ABA Section of Litigation

2020 Corporate Counsel CLE Seminar

February 13–15, 2020
Park Hyatt Aviara Resort
Carlsbad, CA

ONSITE GUIDE

ambar.org/corporatecounsel
#LitigationCorporate
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<td>3:45 PM – 5:00 PM</td>
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<td>7:00 AM – 8:00 AM</td>
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<td>8:00 AM – 9:15 AM</td>
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<td>12:00 PM – 1:00 PM</td>
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<td>22nd Annual Pro Bono Award Luncheon</td>
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<td>Grand Ballroom D</td>
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<td>Recipient: Eli Lilly and Company (Ticketed: $75)</td>
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<td>Breakout: Diversity &amp; Inclusion Roundtable</td>
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<td>Avocet</td>
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<td>2:30 PM – 6:00 PM</td>
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<td>Spa Networking Event (Pay on Own) Must have treatment reservation to participate</td>
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<td>Aviara Spa</td>
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<td>7:00 PM – 10:00 PM</td>
<td>Dinner Event</td>
<td>Dinner Event (Ticketed: $100) Shuttles to and from the event will be provided</td>
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<td>Golf Clubhouse Clubhouse Fountain</td>
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**Saturday, February 15, 2020**

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<td>9:15 AM – 9:30 AM</td>
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<td>Networking Break</td>
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<td>9:30 AM – 10:30 AM</td>
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<td>Breakout: Inside-Out Game: Successful Transitions for Your Legal Career</td>
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<td>Forum for In-House Counsel Only: Peer-to-Peer Open Forum Discussion</td>
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<tr>
<td>12:00 PM – 5:30 PM</td>
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<td>Golf Tournament (Ticketed: $250, lunch included) Tee Time: 12:30 PM</td>
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<td>Golf Clubhouse</td>
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<td>1:00 PM – 3:00 PM</td>
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<td>Networking Event: Intro to Golf Scramble (Pay on Own: $125)</td>
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<td>5:30 PM – 6:30 PM</td>
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**Thursday, February 13, 2020**

**Plenary:**
**Litigation Management Roundtable**

**General CLE**
3:45 PM – 5:00 PM
Grand Ballroom B/C
Level 3

The Litigation Management Roundtable will address continuing and emerging trends and issues of concern to corporate counsel, including ethical concerns created by business and litigation realities. Our panelists will provide thoughts on the challenges in-house and outside counsel must address and how outside counsel may provide value.

**Moderator:** Lance J. Ream, Xcel Energy Inc., Denver, CO

**Speakers:** Laura C. Abrahamson, AECOM, Los Angeles, CA; Sean C. Lindsay, CenturyLink Communication Corporation, Denver, CO; Leslie C. McKnew, Cisco Systems Inc., San Jose, CA; Kristin N. Reyna DeHart, Gordon Rees Scully Mansukhani LLP, San Diego, CA

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**Plenary:**
**General Counsel Forum**

**General CLE**
5:15 PM – 6:30 PM
Grand Ballroom A
Level 3

In our flagship program, outstanding general counsel from diverse industries candidly share their perspectives on developing trends in business and law and discuss managing the C-Suite, hot topics, and what keeps them up at night. Attendees will hear insight on the inner workings of in-house legal departments that will be relevant no matter their focus or industry.

**Moderator:** James A. Reeder, Jr., Jones Day, Houston, TX

**Speakers:** Charles Dadswell, Illumina Inc., San Diego, CA; Chandra Mitchell, Yamaha Motor Ventures & Laboratory Silicon Valley Inc., Palo Alto, CA; Andrew L. Wallace, NTE Mobility Partners LLC, Dallas, TX

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**Friday, February 14, 2020**

**Plenary:**
**Persuasion, Credibility, and the Real Burden of Proof**

**General CLE**
8:00 AM – 9:15 AM
Grand Ballroom A
Level 3

Three dynamic, inspirational, and all-new TED-style talks from outstanding trial advocates: Kalpana Srinivasan will show how witnesses can easily damage their own credibility, the disastrous outcomes that follow when they fail to protect it, and what the lawyer and witness should do to build, defend, strengthen, and cement the witness's credibility. Lawyer-author Ken Berman (*Reinventing Witness Preparation*) will expose the myth of the neutral adjudicator and teach why the litigation playing field is seldom level, how hidden brainwork silently alters the burden of proof, and what to do to overcome these roadblocks to victory. And Victor Vital will show the importance of bolstering the lawyer's own credibility and how lawyers can establish and fortify that credibility to turn a hard case into a trial triumph.

