

## WHAT WILL YOU LEARN FROM THE 2020 MIDYEAR MEETING?

A MESSAGE FROM MIDYEAR MEETING  
CLE STEERING COMMITTEE CHAIR,  
MARK HANSEN

Consistent with what you have come to expect from the IADC, the programs at the Midyear Meeting will be timely and informative. We encourage you and your guests to join us for a number of interesting presentations on topics such as:

- Techniques for responding to the increasing attacks on corporate efforts to participate in medical and research science;
- How best to prevent and respond to a serious threat of workplace violence;
- How your firm can achieve “go to” status when a corporate client is in crisis;
- A “boots on the ground” discussion of the asylum process by a panel of experts from both the United States and Mexico;
- The challenges posed by ephemeral messaging apps like Snapchat and Wickr, which cause content – digital evidence – to disappear after transmission;
- A discussion of the direct connection between tangible diversity and inclusion and your firm’s bottom line;
- A discussion by high-level claims officers of challenges faced by insurers and outside counsel in an increasingly complex world;
- Legal strategies to deal with political acts around the world that cause disruption to clients’ business activities and impair their legal rights;
- A discussion of best strategies to prepare for bellwether cases and for managing client expectations in the defense of mass tort litigation; and
- A lively and interactive demonstration of the power of visual storytelling at each phase of a trial.



## SUNDAY, FEBRUARY 23

7:30 - 8:30 a.m.

### ALTERNATIVE DISPUTE RESOLUTION COMMITTEE BUSINESS MEETING

*\*This business meeting is not eligible for CLE credit.*

7:30 - 8:30 a.m.

### “NEGOTIATION CLASS” CERTIFICATION: MAGIC ELIXIR OR PRESCRIPTION FOR DISASTER?

*Committee Sponsors: Class Actions and Multi-Party Litigation Committee, Drug, Device and Biotechnology Committee, Product Liability Committee, and Toxic and Hazardous Substances Litigation Committee*

Municipal and county governments make up the vast majority of plaintiffs in the multidistrict opioid litigation which allege that drug manufacturers, distributors, and pharmacies misrepresented the addiction risks of prescription opioids. Hear from lead defense counsel on the desirability, propriety, and feasibility of a novel motion to certify approximately 30,000 local government plaintiffs as a “negotiation class” for purposes of negotiating a potential global settlement to be put to a vote by the class members.

**Moderator:** *M. Patrick McDowell, Brunini, Grantham, Grower & Hewes, Jackson, MS USA*

**Speakers:** *Mark S. Cheffo, Dechert LLP, New York, NY USA; Kaspar Stoffelmayr, Bartlit Beck Herman Palenchar & Scott, Chicago, IL USA*

7:30 - 8:30 a.m.

## NOTRE DAME AND BEYOND: REVIEWING RECENT CONSTRUCTION CATASTROPHES TO DISCUSS THE APPROPRIATE RESPONSE AND DEFENSE

*Committee Sponsors: Construction Law and Litigation Committee, Corporate Counsel Committee, and International Committee*

Using the recent Notre Dame fire and other construction disasters, this session will examine the multiple disciplines engaged in response to catastrophic events including the initial public relations reaction; the interaction (privilege vs. disclosure) with government investigations; the assessment of culpability of design, construction, and maintenance; and the interplay of insurance coverage in the many claims that follow in varying civil and common law jurisdictions.

**Moderator:** *Robert V. Fitzsimmons, Rumberger, Kirk & Caldwell, Miami, FL USA*

**Speakers:** *Sylvie Gallage-Alwis, Signature Litigation AARPI, Paris, France; Ben Nolan, Berkeley Research Group, LLC, Gulf Breeze, FL USA; Dixie T. Wells, Ellis & Winters LLP, Greensboro, NC USA*

7:30 - 8:30 a.m.

