Dear Fellow Members and Leaders of the Business and Corporate Litigation Committee (BCLC):

I am honored to serve as the Chair of the BCLC and look forward to collaborating with all of you over the next three years. My predecessor Pat Clendenen did an incredible job of building upon the excellent work done by the prior Chairs. I am humbled to follow in their footsteps and am appreciative of their continued mentoring and leadership.

As part of celebrating the BCLC’s 25th Anniversary at the Annual Meeting in Boston in September, our Historical Subcommittee, chaired by Steve Brauerman and Vanessa Tiradentes, conducted interviews of all the past BCLC chairs. We will be sharing these interviews in future Network Newsletters, starting with Jim Holzman’s in this issue. We were fortunate to have Jim take a break from retirement and fishing in Florida to join us in Boston at our joint dinner with the Judges Initiative Committee. Jim shared fond memories from his term as Chair and of his trail-blazing predecessors Don Scott (first BCLC Chair, 1991-1992) and Frank Balotti (Chair 1992-1996)—both of whom have passed away. When I first became involved in the Business Law Section in 1998 as one of the first Fellows, Jim was my mentor who patiently helped me navigate the many moving parts of the Section and the BCLC—and for that I am eternally grateful. I also owe my deepest gratitude to former BCLC Chairs Hon. Elizabeth Stong, Mitch Bach, Pete Walsh, and Bill Johnston (now our Section Chair) for their support and guidance over the years. Finally, thank you to my Vice Chairs, Stuart Riback, Hon. Gail Andler and Hon. Mac McCoy, and all of the BCLC Subcommittee leaders for their continuing efforts in making the BCLC among the most active and successful Section Committees.

The recent Annual Meeting was a tremendous success with BCLC sponsoring 4 CLE programs and co-sponsoring several others. The re-enactment of the historic Susan B. Anthony Trial was also a highlight. Photos of the highly entertaining trial and others from the Annual Meeting can found in this Newsletter and on the BCLC webpage.

Congratulations to the new Fellows assigned to the BCLC—Alyn Beauregard (Editor of the Network Newsletter), Anne Steadman, and Jonathan Stemerman. We look forward to their involvement and contributions to the BCLC. The other Fellows to the BCLC who are continuing their terms are Tomas Garcia, Paige Greenlee, Sam Light, and Keola Whittaker.

The BCLC will join numerous other Section Committees at the Fall Meeting November 17-19 in Washington, D.C. Online registration for the Fall Meeting has closed, but on-site registration will be available. Read more about CLE programming and Subcommittee meetings in this Newsletter. I hope you’ll attend BCLC’s ever popular joint dinner with the Judges Initiative Committee on Thursday, November 17, at Marcel’s from 7:00-10:00 p.m. To attend, please contact Katie Koszyk at Katherine.Koszyk@americanbar.org. Please consider promoting your organization through a Fall Meeting sponsorship; more information is available [here](#).
SAVE THE DATE for the Section Spring Meeting in New Orleans: April 6-8, 2017.

Planning is underway for the annual Women Business & Commercial Advocates reception which includes honoring a notable judicial honoree, and the Pro Bono & Public Service Project.

If you're passing through Phoenix, please let me know and we can grab a cup of coffee. Enjoy the Fall season!

Best,
Heidi

Heidi McNeil Staudenmaier, Chair
Business and Corporate Litigation Committee
American Bar Association, Business Law Section

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Business and Corporate Litigation Committee Presents Four Successful CLE Programs at 2016 Business Law Section Annual Meeting

The Business and Corporate Litigation Committee presented four CLE programs at the Business Law Section Annual Meeting in Boston in September 2016. Two of the programs were presented on Thursday, September 8. The first, "There is no such thing as boilerplate: Issues in the back of the contract," was a two-hour program that explored the issues raised by the typical clauses in the back of the contract, such as choice of law, choice of forum, entire agreement, no-oral modification, and restrictions on assignment. The panel consisted of: Hon. Elihu Berle, California Superior Court, Los Angeles County; Prof. Charles Fried, Harvard Law School; Geri Haight, Esq., Associate General Counsel, Panera LLC; Prof. Stephen Sepinuck, Gonzaga University School of Law; Hon. Joseph Slights, Delaware Court of Chancery; and Damian Wilmot, Esq., Vice President, Litigation, Vertex Pharmaceuticals Inc. The panel was co-chaired by Rebecca Butcher of Landis, Rath & Cobb LLC of Wilmington, Delaware, and by Stuart M. Riback of Wilk Auslander LLP in New York. Stuart Riback moderated. The program materials can be found here and the audio of the program can be found here.

changes to the Federal Rules of Civil Procedure and comparable state rules aimed at streamlining litigation and dealing with proportionality. The panel looked at the theory and anticipated effects, and the known effects of these changes in actual practice. The program materials can be found here, and audio of the program can be found here.

