ABA Section of Litigation

2020 Section Annual Conference

May 6–8, 2020
JW Marriott
Washington, D.C.

Register by April 8 for Early Bird Discounts!

ambar.org/sac2020
@ABALitigation
#LitigationSAC
JOIN US

Join us for the 2020 Section Annual Conference, May 6–8, 2020, at the JW Marriott Washington, D.C. The Section Annual Conference is THE premier event for litigators. It brings together top litigation professionals from across the U.S. to discuss timely legal issues and the latest in trial advocacy, litigation strategy, and case management. With over 25 CLE programs and eight networking events, the 2020 Section Annual Conference provides a unique opportunity to learn and interact with in-house counsel, outside counsel, academics, government employees, and judges.

THANK YOU TO OUR PLANNING COMMITTEE

Barbara J. Dawson  
Section Chair  
Snell & Wilmer LLP  
Phoenix, AZ

Hon. Victor A. Bolden  
Managing Director  
U.S. District Court for the District of Connecticut  
Bridgeport, CT

Janice V. Mitrius  
Managing Director  
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Managing Director  
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SAC Co-Chair  
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Denver, CO

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Washington, D.C.

D. Grayson Yeargin  
SAC Co-Chair  
Jones Day  
Washington, D.C.

MEETING MENTORS

Maximize your experience with a Meeting Mentor, who can help you get the most out of the Conference. Sign up at ambar.org/sac2020 to request a Mentor in your practice area. One of our Section leaders will contact you in advance of the Conference to answer any questions you might have, arrange to meet you at Wednesday night’s Welcome Reception, and introduce you to others in the Section of Litigation.

THANK YOU TO OUR CO-SPONSORS!
THANK YOU

Thank you to our Honorary Co-Chairs and Host Committee for their support of the Section Annual Conference:

HONORARY CO-CHAIRS

Lanny A. Breuer  
Covington & Burling LLP  
Washington, D.C.

Hon. Ketanji Brown Jackson  
U.S. District Court for the District of Columbia  
Washington, D.C.

Sen. Catherine Cortez Masto  
U.S. Senate, Nevada  
Carson City, NV

Neal Katyal  
Former Acting Solicitor General of the United States  
Hogan Lovells LLP  
Washington, D.C.

A.J. Kramer  
Federal Public Defender for the District of Columbia  
Washington, D.C.

Hon. Carmen McLean  
Superior Court of the District of Columbia  
Washington, D.C.

Karl A. Rasine  
Attorney General for the District of Columbia  
Washington, D.C.

Tina Tchen  
Time’s Up Now  
Chicago, IL

Robert N. Weiner  
Arnold & Porter Kaye Scholer LLP  
Washington, D.C.

Hon. Robert L. Wilkins  
U.S. Court of Appeals for the District of Columbia  
Washington, D.C.

HOST COMMITTEE

Kyle Anthony, Holy Cross Health Inc., Silver Spring, MD
Josephine M. Bahn, Federal Deposit Insurance Corporation, Washington, D.C.
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Lindsay D. Breedlove, Pepper Hamilton LLP, Philadelphia, PA
Henry R. Chalmers, Arnall Golden Gregory LLP, Atlanta, GA
Aaron Gleeton Clay, Finnegan Henderson Farabow Garrett & Dunner LLP, Washington, D.C.
Latosha M. Ellis, Hunton Andrews Kurth LLP, Washington, D.C.
Pilar G. Kraman, Young Conaway Stargatt & Taylor LLP, Wilmington, DE
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Gregory G. Marshall, Bradley Arant Boult Cummings LLP, Washington, D.C.
John McNichols, Williams & Connolly LLP, Washington, D.C.
Juan P. Morillo, Quinn Emanuel Urquhart & Sullivan LLP, Washington, D.C.

John S. Morris, III, Beale Davidson Etherington & Morris PC, Richmond, VA
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Fiona Philip, KPMG LLP, Washington, D.C.
Jasmyn G. Richardson, U.S. Department of Justice, Washington, D.C.
Lindsay Lankford Rollins, Hancock Daniel & Johnson PC, Richmond, VA
Mark E. Rooney, Hudson Cook LLP, Washington, D.C.
Lawrence D. Rosenberg, Jones Day, Washington, D.C.
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Harout J. Samra, DLA Piper LLP, Miami, FL
John A. Sensing, Potter Anderson & Corroon LLP, Wilmington, DE
Sahmra A. Stevenson, SA Stevenson Law Offices LLC, Columbia, MD
Lauren M. Weinstein, MoloLamken LLP, Washington, D.C.
Onika K. Williams, Washington, D.C.
Bernard F. Woolfley, Ankura, Washington, D.C.
HIGHLIGHTS

PLENARIES

The Courts, the Press, and Democracy

Wednesday, May 6, 2020 | 4:00 PM – 5:30 PM

Oyez! Oyez! Oyez! The 2019–2020 Supreme Court Term

Thursday, May 7, 2020 | 9:00 AM – 10:15 AM

Representing “We the People”: The Role of Lawyers in the U.S. Government

Thursday, May 7, 2020 | 10:30 AM – 11:45 AM
### PLENARIES

#### Rare Company: Women Advocates Before the U.S. Supreme Court

**Friday, May 8, 2020 | 9:00 AM – 10:30 AM**

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<tr>
<th>MODERATOR</th>
<th>SPEAKER</th>
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<tr>
<td>Heather K. Gerken</td>
<td>Beth S. Brinkmann</td>
<td>Allyson N. Ho</td>
<td>Christina A. Swarns</td>
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<td>Dean of Yale Law School</td>
<td>Covington &amp; Burling LLP</td>
<td>Gibson Dunn &amp; Crutcher LLP</td>
<td>Office of the Appellate Defender</td>
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#### National Security Showdown

