

CORPORATE COUNSEL COLLEGE

APRIL 11 - 12, 2019
THE RITZ-CARLTON
CHICAGO, ILLINOIS USA

HIGHLIGHTS

- The Changing Landscape in Delivery of Legal Services
- Sending in the Reserves: Litigator Interactions with Finance/Audit
- #MeToo Allegations and Litigation: Best Practices with Regard to Sexual Harassment in the Workplace
- Crowdsourcing: What it Is, How it Works, and Its Implications for Corporate America
- Update: Global Shifts in Class Actions and Third Party Litigation Funding
- Trying Cases in a Rapidly Changing World
- Developing the Modern Lawyer
- Corporate Compliance
- Preparing Global Companies for Navigating Through U.S. Litigation
- Lawyers and Mental Health



SCHEDULE

WEDNESDAY, APRIL 10, 2019

5:00 - 6:30 p.m.

CHICAGO REGIONAL MEETING NETWORKING RECEPTION

Join Chicago area members for a Regional Meeting Networking Reception onsite at The Ritz-Carlton. All Corporate Counsel College attendees are welcome to attend.

THURSDAY, APRIL 11, 2019

7:15 - 8:00 a.m.

BREAKFAST

8:00 - 8:15 a.m.

OPENING REMARKS

Joseph E. O'Neil, Corporate Counsel College Dean, *Campbell Conroy & O'Neil, P.C., Philadelphia, PA USA*
Craig A. Thompson, IADC President, *Venable LLP, Baltimore, MD USA*

8:15 - 9:15 a.m.

PREPARING GLOBAL COMPANIES FOR NAVIGATING THROUGH U.S. LITIGATION

Snared in the net of the mesh mass tort in the U.S. (which has gone “viral” to countries around the world), Coloplast executives faced a situation and risk of exposure they had not before. This presentation will share lessons learned from the experience. Coloplast executives, both from the business perspective and the legal perspective, will discuss their impressions of the U.S. litigation system, ideas and suggestions on how outside counsel can best serve their needs, what processes and procedures both inside and outside counsel should think about to counsel the business, and manage expectations, as the mass tort plays through.

Moderator: **Lana Kay Varney**, *King & Spalding LLP, Austin, TX USA*

Panelists: **Lisa M. Floro**, *Associate General Counsel, Urology Care, Coloplast Corp., Pittsburgh, PA USA*; **Steffen Hovard**, *President & Senior Vice President, Interventional Urology, Coloplast Corp., Minneapolis, MN USA*

9:15 - 9:30 a.m.

REFRESHMENT BREAK

9:30 - 10:30 a.m.

GLUM, MANIC, AND DRUNK – NOT A LAW FIRM TO EMULATE OR HIRE

Society is in the grip of a mental health crisis. Law firms and legal departments are not immune from this situation. It is time to do something! With the help of a lawyer leading the charge on the ground in his firm and state, and a past director of the Texas lawyer's assistance program, this presentation will provide information on how pervasive this problem is and,

importantly, on how law firms and legal departments can work independently and together to support their lawyers before and during periods of crisis.

Moderator: **Charles Stuart Mauney**, *Gallivan, White and Boyd, P.A., Greenville, SC USA*

Speaker: **Bree Buchanan**, *Krill Strategies, Minneapolis, MN USA*

10:30 - 10:45 a.m.

REFRESHMENT BREAK

10:45 - 11:45 a.m.

CORPORATE COMPLIANCE: IS FILIP A FACTOR FOR YOU?

The United States Attorney's Manual describes several specific factors that prosecutors should consider in conducting organizational investigations, determining whether to bring charges, and negotiating plea or other agreements. Commonly known as the Filip Factors, they include (1) the existence and effectiveness of an organization's pre-existing compliance program and (2) the organization's remedial efforts to implement an effective compliance program or to improve an existing one. U.S. Department of Justice, Criminal Division, Fraud Section – Evaluation of Corporate Compliance Programs. This panel discussion will include an awareness analysis of the Filip Factors and explore best practices for keeping business organizations out of the government's crosshairs.

Moderator: **Thomas “Trea” Southerland III**, *Lead Counsel - Government & Compliance, Federal Express Corporation, Memphis, TN USA*

Speakers: **Scott Schools**, *Chief Compliance and Ethics Officer, Uber Technologies Inc., San Francisco, CA USA*; **Charles S. Schwager**, *Vice President and Chief Compliance & Ethics Officer, Waste Management, Inc., Houston, TX USA*; **Jamie E. Stern**, *Former Managing Director, Head of Investigations for the Americas at UBS, New York, NY USA*; **John Unice**, *Assistant Secretary & Senior Counsel, Litigation & Polycarbonate Business Support, Covestro LLC, Pittsburgh, PA USA*

11:45 a.m. - 12:15 p.m.