"How Do We Settle This? Settlement in 'Bet-The-Company' and Other High-Stakes Business Cases" was presented on Friday morning, September 9. Victor Vital of Barnes & Thornburg, LLP (Dallas, TX) chaired the program, and Hon. Gail Andler, a judge of the Complex Civil Panel of The Superior Court of California, Orange County, was the moderator. The panel focused on the special challenges and difficulties companies face when trying to settle "high-stakes" and "bet-the-company" litigations. The program explored those challenges and barriers and will further explore whether there are certain "high-stakes" and "bet-the-company" litigations that cannot be settled. The panel members were Patricia Kim, Litigation Manager, Hewlett Packard Enterprise (Plano, TX); Michael-Bryant Hicks, Senior Vice President & General Counsel, Mallinckrodt Pharmaceuticals (Hazelwood, MO); Michele Johnson, Latham & Watkins LLP (Orange County, CA); Meyer Koplow, Of Counsel, Wachtell, Lipton, Rosen & Katz (New York, NY); and Hon. James Ryan, Arbitrator and Mediator, JAMS, Boston, MA. Program materials are available online here, and an audio of the program is available here.

"Increased Litigation And Regulatory Risk Are Present In The Supply Chain (Labor Trafficking And Child Labor Arena)" was presented on Saturday afternoon, September 10. E. Christopher Johnson, CEO, Center for Justice, Rights & Dignity (Novi, MI) chaired and moderated the program. The program dealt with increasingly prevalent litigation in the corporate supply chain slavery arena as companies such as Nestle, Hershey, and Costco fend off class actions. Likewise, the regulatory environment has commenced under the recently enacted Trade Facilitation and Trade Enforcement Act where goods tainted with slavery or child labor have already been seized and can also be forfeited and destroyed. Together these developments create an environment where both business and reputation risk are increasing in this area. This program discussed the ABA Model Principals on Labor Trafficking and Child Labor and ways to implement them, as part of a comprehensive CSR program, in order to be better positioned to effectively address those and related risks but also improve their business operations. The panelists for this program were David Carter, Judge in the United States District Court for the Central District of California (Santa Ana, CA); Sarah Fox, Special Representative for International Labor Affairs; U.S. Department of State (Washington, D.C.); Elise Grouix Diggs, Associate Tenant, Doughty Street Chambers (London, England); and Hon. Henry Ridgely, Retired Justice, Delaware Supreme Court, and currently Senior Counsel, DLA Piper (Wilmington, DE). The program materials can be found here and an audio of the program here.

Read more...
8:30 AM - 10:00 AM CLE Program: "Bankruptcy for Breakfast"
Chaired by Sarah Cave
A look back at the developments in bankruptcy law and litigation over the last year and a preview of the year to come. The topics will include (1) Puerto Rico's debt crisis, the newly-appointed oversight board, litigation over procedural issues and progress toward restructuring the debt; (2) developments in the Supreme Court and Courts of Appeals; (3) legal issues arising in oil and gas insolvencies; (4) analysis of and potential changes to safe harbor provisions; and (5) potential legislative changes. Moderator is Sarah Cave. Speakers are Hon. Elizabeth Stong, U.S. Bankruptcy Court E.D.N.Y.; Hon. Philip Brandt, U.S. Bankruptcy Court, W.D. Wa.; Michael Rubenstein, Liskow and Lewis; Hon. Frank Bailey, U.S. Bankruptcy Court D. Mass.; and L. Katherine Good, Whiteford Taylor Preston.