This program is a must-attend for lawyers who are serious about consistently performing at the top of their game and for in-house counsel who are responsible for producing the best possible outcome.

**Speakers:** Kenneth R. Berman, Nutter McClennen & Fish LLP, Boston, MA; Kalpana Srinivasan, Susman Godfrey LLP, Los Angeles, CA; Victor D. Vital, Barnes & Thornburg LLP, Dallas, TX
Breakout: Artificial Intelligence and Looming Liability Risks

Google’s recent white paper called AI a “real-world application technology part of the fabric of modern life” and asked governments and lawyers to contribute to the AI “governance discussion [including] liability frameworks.” This presentation will be an overview of the current state of AI in various industries, how existing liability frameworks apply to AI, and ways companies may potentially limit liability when using AI.

Moderator: Michael G. King, Hennelly & Grossfeld LLP, Marina del Rey, CA

Speakers: David Chan, Western Digital Corporation, Irvine, CA; Dan Gerken, Vertiv, Columbus, OH; Charlotte Lewis Jones, Facebook Inc., San Francisco, CA; Stefan Mallen, Emerson Corporation, St. Louis, MO

Breakout: #MeToo Litigation: Investigations Exposing Corporate Cultures of Complicity and Cover-Ups

This program will explore how the #MeToo movement has caused internal investigations of sexual harassment claims to move beyond the conduct of the alleged perpetrator to a need to determine whether there exists a culture of cover-up within the highest levels of an organization including C-suite executives and boards of directors. The panel will discuss how claims are being investigated and the repercussions that go beyond the original harassment claims, such as shareholder derivative suits and insurance coverage claims.

Moderator: Patricia O’Prey, Schoeman Updike Kaufman LLP, New York, NY

Speakers: Karen Y. Bitar, Seyfarth Shaw LLP, New York, NY; David M. Caves, Bradley Riley Jacobs PC, Chicago, IL; Tanya K. Hernández, Fordham University School of Law, New York, NY; Donna Melby, Paul Hastings LLP, Los Angeles, CA; Lauren Mutti, Southern Glazer’s Wine & Spirits LLC, Dallas, TX

Breakout: Examining the C-Suite: Strategies to Prepare and Defend High-Level Executive Depositions

The CEO’s deposition is not a regular deposition. High-level executive depositions can have dramatic impact on a case and a business. This program discusses the unique nature of executive depositions and provides practical strategies to prepare for and defend high-level officer depositions.

Moderator: Kelly A. Kszywienksi, Snell & Wilmer LLP, Phoenix, AZ

Speakers: P. John “Jack” Brady, Polsinelli LLP, Kansas City, MO; Michael S. LeBoff, Klein & Wilson, Newport Beach, CA; Christina Zabat-Fran, St. John Knits International Inc., Irvine, CA
Breakout: Efficient Case Management: Partnering with Opposing Counsel and the Judiciary to Minimize Court Burdens and Litigation Costs

*General CLE*

10:45 AM – 11:45 AM

Grand Ballroom A
Level 3

Federal Rule of Civil Procedure 1 specifies that the rules should be construed and administered “to secure the just, speedy, and inexpensive determination of every action and proceeding.” Yet, the cost of corporate litigation in America continues to escalate. Join us for this discussion among judges and in-house and outside counsel regarding efficient case management strategies, such as staging, proceeding with bellwether claims or trials, and enforcing proportionality limits to discovery.

**Moderator:** David R. Singh, Weil Gotshal & Manges LLP, Redwood Shores, CA

**Speakers:** Hon. Cathy Ann Bencivengo, U.S. District Court for the Southern District of California, San Diego, CA; Ronald H. Schwillinski, Illumina Inc., San Diego, CA

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Breakout: Surviving “Bet the Company” Litigation

*General CLE*

10:45 AM – 11:45 AM

Grand Ballroom B/C
Level 3

In 2018 alone, 1 in 5 companies reported facing “bet the company” litigation. Be prepared when the big one hits your desk. Law360 reports that general counsel at major corporations are now embedding appellate counsel in high-stakes litigation as soon as the complaint is filed. Learn from an expert panel of in-house and appellate lawyers how to craft a strategic plan to manage the litigation from cradle to grave and what to do if the worst happens and a devastating verdict comes in. The panel will touch on topics such as assembling an appropriate litigation team, mapping out a strategic path to victory that accounts for all likely contingencies, educating and managing business expectations, dealing with negative publicity, and preparing for a big appeal.