LUNCHEON



12:15 - 1:00 p.m.

KEYNOTE SPEAKER

John Q. Barrett, *Professor of Law, St. John's University, New York, NY USA*

LAWYERING NUREMBERG: BUILDING THE RULE OF LAW FOLLOWING WORLD WAR II

Following Nazi Germany's unconditional surrender and the captures of leading Nazis in May 1945, the victorious Allied nations—the U.S., the U.S.S.R.,

SCHEDULE

and the U.K., joined by the new French republic—worked to deliver on wartime pronouncements that they would, together, hold the leading Nazi perpetrators legally accountable for their World War II crimes.

In the U.S., President Truman appointed Supreme Court Justice Robert H. Jackson to serve as U.S. chief of counsel. In Washington, then in London, and then in Nuremberg, in what had been Nazi Germany, Justice Jackson assembled a legal team, negotiated with Allies to create the world's first international criminal court, assembled evidence, brought charges, and served as U.S. chief prosecutor, building an evidentiary record and winning judgments that held individual criminals accountable while advancing international law and protections for human rights.

Professor Barrett will describe the work of Justice Jackson and others in the Nuremberg trials and the enduring significance of that work for the world, the law, and lawyers.

John Q. Barrett is a Professor of Law at St. John's University in New York City, where he teaches constitutional law, criminal procedure, and legal history. He also is the Elizabeth S. Lenna Fellow and a Board member at the Robert H. Jackson Center in Jamestown, New York. He is a graduate of Georgetown University and Harvard Law School. Professor Barrett, a renowned teacher, writer, public commentator, and lecturer, in the United States and internationally, is writing a biography of the late U.S. Supreme Court Justice and Nuremberg prosecutor Robert H. Jackson (1892-1954). This work will include the first inside account of Justice Jackson's service, by appointment of President Truman, as the chief prosecutor at Nuremberg, Germany, of the principal surviving Nazi leaders during 1945 and 1946. Professor Barrett discovered, edited, and published Justice Jackson's now-acclaimed memoir *That Man: An Insider's Portrait of Franklin D. Roosevelt*, which is both F.D.R. biography and Jackson autobiography. Professor Barrett also is author of numerous articles and chapters, including on Justice Jackson and Nuremberg, and his regular "Jackson List" emails—hundreds are archived at thejacksonlist.com—reach well over 100,000 readers around the world. Before joining the St. John's faculty, John Q. Barrett was Counselor to the Inspector General, U.S. Department of Justice, from 1994-95. From 1988-93, he was Associate Counsel in the Office of Independent Counsel Lawrence E. Walsh (Iran/Contra). From 1986-88, Barrett was a law clerk to Judge A. Leon Higginbotham, Jr., of the United States Court of Appeals for the Third Circuit. Professor Barrett serves on the board of the Historical Society of the New York Courts. He previously chaired the New York City Bar Association's Legal History Committee and served on the International Expert Advisory Council of the International Nuremberg Principles Academy in Nuremberg, Germany. At St. John's, he is coordinator of the St. Thomas More Scholarship Program and adviser to student chapters of the American Constitution Society and the Historical Society of the New York Courts.

1:00 - 2:00 p.m.

CROWDSOURCING: WHAT IT IS, HOW IT WORKS, AND ITS IMPLICATIONS FOR CORPORATE AMERICA

Thumbs up? Thumbs down? Space for detailed reviews? The internet allows customers and other members of the public to comment on everything from products to services to advertising campaigns and company strategy. Crowdsourcing affects businesses of all types. In-house and outside counsel will discuss a variety of legal and practical concerns that both positive and negative reviews can have on a business, including implementation of appropriate policies, how to manage negative reviews, whether the business should participate in crowdsourcing or responding to online comments, the legal implications including defamation, FTC, copyright, and other statutory concerns. The panel will also address ethical issues attorneys may face with regard to legal crowdsourcing.

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

Panelists: **James Rosenfeld**, *Davis Wright Tremaine LLP, New York, NY USA*; **Kate Turner Willmunder**, *Vice President-Employee Relations and HR Compliance, Apria Healthcare, Lake Forest, CA USA*

2:00 - 2:15 p.m.

REFRESHMENT BREAK

2:15 - 3:15 p.m.

DEVELOPING THE MODERN LAWYER: GROWTH, SOCIAL RESPONSIBILITY, AND COMMITMENT TO INCLUSION AND DIVERSITY

This panel will explore the essence of what it means to be in today's legal profession. Outside of the substantive legal work performed for our respective clients, the profession at its heart also means much more. To serve our clients better, lawyers must have balance outside of their core competencies and be geared toward helping and evolving with the society constantly changing around them. This panel will focus its discussion on lawyer and legal department development and the role things like inclusion and diversity, pro bono, and corporate social responsibility play in that development.