## THE INTERSECTION OF BLOCKCHAIN AND IP

*Committee Sponsors: Cyber Security, Data Privacy and Technology Committee and Intellectual Property Committee*

A technology that can prove ownership, track subsequent works, and monitor how and by whom creations are being used will have a substantial impact on intellectual property as it is currently known. This technology is already invented, and it is known as blockchain technology. This panel will explain blockchain technology – what it is, how it works, the important role it plays in the financial industry, as well as how it can be used to protect intellectual property in the future.

**Moderator:** *Alexandra Simotta, SIX Payment Services (Europe) S.A., Vienna, Austria*

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



7:30 - 8:30 a.m.

## DEFENDING AGAINST PUNITIVE DAMAGES CLAIMS

*Committee Sponsors: Professional Liability Committee and Trial Techniques and Tactics Committee*

Juries across the US have recently returned eye-popping punitive damages awards and plaintiffs are using a broad array of new and increasingly successful arguments to win large awards across industries and geographical boundaries. These punitive damages create challenges and opportunities for defendants and their attorneys. This interactive session will explore how to prepare for punitive damages in advance of trial, how to leverage legal protections available to defendants facing punitive damages claims, and the key issues that you need to consider during trial.

**Moderator:** *Kathryn S. Lehman, King & Spalding LLP, Atlanta, GA USA*

**Speakers:** *Scott Edson, King & Spalding LLP, Washington, DC USA; Orlando “Rod” Richmond, Sr., Butler Snow LLP, Ridgeland, MS USA; Kari L. Sutherland, Butler Snow LLP, Oxford, MS USA*

8:45 - 10:15 a.m.

## OPENING SESSION

10:15 - 11:30 a.m.

## FOUNDATION FORUM SPEAKER: MARY ROBINSON

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

For a description on Mary Robinson, see page 2.



## MONDAY, FEBRUARY 24

7:30 - 8:30 a.m.

### TRANSPORTATION COMMITTEE BUSINESS MEETING

*\*This business meeting is not eligible for CLE credit.*

7:30 - 8:30 a.m.

### EFFECTIVE APPELLATE ADVOCACY – A MULTI-JURISDICTIONAL PERSPECTIVE

*Committee Sponsor: Appellate Practice Committee*

Appellate advocacy can be a minefield for the unwary. Leading appellate lawyers will provide a multi-jurisdictional discussion on preparation for an appeal, including procedural considerations, the importance of effective written advocacy, and practical tips for persuasive oral advocacy. This program draws together international jurists comparing perspectives on effective appellate practice and how it varies in the United States and abroad.

**Moderator:** *Mary-Christine Sungaila, Haynes and Boone, LLP, Costa Mesa, CA USA*

**Speakers:** *Donna L. Burden, Burden, Hafner & Hansen, LLC, Buffalo, NY USA; Peter J. Pliszka, Fasken Martineau DuMoulin LLP, Toronto, ON Canada; Sitpah Selvaratnam, Tommy Thomas Advocates and Solicitors, Kuala Lumpur, Malaysia*

7:30 - 8:30 a.m.

### INTO THE WEEDS: LEGAL AND INSURANCE IMPLICATIONS OF MARIJUANA

*Committee Sponsors: Corporate Counsel Committee, Employment Law Committee, Insurance and Reinsurance Committee, and International Committee*

As the legalization of marijuana for both medical and recreational use has expanded, so too have the complex legal issues grown. This panel will explore these issues from a variety of perspectives including the marketplace for insuring these risks; the impact on workers' compensation and liability claims; and how these issues affect employers and their procedures. The issues surrounding marijuana affect a broad range of IADC members' practice areas, as well as insurers that they often represent. This program will help the audience to be current with the latest developments in this area around the world.

**Speakers:** *Lisa A. Armstrong, Striberger Brown Armstrong LLP, Toronto, ON Canada; Ronald A. Mazariegos, Arrowpoint Capital, Charlotte, NC USA; Professor Brenda P. Wells, East Carolina University, Greenville, NC USA*

7:30 - 8:30 a.m.