10:30 AM - 12:30 PM CLE Program: "Bullet-Proofing Your Expert Report"
Chaired by Howard Brownstein and Hon. Clifford Newman
How to select and work with litigation experts to prepare reports which will be readily admissible, withstand attack, and assist the trier of fact in reaching a just decision. Moderator is Howard Brownstein. Speakers are Hon. Clifton Newman, South Carolina Circuit Court; David L. Faigman, Hastings College of Law; and Daniel Lewis, Shearman & Sterling.

1:00 PM - 2:00 PM Business Divorce Subcommittee Meeting

2:00 PM - 4:00 PM CLE Program: "Tour of the Ivory Tower: Developments in the U.S. Supreme Court for Business Lawyers and Clients"
Chaired and moderated by Brigid Cech Samole and Kendyl Hanks
The annual Ivory Tower program presents a discussion among nationally-recognized experts regarding major developments in the U.S. Supreme Court over the last term, with a specific emphasis on major business cases, as well as the significance of the current eight-justice court. The moderated panel engages in a meaningful discussion about major developments, as well as looking ahead at the October 2016 Term, and where the Court is headed in the broader context of Supreme Court jurisprudence. Speakers are Robert Barnes of the Washington Post; Donald B. Ayer of Jones Day; and Brianne J. Gorod of the Constitutional Accountability Center.

Get Published in Business Law Today
Calling all authors! As you may know, Business Law Today (affectionately known as "BLT") is the online publication of the Business Law Section. This year, the Business and Corporate Litigation Committee intends to make its presence known as the Committee which really delivers. Help us pump up the value to our members by getting together with an associate or one of your other colleagues and submitting an article on a recent case, statute, rule or ruling, or share with us the lessons you learned from a recent negotiation, arbitration, or battle in court. You are encouraged to also consider "repurposing" the materials you have previously submitted for panels or borrowing from and re-crafting your other works of art into an article for BLT.

This is a great opportunity for getting exposure to more than 50,000 business lawyers around the country—and it helps you get additional "mileage" from the materials you have prepared and are preparing for our CLE panels, subcommittee meetings, and the like.

Please let me know if you are willing to write an article for the BLT and I will send you a copy of the guidelines.
Thank you for helping us out!

Brought to you by your friendly Vice Chair and Content Director,

Judge Gail Andler

Call for Webinar Content

Welcome to Fall . . . where thoughts turn to pumpkins, goblins and webs—make that webinars! Have you recently presented on a panel for our BCLC or your state or local bar? We at the Business and Corporate Litigation Committee would like to help you capitalize on the content you have already created by putting together a webinar. Our talented ABA staff will work with you to make it an easy, fun and rewarding process. So treat our members to some substantive food for thought—and increase your professional footprint. To learn more contact Judge Gail Andler.

Featured Articles

A Retrospective with James Holzman, BCLC Chair 1996-2000

James Holzman ("Jim") was a highly successful trial lawyer at Prickett, Jones & Elliott in Wilmington, Delaware for 41 years—he retired from the practice of law on December 31, 2014. Jim served as the BCLC Chair from 1996 to 2000, succeeding the late Frank Balotti and serving as the third chair of the BCLC.

He joined the Committee at its inception in the early 1990s, and quickly got involved with various subcommittees. Early in his term as chair of the Programs Subcommittee, Jim suggested to Frank Balotti, then Chair of the BCLC, that the Committee present a broad survey program covering many areas of business law on the theory that it would be a useful tool to Section members. Thus began the Annual Review program and creation of the *Recent Developments in Business and Corporate Litigation*. With the help of many Committee members, the program became a success. While Programs Subcommittee Chair, Jim was also active on the Derivative and Class Actions Subcommittee and the D & O Indemnification Subcommittee.

Jim found that he enjoyed the camaraderie of the Committee and found its work very satisfying, and in turn, agreed to serve as Chair of BCLC from 1996-2000. During Jim's term, the Committee had several objectives: (1) growing and diversifying the Committee’s active membership; (2) expanding the number of subcommittees and broadening program offerings; (3) sustaining the high quality and topical interest of programs; and (4) making the BCLC an open and welcoming home for diverse lawyers of all backgrounds and practices.

