



# Federal Bar Association Annual Meeting and Convention

September 14–16, 2017 • Westin Peachtree Plaza

## CLE & GENERAL SESSIONS – THURSDAY, SEPTEMBER 14

<p>9:00 – 10:00 a.m.</p>	<p><b>General Session - Future Proof: Artificial Intelligence in Practice</b> David Curle, Director, Market Intelligence, Thomson Reuters Legal</p> <p>You've read some of the hype about artificial intelligence and robot lawyers – but where and how is AI actually coming into play in legal services? This session will introduce and demystify the application of artificial intelligence technologies to legal practice. Thomson Reuters' David Curle will define some of the terms and the different forms of AI in use today, and identify AI applications we use every day outside our legal work (often without knowing it). He will review some of the companies providing AI to the industry today, and some of the law firms and other legal organizations already implementing AI as part of their practices and services. Finally, he will lay out some of the lessons found in the legal industry's experiences to date: how to identify and prepare for AI applications, how to think about your own data sets, and how to leverage partnerships with clients, technology providers, and people in your own organization to get the most out of these new technologies.</p> <p><i>*Sponsored by Thomson Reuters</i></p>
<p>10:15 – 11:15 a.m.</p>	<p><b>(1A) The Defend Trade Secrets Act: Trade Secret Protection Goes Federal</b></p> <p>Moderator: Benjamin Fink, Shareholder, Berman Fink Van Horn P.C. Russell Beck, Founding Partner, Beck Reed Riden LLP Neal Weinrich, Shareholder, Berman Fink Van Horn P.C.</p> <p>In May 2016, a major development in trade secrets law for American companies took effect - the Defend Trade Secrets Act (DTSA). The DTSA has been described as “the most significant expansion” of federal intellectual property law in 70 years. Hear an overview of the DTSA, what it means for practitioners, and how trade secret litigation will be impacted by the DTSA. <i>*Sponsored by the FBA Labor &amp; Employment Law Section</i></p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Learn how the DTSA changes the trade secret law landscape by creating a uniform federal system</li> <li>• Walk away with practical advice about steps they can advise their clients to take in light of the DTSA, particularly with respect to non-disclosure agreements and employee handbooks</li> <li>• Study how the DTSA impacts litigation strategy in unfair competition cases</li> <li>• Attendees will receive an update on case law developments relating to the DTSA since its passage</li> </ul> <p><b>(1B) Trial Tactics in Major White Collar Criminal Cases: Lessons Learned from the Dewey &amp; Leboeuf Trials</b></p> <p>Moderator: Scott Wagner, Partner, Bilzin Sumberg Elkan Abramowitz, Partner, Morvillio Abramowitz Grand Iason &amp; Anello PC Joe D. Whitley, Partner, Baker, Donelson, Bearman, Caldwell &amp; Berkowitz, PC</p> <p>Hear about the trial tactics employed at the recent Dewey &amp; Leboeuf white collar criminal trials from several insiders and respected players in the white collar criminal field. Learn about the strategies employed by the prosecution and defense in this highly publicized trial from both criminal and civil perspectives, covering jury selection, opening/closing arguments, witness presentation, and the effect of the media in a trial that garners overwhelming media attention.</p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Use of real-life examples to emphasize successful trial tactics (both in criminal and civil trials)</li> <li>• Pointers for breaking-down complex issues and presenting them to a jury</li> <li>• Dealing with the effects of the media in a high profile trial</li> <li>• Insider discussion of one of the most publicized cases in the last few years</li> </ul>
<p>11:30 a.m. – 12:30 p.m.</p>	<p><b>(2A) ADA Hot Issues: Labor and Employment Version</b></p> <p>Moderator: William D. Goren, Esq., William D. Goren, J.D., LL.M., LLC Jonathan Hyman, Partner, Meyers, Roman, Friedberg &amp; Lewis Robin Shea, Partner, Constangy, Brooks, Smith &amp; Prophete, LLP</p>

