Navigating the Choppy Waters of Business Law and Litigation

- Learn from concentrated breakouts in Class Action, Cybersecurity/Data Breach, and Government Enforcement

- Keynote Speaker
  The Honorable Alan Page (Ret.)
  — Co-Founder, Page Education Foundation, Minneapolis, MN
  — Former Justice, Supreme Court of Minnesota
  — Member, NFL Hall of Fame

May 13-15, 2020
Minneapolis Marriott City Center Hotel
Minneapolis, MN
Renowned in-house counsel from Fortune 500 companies, judges, and trial attorneys from across the country will meet in Minneapolis—in the Land of 10,000 Lakes—for this truly “Super Conference.” Along with cutting-edge and timely topical presentations, this first-ever DRI conference in Minnesota offers an unprecedented opportunity to network with industry counsel and preeminent attorneys, and to hear NFL Hall of Famer and former Supreme Court of Minnesota Justice Alan Page speak on ways to eliminate racial disparities and bias in the justice system. The conference will also provide the opportunity to attend breakout sessions in the areas of cybersecurity/data breach; class actions; and government enforcement/corporate compliance. Another bonus is that the DRI Intellectual Property Litigation Committee is hosting its annual seminar at the same time in adjacent rooms. Attendees will be free to attend any presentation, enhancing the “confluence and connections” with our DRI colleagues. Register now for this “can’t miss” event and discover why Minnesota is called the “Star of the North.”

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Register online now at dri.org or complete the form in the back.
What You Will Learn

- How we can better provide what in-house-counsel need throughout the course of litigation
- New, innovative ways to use trial visuals and PowerPoints effectively through all phases of a case
- Cutting-edge methods for minimizing the risks of major data breaches and recent regulatory changes to data security by the FTC
- How our clients are using “crowdsourcing” to further their businesses and the risks and benefits involved
- The latest developments in the law addressing the application of the Telephone Consumer Protection Act

Members Get More

- Access to LegalPoint™ at dri.org: Committee newsletters, seminar course materials, and other publications.
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WEDNESDAY, MAY 13

1:30 p.m.  Registration for Young Lawyers Breakout

2:00 p.m.  Practice Pointers: Dos and Don’ts for Young Lawyers (Judges Panel)
Courtroom advocacy can be one of the greatest adjustments for young lawyers entering and mastering in the practice of law. This panel of judges will address what it takes to impress judges, both in filings and in courtroom advocacy; how to lose and gain credibility in front of a judge; common pitfalls for young lawyers; and how young lawyers can seek out more courtroom experience. The panel will also discuss how a judge sitting alone decides a case and how advocacy can affect the decision-making process.

The Honorable Jennifer L. Frisch, Minnesota Judicial Branch, Minneapolis, MN
The Honorable Roger T. Hughes (Ret.), Federal Court of Canada, New York, NY
Corey Willard, Gowling WLG, Ottawa, ON

3:00 p.m.  Objections: Why, When, and How
During the course of litigation—whether at depositions, cross-examinations, or at trial—counsel may be called upon to object to what is taking place or is about to take place in proceedings. The decision to express opposition involves a keen sense of trial tactics and judgment, substantive knowledge of legal principles, and the ability to act in a timely and an effective manner. Qualities such as the ability to anticipate what is likely to take place, listen intently at all times, and assess what must be put forward are essential skills to develop. This session will discuss the art and science of objections, including the considerations that may have to be addressed by counsel.

Thomas R. (Tom) Pack, Mason LLP, Minneapolis, MN
Bevin Shores, Agro Zaffiro LLP, Hamilton, ON

3:45 p.m.  Turning the Table: Defeating Anchoring of Damages
This session will demonstrate creative techniques and strategies for dealing with commonly encountered juror and witness hostilities in highly emotional and sympathetic cases. The panel members will both lecture and present vignettes to discuss and illustrate techniques to defuse the adverse effect of the anchoring of damages in voir dire and throughout trial.

