



Thursday, September 4

1A 7:30-8:30 a.m.

Narragansett A // Litigating in the “Brave New World”—Remediating Cyberattacks and Data Breaches

Philip R. Bautista, Partner, Taft, Stettinius & Hollister LLP • Charles A. Bowers, Partner, Taft, Stettinius & Hollister LLP • Michael J. Zbiegien Jr., Taft Stettinius & Hollister LLP

Cybersecurity breaches are impacting the way the world does commerce. The integrity of confidential information can be significantly compromised—as evidenced recently by Target. The statistics are staggering: 110 million customers impacted; \$1.1 billion in fraudulent transactions occurred; 50+ class actions filed to date; defense costs alone exceeding \$100 million; and top management personnel have been terminated. Come hear Taft partners discuss trends in litigation and other options for remediating the security breaches that are negatively impacting businesses.

1B 7:30-8:30 a.m.

Narragansett B // Qui Tam and SOX Whistleblowers in Federal Courts

R. Scott Oswald, Managing Principal, The Employment Law Group • Zachary A. Cunha, Assistant U.S. Attorney and Affirmative Civil Enforcement Coordinator, District of Rhode Island • Maryann L. Grodin, General Counsel to the Inspector General, U.S. Nuclear Regulatory Commission. • Stephen A. Jonas, Investigations and Criminal Litigation Practice Group Chair, WilmerHale LLP

We are riding a crest of big money whistleblower settlements and judgments—nearly \$2 billion in the first six months of 2014 alone—and incoming opinions from the U.S. Supreme Court and the Circuit Courts of Appeals. For example on March 5, 2014, the U.S. Supreme Court broadened the reach of the Sarbanes-Oxley Act in *Lawson v. FMR LLC*. Under the False Claims Act, the Department of Justice paid \$387 million to qui tam whistleblowers and their counsel in 2013. Representatives from the U.S. Attorney’s Office, the Office of Inspector General, and defense counsel in the vortex of whistleblower litigation will speak candidly, in their personal capacity, about how whistleblower claims are practically investigated, litigated, and settled in our federal courts.

2A 9:00-10:00 a.m.

Narragansett A // Brand Protection, Security Breach, and Privacy in the Online World and Social Media

Olivera Medenica, Wahab & Medenica LLC • Stephen Kline, Senior Counsel, Privacy and Regulatory Matters, Omnicom Media Group

The online world and social media have created a space where brands can engage directly with consumers without the hassle and expense of traditional television and radio advertising campaigns. As this engagement grows exponentially with the proliferation of various social media outlets, such as Twitter, and new generations of platforms, so does the associated legal risk for traditional content owners. Brands need to understand how to react to unauthorized use of a company’s intellectual property and the impact that name squatters or brandjacking can have in the long term. Social media also creates an exponentially increased risk for exposure in the context of security breaches and privacy. Exposure can result not only from a company’s internal policies for social media use, but security breaches by employees who put a company’s trade secret and confidential information at risk. Panelists will explore some of the latest case law and will provide a best practices outline for in-house counsel and private practitioners who may grapple with such issues.

2B 9:00-10:00 a.m.

Narragansett B // To Settle or Not to Settle

Joseph Leventhal, Leventhal Law

Clients struggle to decide whether and when to settle litigation. Outside counsel struggle to advise clients on settlement, especially when the law and the facts appear to be in your client’s favor. Hear how counsel and clients can create settlement principles or guidelines for use in evaluating when to settle filed or threatened litigation.



3A 10:15-11:15 a.m.

Narragansett A // Judicial Challenges: When Jurors Cross the Line Online

F. Daniel Balmert, Managing Partner, Vorys, Sater, Seymour and Pease LLP • Prof. Colleen P. Murphy, Professor of Law, Roger Williams University School of Law • Hon. William E. Smith, Chief Judge, District of Rhode Island

Social media today is ubiquitous, presenting challenges when attorneys use social media to research jurors; jurors look to social media to learn more about the facts of the case; and jurors export information during trial via social media. Hear an expert panel discuss approaches to preserve fair jury trials and avoid mistrials as jurors' and attorneys' social media use increases.

3B 10:15-11:15 a.m.

