



DRI delivers **resources** to build your practice

Business Litigation

Business Disputes in a High-Tech World

- Tips from practitioners and forensic experts for protecting your firm and clients from the risks and liability arising from cyberattacks
- What is “blockchain” and how will it bring radical change to the legal landscape?
- Rule 30(b)(6) depositions: learn what changes are coming and how they will affect your corporate witnesses
- Understanding and handling the financial technology revolution



April 26-27, 2018

The Ritz-Carlton

Denver, CO

Top in-house counsel and leading business litigators from across the country will meet in the Mile-High

City for this seminar, which will focus on cutting-edge issues and technologies affecting commercial litigators today. Along with stimulating lectures and discussions by leading practitioners and seasoned corporate counsel, this seminar offers a wealth of marvelous opportunities to network with and meet preeminent business litigation attorneys from across the nation. All of this is in addition, of course, to enjoying the many wonders that Denver has to offer, including the Botanic Gardens, the Molly Brown House, many fine museums, and the area's natural beauty. As with previous years, this seminar also offers the bonus "two for the price of one" because the DRI Intellectual Property Litigation Committee will be hosting its seminar at the same time in adjacent rooms. Attendees are free to go back and forth between the seminars as they wish. Breaks and social events will be held jointly, presenting even greater networking opportunities. Register now for this "can't miss" event for any business litigator.



Donald A. Daugherty, Jr.
Program Chair



Michelle Thurber Czapski
Committee Chair



Douglas F. McMeyer
Program Vice Chair



Tracey L. Turnbull
Committee Vice Chair



E. Todd Presnell
Law Institute

PRESENTED BY **DRI's Commercial Litigation Committee**

Register online now at dri.org or complete the form in the back.

What You Will Learn



- How to stay ahead of the curve by utilizing the latest technology in every phase of your case
- How to best protect your client's interests in trade secret disputes
- When and how to preserve error in the trial court to set up an "appealing" appeal
- How operating agreements affect litigation between LLC members
- Best practices for effectively and cost-efficiently tackling even the most massive e-discovery projects

Members Get More

- Access to **LegalPoint™** at **dri.org**: Committee newsletters, seminar course materials, and other publications.
- Access to the **DRI Commercial Litigation Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



Use dri™ Dividends Points to **reduce your registration fee**:

- Recruit a member
- Attend a seminar
- Participate on a committee
- ...and more!

Visit **dri.org**, go to **My DRI** and click on **DRI Dividends** to see your balance.

Get engaged, get recognized, and get rewarded.

PROGRAM SCHEDULE

WEDNESDAY, APRIL 25

6:00 p.m. **Registration**

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

7:30 p.m. **Women's Networking Dinner** | Contact
Gail Westover at gailwestover@eversheds-sutherland.com.

Young Lawyers Dinner | Contact Matthew
Murphy at mmurphy@nilanjohnson.com.

THURSDAY, APRIL 26

Wireless Access

SPONSORED BY **Hill Ward Henderson**

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Godfrey & Kahn SC**

7:15 a.m. **Antitrust, Consumer Protection
and Distribution SLG Breakout**

The Telephone Consumer Protection Act: recent
developments and best practices to protect
your business.

Matthew D. Berkowitz, *Carr Maloney PC*,
Washington, DC

M. Therese Waymel, *Carr Maloney PC*,
Washington, DC

8:00 a.m. **Welcome and Introduction**

Donald A. Daugherty, Jr., *Godfrey & Kahn SC*,
Milwaukee, WI

E. Todd Presnell, *Bradley Arant Boult
Cummings LLP*, Nashville, TN

8:15 a.m. **What Every Business Litigator Should
Know About Blockchain Technology**

This presentation will provide a basic descrip-
tion of blockchain technology—described as the
biggest technological advancement since the
internet—which has many legal implications,
including possibilities of litigation, ranging
from breach of contract to IP disputes.

Nina Kilbride, *Monax Industries*, Raleigh–
Durham, NC

Click on any speaker name to view bio.

