



# 2019 MIDYEAR MEETING

February 23 - 28 / The Ritz-Carlton Bacara  
Santa Barbara, California USA

## CLE GUIDE





# SUNDAY, FEBRUARY 24

7:30 - 8:30 a.m.

Salon 5

## CONSTRUCTION LAW AND LITIGATION COMMITTEE BUSINESS MEETING

7:30 - 8:30 a.m.

Salon 3

## Appellate Practice/Social Justice Pro Bono PRO BONO APPEALS: WHY IT'S GOOD FOR BUSINESS

Often firms are reluctant to take on pro bono appeals because they are afraid that their partners and associates will spend too much time on non-billable work. This program will examine why doing pro bono work, especially appeals, is not only good because it is a service to the community, but because it is also good for business. The panelists will discuss why appeals work is important for associates and young partners, and will look at both the positives and problems with taking in pro bono work.

**Speakers:** *Lara O'Donnell Grillo, Mark Migdal & Hayden, Miami, FL USA; Audrey P. Ramsay, Blouin Dunn LLP, Toronto, ON Canada; Mary-Christine Sungaila, Haynes and Boone, LLP, Costa Mesa, CA USA*

7:30 - 8:30 a.m.

Salon 2

## Class Actions and Multi-Party Litigation/Corporate Counsel/Environmental and Energy Law/Insurance and Reinsurance/Product Liability/Toxic and Hazardous Substances Litigation PUBLIC ENTITIES' CLIMATE CHANGE NUISANCE LITIGATION: AN UPDATE ON THE CASES AND WHERE THEY ARE GOING

The energy industry is the target of a new wave of multi-billion dollar nuisance lawsuits brought by states, counties, and municipalities to recover damages for costs relating to climate change attributed to fossil fuel production and use. Some courts have dismissed the cases, finding the issue is best left to the political branches to resolve, while other courts grapple with threshold questions of the proper forum to make that determination. Our panelists from the front lines of the litigation and the manufacturing and insurance sectors will discuss the most recent rulings and their impact on future cases and other industries facing similar nuisance claims.

**Moderator:** *Michael L. Fox, Duane Morris LLP, San Francisco, CA USA*

**Speakers:** *Roger Grenier, Ph.D., AIR Worldwide, Boston, MA USA; Linda Kelly, National Association of Manufacturers, Washington, DC USA*

7:30 - 8:30 a.m.

Salon 4

## Intellectual Property/Trial Techniques and Tactics THE JURY INSIDE THE TRIAL: MANAGING VIRTUAL SEQUESTRATION, INSTRUCTIONS, DEADLOCK, AND DECISION

This panel will discuss the conduct and management of juries after they are seated and actions and decisions that may affect the outcome of the trial. What is the current law and best practices on sequestering a jury from the influence of social media? What happens if that is violated? What may a lawyer do and not do in referring to the jury during trial? If the judge permits it, how do you handle questions from the jury of your witnesses? What should you consider in preparing jury instructions and the verdict form? How do you handle jury questions after deliberations begin? What if the jury becomes deadlocked? What are the grounds for a mistrial? What happens if there is a mistrial? Should you poll the jury after a verdict is reached? What if the jury makes inconsistent findings? These, and other issues, will be discussed by a group of seasoned trial lawyers.

**Speakers:** *Kirstin Abel, Bodyfelt Mount, Portland, OR USA; Matthew S. Brown, Carlile, Patchen & Murphy, LLP, Columbus, OH USA; Margaret Fonshell Ward, Downs Ward Bender Hauptmann & Herzog, P.A., Hunt Valley, MD USA*

7:30 - 8:30 a.m.

Salon 1

## Medical Defense and Health Law CURRENT TRENDS IN FCA HEALTHCARE LITIGATION

False Claims Act (FCA) healthcare litigation is changing rapidly. Join us as we review and analyze recent Department of Justice memos; hot topics including development splits of authority on a number of issues such as "first to file" and rights of dismissal; and other unfolding developments such as evolving speculation about the impact of the *Brand* and *Granston* memos. Practitioner members will benefit from the update of recent and ongoing developments necessary to stay current in their practices and also from the panelists' insights into where the field is moving.