Kevin T. McCarthy, Larson King LLP, Saint Paul, MN
Mark A. Solheim, Larson King LLP, Saint Paul, MN

4:30 p.m.  Handling Experts at Trial: Opening, Cross-Examination, and Closing
Expert opinion evidence is key in many civil cases. Because of its significance—whether related to issues of liability or damages—effective preparation and direct examination of your expert witness, as well as a strong cross-examination of the plaintiff’s expert witness, are often essential to succeed in any case. The discussion will address best practices involved in each step, from retaining your expert to conducting the direct examination and cross-examination. Finally, there will be a review of key tools that counsel must ensure that his or her experts possess at trial, in both the jury and non-jury context.

Corey Willard, Gowling WLG, Ottawa, ON

5:15 p.m.  Adjourn

6:00 p.m.  Registration
6:00 p.m.  Networking Reception
Sponsored by Miles & Stockbridge

7:30 p.m.  Young Lawyers Dinner  |  Open only to young lawyers. Please contact Kevin McCarthy for details at kmccarthy@larsonking.com.
THURSDAY, MAY 14

7:00 a.m.  Registration

7:00 a.m.  Continental Breakfast
SPONSORED BY Godfrey & Kahn SC

7:15 a.m.  Antitrust Issues for Data Innovators
As the collection, analysis, and use of data expands in businesses from Fortune 100 companies to niche duopolies and startups, state and federal antitrust regulators are considering how those innovations affect markets and consumer interests. Broad statutory mandates and overlapping state and federal enforcement require innovators to consider how they collect, protect, and use data to avoid antitrust complications. This session explores risks and best practices based on recent judicial and regulatory approaches to big data, personal data, and competitive markets.

Jeffrey W. Sheehan, Bradley Arant Boult Cummings LLP, Nashville, TN

Joint Session with Intellectual Property Litigation Seminar

8:10 a.m.  Welcome and Introductions
Charles T. (Charlie) Frazier, Jr., Alexander Dubose & Jefferson LLP, Dallas, TX

Peter J. Henein, Cassels Brock & Blackwell LLP, Toronto, ON

8:15 a.m.  The Next Generation of Data Breaches: Lessons from the Trenches
This panel will discuss the lessons we can learn from the latest data breaches, recent regulatory changes to data security by the FTC, and what is next. Using real-life scenarios involving inadvertent disclosures, data theft or loss, compromised systems, and more, the panelists will provide insight on what we can all do to protect ourselves, learn from each other how to minimize these risks, and handle matters in “full crisis mode.”

David F. McDowell, Morrison & Foerster LLP, Los Angeles, CA

Sandra K. Nowak, 3M Company, Saint Paul, MN

Sandra J. (Sandy) Wunderlich, Tucker Ellis LLP, Saint Louis, MO

9:15 a.m.  Crowdsourcing: What Is It, How Does It Work, and What Are the Risks?
Crowdsourcing is a general term referring to outsourcing a task to a large group of people, which includes crowd voting, crowd creation, crowd wisdom, and crowd funding. Although crowdsourcing has been around for decades, the internet has caused an explosion in the use of crowdsourcing for solving problems, financing projects, and influencing company policies and product offerings, as well as for online reviews that can be cheap marketing dollars or the company’s worst nightmare. On the one hand, it allows a company to capitalize on a diverse network of information, but on the other hand, there are risks. If the project is financed by thousands of people, who owns the end result? Is it legal to use online reviews to market your company without disclosing the affiliation of the reviewer? If a disgruntled customer writes a disparaging online review, is there any recourse? This session will explain how crowdsourcing can be used to a company’s benefit, explore the risks associated with it, and provide best practices to minimize the risks.

Thomas J. (T.J.) Mihill, Owen Gleaton Egan Jones & Sweeney LLP, Atlanta, GA

Mark A. Sadler, Great American Insurance Group, Cincinnati, OH

10:30 a.m.  Refreshment Break

11:00 a.m.  A Discussion with the Honorable Alan Page
Justice Alan Page (Ret.), former justice of the Supreme Court of Minnesota, member of the NFL Hall of Fame, and founder and president of the Page Education Foundation, will discuss ways to eliminate racial disparities and bias in the justice system.