### THE DEMANDS ON LAWYERS AND THE DISCONNECT WITH CLIENTS ARE A RECIPE FOR MENTAL ILLNESS – HOW TO FIGHT BACK

*Committee Sponsors: International Committee, In-House and Law Firm Management Committee, Product Liability Committee, and Professional Liability Committee*

*\*This program is eligible for substance abuse credit.*

The lawyer's job today is vastly more complex and difficult than it has ever been, and we are not fully trained and equipped to meet all the challenges. Meanwhile, firms and clients place ever increasing demands on lawyers. Workloads are large, time is small, and trust is a disappearing attribute. Demands are made, expectations are misunderstood, and frictions arise. These are all contributors to stress. Even the new legal technologies, which could relieve workload and lawyer strain, are often another cause of it. But there are solutions. For each pain point or stress contributor there is a mitigation method to fight back, be it taming the technology, changing the way we work, or fixing the disconnects with clients. In 2019, presenter Alex Geisler was asked by American Legal Media to research and write a major piece on mental health in the profession, and this discussion will explore his key findings.

**Speaker:** *Alexander Geisler, Duane Morris, London, England*

*Directly following this CLE program there will be a short Professional Liability Committee Business Meeting. Please stay if you are able. This business meeting is not eligible for CLE credit.*





7:30 - 8:30 a.m.

## EXAMINATION OF EPA'S RISK ASSESSMENT OF CHEMICALS IN THE 21ST CENTURY

*Committee Sponsors: Environmental and Energy Law Committee, Product Liability Committee, and Toxic and Hazardous Substances Litigation Committee*

Under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the EPA evaluates potential risks from new and existing chemicals and acts to address any unreasonable risks chemicals may have on human health and the environment, which includes much needed improvements in the area of risk-based chemical assessments.

In July 2019, the EPA began the second round of talks on the risk-based chemical evaluations, which are still in progress. The purpose of the risk evaluations are to determine whether a chemical substance presents an unreasonable risk to health or the environment under the conditions of use, including an unreasonable risk to a relevant potentially exposed or susceptible sub-population. This program will discuss the status of the risk evaluations undertaken to date including decisions undertaken and effects of such actions on defending toxic tort matters in the future.

**Moderator:** *Jodi D. Oley, Eckert Seamans Cherin & Mellott LLC, Philadelphia, PA USA*

**Speakers:** *Jeffrey A. Curran, GableGotwals, Oklahoma City, OK USA; Heather Russell Fine, Tanenbaum Keale LLP, Berwyn, PA USA; Michael Wernke, SEA, Ltd., Columbus, OH USA*

8:45 - 10:15 a.m.

## THE MOUNTING ATTACKS ON COMPANY-SPONSORED SCIENCE, SPEECH, AND EXPERTS

*Committee Sponsors: Civil Justice Response Committee, Corporate Counsel Committee, Drug, Device and Biotechnology Committee, In-House and Law Firm Management Committee, Product Liability Committee, and Toxic and Hazardous Substances Litigation Committee*

Corporate efforts to participate in public scientific decisions are under increasing attack by the plaintiffs' bar. Recent talc and Roundup litigations included attacks on experts publishing articles challenging causation and on legitimate company participation in regulatory proceedings. Companies are being vilified in court for exercising their First Amendment right to petition/participate in public decisions, and researchers are being attacked for publishing science which supports defendants' positions. This program will address responses to such attacks, alleged "ghostwriting" allegations, and the dilemma of journals that are caught in the middle. This will be of interest to all practitioners in fields in which medical and research science is at issue.

**Moderator:** *Mark A. Prost, Sandberg, Phoenix & Von Gontard, P.C., Saint Louis, MO USA*

**Speakers:** *William L. Anderson, Crowell & Moring LLP, Washington, DC USA; Molly Jones, Bayer U.S., Saint Louis, MO USA; Michael R. Klatt, Gordon Rees Scully Mansukhani, LLP, Austin, TX USA*

8:45 - 10:15 a.m.