**Moderator:** *Wendy West Feinstein, Morgan, Lewis & Bockius LLP, Pittsburgh, PA USA*

**Speakers:** *Shari L. Aberle, Optum Litigation, Eden Prairie, MN USA; William S.W. Chang, Crowell & Moring LLP, Washington, DC USA; Stephen J. Cox, Department of Justice, Washington, DC USA*

8:45 - 10:15 a.m.

Ballroom A-B

## OPENING SESSION

10:15 - 11:30 a.m.

Ballroom A-B

## FOUNDATION FORUM SPEAKER: KIMBERLEY MOTLEY

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

# MONDAY, FEBRUARY 25

7:30 - 8:30 a.m.

Salon 5

## TRANSPORTATION COMMITTEE BUSINESS MEETING

7:30 - 8:30 a.m.

Salon 2

### Class Actions and Multi-Party Litigation/ International/Trial Techniques and Tactics TRYING A CLASS ACTION

Due to the high stakes involved for both sides, class actions rarely go to trial. For plaintiffs, it can be extremely challenging to get a class certified, and the evidence at a trial may result in decertification. For defendants, a trial runs the risk of potentially devastating losses, while a class settlement can provide certainty without the expense of continued litigation. But there has been an increasing trend of class action plaintiffs' lawyers bringing class actions to trial in the hope of higher payouts. So, when a class action goes to trial, how is it different or the same as a standard bilateral trial with two parties? To what extent are individualized issues still relevant in a class action trial? How do you manage the production of evidence to avoid affecting your potential liability in copycat Canadian class actions? How do you attack and undermine the testimony of the class representative? How do you address causation and damages when the trial involves hundreds if not thousands of claimants? Hear firsthand from those who have tried class actions on these challenges.

**Speakers:** *Shayna Cook, Goldman Ismail Tomaselli Brennan & Baum LLP, Chicago, IL USA; Heather C. Devine, Isaacs & Co. Barristers and Solicitors, Toronto, ON Canada; James A. King, Porter Wright Morris & Arthur LLP, Columbus, OH USA*

7:30 - 8:30 a.m.

Salon 4

### Drug, Device and Biotechnology/Product Liability/ Toxic and Hazardous Substances Litigation EXPEDIENCY OVER DUE PROCESS – THE NEW NORMAL FOR UNPOPULAR MASS TORT DEFENDANTS?

Against the backdrop of the Eleventh Circuit's 2017 decision in *Graham v. RJ Reynolds*, panelists will discuss the increasing threat to mass tort defendants from novel issue preclusion techniques that can relieve countless plaintiffs of the burden of proving fundamental elements of their causes of action. The panel will review the issue preclusion methods used by courts overseeing mass tort litigation over time, including the Rule 23(c)(4) issue class and allowing bellwether trials to have issue preclusive effect in MDLs, and contrast that with the *Graham* court's dramatic transformation of the law of preclusion. The panel will conclude with a robust discussion of the need for legal reform in this area, including the role of federal courts in preventing the spread of state-law creations that abrogate due process for the sake of expediency.

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

**Speakers:** *William P. Geraghty, Shook, Hardy & Bacon L.L.P., Miami, FL USA; Lyn P. Pruitt, Mitchell Williams, Little Rock, AR USA*

7:30 - 8:30 a.m.

Salon 3

### Insurance and Reinsurance THE ALI INSURANCE RESTATEMENT: PARTICIPANTS' PERSPECTIVE

The American Law Institute's (ALI) *Restatement of the Law, Liability Insurance* was formally adopted on May 22, 2018 after years of discussion, controversy, and consternation within the insurance community. Even before its adoption, many courts started to cite to some of its more debatable propositions. ALI members who were extensively involved in the process that resulted in the adoption of the Restatement will assess its long term impact on complex coverage litigation. This is an unmissable opportunity to hear the good, the bad, and the ugly about the Restatement from an attorney and judge who each have a unique perspective to offer.

**Speakers:** *Michael F. Aylward, Morrison Mahoney LLP, Boston, MA USA; Honorable William Highberger, Los Angeles Superior Court, Los Angeles, CA USA*

7:30 - 8:30 a.m.