Narragansett B // Re-Entry Courts: Why the Community Needs Them and Why They Need the Community

Hon. Suzanne Mitchell, U.S. Magistrate Judge, Western District of Oklahoma • Mark A. Sherman, Assistant Director Education Division, Probation & Pretrial Programs, Federal Judicial Center • Hon. Leo T. Sorokin, U.S. District Judge, District of Massachusetts • Cyndi Zuidema, Re-entry Coordinator, Department of Justice Contractor, U.S. Attorney's Office

Criminal justice research has shown that a major risk factor for re-entering individuals are antisocial peers and environments which highlight the need for prosocial activities and environments. Explore the significant impact, financial, societal, and otherwise, that re-entry courts are having—from nonrecidivism, reduced supervision periods, to having actively employed members of society. Learn how local legal organizations can provide opportunities to re-entry court programs and how lawyers in the local community, working through bar associations, civic organizations and law schools, can assist individuals making this important transition.

4A 11:30 a.m.-12:30 p.m.

Narragansett A // Human Trafficking

Alessandra Parisi Serano, Assistant U.S. Attorney, Southern District of California
• *Kara Van de Carr, President and Co-Founder of Eden House*
• *Clemmie Greenlee, Founder of Nashville Peacemakers and former Resident Director of Eden House*
• *Vivienne M. Hayne, Psychiatrist and Adjunct Professor at Tulane Medical School*

Human trafficking doesn't just affect the rest of the world—it plagues every corner of our nation as well. Learn the various Title 18 crimes associated with human trafficking and child exploitation, accompanied by the relevant jurisprudence, as well as recommendations for a victim centric approach to criminal justice necessary to protect victims and help them reclaim their lives after years of physical and mental abuse by both their captors and those who purchase their services.



4B 11:30 a.m.-12:30 p.m.

Narragansett B // The Role of the ABA Standing Committee on the Federal Judiciary

Kim Askew, American Bar Association • Dean Michael J. Yelnosky, Roger Williams University School of Law

Lawyers who represent business interests in state and federal courts are vastly overrepresented on the committee—and most of those lawyers practice in the largest U.S. law firms. Is this imbalance consistent with the justification for the ABA's special role in judicial selection, and with the ABA's public statements about the composition of the committee? Poorly rated lower-court nominees are significantly more likely to have their nominations fail before the Senate—and minority and female nominees are more likely than whites and males to receive these lower ratings, even after controlling for education, experience, and partisanship via matching. Come hear about these and other key findings from a study on the ABA Standing Committee on the Federal Judiciary.

5A 2:15-3:15 p.m.

Narragansett A // Fore! The PGA Comes to the U.S. Tax Court: Retief Goosen and Sergio Garcia Bring Their “A Game”

Aaron H. Bulloff, Partner, Kadish, Hinkel & Weibel, L.P.A. • Thomas V. Linguanti, Partner, Baker & McKenzie

Litigators of any stripe—and every golfer in the audience—will enjoy the various litigation war stories about two former world top-ten golfers who found themselves off-the-course and in the courts. Hear two litigation veterans discuss the litigation, outcome, and meaning of two seminal U.S. Tax Court cases they litigated regarding two leading professional golfers: Sergio Garcia and Retief Goosen.



5B 2:15-3:15 p.m.

Narragansett B // The Proposed Amendments to the Federal Rules of Civil Procedure

George E. Lieberman, Partner, Vetter & White • Timothy M. Bliss, Vetter & White • Hon. Lincoln D. Almond, U.S. District Court for the District of Rhode Island

The 2014 proposed amendments to the Federal Rules of Civil Procedure, which are well on their way to approval, include changes to the case management rules, discovery proportionality revisions, and evidence preservation and spoliation changes. The panelists discuss the implications of the proposed amendments.

6A 3:30-4:30 p.m.

Narragansett A // Making Tablet Friendly E-Fileings

Hon. David Nuffer, U.S. District Judge, District of Utah

Technology is changing the way that people communicate and do business, but how can you use computers to create accessible documents on computers and tablets? Come hear numerous suggestions that, after learned, should save time and expense in any project—tips that are easy to incorporate into your practice and are presented in a way that can facilitate a total change of document submission or a step at a time approach—including effective and accessible PDF document submission, how to use permissible hyperlinks, and many other suggestions that will simplify document e-filing and reading.

6B 3:30-4:30 p.m.