## CLE/GENERAL INTEREST WORKPLACE VIOLENCE AND THE ACTIVE SHOOTER: PREVENTION, IDENTIFICATION, AND RESPONSE

*Committee Sponsor: White Collar Defense and Investigation Committee*

Workplace violence is a serious problem that can strike any business, across all industries, at any time and often with tragic and devastating consequences. Hear from top legal and mental health experts on how best to prevent, prepare for, identify, and respond to the active shooter and the serious workplace threat. The panelists will examine and discuss (i) the evolution of the threat, (ii) the pathway to violence, (iii) the preemptive security measures, and (iv) the various legal and liability issues resulting from a tragic event.

**Speakers:** *Sarah T. Eibling, Nelson Mullins Riley & Scarborough LLP, Columbia, SC USA; Paul V. Kelly, Jackson Lewis P.C, Boston, MA USA; Ronald Schouten, MD, Massachusetts General Hospital, Boston, MA USA*



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

## ACHIEVING “GO TO” STATUS IN TIMES OF CRISIS

*Committee Sponsors: Business Litigation Committee, In-House and Law Firm Management Committee, and Product Liability Committee*

When disaster strikes (literally or figuratively) or the bet-the-company case must be defended, do you want your firm to be that “go to” firm that is pre-identified by the client and ready to roll? If so, the groundwork must be laid early and your firm needs to understand the many internal pressures in-house lawyers are facing as they react to their situation. We all want to be the firm that gets the call. Hear from a panel of lawyers who have faced these situations who will discuss how to set yourself apart from the pack and become that “go to” counsel.

**Moderator:** *R. Matthew Cairns, Textron Inc., Providence, RI USA*

**Speakers:** *Robert M. Craig, III, Berkeley Research Group, LLC, Houston, TX USA; Glenn Dienstag, Vela Insurance Services, New York, NY USA; Philippa V. Ellis, The Home Depot, U.S.A., Inc., Atlanta, GA USA*

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

## CLE/GENERAL INTEREST

### ON THE BORDER: THE ASYLUM PROCESS

*Committee Sponsors: Insurance and Reinsurance Committee, International Committee, and Social Justice and Pro Bono Committee*

While the debate regarding those who seek asylum in the United States rages, few understand the history and origins of US refugee law and how the asylum process, including the immigration courts, works. Current US policies toward asylum seekers and policy changes directed at immigration courts and judges have a significant impact on asylum seekers and their access to due process. This panel of experts will provide a “boots on the ground” discussion of the history of refugee law and the asylum process, as well as current challenges to due process for asylum seekers, from the perspective of a retired immigration judge, a legal scholar, and immigration advocates from both the United States and Mexico.

**Speakers:** *Sergio Becerril Vega, Flores Rueda Abogados, Mexico City, Mexico; Lisa Frydman, KIND, San Francisco, CA USA; Professor Stephen Lee, The University of California, Irvine School of Law, Irvine, CA USA; Honorable Polly Webber (Ret.), Roundtable of Former Immigration Judges, San Francisco, CA USA*



## TUESDAY, FEBRUARY 25

7:30 - 8:30 a.m.

### TIME LIMITATIONS IN INTERNATIONAL CONSTRUCTION PROJECTS: A HEAVY WEAPON IN INTERNATIONAL DISPUTES

*Committee Sponsors: Construction Law and Litigation Committee and Professional Liability Committee*

Presenters from two continents and three countries will compare/contrast the approach taken by their unique jurisdiction to claim accrual and time limitations in cases involving complex construction disputes. The focus will be on claims involving design professionals without contractors and will include the panelists’ consideration of favored approaches and the viability of a uniform standard, particularly as related to multi-national projects. Panelists will explore the most significant cases from their respective jurisdictions and the ensuing legal challenges. The presentation will be of interest to commercial, construction, professional liability, and ADR practitioners, as well as non-US meeting attendees.

**Moderator:** *Antoine Bigenwald, Langlois Lawyers, Montreal, QC Canada*

**Speakers:** *Rouven F. Bodenheimer, Bodenheimer Herzberg, Cologne, Germany; Scott H. Sirich, Plunkett Cooney, Bloomfield Hills, MI USA*

*Directly following this CLE program there will be a short Construction Law and Litigation Committee Business Meeting. Please stay if you are able. This business meeting is not eligible for CLE credit.*

7:30 - 8:30 a.m.