Salon 1

### Intellectual Property THE MUSIC INDUSTRY: WHAT KEEPS IN-HOUSE COUNSEL UP AT NIGHT?

The music industry has experienced significant transformation in the last two decades as a result of technology, social media, and the changing power structure between artists, songwriters, and those who produce, distribute, and market the music such as record labels, studios, and the disrupters to the market that deliver live streaming music. Copyright law has not necessarily kept up with these changes, resulting in controversy as to how artists, composers, and producers of songs are compensated, issues of infringement, and ownership of the rights in the music. Trademarks for artists, bands, and studios have also been the subject of legal action this past year. These panelists, representing different facets of the music business, will discuss these issues along with other things that are really keeping them up at night in the fascinating world of music.

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

**Speakers:** *Wade Leak, Sony Music Entertainment, New York, NY USA; Noah McPike, Dickinson Wright, Nashville, TN USA*

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

8:45 - 10:15 a.m.

Ballroom A

### **GDPR: NINE MONTHS LATER – THE IMPACT IN THE EU ON ENFORCEMENT AND COMPLIANCE AND IN THE US ON DISCOVERY**

*Sponsored by Cyber Security, Data Privacy and Technology Committee, In-House and Law Firm Management Committee, and International Committee*  
**\*This program is eligible for ethics credit.**

The EU General Data Protection Regulation (GDPR) provides sweeping changes to how companies within and outside the European Union must handle personal data. Beginning on May 25, 2018, non-EU based firms must comply with the GDPR when 1) offering goods and services to EU “data subjects” in the EU, or 2) monitoring the behavior of EU residents in the EU. The panel will analyze GDPR requirements and penalties, compliance initiatives, and the response of insurers to claims relating to alleged GDPR violations. The panel will also discuss the impact of GDPR on discovery obligations of both US and ex-US companies in litigation in the US. Hypotheticals will be presented for audience response using polling software to illustrate the challenges posed by GDPR.

**Moderator:** *Christopher D’Angelo, Montgomery, McCracken, Walker & Rhoads, LLP, Philadelphia, PA USA*

**Speakers:** *Paul Lefebvre, Hanotiau & Van Den Berg, Brussels, Belgium; Jonathan Monheit, Microsoft Corporation, Kirkland, WA USA; Melissa Ventrone, Clark Hill PLC, Chicago, IL USA*

8:45 - 10:15 a.m.

Ballroom C

### **JURORS SAY THE DARNDDEST THINGS: THE RISE IN EXTREME OPINIONS, WHERE THEY COME FROM, AND WHAT TO DO ABOUT THEM**

*Sponsored by Class Actions and Multi-Party Litigation Committee, Drug, Device and Biotechnology Committee, Insurance and Reinsurance Committee, Product Liability Committee, Toxic and Hazardous Substances Litigation Committee, and Trial Techniques and Tactics Committee*  
**SPONSORED BY TRIAL BEHAVIOR CONSULTING**

This program will discuss the proliferation of extreme opinions as jurors become more polarized and the impact of that phenomenon on a wide array of litigation, such as products liability, toxic torts, transportation, and medical defense. The presenters will discuss common threads to these opinions and provide insights into what litigators should do about juror polarization by providing interventions that will neutralize extreme opinions or beliefs and strategies to address them during discovery and trial.

**Speakers:** *James M. Campbell, Campbell Conroy & O’Neil, P.C., Boston, MA USA; William V. Essig, Drinker Biddle & Reath, Chicago, IL USA; Aref Jabbour, Trial Behavior Consulting, San Francisco, CA USA; Lyn P. Pruitt, Mitchell Williams, Little Rock, AR USA*

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

Ballroom A

### **PRO BONO PARTNERSHIPS WITH CLIENTS: THREE CASE STUDIES**

*Sponsored by Corporate Counsel Committee, Diversity and Inclusion Committee, In-House and Law Firm Management Committee, and Social Justice Pro Bono Committee*  
**\*This program is eligible for ethics credit.**

This panel includes representatives from three Fortune 100 companies – Microsoft, Bank of America, and Federal Express – who will examine their effective pro bono initiatives that succeed with the active participation of their outside law firms. These public-private partnerships have achieved significant legal victories on behalf of the poor and indigent populations in their communities while enlisting attorneys to take cases who otherwise would have demurred. Joining the panel will be Social Justice Pro Bono Committee member Jim Shelton who will impart best practices for successful pro bono partnerships at your own firms. In addition, these corporate counsel will discuss the value of embracing civility and professionalism by their outside counsel.