**Friday, May 8, 2020 | 1:30 PM – 3:00 PM**

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<tr>
<td>George Freeman</td>
<td>Hon. Ketanji Brown Jackson</td>
<td>Charles L. Babcock</td>
<td>Robert A. Clifford</td>
<td>Laura R. Handman</td>
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<td>Media Law Resource Center</td>
<td>U.S. District Court for the District of Columbia</td>
<td>Jackson Walker LLP</td>
<td>Clifford Law Offices PC</td>
<td>David Wright Tremaine LLP</td>
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<td>New York, NY</td>
<td>Washington, D.C.</td>
<td>Houston, TX</td>
<td>Chicago, IL</td>
<td>Washington, D.C.</td>
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Welcome Reception Honoring the Judiciary
5:30 PM – 6:30 PM
Complimentary (Registration required)
Join us Wednesday evening for our Welcome Reception Honoring the Judiciary. This reception is open to all Conference attendees.

Committee Dinners
7:00 PM – 9:00 PM
Various Locations (Pay on own)
Gather with those who share your interest area while enjoying one of Washington, D.C.’s finest restaurants. All attendees welcome, even those not on Committees or new to the Section.

Committee Expo & Networking Breakfast
7:45 AM – 8:45 AM
Complimentary (Registration required)
Start your day by networking with litigators whose practice areas match yours. Learn how to get involved in the Section’s 39 open enrollment committees and meet their leaders. All attendees are welcome.

John Minor Wisdom & Diversity Leadership Awards Luncheon
12:00 PM – 1:15 PM
$100 Ticketed Event
A highlight of the Section Annual Conference, this luncheon celebrates strides in the pursuit of justice and diversity in the legal community. The Section will present the John Minor Wisdom Public Service and Professionalism Award and the Diversity Leadership Award. Vanita Gupta, CEO of the Leadership Conference on Civil and Human Rights, will be our Keynote Speaker.
THURSDAY, MAY 7 (Continued)

An Evening at the National Museum of African American History and Culture
6:00 PM – 9:00 PM
$125 Ticketed Event
Join us for a private reception at the National Museum of African American History and Culture, the only national museum devoted exclusively to the documentation of African American life, history, and culture. Explore over 36,000 artifacts at the newest museum of the Smithsonian Institution.

After Hours with Ankura
9:00 PM – 11:00 PM
Complimentary (Registration required)
Keep the night going! Join Ankura for after-dinner drinks and desserts in the hotel when you return from the museum — what a perfect way to end the evening with colleagues and friends.

FRIDAY, MAY 8

Networking Breakfast
8:00 AM – 9:00 AM
Complimentary (Registration required)
Meet in small groups with Section leaders and newcomers alike and learn how the Section of Litigation can deliver results for your practice and professional development.

Keynote Luncheon: Update on the Path to Ratification of the ERA with Linda T. Coberly
12:00 PM – 1:15 PM
$75 Ticketed Event
Linda T. Coberly, Chicago Managing Partner of Winston & Strawn LLP, has been an active voice in the ratification of the Equal Rights Amendment (ERA). After playing a leading role in the ratification effort in Illinois, she joined the national ERA Coalition as the Chair of its Legal Task Force. As our luncheon speaker, she will discuss the significance and status of the ERA, some of the outstanding legal issues, and the role lawyers can play in advocating for equality.
# SCHEDULE*

*Schedule as of 3/11/20. Subject to change.

## WEDNESDAY, MAY 6

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<td><strong>Breakout:</strong> Mythbusters: Women Lawyers and the Law</td>
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<td>Welcome Remarks: Attorney General Karl A Racine, District of Columbia</td>
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<td>General CLE</td>
<td><strong>Plenary:</strong> Oyez! Oyez! Oyez! The 2019-2020 Supreme Court Term</td>
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<td>General CLE</td>
<td><strong>Breakout:</strong> Impact of Amicus on Today’s Supreme Court</td>
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<td>General CLE</td>
<td><strong>Breakout:</strong> What’s Wrong with Rule 30(b)(6) and Do the Proposed Amendments Fix It?</td>
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<td>General CLE</td>
<td><strong>Breakout:</strong> Corporate Investigations: Creating Order from Chaos</td>
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<td>Elimination of Bias CLE</td>
<td><strong>Breakout:</strong> Othering or Smothering? Navigating the Space Between Thoughtfulness and Thought Police in Diversity and Inclusion Practices</td>
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### THURSDAY, MAY 7 (Continued)

