## Day One | Thursday, October 17th

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speakers</th>
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<tbody>
<tr>
<td>9:15 AM – 9:30 AM</td>
<td>Welcome to Smashville!</td>
<td>Daniel R. Karon, Karon LLP, Cleveland, OH</td>
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<td>Prof. Mathias W. Reimann, University of Michigan Law School, Ann Arbor, MI</td>
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<td>Davit Akman, Borden Ladner Gervais, LLP, Toronto, CAN</td>
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<td>Nathalie Lozano-Blanco, Lozano-Blanco &amp; Asociados, Bogota, Columbia</td>
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<td>Jingjing He, International Economic Law Research Office of the Institute of International Law of the Chinese Academy of Social Sciences, Beijing, China</td>
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<td>10:45 AM - 11:45 AM</td>
<td>“Stop Stealing the Microphone!” Amped-Up Judicial Scrutiny of Class-Action Settlements</td>
<td>E. Michelle Drake, Berger Montague, Minneapolis, MN</td>
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<td>Hon. Shira A. Scheindlin (Ret.), Stroock &amp; Stroock &amp; Lavan LLP, New York, NY</td>
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<td>Beth Terrell, Terrell Marshall Law Group PLLC, Seattle, WA</td>
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<td>Shannon Wheatman, Kinsella Media, Washington, D.C.</td>
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<td>Gregory P. Stone, Munger Tolles &amp; Olson LLP, Los Angeles, CA</td>
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<td>11:45 AM – 1:15 PM</td>
<td>Explore Broadway for Lunch</td>
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2019 ABA National Institute on
Class Actions

“Come Learn and Play in Music City U.S.A.!”
October 17-18 | Nashville

1:15 PM – 2:15 PM  
**Let’s Make Beautiful Music Together. Class Actions 101**

We’ll begin the set by crooning through Rule 23’s elements. Then, we’ll improv real-life cases, channeling the facts through the rule. Finally, we’ll raise the house lights, so our audience may discuss and debate whether the courts should or should not have certified certain cases. This sing-along program is guaranteed to inform and entertain.

**SPEAKERS:**  
Andrew J. McGuinness, *Andrew J. McGuinness, Esq.*, Ann Arbor, MI  
Daniel R. Karon, *Karon LLP*, Cleveland, OH

2:15 PM - 3:15 PM  
**Hitting the High Notes. Class Actions 201**

Judge Posner believes “the time spent in transforming an unwieldy document into a lean, persuasive and grammatically correct brief can come back to the client with an appellate victory.” Judge Easterbrook recommends lawyers stop reading other lawyers (whom he says as writers are “mostly bad”) and start reading Hemingway, Faulkner, and Saul Bellow, for their different styles, and *The Atlantic* and *The New Yorker*, “where people write intelligently about important issues in short compass, using real English sentences.” Class Actions 201 will center on essentials like these and will make your legal writing sing.

**SPEAKER:**  
Daniel R. Karon, *Karon LLP*, Cleveland, OH

3:15 PM - 3:30 PM  
**Afternoon Break**

3:30 PM – 4:30 PM  
**Staging a Great Performance. Class Actions 301**

Just as rockabilly differs from bluegrass, class-action depositions differ from depositions taken in traditional bilateral litigation. Special refrains and goals apply that counsel too often overlook or don’t measure. This hands-on practicum will propose a motif for class-action depositions that Brad Paisley would envy. By rehearsing these rules, you’ll become the best deposition-taker in your firm.

**SPEAKER:**  
Jason S. Hartley, *Hartley LLP*, San Diego, CA
4:30 PM – 5:30 PM  “Marching to Their Own Drumbeat.” What Lawyers Don’t Understand About Notice and Claims Administration

While most class-action lawyers consider themselves the leader of the band, few have expertise with notice and claims administration. Our experts will enlighten attorneys to new and complex notice rules. They will tackle settlement-administration issues, including factors that contribute to claims filing, considerations for preparing allocation plans, new electronic-payment options, take rates, and the effect that all these things have on final approval and attorneys’ fees. Our experts’ mentoring will launch your settlements to the top of the chart.

SPEAKERS: Vincent J. Esades, Heins Mills & Olson, P.L.C., Minneapolis MN
Steven Weisbrodt, Angeion Group, Philadelphia, PA
Carla A. Peak, Vice President, KCC, Philadelphia, PA
Jennifer Keough, JND Legal Administration, Seattle, WA
Lauren McGeever, Epiq, New York, NY

5:30 PM - 6:30 PM  Time for Some Southern Hospitality—Institute Cocktail Party
Day Two | Friday, October 18th

9:00 AM– 10:00 AM  “Music to My Ears.” What Evidence Resonates at Class Certification?