## **MONEY MAKES THE WORLD GO 'ROUND: INSURANCE FOR CRYPTOCURRENCY**

*Committee Sponsors: Cyber Security, Data Privacy and Technology Committee, Insurance and Reinsurance Committee, and International Committee*

This session addresses the growing significance of cryptocurrency to the insurance industry. The panel will first provide a brief overview of cryptocurrency and blockchain technology. Then the speakers will analyze the insurability of cryptocurrency losses, loss measurement issues, and how courts are grappling with cryptocurrencies in the context of insurance coverage disputes. The panel features a very knowledgeable in-house counsel who specializes in cyber issues.

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

**Speakers:** *J. David Duffy, Thompson Coburn LLP, Chicago, IL USA; Monique Ferraro, Hartford Steam Boiler Inspection and Insurance, Hartford, CT USA; Alexander G. Henlin, Sulloway & Hollis PLLC, Concord, NH USA*

7:30 - 8:30 a.m.

## **MEDIATION LEADING TOWARDS ARBITRATION OR ALL THE WAY AROUND?**

*Committee Sponsor: International Arbitration Committee*

As arbitration has become more and more time and cost consuming, hybrid dispute resolution mechanisms such as arb-med and med-arb have been used more frequently, even for large and complex disputes. How should such procedures go? What are the keys to a successful outcome? How have arbitration institutions developed their rules and practices to accommodate the users' need for quicker and less expensive resolution of large disputes? What can arbitrators do to facilitate parties' amicable resolution of the case? This panel of experienced corporate counsel, outside counsel, and an arbitration/mediation institution executive will explore the creative hybrid dispute resolution mechanisms to resolve large commercial disputes.

**Moderator:** *Hiroyuki Tezuka, Nishimura & Asahi, Tokyo, Japan*

**Speakers:** *Luis M. Martinez, AAA-ICDR, New York, NY USA; Tomasz J. Sikora, Exxon Mobil Corporation, Spring, TX USA; Yoshihiro Takatori, Orrick Tokyo Law Offices, Tokyo, Japan*

7:30 - 8:30 a.m.

## **"NOBODY USED THIS DESIGN BACK THEN:" GETTING EVIDENCE OF INDUSTRY PRACTICE ADMITTED IN PRODUCT LIABILITY LITIGATION**

*Committee Sponsors: Appellate Practice Committee, Business Litigation Committee, Drug, Device and Biotechnology Committee, Product Liability Committee, and Trial Techniques and Tactics Committee*

It happened with airbags and electronic stability control. It is happening now with automatic emergency braking. Bring a safety advance to market, and plaintiffs will claim that prior models should have had it. How do you persuade jurors that a technology they now take for granted was infeasible, or consumers would not pay for it, back when plaintiff's product was made? Industry practice evidence, e.g. proof that competitors in the industry did not use the technology, can help ground plaintiffs' pie-in-the-sky claims and corroborate defense experts. Our experienced panel will discuss how industry-practice evidence can help and how to get it admitted.

**Moderator:** *Mary-Christine Sungaila, Haynes and Boone, LLP, Costa Mesa, CA USA*

**Speakers:** *Robert A. Brundage, Morgan, Lewis & Bockius LLP, San Francisco, CA USA; Glenn M. Zakaib, Borden Ladner Gervais LLP, Toronto, ON Canada*

8:45 - 10:15 a.m.

## **TANGIBLE DIVERSITY AND INCLUSION RESULTS ARE POSITIVE PROFIT DRIVERS**

*Committee Sponsors: Diversity and Inclusion Committee and In-House and Law Firm Management Committee*

**\*This program is eligible for Elimination of Bias/ Diversity and Inclusion credit.**

Recent anecdotal and empirical data underscores that diversity and inclusion are enormously profitable and yield better results through the use of diverse and inclusive teams and the creation of workplaces that leverage all persons. Join us as we go beyond the moral and ethical cases and discuss diversity and inclusion as profit drivers and provide practical steps on how to improve your diversity, inclusion, and retention. The recent general counsel and corporate legal officers' open letter, stating that their companies will prioritize their legal spend on firms with tangible diversity and inclusion results, makes this conversation not only timely, but critical to your bottom line.