Jim and his team met, and possibly exceeded, expectations. During his tenure, new subcommittees were added and program offerings were expanded. The Committee welcomed new, active members of diverse backgrounds, including new subcommittee chairs. Most importantly, active participation grew. Younger lawyers, women lawyers, small firm lawyers, and lawyers from all regions joined the BCLC and became active. The Committee also added judicial members, including Chief Justice Myron Steele and Justice Jack Jacobs, both on the Delaware Supreme Court. Other judges joined and became active in the BCLC in ensuing years.

Looking back, Jim sums up his tenure as BCLC Chair with the following thoughts:
I would sum up my term as chair with the well-worn maxim—it is better to be lucky than smart. And I was lucky. Lucky to be able to stand on the shoulders of the subcommittee chairs and vice chairs and other members of the BCLC executive committee. Whatever we accomplished, we accomplished because of them. Personally, I learned a lot of substantive law that made me a better and more versatile lawyer. Moreover, I developed professional relationships that helped sustain my modest career. But most of all, I had fun and was fortunate to make lasting friendships. I will always be grateful to my partners and my firm for many things, not the least of which is making it possible for me to participate in the BCLC.

**Subcommittee Reports and Updates**

**Alternative Dispute Resolution Subcommittee**

The Alternative Dispute Resolution Subcommittee, co-chaired by Steven Platt and F. Peter Phillips, plans a joint meeting with the Business Law Section's Dispute Resolution Committee at the Spring Meeting in New Orleans. Program suggestions and other initiatives are being sought.

In addition, Subcommittee members have been alerted to the Section's publication of the *ADR Deskbook for the Business Lawyer*, and authors of proposed supplemental chapters to that volume are encouraged to make their interest known to the Co-Chairs.

**Business Divorce Subcommittee**

*By Kurt M. Heyman, Co-Chair*

Who knew that the most talked-about corporate law case of the year would be a business divorce involving a privately held company rather than an M&A or other public company dispute? At our subcommittee meeting in Boston, Jonathan Stemerman of Elliott Greenleaf in Wilmington, DE, made a presentation *Shawe v. Elting*, in which the Delaware Court of Chancery ordered the dissolution of a highly solvent company, Transperfect, with half a billion dollars in annual revenue, based on the deadlock of the owners/equity holders. The case has generated significant interest in the press and among employees of the entity and even spawned a suit against the Chancellor in New York. We also discussed plans for a future CLE presentation on valuation and damages in business divorce and private company disputes.

Finally, we would like to welcome our new Business Divorce subcommittee leaders for the next year: Kurt Heyman, Proctor Heyman Enerio LLP, Wilmington, DE (Co-Chair); Pete Ladig, Morris James LLP, Wilmington, DE (Co-Chair); Melissa Donimirski, Proctor Heyman Enerio LLP, Wilmington, DE (Vice Chair); Vanessa Tiradentes, Gould & Ratner LLP, Chicago, IL (Vice Chair); and Anne Steadman, Ross Aronstam & Moritz LLP, Wilmington, DE (Vice Chair).

**Business Torts Subcommittee**

*By Peter F. Valori*

The Business Torts Subcommittee met jointly with the Trial Practice Subcommittee, Business Court Judges, and the Appellate Subcommittee in Boston at the Fall Meeting. The meeting involved a non-CLE litigation and trial practice discussion and planning of future CLE presentations that will focus on providing the greatest benefit to business dispute litigators.

The Business Torts Subcommittee received helpful comments, support, and volunteers for a CLE presentation that will focus on the admissibility of electronic evidence and the nuts and bolts of admitting evidence in trials involving business
Please contact Peter F. Valori if you have thoughts on improving the Subcommittee or regarding possible CLE topics. Thank you!

**Communications and Technology Subcommittee**

We began a new effort to increase the use of BCLC Subcommittee webpages in 2015. Up to that time, the majority of our websites lacked any content. Our obvious concern was that people interested in joining up or learning about the Subcommittee would be discouraged when they found nothing. Over the past year there has been a manifold increase in our website use, with additional content on both the BCLC homepage and individual Subcommittee web pages. Links to some of our webpages are provided below. Please also visit the Business and Corporate Litigation Committee and Judges Initiative Committee webpages.

As a reminder to our Subcommittee leaders, while you all have the ability to post content on your own web pages (though not pictures), you do not have to do it yourself to get content added. You can email what you want posted to Lee Applebaum, or even better to Graham Hunt, with a title and/or caption, and we will make sure it gets posted.