	<p>Join us for a diverse panel discussing hot issues arising under the ADA (Americans with Disabilities Act) in the employment context (Title I). Topics include the availability of compensatory and punitive damages in ADA retaliation cases; whether reassignment to a vacant position is mandatory when the person is no longer qualified to perform current job duties; and how to deal with the overlap of pregnancy discrimination and the ADA.</p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Achieve a better understanding of why whether you can get compensatory and punitive damages for ADA retaliation claims is extremely complex and why Justice Alito will be a swing vote.</li> <li>• Attain an understanding of the circuit courts split with respect to whether reassigning a person to a vacant position where they are no longer qualified is a mandatory obligation.</li> <li>• Develop an understanding of why when dealing with someone who is pregnant you must also think like a lawyer familiar with the ADA.</li> </ul> <p><b>(2B) What is “Qui Tam”? What Every Attorney Needs to Know about the False Claims Act and Whistleblower Cases</b></p> <p>Moderator: John R. Thomas, Jr., Partner, Gentry Locke Lynn Adam, Partner, The Khayat Law Firm Neeli Ben-David, Assistant U.S. Attorney, U.S. Attorney’s Office, Northern District of Georgia Jay P. Holland, Principal, Joseph, Greenwald &amp; Laake, PA</p> <p>Potential relator counsel as well as in-house counsel will benefit from this presentation on the basics of the False Claims Act (FCA) and federal whistleblower statutes for the average federal litigator. Learn how to identify a potential FCA (or qui tam) case and what to do from there—and in the process, identify potentially devastating legal liability for your clients.</p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Learn how to identify a potential FCA case</li> <li>• Identify the 5 "Basics" of FCA Cases</li> <li>• Develop an understanding of where the potential traps in FCA litigation are</li> </ul>
<p>2:30 – 3:30 p.m.</p>	<p><b>(3A) Alas Poor Lawyers—Live Actors Present a Guided Dramatic Examination of the Public’s Perception of Lawyers Through the Lens of Shakespeare’s Plays [ETHICS]</b></p> <p>Moderator: Gregory Hanthorn, Of Counsel, Jones Day Lynsey Barron, Assistant U.S. Attorney, U.S. Attorney’s Office, Northern District of Georgia Laura Cole, Director of Education &amp; Training (Actor), The Shakespeare Tavern Playhouse Patricia Griffith, Partner, FordHarrison Hon. Thomas Thrash Jr, Chief Judge, U.S. District Court for the Northern District of Georgia Jeffrey Watkins, Artistic Director (Actor), The Shakespeare Tavern Playhouse</p> <p>Utilizing the talents of two live, Shakespearean actors from the Atlanta Shakespeare Company, this program examines public perceptions of lawyers by using the lens of Shakespeare’s plays. The actors perform selected short scenes, and the panelists then explore, along with the audience, what the plays reveal about public perceptions of lawyers and how those perceptions can be improved.</p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• How ethical, professional behavior improves public perception of lawyers</li> <li>• Importance of lawyers and the rule of law in defending against anarchy</li> <li>• Ways legal obfuscation harm the public perception of lawyers</li> <li>• Need for clear, appropriate communications with clients</li> <li>• Role of the Profession</li> </ul> <p><b>(3B) The Pro Se Project: Ways the Minnesota Chapter’s Award-Winning Initiative Can Help Your District or Chapter Improve Judicial Economy, Access to Justice, and Federal Practice</b></p> <p>Moderator: David A. Goodwin, Partner, Gustafson Gluek PLLC Hon. Franklin L. Noel, U.S. Magistrate Judge, U.S. District Court for the District of Minnesota Tiffany A. Sanders, Pro Se Project Coordinator, Minnesota Chapter of FBA Hon. Wilhelmina M. Wright, U.S. District Judge, U.S. District Court for the District of Minnesota</p> <p>Join us for a presentation on the Minnesota Chapter’s award-winning Pro Se Project, and learn tips and suggestions for improving access to justice and the practice of law in federal civil cases. With Minnesota District Court Judges referring only select civil pro se litigants to the Pro Se Project for volunteer attorney assistance, the District of Minnesota, along with the Minnesota Chapter, has expedited its busy and voluminous civil docket, made significant strides toward ensuring equal justice under the law, and afforded lawyers opportunities to gain invaluable experience while performing rewarding pro bono work.</p>