**Moderator:** *Stacy L. Douglas, Collinson, Daehnke, Inlow & Greco, Torrance, CA USA*

**Speakers:** *William Garcia, Liberty Mutual, Seattle, WA USA; Ashley Garry, Eli Lilly and Company, Indianapolis, IN USA; Madeleine M. McDonough, Shook, Hardy & Bacon, LLP, Washington, DC USA; Katina C. Thornock, Starbucks Coffee Company, Seattle, WA USA*





8:45 - 10:15 a.m.

**IN THE MOMENT WITH DIGITAL EVIDENCE: EPHEMERAL MESSAGING, DIGITAL FORENSICS, AND ‘DEEPAKES’**

*Committee Sponsors: Amicus Curiae Committee, Cyber Security, Data Privacy and Technology Committee, Product Liability Committee, and Toxic and Hazardous Substances Litigation Committee*

Digital evidence is vast, ubiquitous, and determinative in many cases, yet new challenges constantly emerge. This panel will discuss how lawyers can exploit new sources of digital evidence and gain from the latest digital forensic techniques while confronting challenges posed by ephemeral messaging apps like Snapchat and Wickr, which cause content – digital evidence – to disappear after transmission. The panel will address collection and preservation challenges, spoliation, and ethics issues for lawyers advising clients reliant upon such apps. Lawyers also need to be ready for spoliation of a different variety, known as “Deepfakes,” which include video evidence altered to show the speaker saying things never said.

**Speakers:** *Ovie Carroll, United States Department of Justice, Washington, DC USA; Heather C. Devine, Alexander Holburn Beaudin + Lang LLP, Toronto, ON Canada; Chris Howell, Wickr, New York, NY USA; Peter J. Pizzi, Walsh Pizzi O’Reilly Falanga LLP, Newark, NJ USA*

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

**THE VIEW FROM THE TOP: A PANEL DISCUSSION OF CHIEF CLAIMS OFFICERS**

*Committee Sponsors: Insurance and Reinsurance Committee and Insurance Executives Committee*

Claims executives who run large multi-faceted organizations face competing challenges focused on customer service, expense management, organizational development, technology and managing frequency and severity. An important part of these challenges includes developing and maintaining strong and lasting relationships with outside counsel who understand the ethos of the company and the need for value added in every transaction.

There is much more to the relationship than just providing competent legal work. This panel of insurance executives, who are ultimately responsible for resolving major claims and litigation around the world, rely on strong, trusting relationships with counsel. The panel will discuss numerous “hot topics” facing property and casualty insurers as well as their views on how they expect counsel to play an active role in addressing those issues. Please join this high power panel for an interactive discussion including the following topics:

- Developing and sustaining strong relationships with insurers
- Significant litigation issues facing the insurance industry over the next 10 years
- What keeps insurance CCOs up at night
- Managing high exposure claims within the company
- Balancing the need for “high touch” handling of significant claims in the age of efficiency and frequency
- The impact of in-house technology on outside law firms

**Moderator:** *Frank A. Lattal, New Hope, PA USA*

**Speakers:** *Michael J. Baumel, Chief Claims Officer, Axis Insurance, Chicago, IL USA; Michael W. Smith, Global Claims Officer, Chubb, New York, NY USA; Michael Taylor, Chief Claims Officer, PURE, White Plains, NY USA*





4:00 - 5:00 p.m.

## INTERNATIONAL COMMITTEE BUSINESS MEETING

*\*This business meeting is not eligible for CLE credit.*

## WEDNESDAY, FEBRUARY 26

7:30 - 8:30 a.m.

## INSURANCE AND REINSURANCE COMMITTEE BUSINESS MEETING

*\*This business meeting is not eligible for CLE credit.*

7:30 - 8:30 a.m.