**Moderator:** *James W. Shelton, Phelps Dunbar, LLP, Jackson, MS USA*

**Speakers:** *Beth Henderson, Microsoft Corporation, Seattle, WA USA; Jamie J. Spataro, FedEx Ground, Moon Township, PA USA; Todd Stillerman, Bank of America, Charlotte, NC USA*

## **TUESDAY, FEBRUARY 26**

7:30 - 8:30 a.m.

Santa Ynez Salon

### **INSURANCE AND REINSURANCE COMMITTEE BUSINESS MEETING**

7:30 - 8:30 a.m.

Salon 3

**Corporate Counsel/Diversity and Inclusion/ Employment Law/In-House and Law Firm Management**

### **THE AFTERMATH OF THE SUPREME COURT’S DECISION IN MASTERPIECE CAKESHOP**

The United States Supreme Court’s decision in *Masterpiece Cakeshop* left unresolved substantial issues that can have rippling effects upon litigation concerning the refusal of goods or services and the granting of requests based upon protected characteristics or the exercise of legal rights. For example, can a seller reject customers because of their race or sexual orientation or the seller’s rights to freedom of religion and expression? Can an employee refuse a duty when the resulting service is antithetical to a sincerely held religious belief? Can an employer circumscribe job duties due to customers’ race-based requests? The answers to these questions are intertwined. Join our interactive discussion concerning practical tips and strategies for defense counsel and in-house counsel faced with employee refusal, customer rejection, the corresponding denial of goods or services, and the potential causes of action.



**Moderator:** *Yasir Billoo, International Law Partners LLP, Hollywood, FL USA*

**Speakers:** *J. Dominic Campodonico, Gordon & Rees LLP, San Francisco, CA USA; Mary Haddad, Helsell Fetterman, Seattle, WA USA; Terrence O. Reed, Federal Express Corporation, Memphis, TN USA*

7:30 - 8:30 a.m.

Salon 2

### **Drug, Device and Biotechnology/Trial Techniques and Tactics**

#### **BACK TO THE BASICS: DIRECT AND CROSS-EXAMINATION OF EXPERT WITNESSES AT TRIAL**

As seasoned trial lawyers, we often get so immersed in the technical subject matter at the heart of a case that we forget we have to present often complex principles to lay jurors hearing it for the first time. Consequently, certain fundamentals of direct examination and cross-examination, including those of “silent advocacy,” can be overlooked. Intentionally avoiding a “war-stories-from-the-panelists” approach, this engaging presentation will instead focus on those key principles with an interactive joint discussion, interspersed with illustrative movie clips to lighten what can be a tedious subject. Attendees will leave this program with a renewed and updated perspective on time-tested principles of expert witness examination at trial.

**Speakers:** *Mollie Benedict, Tucker Ellis LLP, Los Angeles, CA USA; Christopher S. Berdy, Butler Snow LLP, Birmingham, AL USA; Thomas M. Hinchey, Campbell Conroy & O’Neil, P.C., Berwyn, PA USA; Christopher A. Kenney, Kenney & Sams, P.C., Boston, MA USA*

7:30 - 8:30 a.m.

Salon 5

### **International Arbitration**

#### **HOW TO MAKE INTERNATIONAL ARBITRATION PROCEEDINGS MORE EFFICIENT – WILL THE PRAGUE RULES HELP OR ARE THERE OTHER WAYS AND MEANS?**

Often parties in international commercial arbitration proceedings are dissatisfied with the time and cost involved in their proceedings. The reason for the dissatisfaction is predominantly related to the procedure for taking evidence, particularly discovery proceedings; and lengthy cross examinations of fact witnesses and party appointed experts; but also lengthy briefs which are not focused on the relevant facts and issues.

For many years, the “IBA Rules on the Taking of Evidence in International Commercial Arbitration” have been used as standard in disputes between parties from civil law and common law countries. Civil law parties in particular complained that the *IBA Rules* which are heavily influenced by common law traditions cause unnecessary delays and costs. Some arbitrators interpreted the requirements of document production, e.g. that the requested documents have to be relevant and material to the outcome of the case, rather broadly. In 2018, a group of predominantly civil law lawyers drafted alternative “Rules on Conduct of the Taking of

Evidence in International Arbitration” (*The Prague Rules*) with the aim of providing a framework for the efficient conduct of arbitral proceedings by giving the arbitral tribunals a proactive role. Will *The Prague Rules* make international arbitration proceedings more efficient, shorter, and less costly? And are there other ways and means for more efficient arbitration proceedings? Panelists from the Americas, Asia, and Europe will explore and explain.