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<tr>
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<td>Ethics CLE</td>
<td><strong>Breakout:</strong> What’s Trending Now: Social Media Ethics and Litigation</td>
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<td><strong>Breakout:</strong> Class Actions Update: Winners and Losers after CAFA, and the Supreme Court’s Recent Activism</td>
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<td><strong>Breakout:</strong> Avoiding Regulatory and Other Legal Pitfalls in Cross-Border Litigation</td>
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<td>General CLE</td>
<td><strong>Breakout:</strong> Investigating #MeToo Complaints</td>
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<td>General CLE</td>
<td><strong>Breakout:</strong> Luddite Litigators Tackle Technology: What Could Go Wrong?</td>
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<td>General CLE</td>
<td><strong>Breakout:</strong> Experts 101: What Every Young Lawyer Needs to Know About Working with an Expert Witness</td>
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<td>General CLE</td>
<td><strong>Breakout:</strong> Tools for Global Litigations and Arbitrations</td>
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<td></td>
<td>General CLE</td>
<td><strong>Breakout:</strong> Recent Developments and Trends in Government Investigations</td>
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### FRIDAY, MAY 8

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<td>Ethics CLE</td>
<td><strong>Breakout:</strong> Avoiding Ethical Pitfalls in Working with Witnesses</td>
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<td>General CLE</td>
<td><strong>Breakout:</strong> Jury Selection: Finding the “Good” and Avoiding the “Bad”</td>
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<td>General CLE</td>
<td><strong>Breakout:</strong> How Mass Tort Litigation and Government Enforcement Actions Fit Into Efforts to Address Public Health Issues</td>
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<td>General CLE</td>
<td><strong>Breakout:</strong> The American Dream Is on Trial: 2020 Approaches to Income Inequality</td>
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<td>General CLE</td>
<td><strong>Plenary:</strong> National Security Showdown</td>
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### Getting to Yes, Ethically
**1:30 PM – 2:30 PM**
*Ethics CLE*

Thank your lucky stars when resolving a case involves one plaintiff and one defendant having to agree only on how much money will change hands. But even in those seemingly manageable circumstances, an ethical pitfall may lie around the very next corner. Our expert panel will discuss the strategic and ethical challenges associated with negotiating the settlement of both simple and complex cases, providing participants with a roadmap for getting to yes while staying in bounds.

**Moderator:** Lindsay D. Breedlove, Pepper Hamilton LLP, Philadelphia, PA

**Speakers:** Sally J. Abrahamson, Outten & Golden LLP, Washington, D.C.; Elizabeth C. Burch, University of Georgia School of Law, Athens, GA; Donald R. Frederico, Pierce Atwood LLP, Boston, MA; Hon. Louise A. LaMothe, U.S. District Court for the Central District of California, Santa Barbara, CA

### Mythbusters: Women Lawyers and the Law
**1:30 PM – 2:30 PM**
*General CLE*

Women lawyers are not advancing to leadership positions in law firms. Women are not good at developing business. Women are not advancing because of their family responsibilities. Flexible schedules are career-enders. These are some of the most common assumptions about women in the profession. How do these statements and others stack up to the research? In this interactive discussion, leaders in legal profession will put those myths to the test.

**Moderator:** Paula W. Hinton, Winston & Strawn LLP, Houston, TX

**Speakers:** Linda B. Chanow, The Institute for Inclusion in the Legal Profession, Austin, TX; George D. Medlock, Jr., Bradley Arant Boult Cummings LLP, Birmingham, AL; Natasha Newberry, LexisNexis, Dayton, OH

### Emerging Trends in Insurance Coverage: What Companies Need to Know
**1:30 PM – 2:30 PM**
*General CLE*

The traditional role of in-house counsel has changed in recent years. With expanded regulation, increased scrutiny, and more internal reliance on employed attorneys, in-house lawyers’ exposure to malpractice is more theoretical. The increase in the number of shareholder actions and government prosecutions against companies has heightened the potential liability of in-house counsel as they become more involved in investigations and civil and criminal litigation against the company. Balancing an attorney-client relationship with public accountability and statutory regulations has become increasingly difficult. This program will discuss ways for in-house counsel to mitigate risk and identify insurance products that expressly afford protection, including employed lawyers professional liability.

**Moderator:** Latosha M. Ellis, Hunton Andrews Kurth LLP, Washington, D.C.

**Speakers:** Tim Monahan, Lockton Companies, Washington, D.C.; Lindsay Lankford Rollins, Hancock Daniel & Johnson PC, Richmond, VA; Brandon R. Story, James River Insurance Company, Richmond, VA

### 2020 Vision: Taking a Look at Hot Topics and Current Trends in Cybersecurity
**1:30 PM – 2:30 PM**
*General CLE*

The year 2019 brought the expansion of phishing to social media and other non-email formats, increased emphasis on data privacy enforcement, and fraud through mobile applications. Panelists will discuss the current trends and hot topics and look forward to what the future may hold for cybersecurity.

