Can the government bring criminal charges to force civil settlements? Is it overreaching? The panelists will discuss situations they have handled in which the government did just that. They will analyze when it can happen, how to handle it, and whether changes in enforcement or the Supreme Court could make a difference.

Moderator: M.C. Sungaila, Haynes and Boone, LLP, Costa Mesa, CA USA

Speakers: Thomas C. Frongillo, Fish & Richardson P.C., Boston, MA USA; Paul Mogin, Williams and Connolly LLP, Washington, DC USA; Sonia Escobio O'Donnell, Sonia Escobio O'Donnell PA, Miami, FL USA

10:30 a.m. - 12:00 p.m.

Fiesta 6, 8

General Interest/Book Review

BILL BROWDER

General Interest speaker Bill Browder will join us live via video conference to discuss his book *Red Notice: A True Story of High Finance, Murder, and One Man's Fight for Justice*.

Red Notice is a story about an accidental activist. Bill Browder started out his adult life as the Wall Street maverick whose instincts led him to Russia just after the breakup of the Soviet Union where he made his fortune. Along the way, he exposed

corruption, and when he did, he barely escaped with his life. His Russian lawyer Sergei Magnitsky wasn't so lucky; he ended up in jail where he was tortured to death. That changed Browder forever. He saw the murderous heart of the Putin regime and has spent the last half decade on a campaign to expose it. Because of that, he became Putin's number one enemy, especially after Browder succeeded in having a law passed in the United States—The Magnitsky Act—that punishes a list of Russians implicated in the lawyer's murder. Putin famously retaliated with a law that bans Americans from adopting Russian orphans. A financial caper, a crime thriller, and a political crusade, *Red Notice* is the story of one man taking on overpowering odds to change the world, and also the story of how, without intending to, he found meaning in his life.

4:00 - 5:00 p.m.

Fiesta 10

Diversity and Inclusion

INCLUSION NUDGES: STRUCTURAL CHANGES THAT HELP LAWYERS AND LEGAL PROFESSIONALS INTERRUPT UNCONSCIOUS BIAS

**This program is eligible for Elimination of Bias credit in applicable states.*

Unconscious bias is one of the biggest challenges to advancing diversity and inclusion in the legal profession. While training on unconscious bias is an essential first step, awareness simply isn't enough. Nor can individuals be expected to fully or adequately interrupt their own biases. What works best is to embed bias-interrupters into processes and procedures. Attend this breakout session to learn how to nudge any process in your organization to make it more bias-proof. You will also learn how law firms and legal departments are creating inclusion nudges and receive lists of inclusion nudges that can be implemented in recruiting, hiring, assessment, and promotion processes.

Speakers: Rhonda Hunter, Dallas County District Attorney's Office, Dallas, TX USA; Marsha M. Piccone, Rollin Braswell Fisher LLC, Denver, CO USA

**This program will be followed by a Diversity and Inclusion Committee Wine Tasting Reception at 5:00 p.m. The reception is a ticketed event which requires registration. Registration is not required if attending the CLE session only.*

WEDNESDAY, FEBRUARY 14

7:30 - 8:30 a.m.

Fiesta 2

INSURANCE AND REINSURANCE COMMITTEE BUSINESS MEETING

7:30 - 8:30 a.m.

Fiesta 11, 12

Appellate Practice/Product Liability/Toxic and Hazardous Substances Litigation/Trial Techniques and Tactics

MAKE SURE YOUR APPELLATE RECORD GOES PLATINUM

SPONSORED BY MRC

Preparing your case for appeal starts at the trial court level. This platinum panel will discuss issues that arise at trial in products liability and toxic tort cases that may become appellate issues, and how you can make sure you are developing the best record possible to preserve issues for appeal.

Speakers: Robert A. Brundage, Morgan, Lewis & Bockius LLP, San Francisco, CA USA; Mark S. Cheffo, Quinn Emanuel Urquhart & Sullivan, LLP, New York, NY USA; Michele Smith, Mehaffy Weber, Beaumont, TX USA

7:30 - 8:30 a.m.

Fiesta 13, 14

Business Litigation/Intellectual Property

THE ENTERTAINMENT INDUSTRY: WHAT KEEPS IN-HOUSE COUNSEL UP AT NIGHT?

The entertainment industry intrigues us, challenges us, and amuses us, but what are the unique legal issues facing this industry in the rapidly evolving technological landscape? This program will address the unique and often "entertaining" issues faced by legal counsel in the entertainment industry in trying to protect their innovations and prevent infringement both in the U.S. and abroad, as well as the difficulties in complying with governmental regulations and data privacy concerns. Our in-house counsel speakers will discuss the challenges they are facing, the trends they are seeing, and the solutions they have implemented for each of the challenges.

Moderator: Sandra J. Wunderlich, Tucker Ellis LLP, Saint Louis, MO USA

Speakers: Marlo Carruth, Walt Disney Company, Los Angeles, CA USA; John McCoy III, Fox Film Entertainment, Los Angeles, CA USA

7:30 - 8:30 a.m.