Moderator: **Andrew W. Boczkowski**, *Assistant General Counsel, GSK, Philadelphia, PA USA*

Panelists: **Sneha Desai**, *Deputy General Counsel, Litigation, BASF Corporation, Florham Park, NJ USA*; **Eve Runyon**, *President and Chief Executive Officer, Pro Bono Institute, Washington, DC USA*; **Raymond M. Williams**, *DLA Piper LLP, Philadelphia, PA USA*

3:15 - 3:30 p.m.

REFRESHMENT BREAK

SCHEDULE

3:30 - 4:15 p.m.

UPDATE: GLOBAL SHIFTS IN CLASS ACTIONS AND THIRD PARTY LITIGATION FUNDING

This panel of experienced in house and external counsel will discuss ongoing class action reform initiatives in Canada, Australia, and other countries looking at reform and potential developments that could significantly impact collective litigation and company exposures around the world. The panel will also discuss the status of litigation financing around the world, not just financing in the class action space (where its availability without regulation can result in frivolous litigation), but also whether there is a place for funding on the company side, in business to business litigation, and the pros and cons of its use.

Moderator: **S. Gordon McKee**, *Blake, Cassels & Graydon LLP, Toronto, ON Canada*

Panelists: **Lance W. High**, *Global Chief Litigation Counsel, Caterpillar Inc., Peoria, IL USA*; **Harold H. Kim**, *U.S. Chamber Institute for Legal Reform, Washington, DC USA*; **Thomas Rouhette**, *Signature Litigation AARPI, Paris, France*

4:15 - 5:15 p.m.

TRYING CASES IN A RAPIDLY CHANGING WORLD

The number and frequency of astronomical jury verdicts has been on the rise for a number of years. The size of the verdicts speaks to how some jurors view civil litigation and to the risks presented in the decision to try a significant civil damages case. Corporate defendants must demonstrate a willingness to try cases as a backstop to baseless claims and unreasonable settlement demands. The increased risk of substantial adverse verdicts requires a re-examination of how cases are evaluated and how cases are presented to juries. The panel will examine and discuss the current trial environment, identify factors driving the changes, and propose alternatives and solutions as to how to change the current trends.

Moderator: **James M. Campbell**, *Campbell Conroy & O'Neil, P.C., Boston, MA USA*

Panelists: **Larry De Respino**, *General Counsel, U-Haul International, Phoenix, AZ USA*; **Deirdre Kole**, *Johnson & Johnson, New Brunswick, NJ USA*; **Frank A. Lattal**, *Senior Vice President, Chubb Group, Hamilton, Bermuda*

5:15 - 5:20 p.m.

CONCLUDING REMARKS - DAY ONE

Joseph E. O'Neil, *Corporate Counsel College Dean, Campbell Conroy & O'Neil, P.C., Philadelphia, PA USA*

5:30 - 6:30 p.m.

COCKTAIL RECEPTION

FRIDAY, APRIL 12, 2019

7:15 - 8:00 a.m.

BREAKFAST

8:00 - 9:00 a.m.

SENDING IN THE RESERVES: LITIGATOR INTERACTIONS WITH FINANCE/AUDIT

Many corporate legal departments, working with their external counsel, face increased interaction with their company's finance department or financial auditors. In order to demonstrate value and run legal like a business, this panel will cover a host of topics at the intersection of litigation and finance, including: accounting rules for setting legal reserves; approaches to managing and estimating legal reserves (including both expense and indemnity estimates); controlling litigation costs; approaches to demonstrating value of legal services and showing savings; issues related to assembling legal proceedings notes; and more.

Moderator: **Andrew W. Boczkowski**, *Assistant General Counsel, GSK, Philadelphia, PA USA*

Panelists: **Brian Byrd**, *Partner, KPMG, Chicago, IL USA*; **Halli D. Cohn**, *Troutman Sanders LLP, Atlanta, GA USA*; **Austin Evans**, *Senior Associate Counsel, Tort Litigation, Walmart Inc., Bentonville, AR USA*

9:00 - 9:15 a.m.

REFRESHMENT BREAK

9:15 - 10:15 a.m.

THE CHANGING LANDSCAPE IN DELIVERY OF LEGAL SERVICES

Advances in technology, shifts in socioeconomic and demographics, globalism, changes in the legal marketplace, and a host of other factors are rapidly changing how legal services are being delivered, priced, sourced, packaged, and even defined. This panel will discuss the factors driving this change, how law firms and legal departments can address the sometimes competing interests of law firm profitability and reduced legal spend, and how buzz words like "creativity," "innovation," and "efficiency" can be put into practice through tools like Process Improvement and Project Management to address these interests and demonstrate value.