The Honorable Alan C. Page (Ret.), Page Education Foundation, Minneapolis, MN

12:00 p.m.  Lunch (on your own)
12:00 p.m.  Women’s Networking Lunch | Contact Shannon Bell for details at sbell@kellywalkerlaw.com.
## BREAKOUTS

### Thursday, May 14, 1:30 p.m.–4:30 p.m. (choose one)

### CLASS ACTION

**Home Depot U.S.A. v. Jackson and the Need for Removability of Counterclaim Class Actions**

Home Depot lost its counterclaim class action removal bid in the U.S. Supreme Court on May 30, 2019. Attorneys for Home Depot involved in the case will discuss their experience, the implications for future counterclaim class actions, other ways to address the problem, and efforts to pursue a legislative remedy.

- William P. Barnette, Home Depot, Atlanta, GA
- Kacy Goebel, Home Depot, Atlanta, GA
- Sidney Stewart Haskins II, King & Spalding LLP, Atlanta, GA

### CYBERSECURITY AND DATA BREACH

**A Year in Review: Liability, Litigation, and Legislation**

The legal landscape for cybersecurity and data privacy is changing daily. There are new laws, new cases, and new threats. This panel of experts will discuss recent case law and legislation that affects cybersecurity and data privacy to give attendees an overview of the current trends in this rapidly changing area of the law.

- Robert J. (Bob) Cosgrove, Wade Clark Mulcahy, Philadelphia, PA
- Glenn E. Davis, HeplerBroom LLC, Saint Louis, MO
- Kelly S. Geary, CIPP/US, Epic Insurance Brokers & Consultants, New York, NY

### Personal Jurisdiction Following the Bristol-Meyers Squibb Decision

A host of unanswered questions regarding personal jurisdiction followed the Supreme Court’s decision in *Bristol-Meyers*. This panel will focus on one of these unresolved matters: the ability to sue on behalf of a class that includes members who could not individually establish personal jurisdiction in the forum. Gregory J. Casas and David E. Sellinger, partners at Greenberg Traurig who recently argued this issue to the D.C. Circuit in a case of first impression at the appellate level, will provide their insights on the reactions of the appellate bench in their case, as well as what we can expect from other appellate courts on this issue going forward.

- Gregory J. Casas, Greenberg Traurig LLP, Austin, TX
- David E. Sellinger, Greenberg Traurig LLP, Florham Park, NJ

### Practical Tips to an Effective Cybersecurity Compliance

In this session, expert security counsel and experienced in-house counsel—who live cybersecurity matters every day—tackle the challenges of creating organizational maturity in cybersecurity. They offer effective practical approaches to evaluating the state of cybersecurity, enhancing prioritization, evaluating funding, and ensuring that the important players are working together to coordinate defense against cybersecurity breaches.

- Julia L. Brickell, H5 Technologies, New York, NY
- Amy Mushahwar, Alston & Bird, Washington, DC

### Refreshment Break

3:20 p.m.
BREAKOUTS (continued)

3:40 p.m.

**CLASS ACTION**

**Uncertain Rules Coupled with Ruinous Statutory Damage Liability for Violating Them: The Latest on the TCPA Minefield**

TCPA class actions continue to present a constantly shifting minefield of potentially ruinous statutory damage liability for all businesses that use telephone calls, texts, or faxes to reach customers and potential customers. Two skilled TCPA litigators will bring us up-to-date on the latest developments in the never-ending tug of war between businesses and regulators, as well as among different circuit courts, over issues such as what constitutes an auto-dialer, what constitutes valid consent to be called, faxed or texted, and whether businesses have any safe harbor from TCPA liability. They will discuss how plaintiffs’ counsel have exploited the uncertainties in the law and explore litigation defense strategies to thwart them, including defenses to class certification. They will also provide compliance tips that may reduce the risk that your company will find itself named as the defendant in the latest TCPA megasuit.

**Bradley J. (Brad) Andreozzi**, Drinker Biddle & Reath, Chicago, IL

**Marsha J. Indych**, Faegre Drinker Biddle & Reath LLP, New York, NY

**Amy E. Richardson**, Harris Wiltshire & Grannis LLP, Washington, DC

**GOVERNMENT ENFORCEMENT**

**Investigations of the Executive Branch—How and When Outside Counsel Becomes Involved in the Investigation and the Response**

In the past year, not only has the U.S. House of Representatives convened an impeachment inquiry, but the FBI, the inspector general, and the U.S. Department of Justice have engaged in investigations of the executive branch. How does the chief executive officer of the United States respond to these investigations, and when does it become necessary to engage outside counsel? This panel discussion will focus on the timing of the involvement of outside counsel, the factors involved in selection of the right attorney or firm, and the value of a proactive versus reactive response.