**Moderator:** *Anton G. Maurer, Anton Maurer International Legal Services GmbH, Stuttgart, Germany*

**Speakers:** *Antje Baumann, Corinius LLP, Hamburg, Germany; Mauricio Gomm Santos, GST LLP, Miami, FL USA; Hiroyuki Tezuka, Nishimura & Asahi, Tokyo, Japan*

7:30 - 8:30 a.m.

Salon 4

### **Product Liability/Toxic and Hazardous Substances Litigation**

#### **HOW TO WIN ON STATUTE OF LIMITATIONS**

This panel of in-house, national, trial, and local counsel will share recent successes in advancing the statute of limitations defense. They will discuss legal trends in difficult jurisdictions; provide examples of how to elicit helpful testimony at depositions; and demonstrate the effective use of medical and administrative records and how to examine medical professionals concerning them. The panelists will also provide guidance on how to preserve the statute of limitations defense, including through a motion for directed verdict, and the practicalities of presenting the limitations issue to a jury in anticipation of a verdict question.

**Speakers:** *Daniel Higginbotham, Thomas Combs & Spann, PLLC, Charleston, WV USA; Whitney Frazier Watt, Stites & Harbison PLLC, Louisville, KY USA; Patricia Wheeler, Nelnet, Madison, WI USA; Scott J. Wilkov, Tucker Ellis LLP, Cleveland, OH USA*

8:45 - 10:15 a.m.

Ballroom A

### **DEMOCRACY IN THE BALANCE: THE FUTURE OF GERRYMANDERING AND WHAT IT MEANS FOR YOUR PRACTICE**

*Sponsored by Amicus Curiae Committee, Business Litigation Committee, and Civil Justice Response Committee*

Although the United States Supreme Court (SCOTUS) has recognized that partisan gerrymandering is “incompatible with democratic principles,” redistricting maps in many states continue to favor the controlling political party. Last term, the SCOTUS was poised to address the issue head-on in *Gill v. Whitford*, but sent the case back to the district court for further proceedings. It is only a matter of time, however, before *Gill* or other similar suits make their way back to the SCOTUS. What does partisan gerrymandering mean for our democracy and what effects does it have on issues ranging from tort reform to judicial selection? Join our panel of experts as they explore recent Supreme Court and lower court decisions, and address the evidentiary and constitutional issues that will influence not only our elections but also our daily practice of law.

**Moderator:** Kendall Harrison, Godfrey & Kahn, S.C., Madison, WI USA

**Speakers:** Clifford B. Levine, Cohen & Grigsby, P.C., Pittsburgh, PA USA; Erin E. Murphy, Kirkland & Ellis LLP, Washington, DC USA; Douglas Poland, Rathje Woodward LLC, Madison, WI USA

8:45 - 10:15 a.m.

Ballroom C

## **HOW TO HANDLE A SOCIAL MEDIA MOVEMENT: ADVICE FOR YOUR CLIENTS AND YOUR LAW FIRM**

*Sponsored by Diversity and Inclusion Committee, Employment Law Committee, and International Committee*

The world has witnessed the impact of recent social media movements on how we think, work, and interact. Businesses, including our law firms, must react to and handle these sometimes volatile issues at internet speed. The audience will be provided practical information on how to address these movements with clients, as well as their own firm. Takeaways will include how to handle the publicity a movement may bring upon a client's business or your law firm and how to stay ahead of the game. Discussion will cover the way the movements have influenced changes in the law worldwide and how cases and claims are evaluated by clients, plaintiffs, and courts.