Narragansett B // The Ethical Perils of Social Media: The Price Lawyers Pay for Facebook, Twitter, and LinkedIn

Glen R. McMurry, Litigation Attorney, Dungan & LeFevre Co., LPA • Michael J. Zussman, Cowan DeBaets Abrahams & Sheppard LLP

Is social media advertising? Are LinkedIn endorsements really “endorsements?” Can my posts on Facebook subject me to ethical scrutiny by my local grievance committee? Am I “tweeting” away my license to practice law? Make no mistake, ethical violations associated with social media use are on the rise. For all of the utility social media brings our profession, it is important that we take steps to educate ourselves that the novelty of this technology comes at a price. Explore the ethical considerations associated with the federal practitioner’s use of social media—including evaluating which rules apply and when as well as a series of best practices—through a combination of recent case authority, hypotheticals, the Model Rules of Professional Conduct, and humor.



7 7:30-8:30 a.m.

Narragansett A // Major Fourth Amendment Cases and Developments

Jason P. Steed, Associate, Bell Nunnally & Martin LLP

Over the past few terms, the Supreme Court has dealt with some very interesting Fourth Amendment issues—strip searches, GPS tracking, DNA swabs, dog-sniff searches—and this term, the Court decided two cases dealing with cell phone searches and another decision regarding a co-tenant’s ability to consent to a search over another co-tenant’s objections. Through some of these cases, an interesting debate has arisen between some of the justices, over whether the Fourth Amendment is more about property rights or privacy rights. This presentation will explore these decisions and some of the major issues and developments under the Fourth Amendment—including where the Court might be headed.



8:00-8:30 a.m.

Bristol // First Circuit Swearing In Ceremony with Senior Judge Bruce M. Selya of the U.S. Court of Appeals for the First Circuit

Take advantage of this opportunity to be sworn in to the First Circuit! Senior Judge Bruce Selya was appointed to the First Circuit Court of Appeals in October 1986 and assumed senior status on Dec. 31, 2006. He received his undergraduate degree from Harvard University in 1955 and his law degree from Harvard Law School in 1958. He served as law clerk to Judge Edward W. Day of the U.S. District Court for the District of Rhode Island from 1958–1960. He worked in private practice in Providence from 1960–1982, and served as a judge on the Lincoln, R.I. Probate Court from 1965–1972. In 1982, Judge Selya was appointed U.S. district judge for the District of Rhode Island, where he served until his appointment to the First Circuit Court of Appeals in 1986.

8A 8:45-9:45 a.m.

Narragansett A // Cutting Edge Cases in Federal Employment Law Litigation: A View from the Bench and the Bar

Katherine González-Valentín, Ferraiuoli LLC • Joyce E. Kitchens, Kitchens New Cleghorn LLC • Hon. Loretta Preska, Chief U.S. District Judge, Southern District of New York • Hon. Gerald E. Rosen, U.S. District Court Judge, Eastern District of Michigan • Thomas R. Schuck, Partner, Taft Stettinius & Hollister LLP

Hear a review of notable Supreme Court, appellate court, and district court decisions and emerging trends in the area of employment law litigation, as well as tips from the bench and the bar to assist attendees in their respective practices.



8B 8:45-9:45 a.m.

Narragansett B // Same-Sex Marriage: The Legal Landscape

Hon. Dale A. Kimball, U.S. District Court Judge, District of Utah

Since the Supreme Court decided *United States v. Windsor* in June 2013, there has been a flurry of litigation relating to same-sex marriage. Utah became the first federal district court to declare a state same-sex marriage ban unconstitutional in *Kitchen v. Herbert*. Then, in *Evans v. Utah*, it also became the first district to determine that same-sex marriages solemnized after the *Kitchen* decision and prior to a Supreme Court stay of the decision were entitled to state recognition. Hear Judge Kimball, who presided over the *Evans* case, discuss the legal issues involved in same-sex marriage cases both before and after *Windsor*.

8C 8:45-9:45 a.m.

Narragansett C // Top 10 Bankruptcy Cases of the Past Year

Hon. Frank J. Bailey, Chief U.S. Bankruptcy Judge, District of Massachusetts • Hon. Craig Gargotta, U.S. Bankruptcy Judge, Western District of Texas • Hon. Alan S. Trust, U.S. Bankruptcy Judge, Eastern District of New York

Bankruptcy law is an ever evolving and growing area of practice. Explore 10 bankruptcy cases from the past year that will most likely affect the practices of bankruptcy attorneys—as well as attorneys whose clients may be impacted by bankruptcy issues. Attendees will receive a paper containing detailed descriptions of the cases deemed the 10 most significant from the past year, as well as summaries of other important decisions, including opinions released by the U.S. Supreme Court.