## BURNED-OUT OR BORED-OUT EMPLOYEES? BLAME IT ON THE COMPANY

*Committee Sponsors: Employment Law Committee and International Committee*

Causes of action are increasingly grounded in theories based upon employee well-being being impacted simply from working. In Europe, depression, anxiety, burn-out, or bore-out are widely considered as occupational health hazards for which employers are held liable. In Japan, the phenomenon of “Karoshi” (worked to death) may lead employees to seek damages when their employer fails to provide a safe and proper working environment. The World Health Organization has recently updated its definition of “burn-out” to describe it as an “occupational phenomenon.” This is an issue in its infancy in the United States. However, even if an employer is not directly liable for preventing burn-out, can it still be liable for the unsafe conditions caused by burned-out employees? Join us as we identify practical tips for reducing the significant legal risks for local and international employers due to emerging employment law theories that are rapidly coming to a jurisdiction near you and your local and international clients.

**Moderator:** *Cecilia Lahaye, Bird & Bird LLP, Brussels, Belgium*

**Speakers:** *Sylvie Gallage-Alwis, Signature Litigation AARPI, Paris, France; Noriko Higashizawa, City-Yuwa Partners, Tokyo, Japan; M. Kimberly Hodges, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Memphis, TN USA*

7:30 - 8:30 a.m.

## THE CHALLENGES OF LAW FIRM RISK MANAGEMENT

*Committee Sponsors: Cyber Security, Data Privacy and Technology Committee, In-House and Law Firm Management Committee, Product Liability Committee, and Professional Liability Committee*

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

Do you know what really keeps your managing partner awake at night? Are you unknowingly creating risk for your firm? Hear from a panel of law firm leaders who will discuss many key issues that keep them awake at night including attorney wellness and satisfaction; firm finances; client retention; succession planning; cybersecurity risk; and conflicts of interest. In addition, the panel will highlight areas where practicing attorneys can add value by helping their firms reduce these risks.

**Moderator:** *Janelle L. Davis, Thompson & Knight, Dallas, TX USA*

**Speakers:** *Anthony J. Fernandez, Quintairos, Prieto, Wood & Boyer, P.A, Phoenix, AZ USA; Donna Lamontagne, Lamontagne, Spaulding & Hayes, LLP, Cranston, RI USA*

7:30 - 8:30 a.m.

## HEALTHCARE ENFORCEMENT AND WHY EFFECTIVE CORPORATE COMPLIANCE MATTERS

*Committee Sponsors: Medical Defense and Health Law Committee and White Collar Defense and Investigation Committee*

As part of its increasing emphasis on healthcare-fraud enforcement, the government has stressed that “strong corporate compliance programs are the first line of defense.” When things go wrong, law enforcement will “give the greatest consideration to companies that establish effective compliance programs.” The panel will discuss how DOJ rewards strong compliance, the new DOJ cooperation policy in FCA actions, how the government evaluates corporate compliance, best practices to implement and maintain a robust healthcare compliance program, and recent healthcare-fraud cases involving successes and failures of compliance.

**Moderator:** *William S.W. Chang, U.S. Department of Health and Human Services, Washington, DC USA*



**Speakers:** *Shari Aberle, Optum Litigation, Edina, MN USA; Stephen J. Cox, Department of Justice, Washington, DC USA; Ryan P. McCarthy, Morgan Lewis & Bockius LLP, Philadelphia, PA USA*

7:30 - 8:30 a.m.

### **PUTTING ON THE GREATEST SHOW ON EARTH (WITHOUT LOOKING LIKE A CLOWN)**

**Committee Sponsors:** *Drug, Device and Biotechnology Committee, Product Liability Committee, and Trial Techniques and Tactics Committee*

Managing the three-ring circus of evidence at trial is challenging in any circumstance and only gets more difficult when every court handles exhibits differently. Some courts follow the traditional method of laying a foundation, offering the exhibit, and having it admitted; others pre-admit everything; and still others fall somewhere in between. Those variations significantly impact the way you put on your case. How do you adjust to the variety of ways exhibits are handled in different jurisdictions? Learn from experienced trial lawyers on how to adapt to any scenario so you look like the ringmaster and not the clown.

