



Beyond the Borders

Emerging Issues in Business Litigation



Managing data security
and data breach



Trends in food labeling
class action litigation



Defense tips for successful
distribution agreements



Writing winning responses to RFPs

June 4-5, 2015

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Toronto, Ontario, Canada

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Recognizing the impact and growth of the global marketplace on our clients and practices, DRI International and the DRI Commercial Litigation Committee proudly present this first-of-its-kind seminar bringing United States and Canadian lawyers and their clients together to discuss emerging trends and developments in business litigation. This seminar boasts a distinguished international faculty, including in-house counsel from multi-national corporations, prominent trial lawyers, experienced experts, consultants, and even a legal humorist. Whether you seek guidance as in-house counsel, strategic insights as outside counsel, development of litigation skills to improve your practice, or practical advice to grow your book of business, this program will meet your needs. Take your networking and business development goals to a whole new level with dynamic networking events and dine-arounds designed to ensure that everyone leaves the program with new contacts. Join us in beautiful Toronto, Ontario, for a program you won't want to miss.



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Program Co-Chair



Glenn M. Zakaib
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Patricia J. Armstrong
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Kathleen A. Lang
Commercial Litigation
Committee Chair



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Law Institute



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others have to
say about DRI
seminars

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AND **DRI International**








What You Will Learn:

- Insights from in-house counsel into emerging business litigation trends
- Risk management strategies for dealing with a data breach
- Developments and emerging issues in food labeling class action litigation
- How to avoid pitfalls in the creation and termination of distribution agreements
- Tips for navigating the U.S. Foreign Corrupt Practices Act and the Canadian Corruption of Foreign Public Officials Act
- Navigating the future of delivery of legal services



Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 **Add the program** to your calendar
- 5 Download the DRI App   and make use of its features to get the most out of this program
- 6 Share on social media   

Maximize Your DRI Seminar Experience

No one gets you connected like DRI.

- Use the DRI App to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Commercial Litigation Committee** and **DRI International Communities** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house registrants and speakers.

PROGRAM SCHEDULE

WEDNESDAY, JUNE 3, 2015

2:00 p.m. **DRI Commercial Litigation Steering Committee Meeting**

5:00 p.m. **Registration**

5:00 p.m. **Joint Networking Welcome Reception with the Canadian Defence Lawyers Association**
SPONSORED BY **Collins Barrow**
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THURSDAY, JUNE 4, 2015

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

7:00 a.m. **First-Time Attendees Breakfast**
DRI INTERNATIONAL CHAIR | **Patricia J. Armstrong**
COMMERCIAL LITIGATION COMMITTEE CHAIR
Kathleen A. Lang

8:00 a.m. **Welcome and Introduction**
Glenn M. Zakaib, *Cassels Brock & Blackwell LLP*, Toronto, Ontario

8:15 a.m. **The Future of Delivery of Legal Services**
What will your practice look like in the next 10 years? This is your chance for a sneak preview.

 Denotes **THE DRI CLIENT CONNECTION**: In-house speakers

The Canadian Bar Association's Legal Futures Initiative sought to help the profession understand what is driving clients' expectations of lawyers, to identify opportunities to serve clients better, and to thrive in the new "normal."

Fred Headon, *Immediate Past President*, Canadian Bar Association, Montréal, Québec

9:05 a.m. **Crossing the Line When Crossing the Border**
Both the U.S. and Canadian governments have increased enforcement actions under the U.S. Foreign Corrupt Practices Act and the Canadian Corruption of Foreign Public Officials Act, resulting in significant fines and sanctions for companies and their employees. As more companies do business in other countries, awareness of actions that may trigger liability under anti-corruption laws is critical.