	<p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Understand the various needs of Districts and Chapters with respect to civil pro se litigants</li> <li>• Realize the benefits of an initiative dedicated to address the challenges of civil pro se litigants</li> <li>• Overcome the obstacles to instituting, improving, and administering a civil pro se initiative</li> <li>• Generate ideas for improving access to justice and federal practice</li> </ul>
<p>3:45 – 4:45 p.m.</p>	<p><b>(4A) Defending Privacy Class Actions</b></p> <p>Casie D. Collignon, Partner, BakerHostetler  Anthony J. Ferrante, Senior Managing Director, Head of Cybersecurity Global Risk &amp; Investigations, FTI Consulting, Inc.  Paul G. Karlsogdt, Partner, BakerHostetler</p> <p>Everyone is talking about privacy! From breaches with protected health information to data transfers to social media, everyone has data and it can all lead to a class action lawsuit. Right now, the law has been focused on standing and injury and whether anyone can prove that they have been harmed. Join counsel on some of the nation’s most exciting data privacy class action cases as they discuss their experiences in defending these complex cases.</p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Learn how to decide whether to assert standing as a defense</li> <li>• Identify which arguments are the most persuasive on class certification</li> <li>• Gain insight about traps preventing settlement in privacy class actions</li> </ul> <p><b>(4B) Understanding and Applying the False Claims Act’s materiality standard post-Universal Health v. Escobar</b></p> <p>Moderator: Robert H. Snyder, Attorney, Butler Wooten &amp; Peak LLP  Lena Amanti, Assistant U.S. Attorney, U.S. Attorney’s Office, Northern District of Georgia  Susan S. Gouinlock, Partner, Wilbanks &amp; Gouinlock  Scott R. Grubman, Partner, Chilivis Cochran Larkins &amp; Bever LLP</p> <p>In June 2016, the U.S. Supreme Court issued its unanimous opinion in <i>Universal Health v. Escobar</i>, in which the Court approved the “implied false certification” theory of FCA violations, but reversed the First Circuit finding that the lower court had applied an overly expansive view of the FCA’s “materiality” requirement. Since the decision, courts and litigants throughout the country have been grappling with the application of <i>Escobar</i>’s materiality factors. Join the discussion on <i>Escobar</i> and its effect on FCA litigation with highly experienced representatives from the defense bar, relator’s bar and the Department of Justice.</p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Educate participants about the False Claims Act’s materiality standard</li> <li>• Provide competing viewpoints regarding changes in the FCA’s materiality standard post-Escobar</li> <li>• Educate participants about expected changes in FCA enforcement and activity under the Trump Administration</li> <li>• Key Take Away: The FCA is going to remain a very active area of federal practice in the coming years</li> </ul>

## CLE & GENERAL SESSIONS – FRIDAY, SEPTEMBER 15

<p>9:30 – 10:15 a.m.</p>	<p><b>General Session</b>  Saxby Chambliss, Partner, DLA Piper; Former U.S. Senator</p>
<p>10:30 – 11:30 a.m.</p>	<p><b>(5A) From Murder to Museums: Current Controversies over Nazi-Looted Art</b></p> <p>Raymond J. Dowd, Partner, Dunnington, Bartholow &amp; Miller LLP</p> <p>Art looting during World War II helped bankroll the Nazi war machine. In December 2016, Congress passed a law to help return Nazi-looted art to its true owners; subsequently attorney Ray Dowd brought the only Nazi-looted art case to trial in a U.S. court since 1945. In this image-packed presentation, he tells the dark story of Hitler’s beneficiaries and why in 2017 the world’s museums and private art collectors are still fighting to hold on to the spoils of war.</p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Grounding of modern-day international law of war and private property in President Abraham Lincoln’s Executive Order 100</li> <li>• Nazi-era looting practices, U.S. law and policy relating to stolen chattels</li> </ul>