**Moderator:** Danielle M. Panetta, Goodwin Procter LLP, Boston, MA

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<td>**Stressed, Depressed and Burned Out: Understanding and Helping a</td>
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<td>Colleague in Need**</td>
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<td><strong>2:45 PM – 3:45 PM</strong></td>
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<tr>
<td><strong>Wellness CLE</strong></td>
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<tr>
<td>Recent studies have confirmed that the overwhelming stress that is</td>
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<td>commonplace in our legal profession disproportionately results in</td>
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<td>attorneys suffering higher levels of depression, anxiety, addiction</td>
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<td>and other serious issues compared to the general population.</td>
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<td>Participants will learn why attorneys are a vulnerable population;</td>
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<td>common mental health issues faced by colleagues, and the signs and</td>
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<td>symptoms of those issues; and what to do when you identify a</td>
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<td>colleague in need.</td>
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<td><strong>Moderator:</strong> Ruth A. Bahe-Jachna, Greenberg Traurig LLP, Chicago, IL</td>
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<td><strong>Speaker:</strong> Diana Uchiyama, Lawyers’ Assistance Program Inc., Chicago, IL</td>
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<td><strong>General CLE</strong></td>
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<tr>
<td>Our cross-industry panel of experienced general counsel will share</td>
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<td>their perspectives on developments and challenges currently facing</td>
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<td>in-house legal departments, as well as candid commentary about what</td>
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<td>it takes for outside counsel to build sustainable client relationships in today’s evolving legal and business landscape.</td>
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<td><strong>Moderator:</strong> Beth L. Kaufman, Schoeman Updike Kaufman &amp; Gerber LLP, New York, NY</td>
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<td><strong>Speakers:</strong> Karen M. Hardwick, WGL Holdings Inc. and Washington Gas, Washington D.C.; Paul J. Kaleta, First Solar Inc., Phoenix, AZ; Tamara L. Linde, Public Service Enterprise Group Inc. (PSEG), Newark, NJ; Bhavi Shah, Vitalant, Scottsdale, AZ</td>
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<td>Technology, and Data to Safeguard Valuable Trade Secrets**</td>
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<td><strong>General CLE</strong></td>
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<td>This program explores using litigation to protect IP and protecting</td>
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<td>IP in litigation, with a focus on trade secrets. The panel will</td>
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<td>discuss recent developments in trade secret law, registered IP rights, and emerging technologies that can be used to safeguard the core technology for businesses and entrepreneurs. Panelists will also address prelitigation and litigation strategies with an emphasis on what has, or has not, worked, using case studies and recent case law.</td>
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<td><strong>Moderator:</strong> Ronald T. Coleman, Parker Hudson Rainer &amp; Dobbs LLP, Atlanta, GA</td>
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<td><strong>Speakers:</strong> David M. Caves, Bradley Riley Jacobs PC, Chicago, IL; Nicole D. Galli, Law Offices of N.D. Galli LLC, Philadelphia, PA; Kim R. Jessum, Heraeus, Philadelphia, PA; John A. Stone, Decotiis FitzPatrick Cole &amp; Giblin LLP, Teaneck, NJ</td>
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<td><strong>Voting Rights: The Arc of History and Modern Challenges</strong></td>
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<td>What was the battle for suffrage really about and did it succeed? If</td>
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<td>the right to vote does not equal access to the vote, what can history teach us about our approach to these rights as a nation? Has anything changed or are we fighting the same fights? Join a historian, a political scientist, and voting rights advocates from both sides of the issue as they explore these questions and more.</td>
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<td><strong>Moderator:</strong> Michal D. Rogson, Tokio Marine HCC Surety Group, Los Angeles, CA</td>
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<td><strong>Speakers:</strong> Stephen D. Ansolabehere, Harvard Law School, Boston, MA; Dale Ho, American Civil Liberties Union (ACLU), New York, NY; Pippa Holloway, Middle Tennessee State University, Murfreesboro, TN; Pete Patterson, Cooper &amp; Kirk PLLC, Washington, D.C.</td>
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The Courts, the Press, and Democracy
4:00 PM – 5:30 PM
General CLE

An independent judiciary and independent journalists are symbiotic components of a functioning democracy. Each relies on the vitality of the other. How are the third and fourth estate doing in today’s polarized 24-hour news cycle? A panel of journalists from major news organizations will explore the challenges currently facing the courts and the press in protecting democracy and the rule of law, including what lawyers can do to support them both.


Oyez! Oyez! Oyez! The 2019–2020 Supreme Court Term
9:00 AM – 10:15 AM
General CLE

The current U.S. Supreme Court term may be one for the ages. The 2019-2020 docket will address issues relating to investigations into the business activities of the president of the United States; the interpretation and scope of various anti-discrimination statutes, including whether Title VII of the Civil Rights Act of 1964 extends to workplace discrimination based on a person’s sexual orientation; the fate of the Deferred Action for Childhood Arrivals (DACA) program; whether the Eighth and Fourteenth Amendments allow a state to abolish the insanity defense; whether the federal government may require employers to include contraceptive coverage in employee health plans; and much more. Leading Supreme Court advocates Erwin Chemerinsky and Neal Katyal will discuss the Supreme Court’s decisions in cases already issued this term and those still yet to come.


Speakers: Erwin Chemerinsky, Dean of the University of California Berkeley School of Law, Berkeley, CA; Neal Katyal, Former Solicitor General of the United States, Hogan Lovells LLP, Washington, D.C.; Deanne E. Maynard, Morrison & Foerster LLP, Washington, D.C.

Representing “We the People”: The Role of Lawyers in the U.S. Government
10:30 AM – 11:45 AM
General CLE

From our founding days to the present, lawyers have always played an essential role in the U.S. government. This panel of well-known and experienced experts will examine the functions attorneys perform in our government and discuss different approaches that have been used throughout the years. They will focus on the roles of the attorney general, solicitor general, special counsel, independent counsel, the Department of Justice, and counsel within various agencies and how lawyers affect how the U.S. government performs.