Bethany Hengsbach, *Sheppard Mullins LLP*, Los Angeles, California

Guy Pinsonnault, *McMillan LLP*, Ottawa, Ontario

Louis-Martin Richer, *WSP Global Inc.*, Montréal, Québec

9:55 a.m. **Refreshment Break**
SPONSORED BY **Quattlebaum Grooms & Tull PLLC**

BREAKOUT SESSIONS Thursday, 2:30 p.m.–4:25 p.m. (choose one)


	■ SKILLS FOR THE ADVANCED LITIGATOR	■ BACK TO BASICS (Sponsored by the Young Lawyers Committee)
2:30 p.m.	Proportionality in E-discovery This session will discuss best practices for addressing e-discovery challenges and how to address proportionality in an adversarial proceeding. Amor A. Esteban , <i>Shook Hardy & Bacon LLP</i> , San Francisco, California	Cross-Border Litigation An overview of the fundamental issues involved in litigating a cross-border case, including perfecting service, jurisdiction, choice of law, forum non conveniens, and much more. J. David Bickham , <i>Reed Smith LLP</i> , San Francisco, California
3:20 p.m.	Refreshment Break SPONSORED BY Whiteford Taylor & Preston LLP	
3:35 p.m.	Advanced Tips for Investigations and Interviews Learn new techniques for your next witness interview or investigation from a former state highway patrol officer. Monté L. Williams , <i>Steptoe & Johnson PLLC</i> , Morgantown, West Virginia	Introduction to Copycat Litigation Learn about emerging trends, tips, and tricks for managing discovery in cases that are likely to be repeated in other jurisdictions. David L. Campbell , <i>Bowman & Brooke LLP</i> , Bloomfield Hills, Michigan  Beth A. Rose , <i>Ford Motor Company</i> , Dearborn, Michigan

10:15 a.m. **Perks and Pitfalls: The Global Reach of Distribution Agreements**

Special expertise and attention is required in the creation, termination, and enforcement of distribution agreements, which are important tools for clients conducting business around the world.

 **Derek R. Redmond**, *Hamilton Beach Brands Inc.*, Glen Allen, Virginia

ing just the tip of the iceberg. Are cases by consumers alleging false or misleading claims, information, and advertising the next big thing or just a passing fad?

 **Jaclyn A. Bryk**, *The JM Smucker Company*, Orrville, Ohio

Steven F. Rosenhek, *Fasken Martineau DuMoulin LLP*, Toronto, Ontario


11:05 a.m. **Food Labeling and False Advertising Class Actions**

Food and beverage class actions are big news in North America, and some say we are see-

12:00 p.m. **Lunch** (*on your own*)

BREAKOUT SESSIONS Friday, 9:15 a.m.–12:00 p.m. (*choose one*)

