Regional CLE Program:

Sixth Annual Class Actions and Mass Torts Regional CLE Program

Bar Association of San Francisco
June 21, 2019
301 Battery Street, Third Floor
San Francisco, CA 94111

Presented by the Section of Litigation Class Actions & Derivative Suits, Mass Torts, Antitrust Litigation, and Consumer Litigation Committees

4.0 hours of MCLE credit have been requested in 60-minute states and 4.8 hours of MCLE credit have been requested in 50-minute states.
Thank You to Our Sponsor!

SECTION SPONSOR

ankura
Sponsor of the ABA Section of Litigation

Law Firm Sponsors

Gold

BakerHostetler

Lieff Cabraser Heimann & Bernstein
Attorneys at Law

Corporate Sponsors

epiq

Heffler Claims Group
# PROGRAM AGENDA*

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 AM – 8:45 AM</td>
<td>Registration</td>
</tr>
<tr>
<td>8:45 AM – 9:00 AM</td>
<td>Opening Remarks — Paul G. Karlsgodt, Baker Hostetler LLP, Denver, CO</td>
</tr>
<tr>
<td>9:00 AM – 10:00 AM</td>
<td>How the Civil Rules Advisory Committee and Northern District of California Judges are Modernizing Class Action Settlement Approval</td>
</tr>
<tr>
<td></td>
<td>Recent amendments to Rule 23 of the Federal Rules of Civil Procedure and the updated procedural guidelines issued by the Northern District of California provide parties with more clarity about the procedural steps necessary to obtain approval of class action settlements. The updated rule and settlement guidelines recognize the need to modernize class notice and electronic communications, set forth a more unified approach to approving settlements, and discourage bad faith objectors to class action settlements. Our distinguished panelists will discuss the practical impact of the updates to Rule 23 and the Northern District’s settlement guidelines.</td>
</tr>
<tr>
<td></td>
<td><strong>Moderator/Speaker:</strong> Elizabeth Cabraser, Lieff Cabraser Heimann &amp; Bernstein, San Francisco, CA</td>
</tr>
<tr>
<td></td>
<td><strong>Speakers:</strong> John Barkett, Shook Hardy &amp; Bacon LLP, Miami, FL; Hon. James Donato, US District Court for the Northern District of California, San Francisco, CA</td>
</tr>
<tr>
<td>10:15 AM – 11:15 AM</td>
<td>The Emergence of the Virtual Law Team in Complex Litigation</td>
</tr>
<tr>
<td></td>
<td>The virtual law team was created as an efficient response to mass tort litigation and has proven to provide strategic and cost saving advantages in multi-plaintiff litigation of all sizes, across all borders. While many of the advantages of the model are in its ability to expand and collapse to meet a company’s litigation needs at the time, there are common characteristics of virtual law teams that can help guide the development of a successful structure. In this program, we will explore how companies are using the virtual law team model to coordinate groups of collaborative law firms and resolve complex legal disputes.</td>
</tr>
<tr>
<td></td>
<td><strong>Moderator/Speaker:</strong> Tarifa Laddon, Faegre Baker Daniels LLP, Minneapolis, MN</td>
</tr>
<tr>
<td></td>
<td><strong>Speaker:</strong> Paul E. Boehm, Williams &amp; Connolly LLP, Washington, D.C.; Joshua Paul Davis, University of San Francisco School of Law, San Francisco, CA; Max Schuver, Walkup, Melodia, Kelly &amp; Schoenberger, San Francisco, CA</td>
</tr>
<tr>
<td>11:15 AM – 12:15 PM</td>
<td>Injury-in-Fact Under Article III, Three Years After Spokeo</td>
</tr>
<tr>
<td></td>
<td>In the three years following the Supreme Court's 2016 decision in Spokeo v. Robins, the lower courts have had to struggle in applying the “concreteness” standard and what types of injuries are sufficiently concrete even though they may be intangible. Earlier this year, the Supreme Court remanded another case, Frank v. Gaos, to the Ninth Circuit for further consideration of Article III standing in light of the Spokeo decision, sparking new life into the debate about what it means to have a “concrete” injury. This panel will discuss these decisions and other developments in Article III standing jurisprudence.</td>
</tr>
<tr>
<td></td>
<td><strong>Moderator/Speaker:</strong> Paul G. Karlsgodt, Baker Hostetler LLP, Denver, CO</td>
</tr>
<tr>
<td></td>
<td><strong>Speakers:</strong> Rafey Balabanian, Edelson PC, Chicago, IL; Kristin Walker-Probst, Womble Bond Dickinson, Orange County, CA</td>
</tr>
<tr>
<td>12:15 PM – 1:15 PM</td>
<td>Lunch</td>
</tr>
<tr>
<td>1:15 PM – 2:15 PM</td>
<td>Class Certification - The Evolving Relationship Between Damages and Predominance</td>
</tr>
<tr>
<td></td>
<td>The Ninth Circuit is adamant that individualized damages alone can't defeat the predominance of common issues, but the Supreme Court and other circuits aren’t so sure. In addition, plaintiffs are coming up with newer and more creative damages models to meet Comcast (such as conjoint analysis and hedonic regressions). This panel will cover the evolving state of the law and the state of the art on class damages modeling.</td>
</tr>
<tr>
<td></td>
<td><strong>Speakers:</strong> Andrew Trask, Shook Hardy &amp; Bacon LLP, Kansas City, MO; Urmi Mukherjea, Ankura Consulting Group LLC, Oakland, CA</td>
</tr>
<tr>
<td>2:30 PM – 4:00 PM</td>
<td>Reception</td>
</tr>
</tbody>
</table>

