INTRODUCTION FROM THE INSTITUTE CHAIR

The class-action world is changing more quickly than ever. To keep up, you’ll want to join us at this year’s National Institute on Class Actions. We’ll feature the most important content delivered by the most qualified instructors around. Don’t miss it!

Daniel R. Karon
Karon LLC
Cleveland, OH

KEY SPEAKERS

Hon. John D. Bates
Prof. John C. Coffee Jr.
Hon. Robert M. Dow Jr.
Hon. William A. Fletcher
Prof. Alexandra Lahav
Hon. R. David Proctor
Hon. Shira A. Scheindlin
Hon. Jane Branstetter Stranch

PAST PARTICIPANTS HAVE SAID . . .

“Liked the lively debate and diversity of panelists.”
“Faculty very interesting; attendees interesting, too. Very thought provoking.”
“Excellent content, format and very accommodating schedule.”
“Fantastic panels of judges and important scholars . . . more insightful and useful than all lawyer presentations.”
“Great annual review/update. More practical advice this year, as opposed to theoretical.”

ABACLE NATIONAL INSTITUTES

ABACLE National Institutes bring you face-to-face with nationally recognized experts on substantive topics—often while fulfilling most of your annual CLE requirements.
PRESENTED BY

AMERICAN BAR ASSOCIATION

CLE

AMERICAN BAR ASSOCIATION

Litigation Section

SILVER

KCC

BRONZE

DISCO

THANK YOU TO OUR SPONSORS!
FACULTY

Davit Akman
Borden Ladner Gervais, LLP
Toronto, Canada

Hon. John D. Bates
United States District Court for the
District of Columbia
Washington, D.C.

Hon. Jane Branstetter Stranch
Sixth Circuit Court of Appeals
Nashville, TN

Lindsay D. Breedlove
Pepper Hamilton LLP
Philadelphia, PA

Arthur H. Bryant
Bailey & Glasser LLP
Oakland, CA

Fred B. Burnside
Davis Wright Tremaine LLP
Seattle, WA

Mark P. Chalos
Lieff Cabraser Heimann &
Bernstein, LLP
Nashville, TN

Prof. Elizabeth Chambee Burch
University of Georgia Law School
Athens, GA

Prof. John C. Coffee Jr.
Columbia Law School
New York, NY

Gregory C. Cook
Balch & Bingham LLP
Birmingham, AL

Lianne Craig
Hausfeld & Co. LLP
London, England

Hon. Robert M. Dow Jr.
United States District Court for the
Northern District of Illinois
Chicago, IL

E. Michelle Drake
Berger Montague
Minneapolis, MN

Vincent J. Esades
Heins Mills & Olson P.L.C.
Minneapolis, MN

Prof. Brian T. Fitzpatrick
Vanderbilt University Law School
Nashville, TN

Hon. William A. Fletcher
United States Court of Appeals for
the Ninth Circuit
San Francisco, CA

Donald R. Frederico
Pierce Atwood LLP
Boston, MA

Prof. J. Maria Glover
Georgetown University Law Center
Washington, D.C.

Deepak Gupta
Gupta Wessler PLLC
Washington, D.C.

Jason S. Hartley
Hartley LLP
San Diego, CA

Jingjing He
International Economic Law
Research Office of the Institute of
International Law of the Chinese
Academy of Social Sciences
Beijing, China

Prof. Jason S. Johnston
University of Virginia School of Law
Charlottesville, VA

Daniel R. Karon
Institute Chair
Karon LLC
Cleveland, OH

Jennifer Keough
JND Legal Administration
Seattle, WA

Prof. Alexandra Lahav
University of Connecticut Law School
Hartford, CT

Nathalie Lozano-Blanco
Lozano-Blanco & Asociados
Bogota, Colombia

Prof. Richard L. Marcus
University of California Hastings
College of the Law
San Francisco, CA

Melissa H. Maxman
Cohen & Gresser LLP
Washington, D.C.