9:10 a.m. **Reasonableness and Proportionality
in Rule 23 Class Actions**

Because the post-*Dukes* era ushered in a new
level of scrutiny for class certification stand-
ards, some courts are now questioning standing,
injury in fact, and class settlements to determine
whether Rule 23 is meeting its intended pur-
pose. This presentation will update general lit-
igators as well as class action specialists about
trends in small-damage, high-fee class actions.

William J. (Bill) Kelly III, *Kelly & Walker LLC*,
Denver, CO

10:00 a.m. **Refreshment Break**

10:15 a.m. **Making Organizations Talk: The Effect of
Changes to Rule 30(b)(6) on Federal Practice**

With the increasing popularity of Rule 30(b)(6)
depositions, the Civil Rules Advisory Commit-
tee is considering amendments to the rule. For
example, does the deposition testimony con-
stitute a binding admission? Should contention
questions be allowed? Should the number and
duration of such depositions be limited?

William F. (Billy) Jones, *Moye White LLP*,
Denver, CO

11:05 a.m. **Adding Ammunition to Your Trial–
Preparation Arsenal: How and When
to Preserve Error in the Trial Court**

Ensuring that any error committed before or
during trial is preserved for a potential appeal
is critical. This presentation will offer insight
into preserving complaints of error for an
appeal later, as well as checklists that can be
used at trial.

Robert Dubose, *Alexander Dubose Jefferson &
Townsend LLP*, Houston, TX

12:00 p.m. **Lunch (on your own)**

1:30 p.m. **Cybersecurity: Risks and Safeguards
for the Business Litigator**

The panel will discuss the risks to attorneys and
their clients posed by ransomware, phishing,
and other cyberattacks; explore potential lia-



Denotes the **DRI CLIENT CONNECTION**: In-house and
claims professional speakers

bility arising out of such attacks and failures to safeguard data; and identify best practices for protecting your firm and clients.

MODERATOR | **Michael T. (Mike) Kokal**, *Heyl Royster Voelker & Allen PC*, Springfield, IL

PANEL

Jeffrey K. Brandt, *Jackson Kelly PLLC*, Charleston, WV

Daniel C. (Dan) Nelson, CJEH, CIPP/US, *Armstrong Teasdale LLP*, Denver, CO

Justin Whitehead, *Digital Silence*, Littleton, CO

1:45 p.m. **Young Lawyers Breakout** (see below)

2:30 p.m. **Litigating Fiduciary Duty Claims Among LLC Members**

In most states, relationships among limited liability company members are controlled by the terms of their operating agreements. Members are often free to eliminate typical fiduciary duties owed to each other. Learn how the terms

of an LLC's operating agreement can substantially affect relationships among its members.

James D. Johnson, *Jackson Kelly PLLC*, Evansville, IN

3:15 p.m. **Refreshment Break**

3:30 p.m. **Have Technology, Will Travel**

Lawyers are now able to use tablets for everything from mediation to the presentation of evidence at trial. There are also a host of apps that facilitate the compilation and presentation of evidence. This panel will share various ways that attorneys can use technology effectively.

Jeff Bennion, *Law Office of Jeff Bennion*, San Diego, CA

Kim A. Tran, *Fellers Snider*, Oklahoma City, OK

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

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

YOUNG LAWYERS BREAKOUT

Thursday, 1:45 p.m.–4:30 p.m.

1:45 p.m. **The Nuts and Bolts of Finding and Working with Expert Witnesses**

Once you decide that you need an expert, how do you go about making sure that you select the right expert for your case? This presentation will provide a pragmatic approach to locating, vetting, and working with experts.

Erin M. (Maggie) Cook, *Godfrey & Kahn SC*, Milwaukee, WI

2:30 p.m. **Crash Course in Accounting: Numbers Don't Lie... or Do They?**

When financial documents arise in your litigation, it is critical to know the basics of accounting. Participants will learn to understand each financial statement and disclosure, the potential effect that each statement and disclosure has on a legal matter, and when to get a financial expert involved.