### Impact of Amicus on Today’s Supreme Court

**1:30 PM – 2:30 PM**

**General CLE**

Almost every case before the U.S. Supreme Court now has amicus. In this term’s LGBTQ discrimination cases, over 65 different amicus briefs were filed. A panel of attorneys who actively practice before the Supreme Court will discuss this phenomena and assess its effect on the Supreme Court’s docket and decisions.

**Moderator:** Kannon K. Shanmugam, Paul Weiss Rifkind Wharton & Garrison LLP, Washington, D.C.


### What’s Wrong with Rule 30(b)(6) and Do the Proposed Amendments Fix It?

**1:30 PM – 2:30 PM**

**General CLE**

Rule 30(b)(6) has many nuances and gray areas that are frequently the subject of dispute among litigants. The federal version of Rule 30(b)(6) is set to be amended effective December 1, 2020, in an effort to solve some of these problems. The panel will examine the impact of the federal amendments, including a discussion of the various proposals to change 30(b)(6) that were not approved by the Rules Committee. The panel will also discuss best practices for noticing, taking, and defending Rule 30(b)(6) depositions in state and federal court.

**Moderator:** Ronald J. Hedges, Dentons, New York, NY


### Corporate Investigations: Creating Order from Chaos

**1:30 PM – 2:30 PM**

**General CLE**

In the current climate, corporate investigations create stress to organizations, boards of directors, and individuals. How can the stress of the investigation be minimized, and the concerns of the stakeholders be addressed, without sacrificing thoroughness? The panel will discuss issues involving “who is your client,” “who owns the privilege and how to protect it,” how regulator involvement may impact the investigation post-Connolly, managing the investigation and controlling the scope, and handling the work of technical experts.

**Moderator:** Luke V. Cass, Quarles & Brady LLP, Washington, D.C.

**Speakers:** Lauren Bell, U.S. Department of Justice, Washington, D.C.; David E. Benkert, Ankura, Los Angeles, CA; Simon Cataldo, Ashcroft Law Firm LLC, Boston, MA; Nicholas Connor, Johnson & Johnson, Princeton, NJ
### Othering or Smothering?
**Navigating the Space Between Thoughtfulness and Thought Police in Diversity and Inclusion Practices**

1:30 PM – 2:30 PM  
*Elimination of Bias CLE*

Minority groups are becoming increasingly outspoken about the nuanced ways in which they are “othered” in our current culture, and numerous efforts are being made to achieve greater inclusion, including the creation of affinity groups in companies and law firms. However, some efforts have resulted in backlash, including allegations of oversensitivity, special treatment, and fear of speaking for fear of offending. Can attempts at “inclusion” result in even more division? Do affinity groups result in greater inclusion, or greater “othering”? This panel will explore how to navigate these challenges while creating real opportunities and a healthy environment for inclusion.

**Moderator:** Sandra S. Yamate, Institute for Inclusion in the Legal Profession (IILP), Chicago, IL

**Speakers:**  
- Ari Kahan, Intel Corporation, San Francisco, CA  
- Shannon Price Minter, National Center for Lesbian Rights (NCLR), San Francisco, CA  
- Mary-Christine “M.C.” Sungaila, Haynes and Boone LLP, Costa Mesa, CA

### What’s Trending Now: Social Media Ethics and Litigation

2:45 PM – 3:45 PM  
*Ethics CLE*

Staying current on social media in the law requires more than updating your LinkedIn page. In this program you will hear from bar regulators, litigators, and technology providers on significant developments in statutes, case law, and ethical rules addressing what lawyers can, should, and must do when using social media in litigation, including investigating opposing parties, preserving and gathering evidence, and getting social media admitted at trial.

**Moderator:** Richard G. Douglass, Novack and Macey LLP, Chicago, IL

**Speakers:**  
- Paula Frederick, State Bar of Georgia, Atlanta, GA  
- Julie Lewis, Digital Mountain, Santa Clara, CA  
- Lauren Schwartzreich, Littler Mendelson PC, New York, NY

### Class Actions Winners and Losers after CAFA, and the Supreme Court’s Recent Activism

2:45 PM – 3:45 PM  
*General CLE*

The Class Action Fairness Act (CAFA) was billed as a way to improve class actions for class members and defendants. Fifteen years later, what has CAFA done to class action practice? Who are the winners and losers? Our panelists will debate this and address the current hot topics on the class action landscape, including class action waivers and personal jurisdiction.

**Moderators:**  
- M. Jerome Elmore, Bondurant Mixson & Elmore LLP, Atlanta, GA  
- Jocelyn D. Larken, Impact Fund, Berkeley, CA

**Speakers:**  
- Kristine McAlister Brown, Alston & Bird LLP, Atlanta, GA  
- Brian T. Fitzpatrick, Vanderbilt University Law School, Nashville, TN  
- Kalpana Kotagal, Cohen Milstein Sellers & Toll PLLC, Washington, D.C.