Lauren McGeever
Epig
New York, NY

Andrew J. McGuinness
Andrew J. McGuinness Esq.
Ann Arbor, MI

Christopher Murphy
McDermott Will & Emery LLP
Chicago, IL

Carla Peak
KCC
Philadelphia, PA

Adam E. Polk
Girard Sharp
San Francisco, CA

Hon. R. David Proctor
United States District Court for the
Northern District of Alabama
Birmingham, AL

Prof. Mathias W. Reimann
University of Michigan Law School
Ann Arbor, MI

Jahan C. Sagafi
Outten & Golden
San Francisco, CA

Hon. Shira A. Scheindlin (Ret.)
Stroock & Stroock & Lavan LLP
New York, NY

Joseph M. Sellers
Cohen Milstein Sellers & Toll, PLLC
Washington, D.C.

Prof. Adam Steinman
University of Alabama School of Law
Tuscaloosa, AL

Gregory P. Stone
Munger Tolles & Olson LLP
Los Angeles, CA

Beth Terrell
Terrell Marshall Law Group PLLC
Seattle, WA

Aaron D. VanOort
Faegre Baker Daniels LLP
Minneapolis, MN

Steven Weisbrot
Aingeon Group
Philadelphia, PA

Shannon Wheatman
Kinsella Media
Washington, D.C.

Helen E. Witt
Kirkland & Ellis LLP
Chicago, IL

*Faculty subject to change without notice.
DAY ONE | THURSDAY, OCTOBER 17TH

9:15 AM – 9:30 AM  WELCOME TO SMASHVILLE!
HOST:  Daniel R. Karon, Karon LLC, Cleveland, OH

9:30 AM – 10:45 AM  COLLECTIVE ACTIONS ON A WORLD STAGE—A GLOBAL MUSICAL

Due to social, cultural, and political factors, class actions don’t play nearly as well abroad as they do here. But as the world becomes more and more harmonized, might other markets benefit from class or collective actions? If so, how might these actions, look, feel, and sound?

SPEAKERS:  Melissa H. Maxman, Cohen & Gresser LLP, Washington, D.C.
Prof. Mathias W. Reimann, University of Michigan Law School, Ann Arbor, MI
Davit Akman, Borden Ladner Gervais, LLP, Toronto, CA
Nathalie Lozano-Blanco, Lozano-Blanco & Asociados, Bogota, Columbia
Jingjing He, International Economic Law Research Office of the Institute of International Law of the Chinese Academy of Social Sciences, Beijing, China

10:45 AM – 11:45 AM  “STOP STEALING THE MICROPHONE!” AMPED-UP JUDICIAL SCRUTINY OF CLASS-ACTION SETTLEMENTS

Settling a class action can be as challenging as performing a rock show. While courts used to largely rubber-stamp settlements, judicial scrutiny has steadily increased since Congress passed CAFA. At first, only coupon settlements attracted judges’ attention. Next, objectors started getting more airplay. Now, judges have begun questioning the fairness of settlements and imposing guidelines and checklists. Have the courts have gone too far, and what implications does their involvement have on a class-action lawsuit’s finale?

SPEAKERS:  E. Michelle Drake, Berger Montague, Minneapolis, MN
Hon. Shira A. Scheindlin (Ret.), Stroock & Stroock & Lavan LLP, New York, NY
Beth Terrell, Terrell Marshall Law Group PLLC, Seattle, WA
Shannon Wheatman, Kinsella Media, Washington, D.C.
Gregory P. Stone, Munger Tolles & Olson LLP, Los Angeles, CA

11:45 AM – 1:15 PM  EXPLORE BROADWAY FOR LUNCH

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 LLC, 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 that 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 LLC, Cleveland, OH

3:15 PM – 3:30 PM  INTERMISSION

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
Shannon Wheatman, Kinsella Media, Washington, D.C.
Carla Peak, KCC, Philadelphia, PA
Jennifer Keough, JND Legal Administration, Seattle, WA
Lauren McGeever, Epiq, New York, NY
Steven Weisbrot, Angeion Group, Philadelphia, PA