Jeffrey Press, *EisnerAmper LLP*, Philadelphia, PA

3:15 p.m. **Refreshment Break**

3:30 p.m. **Responding to Document Requests Under the "New" Rule 34**

Lawyers have been slow to adapt to the amendments to FRCP 34, causing several fed-up judges to admonish lawyers to learn and to comply with the rule's requirements or risk sanctions. Learn how to respond to document requests under the amended rule, and receive guidance on how to explain politely to partners and clients why the old boilerplate objections are no longer acceptable.

Matthew C. Murphy, *Nilan Johnson Lewis PA*, Minneapolis, MN

4:00 p.m. **Holding Your Own Against a More Experienced Litigator**

One of the more daunting experiences as a young lawyer may be to stand tall against a more experienced litigator's attempts to control litigation. This presentation provides practical tips for young lawyers on how to avoid being trampled.

Blair I. Fassburg, *Williams Kastner*, Seattle, WA

- 5:00 p.m. **Walking Tour of Downtown Denver** | Contact Shannon Bell at sbell@kellywalkerlaw.com.
- 6:00 p.m. **Networking Reception** (*open to all*)
- 7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

FRIDAY, APRIL 27

Wireless Access

SPONSORED BY **Hill Ward Henderson**

- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**
- 8:00 a.m. **Announcements**
Douglas F. McMeYer, *Chapman Spingola*, Chicago, IL
- 8:30 a.m. **Hook, Line, and Sinker: What You Need to Know About Financial Technology**
Bitcoin, blockchain, peer-to-peer payments, and artificial intelligence are revolutionizing financial technology. This session will provide what you need to understand legal developments and future advances.
Richard B. Levin, *Polsinelli PC*, Denver, CO
- 9:20 a.m. **Employee Theft of Trade Secret or Confidential Information**
In this panel, opposing counsel in a trade secret dispute and the forensic computer expert who assisted them will discuss what to expect, what pitfalls to look out for, and what to do to protect your clients' interests regardless of the side of the dispute on which they find themselves.
PANEL
John L. Hayes, *Ogletree Deakins Nash Smoak & Stewart PC*, Chicago, IL
Phillip C. (Phil) Korovesis, *Butzel Long*, Detroit, MI
J. Stott Matthews, *Spectrum Computer Forensics and Risk Management LLC*, Franklin, MI
- 10:00 a.m. **Caught In the Crossfire: You Want Me to Pay for What?!!?**
What happens when a third party is asked to expend a great deal of time and money responding to subpoenas? Explore the potential basis under state and federal laws and pro-

cedures for nonparty witnesses to shift costs of subpoena compliance, and learn strategies for addressing potential costs.

MODERATOR | **Andrea Schillaci**, *Hurwitz & Fine PC*, Buffalo, NY

The Honorable Robbie Meripole Barr, *BarrADR*, Denver, CO

The Honorable Nina Y. Wang, *US District Court for the District of Colorado*, Denver, CO

10:45 a.m. **Refreshment Break**

10:55 a.m. **Electronic Health Records: How to Best Position Your Client for Litigation**

As the majority of healthcare providers adopt electronic health record systems (EHR), litigators should understand the unique aspects of EHR contract negotiations and litigation strategies to maximize clients' chances for success.

Russell B. (Russ) Morgan, *Bradley Arant Boult Cummings LLP*, Nashville, TN

Gerard M. Nussbaum, *Zarach Associates LLC*, Chicago, IL

11:50 a.m. **Attacking the Massive ESI Project on Two Fronts**

In-house and outside counsel will discuss best practices for managing large e-discovery projects, including how to best collaborate, set expectations, and divide duties to assure a successful and efficient production.

Nathan D. Dupes, *Bodman PLC*, Detroit, MI

 **Joseph T. (Joe) Muzingo**, *Blue Cross Blue Shield of Michigan*, Detroit, MI

12:40 p.m. **Crisis Management for Attorneys and Their Clients: Strategy and Ethics**

Legal controversies today are tried on social media and in the "court of public opinion"—at least as much as in any court of law. Gain valuable insight into the ethical considerations that arise while protecting your client's image and reputation in the face of "gotcha" journalism and 24/7 news cycles.