	■ U.S.	■ CANADA
9:15 a.m.	<p>Presenting Financials to a Jury</p> <p>Learn how to decipher complex financial information and present it to a jury, and hear about the information companies prefer not to disclose and why. What financials are typically discoverable and how they can best be used in court will also be discussed.</p> <div> Charlie M. Shah, <i>Bomar Law Firm LLC</i>, Atlanta, Georgia</div>	<p>Handling the Expert Post <i>Moore v. Getahun</i></p> <p>This session will review the <i>Moore v. Getahun</i> decision from trial and the appeal (if rendered), the appellate arguments and the courts' subsequent considerations of the issues.</p> <div>Cynthia B. Kuehl, <i>Lerners LLP</i>, Toronto, Ontario</div> <div>Junior Sirivar, <i>McCarthy Tétrault LLP</i>, Toronto, Ontario</div>
10:05 a.m.	<p>What the Business Lawyer Needs to Know About Criminal Law</p> <p>Two former United States Attorneys and the Senior Compliance Counsel of a major international company will help us learn what in-house and outside counsel need to know when a civil dispute turns into a criminal investigation.</p> <div> Fiona Orr, <i>The Coca-Cola Company</i>, Toronto, Ontario</div> <div>Jack W. Selden, <i>Bradley Arant Boult Cummings LLP</i>, Birmingham, Alabama</div> <div> Jeffrey A. Taylor, <i>Raytheon Company</i>, Tewksbury, Massachusetts</div>	<p>Drafting Dispute Resolution Clauses</p> <p>More and more, litigation lawyers have to address contractual provisions that set out where and how a dispute is to be resolved and the law to be applied. This session will explore the best practices for preparing effective dispute resolution clauses, addressing issues such as exclusive jurisdiction, choice of law, arbitrations, and appeals.</p> <div>Sonia Bjorkquist, <i>Osler Hoskin & Harcourt LLP</i>, Toronto, Ontario</div> <div>Ted Frankel, <i>Cassels Brock & Blackwell LLP</i>, Toronto, Ontario</div>
11:00 a.m.	Refreshment Break	
11:15 a.m.	<p>Litigation Funding and Its Impact on Business Litigation</p> <p>Third parties are increasingly investing in the litigation of others, including commercial disputes, civil rights cases, and workers' compensation. This presentation will cover the history of legal financing, the regulation of the legal financing industry, and the legal and ethical implications involved.</p> <div>Mordecai D. Boone, <i>Gordon & Rees LLP</i>, Oakland, California</div>	<p>Crime and Punishment: Issues in Competition Law</p> <p>The Competition Bureau continues to enforce the price fixing and bid rigging provisions of the Competition Act vigorously while class actions continue to proliferate. This session will explore selected issues that arise in this context.</p> <div>Subrata Bhattacharjee, <i>Borden Ladner Gervais LLP</i>, Toronto, Ontario</div> <div>Matthew Boswell, <i>Competition Bureau of Canada</i>, Ottawa, Ontario</div>

- 12:00 p.m. **Subcommittee/SLG Lunches** (*on your own*)
Open to all registrants.
- Cybersecurity
 - Diversity
 - Mentoring
- 1:30 p.m. **Trials, Tribulations, and Anti-Trust Considerations in Joint Ventures**
Antitrust laws have been the foundation for a number of disputes related to joint ventures, ranging from cases brought by antitrust law enforcers to cases addressing the enforceability of restrictive covenants.
- Kenneth A. Gallo**, *Paul Weiss LLP*, Washington, D.C.
- Randall Hofley**, *Blake Cassels & Graydon LLP*, Toronto, Ontario
- 2:30 p.m. **Breakout Sessions** (see page 2)
- 4:30 p.m. **You're Going to Get Breached, but You Don't Have to Get Sued**
This presentation will discuss critical steps and protocols companies should take to protect themselves from data breaches, as well as risk management tips for outside counsel when working with clients in this area.
-  **Daniel K. Christensen**, *Intel*, Phoenix, Arizona
- Leon B. Silver**, *Gordon & Rees LLP*, Phoenix, Arizona
- 5:15 p.m. **Commercial Litigation Committee and DRI International Business Meetings** (*open to all*)
- 6:00 p.m. **Networking Reception**
SPONSORED BY **Dickinson Wright PLLC**
- 7:00 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.
- 7:00 p.m. **Complex Commercial Litigation & Class Action SLG Dinner** (*on your own*). Open to all registrants.

FRIDAY, JUNE 5, 2015

- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**
- 8:00 a.m. **Announcements**
Laurie K. Miller, *Jackson Kelly PLLC*, Charleston, West Virginia

- 8:15 a.m. **The Ethical Road: Keeping Us on the Straight and Narrow**
Mr. Carter will help us navigate difficult legal ethics challenges commonly faced in litigation practice with his funny wit and memorable stories.
- Sean Carter**, *Lawpsided Seminars*, Mesa, Arizona
- 9:15 a.m. **Breakout Sessions** (see page 3)
- 12:05 p.m. **Lunch** (*on your own*)
- 12:05 p.m. **Subcommittee/SLG Lunches** (*on your own*). Open to all registrants.
- Consumer Protection/Antitrust
 - Pretrial Practice
 - Women in the Law

1:30 p.m. **Client Panel on Emerging Issues in Business Litigation**
Join us as we talk with experienced multi-national in-house counsel about the top trends they see in their practices. Get a glimpse at the next wave of cases that may be hitting your desk and learn how to prepare for them.