Fiesta 10

Corporate Counsel/In-House and Law Firm Management/White Collar Defense and Investigation

LEGAL COUNSEL IN THE INVESTIGATIVE CROSSHAIRS

**This program is eligible for ethics credit.*

As company counsel—whether in-house or outside—there are ethical lines that are not to be crossed. And crossing those lines might bring you—yes, YOU—into the crosshairs of a criminal investigation. Join our panel as it presents real-life examples during a workshop addressing the rules of professional responsibility that apply to attorneys when their legal advice

may be used to further a crime or other attorney conduct that might expose the lawyer to criminal liability here and abroad.

Moderator: Peggy Kubicz Hall, *Greene Espel P.L.L.P., Minneapolis, MN USA*

Speakers: Christi Daniel Lunsford, *HealthSouth Corporation, Birmingham, AL USA*; John Marti, *Dorsey & Whitney LLP, Minneapolis, MN USA*; David Wallace-Jackson, *Greene Espel P.L.L.P., Minneapolis, MN USA*

7:30 - 8:30 a.m.

Fiesta 9

International Arbitration

DEALING WITH ALLEGATIONS OF ILLEGALITY AND CORRUPTION IN INTERNATIONAL ARBITRATION

Against the background of the increasing regulation and “criminalization” in today’s business world, this session will explore the multiple ways in which allegations of illegality can impact an arbitration. The session will examine, among others, jurisdictional issues (validity of arbitration agreement, arbitrability), procedural issues (taking of evidence, stay of proceedings), issues relating to the merits (standard of proof, application of mandatory provisions of criminal law), and issues of res judicata (binding effect of decisions of criminal courts).

Speakers: Eliana Buonocore Baraldi, *Souto, Correa, Cesa, Lummertz & Amaral Advogados, São Paulo, Brazil*; Rouven F. Bodenheimer, *Bodenheimer Herzberg, Cologne, Germany*; Timothy St. J. Ellam, *McCarthy Tetrault LLP, Calgary AB Canada*; Hiroyuki Tezuka, *Nishimura & Asahi, Tokyo, Japan*

8:45 - 10:15 a.m.

Fiesta 6, 8

PREPARING A CORPORATE WITNESS FOR DEPOSITION — PERSPECTIVES FROM A CORPORATE WITNESS AND FROM DEFENSE COUNSEL

Sponsored by Corporate Counsel Committee, Employment Law Committee, Medical Defense and Health Law Committee, Product Liability Committee, Toxic and Hazardous Substances Litigation Committee, and Transportation Committee

***This program is eligible for ethics credit.**

This program will focus on the preparation of corporate witnesses for deposition. As any experienced trial lawyer knows, a poorly prepared defense witness can sink the client’s defense. This is especially true with 30(b)(6) witnesses – also known as “person most knowledgeable.” In addition to a panel of experienced defense attorneys, the program will offer the unique feature of the perspective of a veteran corporate witness who has endured these examinations. The panel will discuss various tips and techniques to navigate these challenges and will examine the ethics of witness preparation, e.g., what a lawyer can and cannot do in preparing a witness for deposition.

Moderator: Mark D. Hansen, *Heyl, Royster, Voelker & Allen, Peoria, IL USA*

Speakers: Matthew D. Keenan, *Shook, Hardy & Bacon LLP, Kansas City, MO USA*; Mary Robinson, *Robinson Law Group LLC, Chicago, IL USA*; Michael A. Santalucia, *TerumoBCT, Inc., Denver, CO USA*

8:45 - 10:15 a.m.

Fiesta 5, 7

ISSUES BEYOND EXPERTISE — A HISTORY OF DAUBERT AND OTHER DETAILS THAT DRIVE INTERACTIONS BETWEEN LITIGATORS AND EXPERTS

Sponsored by Business Litigation Committee, Drug, Device and Biotechnology Committee, Intellectual Property Committee, and Trial Techniques and Tactics Committee

This panel will track the 25-year history of *Daubert*, legally and tactically, and how *Daubert* and other significant issues drive attorney/expert relationships in litigation, focusing on concerns such as qualifications, conflicts, styles, timing, and independence.

Moderator: Joseph D. Piorkowski, Jr., *The Piorkowski Law Firm, PC, Washington, DC USA*

Speakers: Brent Kerger, *Exponent, Irvine, CA USA*; Raymond Kolls, *Berkeley Research Group, LLC, Washington, DC USA*; Angel Tang Nakamura, *Arnold & Porter Kaye Scholer LLP, Los Angeles, CA USA*

10:30 a.m. - 12:00 p.m.

Fiesta 6, 8

JUDICIAL HELLHOLES: HOW THEY ARE SELECTED AND HOW THEY CAN BE REMEDIED

Sponsored by Civil Justice Response Committee, Product Liability Committee, and Toxic and Hazardous Substances Litigation Committee

This program examines the American Tort Reform Association “judicial hellhole” selections, how they came to be selected, and how certain jurisdictions have been removed from the list by adopting the rule of law.

Speakers: Mark Behrens, *Shook, Hardy & Bacon, LLP, Washington, DC USA*; Molly Jones, *Monsanto Co., Saint Louis, MO USA*; Tiger Joyce, *American Tort Reform Association, Washington, DC USA*



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Defense Counsel

COLLECTING PHOTOS AND MEMORIES



In 2020, the IADC celebrates 100 years! To commemorate this, we are collecting photos and memories from IADC members and their families. Be sure to load up your photos or submit your 2018 Midyear Meeting memories to the IADC's Centennial Celebration website.

www.iadclaw.org/education-events/centennial-celebration