**William (Bill) Pittard**, KaiserDillon PLLC, Washington, DC

**David S. Weinstein**, Hinshaw & Culbertson LLP, Coral Gables, FL

**CYBERSECURITY AND DATA BREACH**

**Joint Presentation with Intellectual Property Litigation Seminar**

The Future Is Now: “Reasonable Measures” to Protect Trade Secrets, and the Technical Tools You That Need to Know

This joint session between DRI’s Intellectual Property Litigation Committee and Cybersecurity and Data Privacy Committee looks at what constitutes reasonable measures to protect trade secrets, as well as the technological tools that can be used to prevent the theft of those trade secrets. Learn about the steps that you can take to protect your client’s sensitive information, and to detect when it is being accessed, and by whom, to prevent its theft.

**Rachael L. Rodman**, Ulmer & Berne LLP, Columbus, OH

**Steve Snyder**, Bradley Arant Boult Cummings LLP, Charlotte, NC
12:00 p.m. **Antitrust, Consumer Protection, and Distributorship SLG Lunch**  
Contact Russ Morgan for details at rmorgan@bradley.com.

12:00 p.m. **Financial Service Litigation SLG Lunch**  
Contact Mark Olthoff for details at molthoff@polsinelli.com.

1:30 p.m. **Breakout Sessions** (see pages 4–5)

4:30 p.m. **Adjourn**

4:45 p.m. **DRI Commercial Litigation Committee Meeting** (*open to all*)

5:30 p.m. **Diversity Reception**

6:00 p.m. **Networking Reception**

7:00 p.m. **Dine-Arounds**  
Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

7:00 p.m. **Business Torts and Contract Litigation SLG and Class Actions SLG Dinner** (details to come)

**FRIDAY, MAY 15**

7:30 a.m. **Registration**

7:30 a.m. **Continental Breakfast**  
**SPONSORED BY** Nilan Johnson Lewis PA

8:30 a.m. **Announcements**  
**Liam E. Felsen, PhD**, Frost Brown Todd LLC, Louisville, KY

8:35 a.m. **Antitrust Update: Termination of Old Antitrust Consent Decrees—Is This Good or Bad?**  
Hear an update on the initiative by the Antitrust Division of the U.S. Department of Justice to terminate old antitrust consent decrees, and the effect that it will have on business commerce and potential litigation.  
**Michael L. McCluggage**, Eimer Stahl LLP, Chicago, IL

9:20 a.m. **In-House Counsel Presentation**  
In-house counsel from an array of major corporations will discuss the various roles they play in their respective entities and share their “dos and don’ts” and preferences in working with outside counsel.  
**MODERATOR** | **Peter A. Lauricella**, Wilson Elser Moskowitz, Albany, NY

10:20 a.m. **How to Use Trial Visuals and PowerPoint Effectively**  
Everything we say to jurors, and everything we show them, should further at least one of three goals: to help jurors understand, believe, or remember our message. Cross-disciplinary studies consistently find that adding a visual component to our presentations will greatly enhance the chances of reaching these goals. Kerri Ruttenberg will share insights and lessons from her book, *Images with Impact: Design and Use of Winning Trial Visuals.*

**Kerri L. Ruttenberg**, Walmart Inc., Bentonville, AR

11:10 a.m. **Refreshment Break**

11:30 a.m. **How to Seek—or Defend Against Producing—Electronically Stored Information**  
In this interactive session, two seasoned business-litigation attorneys will examine an ESI expert and argue each side of a motion to compel ESI before a judge, who will rule on the motion, followed by discussion from the participants and conference attendees.  
**The Honorable Hildy Bowbeer**, United States District Court for District of Minnesota, Saint Paul, MN  
**Joshua J. Gayfield**, Miles & Stockbridge, Baltimore, MD

♦❯ **Mark Lanterman**, Computer Forensic Services, Minneapolis, MN

**Melissa Plunkett**, Shook Hardy & Bacon LLP, Kansas City, MO

12:30 p.m. **Adjourn**  
**Post-Conference Lunches** (*on your own*)

2:00 p.m. **Service Project** (TBD)
**GENERAL INFORMATION**

**In-House Counsel**

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee or be sponsored by a DRI member who is both registered and has paid for the seminar. Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.