MODERATOR

 **John W. Lebold**, *The Sherwin-Williams Company*, Cleveland, Ohio

PANEL

 **Jaclyn A. Bryk**, *The JM Smucker Company*, Orrville, Ohio

 **Daniel K. Christensen**, *Intel*, Phoenix, Arizona

 **Myène Côté**, *Liberty International Underwriters*, Montréal, Québec

 **Kay Nguyen**, *Kia Canada Inc.*, Mississauga, Ontario

- 2:30 p.m. **Writing a Successful Response to an RFP**
Do you wonder if your responses to RFPs are making your firm stand out from the rest? Make sure that your proposals deal convincingly with legal project management and budgeting, alternative fee arrangements, service delivery, and balanced legal teams. Learn what companies choosing law firms really want to read in proposals.
- Richard G. Stock, M.A., FCIS, CMC**, *Catalyst Consulting*, Vancouver, British Columbia
- 3:30 p.m. **Adjourn**

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **12.25** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.



A limited number of discounted hotel rooms have been made available at **Sheraton Centre Toronto, 123 Queen Street W, Toronto, ON M5H 2M9 Canada** ([click here](#) to view hotel photos).

Take advantage of the group rate of **CAD 249* Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Beyond the Borders Seminar page** and click on the "Book Hotel" tab.
- 2) Or **contact the hotel directly at 416.361.1000** and mention the **DRI Beyond the Borders: Emerging Issues in Business Litigation Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **May 4, 2015**, to be eligible for the group rate. Requests for reservations made after **May 4** are subject to room rate and availability.

*US equivalent based on daily exchange rate at time of departure.

Registration Policy

Save \$100 when you register by May 7, 2015. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **May 14, 2015** (please allow 10 days for processing). Registrations received after **May 14, 2015**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **May 14, 2015**. Cancellations received after **May 14** and on or before **May 21, 2015**, will receive a refund, less a \$100 processing fee. Cancellations made after **May 21** will not receive a refund, but the course materials on CD-ROM and a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined on the registration form. The registration fee for additional registrants from the same firm or company is \$695, regardless of membership status. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI's Beyond the Borders: Emerging Issues in Business Litigation Seminar** attendees. To receive these discounts, please contact Hobson Travel Ltd., DRI's official travel provider, at 800.538.7464. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

FACULTY

Patricia J. Armstrong, Lindsay LLP, Vancouver, British Columbia

Michael F. Aylward, Morrison Mahoney LLP, Boston, Massachusetts

Subrata Bhattacharjee, Borden Ladner Gervais LLP, Toronto, Ontario

J. David Bickham, Reed Smith LLP, San Francisco, California

Sonia Bjorkquist, Osler Hoskin & Harcourt LLP, Toronto, Ontario

Mordecai D. Boone, Gordon & Rees LLP, Oakland, California

Matthew Boswell, Competition Bureau of Canada, Ottawa, Ontario

➤ **Jaclyn A. Bryk**, The JM Smucker Company, Orrville, Ohio

David L. Campbell, Bowman & Brooke LLP, Bloomfield Hills, Michigan

Sean Carter, Lawpsided Seminars, Mesa, Arizona

➤ **Daniel K. Christensen**, Intel, Phoenix, Arizona

➤ **Mylène Côté**, Liberty International Underwriters, Montréal, Québec

Amor A. Esteban, Shook Hardy & Bacon LLP, San Francisco, California

Ted Frankel, Cassels Brock & Blackwell LLP, Toronto, Ontario

Kenneth A. Gallo, Paul Weiss LLP, Washington, D.C.