If your Subcommittee page does not have a "who we are" section or mission statement posted, please write up a few sentences and send it to Graham or Lee. We find that the absence of this simple statement beneath the heading (which is automatically placed on the web pages) creates a bit of sticker shock for visitors, and the impression that the Subcommittee is not very active. Thanks!

- Alternative Dispute Resolution Subcommittee
- Appellate Litigation Subcommittee
- Bankruptcy Litigation Subcommittee
- Business Courts Subcommittee
- Business Divorce Subcommittee
- Business Torts Subcommittee
- Corporate Counseling and Litigation Subcommittee
- Diversity Clerkship Program
- Ethics, Professionalism and Civility Subcommittee
- International Litigation Subcommittee
- Legal Analytics Joint Working Group
- Sports-Related Disputes Subcommittee
- Trial Practice Subcommittee
- Tribal Court Litigation Subcommittee
- Women Business and Commercial Advocates Subcommittee

**Employment Law Subcommittee**

The Employment Law Subcommittee's plans for the 2016-17 Bar-Year include preparing a chapter for the annual *Recent Developments* review, and holding a Subcommittee Meeting at the Spring Meeting on April 17, 2017, at which it will discuss a recommendation for a CLE program.

The Subcommittee is always looking for new members and would welcome anyone interested in joining.

Submitted by Barbara Johnson and Jamie Forman, the 2016-17 Bar-Year Co-Chairs for the Employment Law Subcommittee.

**Health Law and Life Sciences Litigation Subcommittee**

The BCLC proudly announces the formation of the Health Law and Life Sciences Litigation Subcommittee. This new subcommittee focuses on topics and trends of interest to health law business litigators. Business litigators representing health
care providers are called upon to advocate a variety of issues which trend nationally. For example, HIPAA compliance, fraud and abuse/whistleblower actions, government self-disclosures, and payor class actions pertaining to charity care policies, balance billing, and medical lien rights. This subcommittee also explores trends with physician non-compete agreements, medical staff privileging/credentialing disputes, prompt payment claims against insurers, and a variety of other issues facing health law business litigators.

If anyone is interested in getting involved with or learning more about the Health Law and Life Sciences Litigation Subcommittee, please contact one or both of the Co-Chairs, Kevin Hormuth and Hon. Timothy Driscoll.

**Membership Subcommittee**

The BCLC is currently the ninth largest committee in the Business Law Section with 1,919 members. From July 2015 to July 2016, the BCLC had growth in its Law Student membership, with an increase in membership count of 4.86%. However, consistent with the overall trend of the Section and the ABA, the BCLC did experience a decline in its total membership count. During this period, the number of Lawyer members decreased by 11.23%, and the number of Associate members decreased by 5%, for a total decrease of 9.05%. During this same period, the Section's membership count similarly decreased by 4.9%, with declines in Lawyer membership and Associate membership, but gains in Law Student membership.

At the Annual Meeting in Boston, the Membership Subcommittee reported on membership efforts, and also assisted with the BCLC’s 25th Anniversary Program, which included a historical reenactment of the Susan B. Anthony trial at the United State Bankruptcy Courthouse. Outgoing BCLC Chair Patrick Clendenen served as a narrator, and Membership Subcommittee Chair Judge Elizabeth Stong played the role of Susan B. Anthony. Also at the Annual Meeting, members of the Membership Subcommittee participated in informational programs presented at several Boston-area law schools regarding the benefits of membership in the BLS.

For the 2016-2017 term, Judge Elizabeth Stong will continue to serve as Chair of the Membership Subcommittee, with Fellow Jonathan Stemerman and recent Fellows graduate Edward Fitzgerald serving as Vice Chairs. The Membership Subcommittee will report on updated membership statistics and recruitment efforts at the upcoming Spring Meeting in New Orleans. As always, the Membership Subcommittee welcomes the participation of all BCLC members in its efforts to increase our membership.

**Partnerships and Alternative Business Entities Subcommittee**

The Partnerships and Alternative Business Entities Subcommittee is gearing up for the Spring Meeting in New Orleans. We hope to have a sitting Vice Chancellor of the Delaware Court of Chancery along with a local business law professor speak about emerging trends in the alternative business entities area. Our meeting is currently scheduled for April 7, 2017 at 9:00 a.m. We are also currently preparing our chapter for inclusion in the annual review. If you are interested in helping out in any way, please contact Meghan Adams.