**Claims Executives**

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership or be sponsored by a DRI member who is both registered and has paid for the seminar. Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.

**CLE/Claims Adjusters Accreditation**

This seminar has been approved for MCLE credit by the State Bar of California for up to 13.50 hours, including 1 hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.

**Registration Policy**

Save $100 when you register by April 14, 2020. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by April 21, 2020 (please allow 10 days for processing). Registrations received after April 21, 2020, will be processed on-site.

**Refund Policy**

The registration fee is fully refundable for cancellations received on or before April 21, 2020. Cancellations received after April 21 and on or before April 27, 2020, will receive a refund, less a $100 processing fee. Cancellations made after April 27 will not receive a refund, but a $100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing, Fax (312.795.0747) or email (seminars@dri.org) to DRI’s Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

**Discounts**

**Group Discount**

The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is $775, regardless of membership status if received on or before April 14, 2020. After April 14, the group rate is $875. All registrations must be received at the same time to receive the discount.

**Travel Discounts**

DRI offers discounted meeting fares on various major air carriers for DRI Business Litigation Super Conference attendees. To receive these discounts, please contact Direct Travel, DRI’s official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

**Hotel Accommodations**

A limited number of discounted hotel rooms have been made available at Minneapolis Marriott City Center, 30 South 7th Street, Minneapolis, MN 55402 (click here to view hotel photos). Take advantage of the group rate of $189 Single/Double in one of two ways:

1. Reserve online: Click here or visit dri.org and go to the DRI Business Litigation Super Conference page and click on the “Book hotel” button.

2. Or contact the hotel directly at 612.349.4000 and mention the DRI Business Litigation Super Conference.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by April 14, 2020, to be eligible for the group rate. Requests for reservations made after April 14 are subject to room and rate availability.
FACULTY

Click on any name to view bio.

Bradley J. (Brad) Andreozzi, Drinker Biddle & Reath, Chicago, IL

William P. Barnette, Home Depot, Atlanta, GA

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Julia L. Brickell, H5 Technologies, New York, NY

Gregory J. Casas, Greenberg Traurig LLP, Austin, TX

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Glenn E. Davis, HeplerBroom LLC, Saint Louis, MO

Paul Dieseth, US Bank, Minneapolis, MN

Robert N. (Bob) Driscoll, McGlinchey Stafford, Washington, DC

Liam E. Felsen, PhD, Frost Brown Todd LLC, Louisville, KY

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Sandra J. (Sandy) Wunderlich, Tucker Ellis LLP, Saint Louis, MO

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JW Marriott Austin, Austin, TX

April 6
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Boston Marriott Copley, Boston, MA

April 7–8
Retail and Hospitality Litigation
Walt Disney World Dolphin and
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May 14–15
Intellectual Property Litigation
Minneapolis Marriott City Center,
Minneapolis, MN

May 6
Employment and Labor Law
Hilton Denver City Center, Denver, CO

May 7–8
Diversity for Success
Westin Michigan Avenue, Chicago, IL

May 8–9
Fire Science Litigation
Grand Hyatt Washington, DC
& MFRI, Washington, DC

May 20–22
Nursing Home/ALF Litigation
Omni Nashville Hotel, Nashville, TN

June 11–12
Retail and Hospitality Litigation
Walt Disney World Dolphin and
Swan Resort, Orlando, FL

June 25–26
Life, Health, Disability and ERISA
Sheraton New Orleans,
New Orleans, LA

June 29–May 1
Trucking Law
JW Marriott Austin, Austin, TX

September 9–11
Insurance Coverage and
Practice Symposium
Sheraton New York, New York, NY

September 10–11
Professional Liability
Sheraton New York, New York, NY

Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation. Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides. Inclusiveness is the chief means to increase the diversity of DRI’s membership and leadership positions. DRI’s members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

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