Fred Headon, Immediate Past President, Canadian Bar Association, Montréal, Québec

Bethany Hengsbach, Sheppard Mullins LLP, Los Angeles, California

Randall Hofley, Blake Cassels & Graydon LLP, Toronto, Ontario

Cynthia B. Kuehl, Lerner LLP, Toronto, Ontario

➤ Denotes **THE DRI CLIENT CONNECTION**: In-house speakers

Kathleen A. Lang, Dickinson Wright PLLC, Detroit, Michigan

➤ **John W. Lebold**, The Sherwin-Williams Company, Cleveland, Ohio

Laurie K. Miller, Jackson Kelly PLLC, Charleston, West Virginia

➤ **Kay Nguyen**, Kia Canada Inc., Mississauga, Ontario

➤ **Fionna Orr**, The Coca-Cola Company, Toronto, Ontario

Guy Pinsonnault, McMillan LLP, Ottawa, Ontario

➤ **Derek R. Redmond**, Hamilton Beach Brands Inc., Glen Allen, Virginia

Louis-Martin Richer, WSP Global, Inc., Montréal, Québec

➤ **Beth A. Rose**, Ford Motor Company, Dearborn, Michigan

Steven F. Rosenhek, Fasken Martineau DuMoulin LLP, Toronto, Ontario

Jack W. Selden, Bradley Arant Boult Cummings LLP, Birmingham, Alabama

Charlie M. Shah, Bomar Law Firm LLC, Atlanta, Georgia

Leon B. Silver, Gordon & Rees LLP, Phoenix, Arizona

Junior Sirivar, McCarthy Tétrault LLP, Toronto, Ontario

Richard G. Stock, M.A., FCIS, CMC, Catalyst Consulting, Vancouver, British Columbia

➤ **Jeffrey A. Taylor**, Raytheon Company, Tewksbury, Massachusetts

Monté L. Williams, Steptoe & Johnson PLLC, Morgantown, West Virginia

Glenn M. Zakaib, Cassels Brock & Blackwell LLP, Toronto, Ontario

View faculty bios online at <http://www.dri.org/Event/20150035> (Beyond the Borders Seminar webpage); click on “Speaker List” tab.



DIVERSITY AND INCLUSION IN DRI: A STATEMENT OF PRINCIPLE

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

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Swissôtel Zürich, Zürich, Switzerland

May 7-8, 2015

Intellectual Property Litigation

Loews Chicago Hotel, Chicago, IL

June 4-5, 2015

Beyond the Borders: Emerging Issues in Business Litigation

*Sheraton Toronto Centre,
Toronto, Canada*

June 17-19, 2015

Insurance Bad Faith and Extra- Contractual Liability

Loews Chicago, Chicago, IL

June 25-26, 2015

Young Lawyers

Omni Nashville Hotel, Nashville, TN

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Class Actions

*JW Marriott Washington, DC,
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Publications for Your Practice

Newsletter *The Business Suit* (six times a year)

Visit the **Commercial Litigation Committee page** on dri.org and scroll down to "Latest Newsletter."

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Class Action Compendium (update upcoming)

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Registration fee includes seminar attendance, networking events, course materials, and access to the DRI app. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. The CD will be included in the registration packet on-site. You can order additional copies by checking the appropriate box below or going online at dri.org.

	On or before May 7, 2015	After May 7, 2015
<input type="checkbox"/> DRI Member, Non CDL Attendee	\$795	\$895
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(*as defined on page 5)

Meeting Attendees: *If you are a current registrant of the CDL Annual Meeting, please check the appropriate "CDL Attendee" box to the left. By doing so, you will receive a \$200 discount off your DRI Beyond the Borders registration fee. Your joint registration will be validated in cooperation with the CDL.*

All fees are in US dollars (USD).

*For inclusion on the preregistration list and to receive course materials in advance, **register by May 14, 2015.***

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