**Moderator:** Elana Nightingale Dawson, Latham & Watkins LLP, Washington, D.C.

**Speakers:** Carrie McQuaid, Cast & Crew Payroll LLC, Burbank, CA; Mary-Christine "M.C." Sungaila, Haynes and Boone LLP, Costa Mesa, CA; Ellie Trope, L’Ange Inc., Los Angeles, CA

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Breakout: When (and How) to Battle Your Enemies on the Internet: Why You Should Go After Impostors, Trolls, Hackers, and Competitors that Are Breaking the Law

*General CLE*

10:45 AM – 11:45 AM

Avocet
Level 3

Corporate lawyers must know when to count the costs and when to go to war with impostors, scammers, hackers, anonymous trolls, copycats, or competitors on the internet. This program will explore a range of subjects including defamation, pseudonymous lawsuits, ransomware attacks, and fraudsters that impersonate employees or corporate accounts.

**Moderator:** Marcus Chatterton, Balch & Bingham LLP, Birmingham, AL

**Speakers:** Simon Kann, Port of San Diego, San Diego, CA; J. Wilson Nash, Brasfield & Gorrie LLC, Birmingham, AL; Paula L. Zecchini, Cozen O’Connor PC, Seattle, WA
Breakout: Diversity & Inclusion Roundtable
Elimination of Bias CLE
1:15 PM – 2:15 PM
Grand Ballroom A
Level 3

Hiring attorneys of diverse gender identities, racial and ethnic backgrounds, and sexual orientations unquestionably benefits law firms and in-house legal departments alike. But, once you’ve hired diverse attorneys, what do you do to promote them so they become diverse partners and general counsels? This roundtable discussion with inside and outside counsel will focus on best practices for growing young, diverse attorneys into diverse leadership.

Moderator: William E. Weinberger, Parker Milliken Clark O’Hara & Samuelian APC, Los Angeles, CA

Speakers: Linda T. Coberly, Winston & Strawn LLP, Chicago, IL; Brogin Keeton, Evercore, New York, NY; Marlen D. Whitley, USAA, Los Angeles, CA

Breakout: An Ounce of Prevention Is Worth a Pound of Cure: How Effective Pre-Litigation Trade Secrets Management Can Avoid Litigation and Improve Outcomes
General CLE
1:15 PM – 2:15 PM
Grand Ballroom B/C
Level 3

Trade secrets are among the most important IP assets and often the least well protected. We will explore what companies can do to better protect their trade secrets proactively, both to avoid litigation and to produce better and less costly outcomes. We will offer practical and cutting-edge advice and solutions that companies can implement immediately no matter their size and industry.

Moderator: Naomi M. Berry, Carlson Fields PA, Miami, FL


Breakout: SaaS and E-Discovery – Navigating the Challenges of Emerging Data Sources: WhatsApp, Slack, Dropbox. The List Goes On...
General CLE
1:15 PM – 2:15 PM
Avocet
Level 3

Collaboration and communication technology forms have evolved considerably within the past three years. Traditional business environments across the United States and globally are now utilizing heightened communication forms such as Slack, Quip, and WhatsApp to increase chat efficiency and foster creative environments to encourage productivity. Technology hubs such as Silicon Valley are no longer isolated instances of communication technology variance. With this heightening and continued introduction of numerous forms of communication, new challenges have been raised during identification, collection, and production of these non-standard data types for investigations and lawsuits.

This program will use a hypothetical lawsuit where a team of engineers has been using three forms of emerging data sources for communication, which will need to be preserved, collected, reviewed, and produced per the request for production from plaintiffs’ counsel. The panel will navigate the process, considerations, and risks in a hypothetical scenario.

Moderator: David Stanton, Pillsbury Winthrop Shaw Pitman LLP, Los Angeles, CA

Speakers: Zander Brandt, Lyft Inc., San Francisco, CA; Mark Clews, Ankura, Irvine, CA; Mikki Tomlinson, Sempra Energy, San Diego, CA
Breakout: Get Smart: Cyber-Intelligent Corporate Counsel Reduce Risks

General CLE
8:00 AM – 9:15 AM
Grand Ballroom A
Level 3

Cybersecurity has been and continues to be one of the biggest risks to organizations in today’s modern world. This panel will discuss some of the recent trends that are affecting organizations and review some of the best practices to mitigate and overcome that risk from the legal and technical perspective.

Moderator: Justine M. Phillips, Sheppard Mullin Richter & Hampton LLP, San Diego, CA
Speakers: Andrea M. Castetter, Eli Lilly and Company, Indianapolis, IN; Kevin Ryan, Acadia Pharmaceuticals Inc., San Diego, CA; Ankur Sheth, Ankura, New York, NY

Breakout: Litigation Jeopardy!