Bruce M. Hennes, *Hennes Communications*, Cleveland, OH

Douglas F. McMeYer, *Chapman Spingola*, Chicago, IL

1:40 p.m. **Adjourn**

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

This seminar has been approved for MCLE credit by the State Bar of California for up to **11.25** 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 March 27, 2018. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, and networking receptions. 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 3, 2018** (please allow 10

days for processing). Registrations received after **April 3, 2018**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 3, 2018**. Cancellations received after **April 3** and on or before **April 10, 2018**, will receive a refund, less a \$100 processing fee. Cancellations made after **April 10** 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 **March 27, 2018**. After **March 27**, 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 Seminar** 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 **The Ritz-Carlton Denver, 1881 Curtis Street, Denver, CO 80202** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$299 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Business Litigation Seminar** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 303.312.3800** and mention the **DRI Business Litigation Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **March 27, 2018**, to be eligible for the group rate. Requests for reservations made after **March 27** are subject to room and rate availability.

FACULTY *Click on any name to view bio.*

The Honorable Robbie Meripole Barr, BarrADR, Denver, CO

Jeff Bennion, Law Office of Jeff Bennion, San Diego, CA

Matthew D. Berkowitz, Carr Maloney PC, Washington, DC

Jeffrey K. Brandt, Jackson Kelly PLLC, Charleston, WV

Erin M. (Maggie) Cook, Godfrey & Kahn SC, Milwaukee, WI

Michelle Thurber Czapski, Bodman PLC, Troy, MI

Donald A. Daugherty, Jr., Godfrey & Kahn SC, Milwaukee, WI

Robert Dubose, Alexander Dubose Jefferson & Townsend LLP, Houston, TX

Nathan D. Dupes, Bodman PLC, Detroit, MI

Blair I. Fassburg, Williams Kastner, Seattle, WA

John L. Hayes, Ogletree Deakins Nash Smoak & Stewart PC, Chicago, IL

Bruce M. Hennes, Hennes Communications, Cleveland, OH

James D. Johnson, Jackson Kelly PLLC, Evansville, IN

William F. (Billy) Jones, Moyer White LLP, Denver, CO

William J. (Bill) Kelly III, Kelly & Walker LLC, Denver, CO

Nina Kilbride, Monax Industries, Raleigh–Durham, NC

Michael T. (Mike) Kokal, Heyl Royster Voelker & Allen PC, Springfield, IL

Phillip C. (Phil) Korovesis, Butzel Long, Detroit, MI

Richard B. Levin, Polsinelli PC, Denver, CO

J. Stott Matthews, Spectrum Computer Forensics and Risk Management LLC, Franklin, MI

Douglas F. McMeyer, Chapman Spingola, Chicago, IL

Russell B. (Russ) Morgan, Bradley Arant Boult Cummings LLP, Nashville, TN

Matthew C. Murphy, Nilan Johnson Lewis PA, Minneapolis, MN

 **Joseph T. (Joe) Muzingo**, Blue Cross Blue Shield of Michigan, Detroit, MI

Daniel C. (Dan) Nelson, CJEH, CIPP/US, Armstrong Teasdale LLP, Denver, CO

Gerard M. Nussbaum, Zarach Associates LLC, Chicago, IL

E. Todd Presnell, Bradley Arant Boult Cummings LLP, Nashville, TN

Jeffrey Press, EisnerAmper LLP, Philadelphia, PA

Andrea Schillaci, Hurwitz & Fine PC, Buffalo, NY

Tracey L. Turnbull, Porter Wright Morris & Arthur LLP, Cleveland, OH

Kim A. Tran, Fellers Snider, Oklahoma City, OK

The Honorable Nina Y. Wang, US District Court for the District of Colorado, Denver, CO

M. Therese Waymel, Carr Maloney PC, Washington, DC

Justin Whitehead, Digital Silence, Littleton, CO

 Denotes the **DRI CLIENT CONNECTION**: In-house and claims professional speakers

View faculty bios on the **Business Litigation Seminar webpage**; click on “View speakers” button.



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.