**Speakers:** *Katie S. Phang, Katie S. Phang, P.A., Coral Gables, FL USA; Steven M. Sitek, Bassford Remele PA, Minneapolis, MN USA*

8:45 - 10:15 a.m.

### **POLITICS AS UNUSUAL: HOW TO DEAL WITH POLITICAL ACTS AROUND THE WORLD THAT CAUSE DISRUPTION TO CLIENTS' BUSINESS ACTIVITIES AND IMPAIR THEIR LEGAL RIGHTS**

**Committee Sponsors:** *Business Litigation Committee, Corporate Counsel Committee, Intellectual Property Committee, International Committee, and Product Liability Committee*

The world has seen an unprecedented number of disruptions caused by politics – Brexit, US government shutdown, trade tariffs, and others. These political acts wreak havoc on business activities by changing the rules midway through the game. Because of changed conditions, business activities are slowed or stopped, contracts cannot be fulfilled, regulated products cannot receive necessary approvals for safety upgrades, and intellectual property registrations may no longer be valid. When clients ask for advice on who should bear the losses and how to prevent losses arising from future political disruptions, what will you tell them? This program will discuss ways that political acts are damaging clients' business activities in the US and abroad, and legal strategies for addressing these problems and preventing them in the future.

**Moderator:** *Kurt B. Gerstner, Lee International IP & Law Group, Seoul, Korea*

**Speakers:** *Lisa M. Floro, Coloplast Corporation, Minneapolis, MN USA; James Middleton, AIG, London, England; Manuel Moctezuma, Moctezuma Castro S.C., Mexico City, Mexico*

8:45 - 10:15 a.m.

### **WEATHERING THE BELLWETHERS: OPIOID LITIGATION AND BEYOND AND IMPACTS ON BOTH DOMESTIC AND FOREIGN CORPORATIONS SUBJECT TO LAWSUIT IN THE US**

**Committee Sponsors:** *Medical Defense and Health Law Committee and Product Liability Committee*

Bellwether cases did not exist when the IADC was founded a century ago, but they have become a critical part of defending mass tort litigation in the United States, for both domestic and foreign corporate defendants. This panel will update you on the ins and outs of the bellwether opioid trials, which has become “bet the company” litigation for many pharmaceutical companies and other defendants. Using opioids as an example, we will discuss best strategies for preparing for bellwether cases, as well as hear in-house expertise on managing client expectations for such mass litigation.

**Moderator:** *Scott K.G. Kozak, Armstrong Teasdale LLP, Saint Louis, MO USA*

**Speakers:** *Mary E. Bartkus, Hughes Hubbard & Reed LLP, New York, NY USA; Larry D. Ottaway, Foliart, Huff, Ottaway & Bottom, Oklahoma City, OK USA; Zane C. Riester, Johnson & Johnson, New Brunswick, NJ USA*

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

### **HOW TO WIN YOUR CASE THROUGH VISUAL STORYTELLING**

**Committee Sponsors:** *Employment Law Committee and Trial Techniques and Tactics Committee*

Judges and jurors expect visual presentations of cases, regardless of the types of cases before them and the forums in which you are trying them. Visual material is powerful and can help you more effectively and persuasively speak volumes through a visual narrative. Join us as we walk through each phase of the trial including opening statements, direct/cross examination, closing argument, etc. and demonstrate how to use visual media (photography, illustration, graphics, or video) and technology (TrialPad, etc.) to harness the power of visual storytelling and successfully put on your visual narrative.

**Speakers:** *Robert A. Campbell, Jr., InCourt Technologies, Santa Rosa Beach, FL USA; Bonnie Mayfield, Dykema Gossett PLLC, Bloomfield Hills, MI USA; Edward S. Sledge, IV, Bradley LLP, Birmingham, AL USA; Johner T. Wilson, III, Dinsmore & Shohl LLP, Chicago, IL USA*

**#iadcmeetings #IADC100**