	<ul style="list-style-type: none"> <li>• Post-World War II U.S. museum acquisition practices &amp; restitution case law</li> <li>• The HEAR ACT of 2016: Congress' recent extension of statutes of limitations on Nazi-looted art</li> </ul> <p><b>(5B) Centers for Disease Control and Prevention, Office of the General Counsel (OGC): Overview and Legal Issues</b></p> <p>Moderator: Michele Forzley, Director, Forzley &amp; Associates  Eva M. Holland, Senior Attorney, Office of General Counsel, Centers for Disease Control and Prevention  James J. Misrahi, Senior Attorney, Office of General Counsel, Centers for Disease Control and Prevention  Joanna L. Stettner, Senior Attorney, Office of General Counsel, Centers for Disease Control and Prevention</p> <p>Hear an overview of the General Counsel, Centers for Disease Control and Prevention, and the services that the legal team provides. Attorneys from the OGC will also explain the recently published Department of Health and Human Services (HHS)/CDC final rule to update regulations relating to the control of communicable diseases and outline OGC's legal support for global health security.</p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Understand the integral role of OGC in helping to achieve CDC's public health mission</li> <li>• Gain insight into the legal authority of the federal government to take measures to prevent the introduction, transmission, and spread of communicable diseases</li> <li>• Gain an understanding of legal issues surrounding global health security</li> </ul>
<p>11:40 a.m. – 12:40 p.m.</p>	<p><b>(6A) The Affordable Care Act: How Health Coverage is Changing Under the Trump Administration</b></p> <p>Elena Kaplan, Partner, Jones Day  Sara Pikofsky, Partner, Jones Day  Noelle Whitmire, Associate, Jones Day</p> <p>Hear about statutory and regulatory changes being implemented and/or considered by the Trump administration and how such changes impact health coverage provided by employers and insurers; how the changes may affect health coverage litigation, such as ERISA preemption issues; and how changes under the Trump administration may affect one's own health coverage.</p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Learn how changes implemented by the Trump administration affect health coverage provided by employers and insurers</li> <li>• Discuss how such changes affect ERISA litigation</li> <li>• Identify how such changes affect individuals' health coverage</li> </ul> <p><b>(6B) International Arbitration: The Role of the Federal Courts</b></p> <p>Moderator: Kristen Bromberek, Senior Associate, Alston &amp; Bird LLP  Shelby Grubbs, Executive Director and Adjunct Professor, Atlanta Center for International Arbitration and Mediation, Georgia State University College of Law  Glenn Hendrix, Partner, Arnall Golden Gregory LLP  Matt Richardson, Partner, Alston &amp; Bird LLP  Andrew Tuck, Partner, Alston &amp; Bird LLP</p> <p>International arbitration provides an attractive option for parties conducting business in the global market—providing certainty and predictability in jurisdiction, choice of law, and confidentiality, while avoiding national-court bias—and can also streamline proceedings with more limited discovery and shorter calendars, potentially reducing costs. Learn about how the federal courts play a key role in supporting international arbitration and its continued success and growth as a means of dispute resolution.</p> <p>Learning Objectives:</p> <ul style="list-style-type: none"> <li>• Basics of international arbitration</li> <li>• Interrelation between international arbitration and federal court</li> <li>• Precedents in the Eleventh Circuit favoring and supporting international arbitration</li> </ul>