**Securities Litigation Subcommittee**

The Subcommittee had a joint meeting with the Class Action and Derivative Litigation Subcommittee at the Annual Meeting in Boston. We discussed recent significant cases as well as ideas for future programs, with an emphasis on programs that would be of interest to other Committees within the Section and programs that other Committees would co-sponsor. The Subcommittee was recognized at the Section Lunch for its *Recent Developments* Chapter for 2015, which was published as a stand-alone book this year, rather than as a part of a larger book.
The Subcommittee plans to have another joint meeting with the Criminal and Enforcement Litigation Subcommittee at the Spring Meeting in New Orleans. We are considering a few ideas for the meeting and may have one or more guest speakers attend.

**Trial Practice Subcommittee**

*By Judge Mary Johnston and Michaela Sozio*

The Trial Practice Subcommittee meeting at the Annual Meeting in Boston was once again a joint meeting with the Business Court Judges, Judges' Initiative, Business Torts, and Appellate Subcommittees. We had a lively and informative discussion of various issues that impact our professional lives inside the courtroom.

The Annual Meeting in Boston was also the venue for our Fourth Annual **Tips from the Trial Bench** which we have in conjunction with members of the Business Court Judiciary. This program has been filled to capacity each year with practicing lawyers of all skill and experience levels, and also provides law students with an opportunity to enter into conversation with trial lawyers and Business Court Judges in an informal setting. We thank the many judicial volunteers who make this event both possible and successful each year!

In 2017, our Tips from the Trial Bench event will revert back to the Spring Meeting. We hope you can join us at Breakfast with the Bench at the Spring Meeting in New Orleans on Friday, April 7, 2017, from 8:00 a.m. to 9:30 a.m.

Finally, be sure to check the **Trial Practice Subcommittee** webpage for updates on program planning for the Spring Meeting, including the date and time of our next joint Subcommittee meeting.

**Leadership**

**BCLC Leadership Roster**

*Updated!*

**Business Law Section Advisors**

- Hon. Henry duPont Ridgely

**Business Law Section Continuing Advisors**

- Hon. Donald F. Parsons, Jr.
- Hon. Joseph R. Slights III

**Business Court Representatives**

- **2014-2016 Term**
  - Hon. Jerome Abrams
  - Hon. Timothy Driscoll
  - Hon. Denise Owens
- **2016-2018 Term**
  - Hon. Mary Johnston
  - Hon. Christopher Yates
  - Hon. James Gale

**Business Law Fellows**

For 17 years, the Fellows Program has represented the ABA Business Law Section's commitment to encouraging the participation of diverse lawyers in Section activities. Through the Fellows Program, young lawyers, lawyers of color, lawyers with disabilities, and LGBT lawyers are provided a springboard to
substantive leadership roles within the Section through unique leadership roles, mentorships and subsidized attendance at Business Law Section Meetings. Each spring, the Section selects Fellows to participate in a two-year term in the program. The next application deadline is May 1, 2017. Click here for more information on the program and how to apply.

- **2015-2017 Term**

  **Tomas J. Garcia** is an associate attorney at Modrall Sperling in Albuquerque, New Mexico. Tomas practices commercial, healthcare, and employment litigation. Before joining the Business Law Section as a Fellow in 2015, Tomas was active with the ABA Young Lawyers Division, serving as an ABA YLD Scholar (2014-2015) and as Vice Director of the ABA YLD Affiliates Assistance Team (2015-2016). He is also the incoming Chair of the State Bar of New Mexico Young Lawyers Division. Tomas was named "Young Lawyer of the Year" in 2015 by the New Mexico Defense Lawyers Association, and he was listed among the "Top Forty Under 40" young professionals by *Albuquerque Business First* in 2016. Tomas received his law degree from Georgetown University Law Center. Tomas serves as Vice Chair of the Communications and Technology Subcommittee.