CLE for Your Practice

**View all
Continuing
Legal
Education
offerings**

February 7–9

Product Liability Conference

*San Diego Marriott Marquis,
San Diego, CA*

March 1–2

Toxic Torts and Environmental Law

Sheraton Nashville Hotel, Nashville, TN

March 14–15

Appellate Advocacy

Planet Hollywood, Las Vegas, NV

March 14–16

Trial Tactics

Planet Hollywood, Las Vegas, NV

April 11–13

Life, Health, Disability and ERISA

Westin Copley, Boston, MA

April 26–27

Intellectual Property

The Ritz-Carlton Denver, Denver, CO

May 3–4

Retail and Hospitality Litigation and Claims Management

Loews Chicago, Chicago, IL

May 16–18

Employment and Labor Law

Loews Chicago, Chicago, IL

DRI networking. At your fingertips!



Use the
DRI App
to enhance
your seminar
experience

- View the program and customize your schedule
- View speaker bios and contact info
- Use the attendee list to create new connections
- Keep notes
- Access seminar materials
- Use social media links to share your experience with others

NEW! Member exclusive



Lawyer-
to-lawyer
connections
happen within
dri circles.

- Refer and track referrals to fellow members
- Schedule meetings
- Send messages
- Join dri social circles of interest
- Create professional circles to facilitate business development
- Video conferencing coming soon!

Search **DRI App** and **dri circles** in your app store



Stay updated on DRI's events—follow us on social media:



SEMINAR SPONSORS

DRI wishes to thank our sponsors for their support at this year's seminar!

SILVER SPONSORS



GODFREY KAHN S.C.



HILL WARD
HENDERSON
ATTORNEYS AT LAW

BRONZE SPONSORS



nilan
johnson
lewis PA



THOMSON REUTERS™

Business Litigation Seminar

April 26-27, 2018
The Ritz-Carlton | Denver, CO

Register online

Download form to fax or mail

FORMAL NAME		TITLE
NAME (as you would like it to appear on badge)		
COMPANY/FIRM/LAW SCHOOL		
ADDRESS		
CITY	STATE/PROVINCE	ZIP/POST CODE
TELEPHONE	FAX	EMAIL

Please list any special needs _____

Are you a first-time attendee at this DRI seminar? ☐ Yes ☐ No

How many attorneys are in your firm? _____ What is your primary area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking events, and course materials. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Mar. 27, 2018	After Mar. 27, 2018	
<input type="checkbox"/> Member	\$875	\$975	For inclusion on the preregistration list and to receive course materials in advance, register by April 3, 2018.
<input type="checkbox"/> Nonmember	\$1,110	\$1,210	
<input type="checkbox"/> Government Member	\$575		
<input type="checkbox"/> Law Student Member	FREE		
<input type="checkbox"/> In-House Counsel Member*	FREE		
<input type="checkbox"/> Claims Executive Member*	FREE		
<input type="checkbox"/> Group Discount*	\$775	\$875	(*as defined on page 5)

PAYMENT METHOD

☐ My check for _____ (USD) is enclosed.

☐ Please charge my ☐ VISA ☐ MasterCard ☐ American Express.

3400-0035-21
Business Litigation
2018-0035B

Card # Exp. Date - CVC

Signature _____

Please remit payment by **MAIL** to:

DRI
72225 Eagle Way, Chicago, IL 60678-7252
PHONE: 312.795.1101 | FAX: 312.795.0749

Please remit payment by **COURIER** to:

JP Morgan, Attn: DRI LBX 72225
131 S. Dearborn, 6th Floor, Chicago, IL 60603
EMAIL: seminars@dri.org | WEB: dri.org



55 West Monroe Street
Suite 2000
Chicago, IL 60603 USA

PRSR STD
U.S. POSTAGE
PAID
DRI



Business Litigation Seminar

April 26-27, 2018
The Ritz-Carlton
Denver, CO

*DRI is the place to secure lawyer-
to-lawyer referrals.*

The Business Litigation Seminar is a great place to grow your network and earn valuable CLE.

Maximize your business development and education needs at DRI Seminars.