### Avoiding Regulatory and Other Legal Pitfalls in Cross-Border Litigation

2:45 PM – 3:45 PM  
*General CLE*

Cross-border litigation occurs within a global business landscape regulated in a variety of ways. There are many traps for the wary. This panel will discuss how this legal and regulatory overlay – including sanctions, anti-corruption legislation, tax law, currency controls, import and export controls, and others – can affect your cross-border litigation.

**Moderator:** Harout J. Samra, DLA Piper LLP, Miami, FL

**Speakers:**  
- Christine Braamskamp, Jenner & Block LLP, London, UK  
- Effie Silva, Tyson Foods, Bentonville, AR  
- D. Grayson Yeargin, Jones Day, Washington, D.C.
This program will provide guidance on conducting and defending against investigations of #MeToo issues, including claims of discrimination and hostile work environment. It will also address privacy concerns in these investigations and the use of novel technology, such as AI, chatbots, and sentiment analysis. For years, employers have used technology to identify inappropriate workplace conduct, monitoring employees’ work emails and messaging tools for offensive language, non-work-related attachments, and indications that employees may be misappropriating trade secrets or proprietary information.

In the #MeToo era with an increased focus on full investigations, can artificial intelligence provide a new way to address allegations of sexual harassment and discrimination in the workplace?

Moderator: Amy M. Stewart, Stewart Law Group PLLC, Dallas, TX

Speakers: Tess Blair, Morgan Lewis & Bockius LLP, Philadelphia, PA; Harris M. Mufson, Proskauer Rose LLP, New York, NY

Oh, for the good old days, when documents came only in paper and email form. What do you do when you learn that your client communicates on platforms like WhatsApp and Slack? How can you get comfortable that predictive coding is working as it should in discovery? How do you get nonstandard documents and social media admitted into evidence? And what about data privacy concerns? Match wits with this panel of highly experienced lawyers and jurists in a series of interactive hypotheticals about emerging technologies in discovery and trial, to spark discussion about this rapidly evolving area and help you reduce your own risk and exposure.

Moderator: Nicole M. Reid, Reid Legal Solutions PA, Mount Dora, FL

Speakers: Mark Clews, Ankura, Irvine, CA; Angela Foster, Law Office of Angela Foster, North Brunswick, NJ; Hon. Paul W. Grimm, U.S. District Court for the District of Maryland, Greenbelt, MD; Michelle Six, Kirkland & Ellis LLP, New York, NY

Have you been tasked to secure an expert to effectively support your case, only to realize that you don’t know the first step in locating and choosing the best one? This interactive program provides a primer for young lawyers on the best practices for engaging and working with an expert witness.

The program will leverage the knowledge and experience of practicing lawyers and expert witnesses who will share what every young lawyer needs to know, including: the process of selecting/obtaining experts; tips for managing and maintaining an effective lawyer/expert relationship; and what to know about defending your expert’s deposition and deposing your adversary’s expert.

Moderator: Andrew D. Atkins, Troutman Sanders LLP, Charlotte, NC

Speakers: Ava E. Lias-Booker, McGuireWoods LLP, Baltimore, MD; David Moes, Ankura, Chicago, IL; Jennifer B. Routh, McDermott Will & Emery LLP, Washington, D.C.
Tools for Global Litigations and Arbitrations
4:00 PM – 5:00 PM
General CLE

This panel of expert international litigators and arbitrators will discuss important tools and issues arising in connection with global litigations and arbitrations. Topics will include the effect of the General Data Protection Regulation (GDPR), the availability of interim measures, tools for gathering facts and evidence in cross-border matters, and key process differences between international litigation and arbitration.

Moderator: Conna A. Weiner, JAMS, Boston, MA

Speakers: Betsy A. Hellmann, Skadden Arps Slate Meagher & Flom LLP, New York, NY; Sharon S. Jones, Raytheon Corporation, Waltham, MA; Rachael D. Kent, Wilmer Cutler Pickering Hale and Dorr LLP, Washington, D.C.

Recent Developments and Trends in Government Investigations
4:00 PM – 5:00 PM
General CLE

A panel of current and former government enforcement attorneys and experienced defense counsel will examine current trends in government investigations and enforcement actions, including actions by the Department of Justice (civil and criminal), the Environment Protection Agency, the Securities and Exchange Commission, and other agencies. Our panelists will discuss strategies and approaches to government investigations, including parallel proceedings involving more than one regulator, and will share their thoughts on which areas of enforcement are likely to heat up or cool down in the coming year.

Moderator: Derek M. Adams, Feldesman Tucker Leifer Fidell LLP, Washington, D.C.


Rare Company: Women Advocates Before the U.S. Supreme Court
9:00 AM – 10:30 AM
General CLE

Last term, women lawyers argued less than one-fifth of the cases heard by the U.S. Supreme Court. Historically, the percentage of women arguing before the Supreme Court has been low. This panel will focus on three outstanding women lawyers, all of whom have argued before the Supreme Court; highlight their experiences; and shed light on the importance of women Supreme Court advocates.