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

**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 & Glasser LLP*, Oakland, CA
- Gregory C. Cook, *Balch & Bingham LLP*, Birmingham, AL
- Mark P. Chalos, *Lieff Cabraser Heimann & Bernstein, LLP*, Nashville, TN

**11:00 AM – 11:15 AM**

**INTERLUDE**

**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-tort MDLs. But will 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*, Atlanta, GA
- Prof. Richard L. Marcus, *University of California Hastings College of the Law*, San Francisco, CA
- Helen E. Witt, *Kirkland & Ellis LLP*, Chicago, IL
12:15 PM – 1:30 PM  LUNCH AND MINGLE

1:30 PM – 1:45 PM  LINER NOTES

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.

SPEAKERS:  
Adam E. Polk, Girard Sharp, San Francisco, CA  
Prof. Brian T. Fitzpatrick, Vanderbilt University Law School, Nashville, TN  
Prof. Jason S. Johnston, University of Virginia School of Law, Charlottesville, VA

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:  
Lindsay D. Breedlove, Pepper Hamilton LLP, Philadelphia, PA  
Hon. William A. Fletcher, United States Court of Appeals for the Ninth Circuit, San Francisco, CA  
Prof. 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

5:00 PM  GOODNIGHT NASHVILLE! SEE YOU AGAIN SOON!

MCLE

The ABA will seek 12.25 CLE credit hours in 60-minute hour states, and 14.70 credit of 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 the program website at ambar.org/cac2019 for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.

STANDING COMMITTEE ON CONTINUING LEGAL EDUCATION

Under the guidance of the Standing Committee on Continuing Legal Education, ABACLE administers and produces National Institutes, webinars, and other technology-based products and written course materials to assist lawyers with their professional development efforts.
REGISTRATION RATES

<table>
<thead>
<tr>
<th>Rates</th>
<th>Available until September 25, 2019</th>
<th>Effective September 26, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor</td>
<td>$765</td>
<td>$820</td>
</tr>
<tr>
<td>ABA Member</td>
<td>$840</td>
<td>$920</td>
</tr>
<tr>
<td>Non-Member</td>
<td>$995</td>
<td>$1,085</td>
</tr>
<tr>
<td>Student</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Government Discount</td>
<td>$785</td>
<td>$840</td>
</tr>
</tbody>
</table>

The ABA reserves the right to correct all typographical errors. Fees do not include travel or lodging.

JOIN THE ABA!
Join the ABA and save: https://www.americanbar.org/membership/dues_eligibility/
Join the ABA Secion of Litigation for only an additional $65/yr

HOW TO REGISTER:
Visit: ambar.org/cac2019

SCHOLARSHIPS
Financial scholarship applications are available for this conference. To request an application or receive additional information, please visit: https://www.americanbar.org/events-cle/abacle/scholarship/

CANCELLATIONS
Cancellations received five business days or more before the program will receive a full refund, less a $50 cancellation fee. No refunds will be provided for cancellations after that date; however, substitute registrants are welcome at any time. To cancel your registration or substitute another individual, please call the ABA at (800) 285-2221 or fax your request to (312) 988-5850. Registrants who do not cancel within the allotted time period and who do not attend the program will receive a copy of the program course materials after program completion.

HOTEL/TRAVEL

HOTEL INFORMATION:
Omni Nashville Hotel | 250 Fifth Avenue South | Nashville, TN 37203
Reservations can be made by calling the Omni directly at 615.782.5300 or 800.843.6664 or by reserving online. Refer to the ABA National Institute on Class Actions to obtain the group rate of $299/night.
***The Omni Nashville is sold out on Wednesday, October 16 and Friday, October 18. A limited number of rooms are still available on Thursday, October 17. For a list of overflow hotels please visit: https://www.americanbar.org/events-cle/abacle/attendee-pages/clearwashotel/

TRAVEL DISCOUNTS
Airfare | ABA Members are eligible for discounted airfare through our travel provider Egencia.
Car Rental | ABA Members are eligible for discounted car rental and free Hertz Gold Plus Rewards status.