**Moderator:** Robert A. Luskin, Goodman McGuffey LLP, Atlanta, GA USA

**Speakers:** Daniela Karollus-Bruner, CMS Reich-Rohrwig Hainz Rechtsanwälte GmbH, Vienna, Austria; Aldos Vance, Altec, Inc., Birmingham, AL USA; Vivian Hood, CEO, Jaffe PR, Jacksonville, FL USA

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

Ballroom A

## **ALGORITHMIC BIAS: THE LAW'S NEWEST FRONTIER AND HOW IT AFFECTS LITIGATION AND YOUR FIRM**

*Sponsored by Cyber Security, Data Privacy and Technology Committee, Diversity and Inclusion Committee, and Employment Law Committee*

*\*This program is eligible for Elimination of Bias credit.*

Computer generated algorithms pervade our daily lives, although the public at large is often unaware of their existence or their impact. The widespread use of algorithms necessarily has brought algorithmic bias into our homes and offices. Algorithms pervade the legal profession, including civil matters, such as AI issue spotting, who is and who is not recruited for jobs, and what constitutes fraud, as well as criminal matters, such as the length of prison sentences and the likelihood of an accused to commit a crime in the future. This panel will explore algorithmic bias and its impact on the legal profession, including how civil and criminal matters are influenced by the use of algorithms, and what practitioners need to be aware of in this new frontier.

**Moderator:** Gary L. Howard, Bradley LLP, Birmingham, AL USA

**Speakers:** Alfred H. Perkins, Jr., Starnes Davis Florie LLP, Birmingham, AL USA; Dr. Kenneth Serwin, Berkeley Research Group, LLC, San Francisco, CA USA

4:00 - 5:00 p.m.

Santa Ynez Salon

## **INTERNATIONAL COMMITTEE BUSINESS MEETING**

*\* This business meeting will be followed by the International Committee Wine Tasting Reception at 5:00 p.m. The reception is a ticketed event which requires registration.*

## **WEDNESDAY, FEBRUARY 27**

7:30 - 8:30 a.m.

Salon 2

## **Civil Justice Response/Class Actions and Multi-Party Litigation/Product Liability/Toxic and Hazardous Substances Litigation/Trial Techniques and Tactics WHAT'S UP WITH IARC? DEALING WITH IARC DECISIONS IN PRODUCT AND TORT LITIGATION**

The International Agency for Research on Cancer's (IARC) carcinogenicity determinations have proven problematic for defendants. The most recent example is the role IARC's decisions regarding glyphosate played in the *Monsanto Roundup* verdict in California. This presentation will review what's gone wrong with how IARC makes its decisions and how defendants can address the impact of IARC's classifications in US courts. IADC members who practice in product, medical, or toxic substances litigation will benefit from insight into ways to combat plaintiffs' use of IARC findings and succeed on motions in limine to exclude such evidence.

**Moderator:** William L. Anderson, Crowell Moring, Washington, DC USA

**Speakers:** Brent Kerger, Exponent, Irvine, CA USA; Michael R. Klatt, Gordon & Rees, Scully Mansukhani, LLP, Austin, TX USA; Deirdre C. McGlinchey, McGlinchey, Stafford, P.L.L.C., New Orleans, LA USA

7:30 - 8:30 a.m.

Salon 4

## **Diversity and Inclusion/Employment Law ARE YOU READY FOR A WALLABY AT THE WATER COOLER? SERVICE ANIMALS AND EMOTIONAL SUPPORT ANIMALS IN THE WORKPLACE - WHAT DO EMPLOYER CLIENTS NEED TO KNOW?**

Recently, a growing number of employees are attempting to bring their furry, feathered, and scaly friends to work, and whether or not an employer has a duty to accommodate for service animals and emotional support animals (ESAs) is a somewhat ambiguous area of law. This presentation explores how employers should handle employees' requests to bring their service animals and/or ESAs into the workplace and how to avoid discrimination claims under the ADA and Rehab Act.

**Speakers:** Donna L. Burden, Burden, Hafner & Hansen, LLC, Buffalo, NY USA; Sean Nash, United Airlines Inc., Chicago, IL USA

*\* At the start of this program there will be a short Employment Law Committee Business Meeting. Please be prompt.*

7:30 - 8:30 a.m.