Moderator: Heather K. Gerken, Dean of Yale Law School, New Haven, CT

Speakers: Beth S. Brinkmann, Covington & Burling LLP, Washington, D.C.; Allyson N. Ho, Gibson Dunn & Crutcher LLP, Dallas, TX; Christina A. Swarns, Office of the Appellate Defender, New York, NY
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<td><strong>Avoiding Ethical Pitfalls in Working with Witnesses</strong></td>
<td><strong>10:45 AM – 11:45 AM</strong></td>
<td>The program will focus on ethical issues that can arise when working with witnesses in litigation matters. Panelists will provide guidance on topics such as compensating fact witnesses, contacting unrepresented witnesses in the course of investigation and litigation, conferring with a witness during breaks in deposition testimony, and accessing information available on a witness’s social media accounts.</td>
<td><strong>Moderator: Michael J. Bentley</strong>, Bradley Arant Boult Cummings LLP, Jackson, MS</td>
<td><strong>Speakers: Kathleen B. Havener</strong>, The Cullen Law Firm PLLC, Washington, D.C.; <strong>Jeanne M. Huey</strong>, Hunt Huey PLLC, Dallas, TX</td>
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<td><strong>How Mass Tort Litigation and Government Enforcement Actions Fit Into Efforts to Address Public Health Issues</strong></td>
<td><strong>10:45 AM – 11:45 AM</strong></td>
<td>Mass tort litigation and governmental enforcement actions are increasingly used as tools to address broader public health concerns. For example, in the context of efforts to address the opioid epidemic, state attorneys general and district and other municipal attorneys have taken aim at pharmaceutical companies, focusing on how they marketed the drugs, while state and federal law enforcement agencies have dramatically increased their use of civil and criminal enforcement tools against not only pharmaceutical companies, but also health care providers, health systems and pharmacies. Using the response to the opioid crisis as a model, a distinguished panel, including representatives of state and federal agencies and both the plaintiffs’ bar and defense bar, will share their perspectives on the theories of liability, defenses, and policy concerns implicated in efforts to combat public health issues through litigation related to the production and use of manufactured products.</td>
<td><strong>Moderator: Sean O. Bosack</strong>, Godfrey &amp; Kahn SC, Milwaukee, WI</td>
<td><strong>Speakers: Mark S. Cheffo</strong>, Dechert LLP, New York, NY; <strong>Gillian R. Feiner</strong>, Office of the Massachusetts Attorney General, Boston, MA; <strong>John P. Kacavas</strong>, Dartmouth-Hitchcock, Hanover, NH; <strong>Peter H. Weinberger</strong>, Spangenberg Shibley &amp; Liber LLP, Cleveland, OH</td>
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<td>The American Dream Is on Trial: 2020 Approaches to Income Inequality</td>
<td>10:45 AM – 11:45 AM</td>
<td>No presidential candidate can ignore the widening wealth gap in America. Economic inequality has taken center stage, and income anxiety fuels each political party’s base. Voters want to be assured that they still can achieve the American Dream, regardless of socioeconomic class. Lawyers are also taking up this call for economic justice. Several class action suits have challenged excessive court fines and fees, the privatization of bail bonds, and other measures that criminalize poverty. Minimum wage enforcement has increased. Struggling student loan borrowers have banded together to sue their loan providers and loan forgiveness programs. Lawyers within the federal government have reportedly considered antitrust enforcement action against the major technology companies to break up this country’s concentrated wealth. Our esteemed panelists will discuss current impact litigation and policy proposals aimed at dismantling economic disparities, as well as racial and gender wealth gaps, in the United States. And, with an eye toward November 2020, panelists will deliberate about the best political approaches to achieving income equality.</td>
<td>Arnie Seipel, National Public Radio (NPR), Washington D.C.</td>
<td>Danielle E. Davis, Southern Poverty Law Center, New Orleans, LA; John T. Dey, Ropes &amp; Gray LLP, Washington, D.C.; Celine McNicholas, Economic Policy Institute, Washington, D.C.</td>
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<td>National Security Showdown</td>
<td>1:30 PM – 3:00 PM</td>
<td>Come learn from four nationally recognized trial lawyers as they showcase their talents in a mock criminal prosecution involving the publication of classified information implicating national security interests. Our presiding judge will begin by delivering a condensed set of facts that will tee up two legal issues for closing arguments. After our two-person teams make their arguments, the jury will vote, and our esteemed moderator will lead a debrief with the advocates and jurors.</td>
<td>George Freeman, Media Law Resource Center, New York, NY</td>
<td>Hon. Ketanji Brown Jackson, U.S. District Court for the District of Columbia, Washington, D.C.</td>
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HOTEL INFORMATION
JW Marriott Washington, D.C.
1331 Pennsylvania Ave NW
Washington, D.C. 20004
202-393-2000
A block of rooms has been reserved at the discounted rate of $339 plus 14.8% occupancy tax. The deadline for room reservations at the discounted rate is **Monday, April 13, 2020** at 5:00 PM CT. For reservations use the direct link at ambar.org/sac2020 or call 800-393-2503 and reference the 2020 Section of Litigation Annual Conference. All reservations are subject to availability.

HOTEL CANCELLATION POLICY
Individuals with guaranteed reservations must cancel their reservations 72 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.

AIRPORT INFORMATION
Ronald Reagan Washington National Airport (DCA)
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Washington Dulles International Airport (IAD)
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To access ABA-negotiated airfare discounts for travel, please visit americanbar.org/travel.