9A 10:00-11:00 a.m.

Narragansett A // Effective Lawyering: Tips to Help You Succeed Before a Magistrate Judge

Hon. Gustavo A. Gelpí, U.S. District Judge, District of Puerto Rico • Hon. Michelle H. Burns, U.S. Magistrate Judge, District of Arizona • Hon. Karoline Mehalchick, U.S. Magistrate Judge, Middle District of Pennsylvania • Hon. Michael J. Newman, U.S. Magistrate Judge, Southern District of Ohio

How can an attorney make a positive first—and lasting—impression on the magistrate court? This panel of U.S. judges will discuss consent to magistrate judge jurisdiction, practical tips on discovery and mediation, and will offer advice on how to avoid common pitfalls when practicing in federal court.



9B 10:00-11:00 a.m.

Narragansett B // Environment and War

Sheila Slocum Hollis, Partner, Duane Morris LLP • Carol W. Scott, Deputy Director, Case Placement Case Evaluation & Placement Component, The Veterans Consortium Pro Bono Program • Kerry Baker, Chisholm, Chisholm & Kilpatrick • Thomas J. Berger, Vietnam Veterans of America • Lenny Siegel, Center for Public Environmental Oversight

Since the use of Greek fire against the Persians, chemistry has had a profound effect on the conduct and impact of warfare on the human condition, affecting the environment and the human populations long after hostilities are resolved. Hear about chemical warfare in the modern age—beginning with the utilization of dioxin in Vietnam, the environmental impact of the Gulf War and the effects on the health of the American and allied forces involved, and the effects of the burn pits in Iraq and Afghanistan. A broad sweep of how the military is transitioning to a more environmentally sensitive approach to its missions is underway; addressing the past while looking to the future, with less reliance on traditional fuels, clean up of old sites, and other eco-minded steps.

9C 10:00-11:00 a.m.

Narragansett C // Preparing Younger Lawyers to Try Federal Cases: The Delaware Chapter's Trial Practice Seminar

Hon. Christopher J. Burke, U.S. Magistrate Judge, District of Delaware • Joseph J. Farnan Jr., Farnan LLP • Jennifer Hall, Assistant U.S. Attorney, District of Delaware • David C. Weiss, First Assistant U.S. Attorney, District of Delaware

What does it take to be a skillful advocate? How can FBA chapters get the courts involved to help develop the skills of younger attorneys? Explore the genesis of this unique program—its development over the past several years, how the chapter has been able to convince the court, experienced Delaware practitioners, and nationally renowned speakers to commit to seminar events, and the lessons imparted by the seminar's distinguished faculty.

10A 11:15 a.m.-12:15 p.m.

Narragansett A // Race and the Law

Anh Le Kremer, Deputy General Counsel, Center for Diagnostic Imaging • Dean Camille Nelson, Suffolk Law School • Prof. Lua Yuille, Associate Professor, University of Kansas School of Law

According to the U.S. Census, for the first time, America's racial and ethnic minorities now make up about half of the under-5 age group. This means that the non-Caucasian majority in the United States will be gone by 2043. Such striking demographic changes signal an increasing need for dialogue surrounding the role race will play in legal developments. Hear a historical overview of how race has impacted the development of American law and explore real world scenarios that demonstrate how race permeates the modern practice of law with a focus on private law.

11:15 a.m.-12:15 p.m.

Bristol // Legislative Update with Bruce Moyer

Bruce Moyer, FBA government relations counsel, will provide an update on current legislative issues that affect the FBA as well as those that the association has chosen to focus on through its Issues Agenda.



10B 11:15 a.m.-12:15 p.m.

Narragansett B // Obtaining and Admitting Electronic Evidence

J. Scott Kilpatrick, Partner, Chisholm, Chisholm & Kilpatrick LTD • Charles Molster III, Partner, Winston & Strawn • Stefanie C. Moon, S.C. Moon Law • Hon. Patricia Sullivan, U.S. Magistrate Judge, District of Rhode Island

Electronic evidence is becoming part of our everyday lives—and social media evidence is becoming more and more prevalent in state and federal courtrooms around the country. Hear about some of the methods by which electronic evidence may be obtained and some of the issues relating to how such materials may be admitted or excluded from evidence in federal courts—with trial like demonstrations.