  **Paige A. Greenlee** is a commercial litigator with the law firm of Greenlee Law PLLC in Tampa, and has extensive experience representing clients in complex commercial litigation matters, including contracts, real estate, construction, and creditors' rights. Paige attended the University of Pennsylvania for her undergraduate degree and earned her J.D. from Emory University School of Law. Following graduation from law school, Paige served as a Law Clerk to the Honorable William Houston Brown and the Honorable Jennie D. Latta, both with the U.S. Bankruptcy Court, Western District of Tennessee. Paige has been recognized as a Super Lawyer from 2013 to the present and for 2014 and 2015, she was listed as one of the Top 50 Women Lawyers in Florida by Super Lawyers magazine. Paige serves as Vice Chair of the Women Business and Commercial Advocates Subcommittee.

  **Samuel Light** is an associate in the New York office of BakerHostetler. He focuses his practice on white collar criminal defense, corporate investigations, and complex commercial litigation, representing the financial services industry, media organizations, and political consultants and lobbyists. He is also a member of the BakerHostetler team serving as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS), and works to enforce the United States Bankruptcy Court's automatic stay in that
proceeding in courts across the country. He is proud to live in Brooklyn-New York's finest borough—but is also partial to a good Manhattan bagel. Samuel serves as Vice Chair of the Pro Bono and Public Service Subcommittee.

Keola R. Whittaker is a complex commercial litigation associate at the Los Angeles office of McGuireWoods. Keola's practice focuses on real estate and environmental disputes for large corporate clients. Keola also has extensive experience in defending financial institutions in a wide variety of matters from shareholder class actions to contract disputes. Keola started his practice in New York City at Wachtell, Lipton, Rosen & Katz where he defended a number of large corporations in litigation relating to corporate mergers and acquisitions. Keola serves as Vice Chair of the Appellate Litigation, Pro Bono and Public Service, and Network Newsletter Subcommittees.

2016-2018 Term

Alyn B. Beauregard recently completed a judicial clerkship at the United States District Court for the Eastern District of Pennsylvania. She is temporarily working at Sidley Austin LLP in Wilmington, Delaware, while completing the clerkship requirements for the Delaware Bar. She intends to relocate to Washington, D.C., in early 2017. Alyn serves as Chair of the Network Newsletter Subcommittee and Vice Chair of the Women Business and Commercial Advocates Subcommittee.

Anne M. Steadman concentrates on corporate litigation at Ross Aronstam & Moritz LLP in Wilmington, Delaware. Before entering private practice, Anne clerked for the Honorable M. Jane Brady in Delaware Superior Court and interned for the Honorable Abigail M. LeGrow in the Delaware Court of Chancery. Anne is a graduate of UCLA School of Law. Anne serves as Vice Chair of the Business Divorce and the Network Newsletter Subcommittees.

Jonathan M. Stemerman is a Shareholder in the Wilmington, Delaware and Philadelphia, Pennsylvania offices of Elliott Greenleaf,
P.C. Jonathan concentrates his practice in the areas of complex commercial, corporate, and bankruptcy litigation. He received his undergraduate degree from Colgate University, where he was captain of the varsity tennis team, and his law degree from Villanova University School of Law. Jonathan serves as Director of the Young Lawyer Committee and as Vice Chair of the E-Discovery and Membership Subcommittee.
Business and Corporate Litigation Committee
2016 Business Law Section Annual Meeting

Incoming Chair Heidi Staudenmaier and Outgoing Chair Pat Clendenen

BCLC Committee Meeting
2016 Annual Meeting Program “There is no Such Thing as Boilerplate: Issues in the Back of the Contract: First Row (L-R) Rebecca Butcher, Judge Elihu Berle, Geri Haight, Professor Charles Fried. Second Row (L-R) Vice Chancellor Joseph Slichts III, Stuart Riback (Committee Vice Chair and Program Chair and Moderator), Stephen Sepinuck, Damien Wilmot.
2016 Annual Meeting Program “Pinching Discovery Pennies While Getting What You Need – A Look at the Amended Federal Rules and Similar State Streamlining Efforts”: (L-R) Judge James Gale (Chief Judge North Carolina Business Court, Business Court Representative), Judge Alvin Thompson (U. S. District Court Connecticut and former Section Chair), Chief Magistrate Judge Jennifer Boal (U.S. District Court Massachusetts), Judge Jerome Abrams (Minnesota District Court and Business Court Representative), Judge Mary Miller Johnston (Complex Commercial Litigation Division Delaware Superior Court and Business Court Representative), Judge Shira Sheindlin (retired U.S. District Court New York, JAMS, and Stroock, Stroock, and Lavin), Lee Applebaum (Co-Chair Judges Initiative, Program Chair and Moderator)
2016 Annual Meeting Program How do we Settle This? Settlement in Bet-the-Company and Other High-Stakes Litigation (L-R) James Ryan (JAMS), Judge Gail Andler (Committee Vice Chair and Moderator), Meyer Koplow (Wachtell Lipton), Michele Johnston (Lathan & Watkins), Patricia Kim (Hewlett Packard), Michael-Bryant Hicks (Mallinckrodt Pharmaceuticals), Victor Vital (Program Chair, Vice Chair Business Torts and Trial Practice Subcommittees)