Salon 3

### **Drug, Device and Biotechnology/Medical Defense and Health Law**

#### **ADVANCED RADIOLOGICAL IMAGING TECHNIQUES FOR PRODUCT EVALUATION**

Computed tomography (CT) and x-ray imaging are powerful tools that allow for the characterization of both the external and internal structures of an object. Due to the non-destructive nature of these techniques, they are playing an increasingly important role in product liability litigation where the preservation of evidence is exceedingly important. Program attendees will gain an understanding of how to apply CT and x-ray imaging to assess the design, manufacture, and use conditions of products in litigation cases. Case studies will include the use of these techniques for defect detection, failure analysis, and dimensional analysis for medical devices and other products.

**Speaker:** Felicia Svedlund, Ph.D., Exponent, Menlo Park, CA USA

8:45 - 10:15 a.m.

Ballroom A

### **MID-TERM REVIEW: GOVERNMENT ENFORCEMENT TRENDS AND PRIORITIES UNDER THE TRUMP ADMINISTRATION'S DEPARTMENT OF JUSTICE**

*Sponsored by Corporate Counsel Committee and White Collar Defense and Investigation Committee*

The 2019 Midyear Meeting is the perfect time for a mid-term review of the Trump Administration's government enforcement priorities and trends. Hear from current and former United States attorneys who can provide perspective on the differences and similarities in these priorities and trends between the current and former administrations. In addition, this panel will provide practical advice on how to avoid being the target of a government investigation as well as best practices if your company or client is caught in the crosshairs.

**Moderator:** Kimberly B. Martin, Bradley LLP, Huntsville, AL USA

**Speakers:** Patrick Darby, Encompass Health, Birmingham, AL USA; Michael Granston, Department of Justice, Washington, DC USA; Stephanie Yonekura, Hogan Lovells, Los Angeles, CA USA

8:45 - 10:15 a.m.

Ballroom C

### **CAN FREUD HELP? THE INTERPLAY OF PSYCHOLOGY AND NEGOTIATION STRATEGY**

*Sponsored by Alternative Dispute Resolution Committee, In-House and Law Firm Management Committee, and Product Liability Committee*

All negotiations require equal consideration of the problem or opportunity, as well as the people involved. Ignoring the human aspect of negotiation can be to your detriment. This distinguished panel – with experience as trial and in-house counsel, college educators, mediators, and trainers – will explain how psychological issues impact negotiations. The panelists will also discuss how a better understanding of these issues can help you reach a favorable outcome, whether a satisfying settlement or a new deal. Entertaining video and live vignettes will provide examples and audience input and participation is encouraged.

**Moderator:** Sarah Grider Cronan, Former General Counsel/ Senior Litigation Counsel, Fort Mill, SC USA

**Speakers:** Harold Coleman, Jr., AAA Mediation.org, San Diego, CA USA; Harrie Samaras, ADR Office of Harrie Samaras, West Chester, PA USA; Professor Lara White, Tulane Freeman School of Business, New Orleans, LA USA

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

Ballroom A

### **THE CAMBRIDGE ANALYTICA DEBACLE: WHAT TECH FIRMS ARE DOING WITH YOUR DATA AND THE PROSPECTS FOR LITIGATION, REPUTATIONAL INJURY, AND OTHER CONSEQUENCES**

*Sponsored by Cyber Security, Data Privacy and Technology Committee and In-House and Law Firm Management Committee*

Last spring's Cambridge Analytica crisis is seen by many as a breach of trust, yet the business models of many tech firms rely upon revenue from mining user likes, dislikes, patterns, and vulnerabilities. This panel will explore the role played by third-party "apps," legal liability issues, and whether privacy expectations can be reconciled with targeted advertising. The panel also will address claims in current consumer class actions, along with the structure of the internet as it has evolved in entirely unforeseen directions.

**Moderator:** Alma Murray, Hyundai Motor America, Fountain Valley, CA USA

**Speakers:** Professor Eric Goldman, Santa Clara University, Santa Clara, CA USA; Dr. Jennifer King, Stanford Law School, Stanford, CA USA; Kalinda Raina, LinkedIn, San Francisco, CA USA



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Join the conversation! Use our event hashtag [#iadcmeetings](#) when posting on social media. We want to see your photos, hear about your favorite moments, and experience the meeting along with you!



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International Association of  
Defense Counsel

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## 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 2019 Midyear Meeting memories to the IADC's Centennial Celebration website.

[www.iadclaw.org/education-events/centennial-celebration](http://www.iadclaw.org/education-events/centennial-celebration)