MCLE INFORMATION
The ABA will seek **13.0** hours of CLE credit in 60-minute states (including **3.0** hours of ethics CLE credit, **1.0** hour of wellness CLE credit, and **1.0** hour of elimination of bias CLE credit) and **15.6** hours of CLE credit for this program in 50-minute states (including **3.6** hours of ethics CLE credit, **1.2** hours of wellness CLE credit, and **1.2** hours of elimination of bias CLE credit). Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website ambar.org/sac2020 for program CLE details or visit ambar.org/mcle for general information on CLE at the ABA.

PROGRAM COURSE MATERIALS
Course materials will be sent in advance via email to register attendees and posted on the meeting webpage before the Conference. You may bring a laptop, smartphone, or tablet to view the materials onsite, as complimentary Wi-Fi access will be available.

ROSTER OF PARTICIPANTS
Those registered by **Wednesday, April 29, 2020** will be included on the attendee roster posted on the Conference website.

CANCELLATIONS AND SUBSTITUTIONS
Due to current coronavirus concerns, our policy has been updated, effective March 10, 2020. Registration cancellations must be made in writing by **Wednesday, April 29, 2020** and will not be subject to a cancellation fee. Registrants who do not cancel before **Wednesday, April 29, 2020** and who do not attend, will receive a copy of the program materials after the Conference. Written substitutions will be permitted until **Wednesday, April 29, 2020**. After this date, substitutions must be made onsite. Substitutions are not permitted once a registrant has registered onsite or the Conference has occurred. Only the substitute will be eligible for CLE credit. The substitute and original registrant must work out the payment between themselves. Please submit all written requests to Sohana Cantwell at sohana.cantwell@americanbar.org. The ABA reserves the right to cancel any programs and assumes no responsibility for personal expenses. Please contact Sohana Cantwell at 312-988-5498 with any questions.

REGISTRATION/PARTICIPANT IMAGE AND VOICE AGREEMENT
Registration for, attendance at, or participation in the 2020 Section of Litigation Annual Conference and other associated activities constitutes an agreement by the registrant to permit the American Bar Association to use and distribute (both now and in the future) the participant’s image or voice in photographs, videotapes, electronic reproductions, or audiotapes of such event.

TUITION ASSISTANCE
A limited number of scholarships to defray registration fees may be available for government employees, public interest lawyers employed with nonprofits, academics, and law students, as well as unemployed attorneys. For courses costing over $500, attorneys who qualify will receive at least a 50% reduction in the course fee(s). This does not include any reduction in meals, lodging, or travel costs. To apply, send a letter outlining the basis for your fee waiver request to Sohana Cantwell at sohana.cantwell@americanbar.org. All requests must be received by **Wednesday, March 25, 2020**.

SERVICES FOR PEOPLE WITH DISABILITIES
If special arrangements are required, please contact Sohana Cantwell at 312-988-5498 or sohana.cantwell@americanbar.org. Please submit requests at least two weeks prior to the meeting.
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Anatomy of a Trial:
Murder Trial of Ziang Sung Wan
May 6, 2020 | U.S. District Court for the District of Columbia

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Join our faculty of over 20 leading trial lawyers and judges from the Washington, D.C., area and across the nation for a one-day trial training boot camp as they analyze opening statements, direct examination, cross-examination, and closing arguments. In addition, attendees will sit in on a panel discussion with federal judges as they highlight what they really want from a trial lawyer.

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☐ I am a first-time attendee and would like a Meeting Mentor.

☐ I volunteer to serve as a Meeting Mentor to a first-time attendee.

Special Dietary Needs

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(As a meeting registrant, you agree to receive Conference-related emails.)

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Section of Litigation  $695  $795  

Government/Academic/Public Service/Judge*  $395  $495  

Young Lawyer* (age 35 or younger or in practice less than 5 years)  $395  $495  

Law Student*  $25  $50  

Co-Sponsoring Entity*  $695  $795  

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ABA Member  $795  $895  

Non-ABA-Member  $875  $975  

Paid Sponsor Attendee  $0  $0  

Registration Fees

*Rate applies to Section of Litigation members and Co-Sponsoring Entities only. Join the Section at ambar.org/ltjoin. Already an ABA member? Become a Section member for only $65!

Ticketed Events

Date  Event  Cost  Qty.

Wednesday, May 6  Welcome Reception Honoring the Judiciary  Complimentary/ $25 Guest  

Wednesday, May 6  Committee Dinners  Pay on Own  

Thursday, May 7  Committee Expo & Networking Breakfast  Complimentary  

Thursday, May 7  John Minor Wisdom & Diversity Leadership Awards Luncheon  $100  

Thursday, May 7  An Evening at the National Museum of African American History and Culture  $125  

Thursday, May 7  After Hours with Ankura  Complimentary  

Friday, May 8  Networking Breakfast  Complimentary  

Friday, May 8  Keynote Luncheon: Update on the Path to Ratification of the ERA with Linda T. Coberly  $75  

Enclosed Check #  Total Enclosed $.

Make payable to the American Bar Association.

2 Easy Ways to Register:

1  Visit  ambar.org/sac2020

2  Mail  Complete and mail this form with a check (payable to the American Bar Association) to:

American Bar Association  Attn: Sohana Cantwell  Section of Litigation  321 N. Clark Street, Floor 18  Chicago, IL 60654

Questions? Please contact Sohana Cantwell at sohana.cantwell@americanbar.org or 312-988-5498.