General CLE
8:00 AM – 9:15 AM
Grand Ballroom B/C
Level 3

Jeopardy!-style game show featuring hot topics in employment litigation, including recent decisions on trade secret misappropriation, enforceability of non-competes (including Anti-SLAPP issues), and arbitration enforceability.

Moderator: Erin M. Choi, Weil Gotshal & Manges LLP, Dallas, TX
Speakers: Anne Brooksher-Yen, Celanese Corporation, Irving, TX; Olesja Cormney, Toyota Motor North America Inc., Plano, TX; Samy Sadighi, Port of San Diego, San Diego, CA

Breakout: The Inside-Out Game: Successful Transitions for Your Legal Career

General CLE
9:30 AM – 10:30 AM
Grand Ballroom A
Level 3

In this program, current and former in-house counsel will discuss the complete scope of their role so attendees can explore whether to make the transition in-house. This program will provide a game plan on:

- Understanding trends related to major areas of corporate activity and legal management, introducing new technology, managing outside counsel, handling costs, creating efficient processes, managing risk, and ensuring compliance.
- Outlining professional responsibility obligations and ethical dilemmas faced by in-house counsel.
- Identifying key legal and management strategies that are highly valued by in-house counsel and their internal corporate clients.

Moderator: Amy M. Stewart, Stewart Law Group PLLC, Dallas, TX
Speakers: Ellen L. Farrell, Toyota Motor North America Inc., Dallas, TX; Marcos “Mark” M. Tarango, DTO Law, Los Angeles, CA; Sandra Zamora, McKesson Corporation, Dallas, TX

Breakout: Conducting Internal Investigations Post-Connolly

General CLE
9:30 AM – 10:30 AM
Grand Ballroom B/C
Level 3

A recent opinion in United States v. Connolly raised important issues about the future handling of internal investigations by companies, executives, law firms, and the government. This program will examine the impact of the decision and its effect on corporate privileges, attorney-work product privilege, and Garrity warnings.

Breakout:
*Playing Nice in the Sandbox: An Interactive Discussion of How to Navigate Common Conflict Points in Outside and In-House Counsel Business Arrangements*

*General CLE*
9:30 AM – 10:30 AM
Avocet
Level 3

In this interactive program with clicker-polling, our divided audience (in-house and outside counsel teams) will opine on common sticking points in legal representation arrangements, including billing practices, write-offs, outside counsel guidelines, conflict waivers, MFN provisions, prohibitions on increases in rate for class progression, prohibitions on billing first year time, ownership of an outside counsel’s communication with its general counsel about a client issue, and the RFP process. Our speaker panel will provide their perspectives and suggest practical solutions.

**Moderator:** Bambo Obaro, Weil Gotshal & Manges LLP, Redwood City, CA

**Speakers:**
- Sean O. Bosack, Godfrey & Kahn SC, Milwaukee, WI
- Shaka Johnson, Sony Electronics Inc., San Diego, CA
- Eugene Kim, Vail Resorts, Broomfield, CO

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**Workshop for Outside Counsel Only: The Seven Secrets of Simplified Rainmaking**

*Non-CLE*
10:45 AM – 12:00 PM
Grand Ballroom A
Level 3

Business development is not that hard. Lawyers just don’t have time for it. This session teaches seven key things you can do right away to find new clients without spending a lot of extra time. We often make business development too complex. A simplified approach streamlines the process, frees up time, and makes it easy to develop good habits that build new revenue.

Key areas addressed:
1. How you can start deploying the most effective business development strategy in just a few minutes;
2. Why you should stop asking for work;
3. Why approaching business development like the big rainmaker at your firm might be the worst thing you can do;
4. How to get an audience when you don’t know anyone;
5. Why listening to your clients and prospects whine should be music to your ears;
6. How to turn social contacts into business contacts; and
7. How to conduct good prospect meetings using nothing but lawyering skills.

**Speaker:** Craig Brown, Law Vision Group LLC, San Diego, CA

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**Forum for In-House Counsel Only: Peer-to-Peer Open Forum Discussion**

*Non-CLE*
10:45 AM – 12:00 PM
Grand Ballroom B/C
Level 3

A candid, open forum discussion led by in-house counsel for in-house counsel on topics of shared interest. In order to facilitate a more open discussion, no outside counsel will be allowed.

**Leader:** Heather White, TIAA, Charlotte, NC
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Heather White, TIAA, Charlotte, NC

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