2016 Annual Meeting Program “Increased Litigation and Regulatory Risk are Present in the Supply Chain (Labor Trafficking and Child Labor Arena): (L-R) Judge David Carter (U. S. District Court Central District California), Justice Henry DuPont Ridgely (retired Supreme Court of Delaware, DLA Piper), Martina Vandenberg (Human Trafficking Pro Bono Legal Center), Elise Grouix Diggs (Associate Tenant at Doughty Street Chambers), E. Christopher Johnson, Jr. (Center for Justice Rights and Dignity, Program Chair and Moderator)
Tips from the Trial Bench Roundtables with Judges Mary Miller Johnston (Delaware), Christopher Yates (Michigan), Clifton Newman (South Carolina), Denise Owens (Mississippi), Timothy Driscoll (New York), Gail Andler (California), James Gale (North Carolina), Stephen Schuster (Georgia), Jerome Abrams (Minnesota), Mac McCoy (Florida), Elizabeth Stong (New York), Elihu Berle (California), Philip Brandt (Washington), Frank Bailey (Massachusetts), Justice Henry Ridgely (Delaware), and Vice Chancellor Joseph Slights (Delaware).

Pat Clendenen (Section Treasurer and former Committee Chair), Kevin Johnson (National Credit Union Association and former Chair ABA Law Student Division), and Chip Lion (former Section Chair) opening their meeting with golf at Duxbury Yacht Club.
(L-R) Judge Clifton Newman (Co Chair Judges Initiative) and Business Court Representatives Judges Jerome Abrams, Mary Miller Johnston, Timothy Driscoll, Christopher Yates and Denise Owens
Former Committee Chairs Bill Johnston (current Section Chair) and Pat Clendenen (current Section Treasurer)

Pat Clendenen (Section Treasurer), Judge Clifton Newman (Judges Initiative Co Chair) and Monty Garside (Young Lawyers Chair) at Jointly Sponsored Committee Dinner
The Trial of Susan B. Anthony

This special event took place on September 8, 2016 to mark the 25th Anniversary of the Business and Corporate Litigation Committee, at the John W. McCormack Courthouse in Boston. In 1872, Susan B. Anthony was arrested and prosecuted in Rochester, New York, for the crime of voting in a presidential election. Her trial was presided over by Associate U.S. Supreme Court Justice Ward Hunt riding circuit in upstate New York. All of the players were judges and lawyers from the BCLC, reading their parts written from the trial transcripts and news reports of the day. Judges Elizabeth Stong (Susan B. Anthony) and Judge Frank Bailey (Justice Hunt) organized this wonderful event.

The players included:

Narrator 1……………………….Patrick Clendenen
Narrator 2……….Associate Justice Paul D. Wilson
Susan B. Anthony……….Hon. Elizabeth S. Stong
Mary Anthony, SBA’s sister……..Dorothy Brandt
Beverly Jones………………….Susan Schwartz
Edwin Marsh………………….Melissa Damian Visconti
William Hall, Mr. Warner – supervisor of registrar
…………………………………….Peter J. Walsh, Jr.
Sylvester Lewis………………….F. Peter Phillips
Deputy Marshal Keeney…………..Stuart Riback
Newspaper Reporter………………Elayne Bloom
Henry Selden……………………Melanie Damian
Hon. Nathan Hall………………..Hon. Philip Brandt
John Van Voorhis……………..Hon. Clifton Newman
Hon. Ward Hunt…………………Hon. Frank Bailey
Richard Crowley…………………..Mitchell Bach
John Pound……………………….Peter Valori
Juror…………………………….Patrick Dinardo