According to the Ninth Circuit, class-certification evidence needn’t be admissible — it’s an open mic. Might this be the beginning of a circuit split, or is this ruling a one-hit wonder? After demo’ing this issue’s A- and B-sides, we’ll perform a mock oral argument for Judge Stranch. Who will end up wowing the crowd? You’ll have to attend to find out.

SPEAKERS:
Fred B. Burnside, Davis Wright Tremaine LLP, Seattle, WA
Hon. Jane Branstetter Stranch, Sixth Circuit Court of Appeals, Nashville, TN
Prof. Elizabeth Chamblee Burch, University of Georgia Law School, Athens, GA
Christopher Murphy, McDermott Will & Emery LLP, Chicago, IL
Deepak Gupta, Gupta Wessler PLLC, Washington, D.C.

10:00 AM - 11:00 AM  How Big is Your Audience? Crescendos and Diminuendos in the Class-Action World

From Dukes to Concepcion to Spokeo, the Supreme Court is dramatically shaping class-action law. Between heightening certification standards, class-action bans, and no-injury jurisprudence, the class-action drum beats a lot less loudly than it used to. Just what do these restrictions mean to our collective viability as class-action lawyers? Will class actions continue to fill stadiums, will they be relegated to smaller venues, or could they simply fade out?

SPEAKERS:
Donald R. Frederico, Pierce Atwood LLP, Boston, MA
Prof. J. Maria Glover, Georgetown University Law Center, Washington, D.C.
Arthur H. Bryant, Bailey & Gleser LLP, Oakland, CA
Gregory C. Cook, Balch & Bingham LLP, Birmingham, AL

11:00 AM - 11:15 AM  Morning Break

11:15 AM –12:15 PM  “Top of the Charts.” Potential MDL Rule Changes and Their Effect on Your Practice

Country-pop. Country-soul. Even country-rap. Nashville is known for mash-ups. The Judicial Conference’s Civil Rules Committee’s MDL Subcommittee is entertaining a mashup of its own—modifications to the civil rules that may apply to multidistrict class-actions and mass-torts MDLs. But will
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changes driven by perceived problems with nationwide personal-injury actions impact consumer, antitrust, civil-rights, employment, and securities class actions too? Considering the central role of MDLs in class-action practice, this glimpse at the Billboard of possible rules changes is a hot topic!

**SPEAKERS:**
Andrew J. McGuinness, Andrew J. McGuinness, Esq., Ann Arbor, MI
Hon. Robert M. Dow, Jr., United States District Court for the Northern District of Illinois, Chicago, IL
Hon. R. David Proctor, United States District Court for the Northern District of Alabama, Birmingham, AL
Professor Richard L. Marcus, University of California Hastings College of the Law, San Francisco, CA
Joseph M. Sellers, Cohen Milstein Sellers & Toll, PLLC, Washington, DC
Helen E. Witt, Kirkland & Ellis LLP, Chicago, IL

12:15 PM –1:45 PM
**Lunch and Mingle**

1:45 PM – 2:45 PM
**The Rock ‘N’ Roll Year in Class-Action Jurisprudence**
This past year involved plenty of class-action fireworks. Professors Coffee and Lahav will describe the year’s important class-action developments—developments you need to understand if you want your clients to request your encore performance.

**SPEAKERS:**
Prof. John C. Coffee, Jr., Columbia Law School, New York, NY
Prof. Alexandra Lahav, University of Connecticut Law School, Hartford, CT

2:45 PM – 3:45 PM
**“Dueling Pianos.” A Debate on the Continuing Need for Class Actions**
Do class actions have a deterrent effect on wrongful business practices? Is it preferable to have the private bar or regulators police corporate misconduct? Do class actions create more problems than they solve? Professor Fitzpatrick will discuss his new book, “The Conservative Case for Class Actions,” while Professor Johnston will offer his research-based views on the appropriate place for class actions in society. You’ll definitely want to hear this battle of the bands.
3:45 PM – 4:00 PM  **Intermezzo**

4:00 PM – 5:00 PM  **“Connecting with the Crowd.” Counsel’s Discussions (or Not) With Absent Class Members**

“How’s everybody doing out there!” Just because you control the class-action stage—for either side—doesn’t mean you can talk to absent class members. Or does it? Courts’ authority to control attorneys’ communications with absent class members derives from Rule 23 and the ethics rules. Don’t miss this practical approach to minding these critically important requirements when scripting sometimes unavoidable communications.

**SPEAKERS:**
- Tarifa B Laddon, **Faegre Baker Daniels LLP**, Los Angeles, CA
- Honorable William A. Fletcher, **United States Court of Appeals for the Ninth Circuit**, San Francisco, CA
- Professor Adam Steinman, **University of Alabama School of Law**, Tuscaloosa, AL
- Aaron D. Van Oort, **Faegre Baker Daniels LLP**, Minneapolis, MN
- Jahan C. Sagafi, **Outten & Golden**, San Francisco, CA