Moderator: **Raymond G. Mullady, Jr.**, *Nelson Mullins Riley & Scarborough LLP, Washington, DC USA*

Panelists: **Timothy B. Corcoran**, *Corcoran Consulting Group, LLC, Lawrenceville, NJ USA*; **Kyle H. Dreyer**, *Adjunct Professor of Law, Baylor Law School, Waco, TX USA*; **Catherine Alman MacDonagh**, *Legal Lean Sigma Institute, Norfolk, MA USA*

10:15 - 10:30 a.m.

REFRESHMENT BREAK

SCHEDULE

10:30 - 11:45 a.m.

#MeToo ALLEGATIONS AND LITIGATION

This program is designed to provide both in-house and outside counsel information, guidance, and best practices with regard to sexual harassment in the workplace in an era of #MeToo allegations and litigation. It will focus on key legal issues which arise in employment litigation generally (such as what constitutes a hostile environment, best practices as to policies and training, and whether employers can or should attempt to minimize exposure through arbitration and/or non-disclosure agreements). In addition, significant emphasis will be placed on creating a corporate culture which minimizes liability, encourages respectful behavior, and allows employees and managers to report possible violations and conduct investigations in a manner consistent with both the law and respecting the wishes of the reporting parties.

Moderator: **Bonnie Mayfield**, *Dykema Gossett PLLC, Bloomfield Hills, MI USA*

Panelists: **Mitchell F. Borger**, *Vice President and Assistant General Counsel, Macy's, Inc., New York, NY USA*; **Karen R. Glickstein**, *Jackson Lewis P.C., Overland Park, KS USA*; **Arin N. Reeves**, *President and Managing Director, Nextions, LLC, Chicago, IL USA*

11:45 a.m. - 12:00 p.m.

CLOSING REMARKS

Joseph E. O'Neil, *Corporate Counsel College Dean, Campbell Conroy & O'Neil, P.C., Philadelphia, PA USA*

John T. Lay, Jr., *Corporate Counsel College Dean-Elect, Gallivan White & Boyd, P.A., Columbia, SC USA*

GENERAL INFORMATION



Location

The Ritz-Carlton
160 East Pearson Street, Chicago, IL 60611 USA
Phone: 1.312.266.1000
Fax: 1.312.266.1194
<http://www.ritzcarlton.com/en/hotels/chicago>

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

Reservations and Room Rates

The room rate, which is subject to the current applicable occupancy and sales tax per room, per night, is \$299 for a City View King Room with a maximum of 2 adults per room. **In order to make your hotel reservation you must first register for the meeting with the IADC.** Once registered, a link 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 contact the hotel directly, either by web link or telephone. Reservations must be made prior to **Wednesday, March 20, 2019**. Unused rooms held for this meeting will be released on this date. Any reservation requests received after March 20, 2019 will be accepted only on a space available basis at the group rate. Please note that the room block may fill before March 20, so we encourage you to register with the IADC so that you can make your hotel reservation early. Cancellations must be made at least 48 hours in advance of check-in to avoid forfeiture of first night room deposit. Check-in time is 4:00 p.m. and check-out time is 12:00 noon CST.

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. 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)

GENERAL INFORMATION

Climate and Dress

When packing for your trip, please note that average temperatures in Chicago this time of year range from a high of 58 degrees Fahrenheit to a low of 40 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 \$1,795 [includes one outside counsel (\$1,300) and one in-house client (\$495)]. Fee for first additional client: \$450; second additional client: \$400; third or greater additional client: \$350. 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 \$495. Please fill out the registration form and send it to the IADC office or register online at 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, Assistant Director of Meetings and Professional Development, at mmaisel@iadclaw.org.

Data Privacy and Collection

Data is collected on attendees through the registration form for the purposes of executing the meeting and communicating with attendees about the meeting. Meeting sponsors have access to the registration list provided to all attendees. If any attendee has questions on data use and privacy, please contact Executive Director Mary Beth Kurzak at mkurzak@iadclaw.org.

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2019 CORPORATE COUNSEL COLLEGE REGISTRATION FORM

DATE: April 11 - 12, 2019 • LOCATION: The Ritz-Carlton, Chicago, Illinois USA

IADC OUTSIDE COUNSEL MEMBER AND CORPORATE CLIENT PACKAGE

\$1,795

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

\$495

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 \$450; second additional client is \$400; and third or greater additional clients are \$350 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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Lana Kay Varney, King & Spalding LLP, Austin, TX USA

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.