*Subject to Change*
PROGRAM ORGANIZERS

PRESENTED BY the Section of Litigation Class Actions & Derivative Suits, Mass Torts, Antitrust Litigation, and Consumer Litigation Committees

Program Committee

Geoffrey J. Derrick
Washington, D.C.
Akin Gump Strauss Hauer & Feld LLP
gderrick@akingump.com

Ed Gaus
San Francisco, CA
Shook Hardy & Bacon LLP
gaus@shb.com

Ashley Kaplan
Los Angeles, CA
Munger Tolles & Olson LLP
Ashley.Kaplan@mto.com

Paul G. Karlsgodt (Chair)
Denver, CO
Baker Hostetler LLP
pkarlsgodt@bakerlaw.com

Andrew J. McGuinness
Ann Arbor, MI
Andrew J. McGuinness Esq.
drewmcg@topclasslaw.com

M. Joseph Winebrenner
Minneapolis, MN
Faegre Baker Daniels
joe.winebrenner@FaegreBD.com

Class Actions and Derivative Suits Committee

Lindsay Breedlove
Philadelphia, PA
Pepper Hamilton LLP
breedlovel@pepperlaw.com

Louis F. Burke
New York, NY
Louis F. Burke PC
lburke@ifblaw.com

Fabrice N. Vincent
San Francisco, CA
Lieff Cabraser Heimann & Bernstein LLP
joe.winebrenner@FaegreBD.com

Mass Torts Litigation Committee

Arvin Maskin
New York, NY
Weil, Gotshal & Manges LLP
Arvin.maskin@weil.com

David L. Schwan
Houston, TX
Concho Resources
dschwan@concho.com

Karen E. Woodward
Los Angeles, CA
Los Angeles City Attorney’s Office
karen.woodward@lacity.org
Join the Section of Litigation and save $70 on your registration!

Extend your participation by joining the Section of Litigation Antitrust Litigation, Class Actions & Derivative Suits, Consumer Litigation and Mass Torts Committees. Committee membership is free for Section of Litigation members.
GENERAL INFORMATION

Registration
To register online, visit: ambar.org/ltcads19
or return the Registration Form on the following page with your payment (checks only) to:
American Bar Association
Attn: Service Center – Meeting/Event Registrations Department
321 N. Clark Street, Floor 19
Chicago, IL 60654
Secure Fax Number: 312-988-5850

Please register by June 14, 2019 to reserve your spot.

Cancellations and Substitutions
Requests for refunds must be made in writing and received no later than June 14, 2019 in the ABA Section of Litigation office. Please email your request to Corey Irion at Corey.Irion@americanbar.org. There will be a $10 administrative fee deducted from the refund. Cancellations received after June 14, 2019 will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

MCLE Credit
The ABA will seek 4.0 hours of CLE credit including in 60-minute states, and 4.8 hours of general CLE credit for this program in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit americanbar.org/mcle for general information on CLE at the ABA.

Tuition Assistance
A limited number of scholarships to defray registration fees may be available for government employees, public interest lawyers employed with nonprofits, academics, unemployed attorneys, and law students. For more information, please contact: Corey Irion at 312-988-6245 by May 10, 2019.

Attendance List
Information included in the attendance list is protected by copyright and is solely intended for the individual and private use of ABA members in connection with the ABA’s mission, goals, and activities. All other use is strictly prohibited without prior written authorization from the ABA. Prohibited use includes but is not limited to the copying, renting, leasing, selling, distributing, transmitting, or transfer of all or any portions of the materials, or use for any other commercial and/or solicitation purposes of any type, or in connection with any action taken that violates the ABA’s copyright.

Registrant/Participant Image and Voice Agreement
Registration for, attendance at, or participation in this CLE program 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 registrant or participant’s image or voice in photographs, videotapes, electronic reproductions, or audiotapes of such event and activities.
REGISTRATION
Sixth Annual Class Actions and Mass Torts Regional CLE Program
June 21, 2019 | San Francisco, CA

Full Name: ____________________________________________________
Member ID: ________________________
Firm/Organization: _________________________________________________
Address: ____________________________________________
Apt. #:  ______________  City: _____________________  State: ______________  Zip Code: _________________
Phone:  ______________________________
Email: _______________________________

A limited amount of scholarships are available for this program. For more information, please contact Corey Irion at 312-988-6245 by June 14, 2019.

Registration Information:
☐ $75.00   Section of Litigation Members
☐ $145.00   ABA Members
☐ $145.00   Non-ABA Members
☐ FREE   Law Students

Checks for attendance and course materials should be made payable to the AMERICAN BAR ASSOCIATION (credit cards for online registration only).

☐ I will attend the CLE program and my payment for $_______ is enclosed.
☐ I will attend the CLE program and my payment for $_______. My credit card info is listed below.

For credit card payment:
Name on Card: _____________________________________________
Card Number: ______________________________________  Expiration Date: ____________________
Address: ___________________________________________________________________________
Apt. #:  __________  City: ______________________  State: ___________  Zip Code: ______________

We encourage you to register using the online registration link at ambar.org/ltcads19. If you are unable to register online, use this form to register by mail or fax only. In order to protect your credit card information from being compromised, we no longer accept credit card payments via email.

Please send your registration form and payment to:
American Bar Association
Attn: Service Center – Meeting/Event Registrations Department
321 N. Clark Street, Floor 19
Chicago, IL 60654
Secure Fax Number: 312-988-5850