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
Sheraton Centre Toronto
Toronto, Ontario, Canada
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.

Laurie K. Miller  
Program Co-Chair

Glenn M. Zakaib  
Program Co-Chair

Patricia J. Armstrong  
DRI International Chair

Kathleen A. Lang  
Commercial Litigation Committee Chair

Michael F. Aylward  
Law Institute

Prepared Jointly by DRI’s Commercial Litigation Committee 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.
Beyond the Borders Seminar  |  June 4–5, 2015

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

CONFERENCE SPONSORED BY
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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.

8:35 a.m.  The Future of Delivery of Legal Services
Glenn M. Zakaib, Cassels Brock & Blackwell LLP, Toronto, Ontario

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**
  - 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, Shook Hardy & Bacon LLP, 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, Steptoe & Johnson PLLC, Morgantown, West Virginia

- **BACK TO BASICS**
  - (Sponsored by the Young Lawyers Committee)
  - 2:30 p.m.  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, Reed Smith LLP, San Francisco, California

- 3:35 p.m.  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, Bowman & Brooke LLP, Bloomfield Hills, Michigan
  
  Beth A. Rose, Ford Motor Company, Dearborn, Michigan

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
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

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 seeing 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

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

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

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| **9:15 a.m.**  
**Presenting Financials to a Jury**  
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.  
*Charlie M. Shah*, Bomar Law Firm LLC, Atlanta, Georgia | **Handling the Expert Post Moore v. Getahun**  
This session will review the *Moore v. Getahun* decision from trial and the appeal (if rendered), the appellate arguments and the courts’ subsequent considerations of the issues.  
*Cynthia B. Kuehl*, Lerners LLP, Toronto, Ontario  
*Junior Sirivar*, McCarthy Tétrault LLP, Toronto, Ontario |
| **10:05 a.m.**  
**What the Business Lawyer Needs to Know About Criminal Law**  
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.  
*Fiona Orr*, The Coca-Cola Company, Toronto, Ontario  
*Jack W. Selden*, Bradley Arant Boult Cummings LLP, Birmingham, Alabama  
*Jeffrey A. Taylor*, Raytheon Company, Tewksbury, Massachusetts | **Drafting Dispute Resolution Clauses**  
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.  
*Sonia Bjorkquist*, Osler Hoskin & Harcourt LLP, Toronto, Ontario  
*Ted Frankel*, Cassels Brock & Blackwell LLP, Toronto, Ontario |
| **11:00 a.m.**  
**Refreshment Break** |  |
| **11:15 a.m.**  
**Litigation Funding and Its Impact on Business Litigation**  
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.  
*Mordi D. Boone*, Gordon & Rees LLP, Oakland, California | **Crime and Punishment: Issues in Competition Law**  
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.  
*Subrata Bhattacharjee*, Borden Ladner Gervais LLP, Toronto, Ontario  
*Matthew Boswell*, Competition Bureau of Canada, Ottawa, Ontario |
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 multinational 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
Mylène 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.

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.

Hotel accommodations

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.

GENERAL INFORMATION
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, Lerners LLP, Toronto, Ontario

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.
March 25–27, 2015  
**Insurance Coverage and Claims**  
*Chicago Marriott Downtown, Chicago, IL*

March 26–27, 2015  
**Toxic Torts and Environmental Law**  
*Hilton Austin Hotel, Austin, TX*

April 23–24, 2015  
**Hot Topics in International Dispute Resolution**  
*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*

July 23–24, 2015  
**Class Actions**  
*JW Marriott Washington, DC, 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.”

**Commercial Litigation** focus in *For The Defense*  
July 2015 (upcoming)  
July 2014  
July 2013

**Defense Library Series**  
*Class Action Compendium* (update upcoming)

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**Additional DRI Member Benefits**

Log on to the DRI Commercial Litigation Committee and DRI International Communities at http://community.dri.org/home to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
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June 4–5, 2015 | Sheraton Centre | Toronto, Ontario, Canada

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Please list any special needs __________________________

Are you a first-time attendee at this DRI seminar? ☐ Yes ☐ No

How many attorneys are in your firm? ________________

What is your primary area of practice? ________________

REGISTRATION FEE

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 After

May 7, 2015 May 7, 2015

☐ DRI Member, Non CDL Attendee $795 $895

☐ DRI Member, CDL Attendee $595 $695

☐ Non DRI Member, Non CDL Attendee $1,025 $1,125

☐ Non DRI Member, CDL Attendee $825 $925

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☐ Group Discount* $695

(*as defined on page 5)

ADDITIONAL COURSE MATERIALS

☐ Member $75 ☐ Nonmember $95 (Illinois residents, please add 9.25% sales tax. Shipping charges for U.S. and Canada only: $6.50)

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Attention Canadian Defence Lawyers (CDL) Annual 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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- Share resources in the community library
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- Learn about volunteer opportunities

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