

# CLE SESSIONS

## Thursday, September 13

9:00 - 10:00 A.M.

### GENERAL SESSION

The National Constitution Center's "We The People" podcast, a weekly show of constitutional debate live recording with host and NCC President and CEO Jeffrey Rosen.

10:15 - 11:15 A.M.

### SESSION 1A: EFFECTIVE REPRESENTATION IN MEDIATION

*Speakers: Simeon H. Baum, President, Resolve Mediation Services, Inc. (Moderator); John D. Feerick, Norris Professor of Law, Fordham University School of Law; John S. Kiernan, Partner, Debevoise & Plimpton; Hon. Frank Maas, U.S. Magistrate Judge (Ret.), JAMS; Paul D. Sarkozi, Partner, Tannenbaum Helpert Syracuse & Hirschtritt LLP*

Experienced mediator, Simeon H. Baum, President of Resolve Mediation Services, Inc., will moderate a panel of highly recognized Bar leaders and who draw on their deep experience as former Magistrate Judge now at JAMS (Hon. Frank Maas), longstanding icon of the ADR world (Dean John Feerick), renowned litigator and proponent of ADR (NY City Bar President John Kiernan of Debevoise), and experienced litigator and mediator (Paul Sarkozi, former NYSBA Commercial & Federal Litigation Section Chair) to present advice to counsel on effective representation in mediation. Utilizing interactive discussion, this panel will present tips on mediator selection, the varieties of mediator types and orientations, mediation strategy, client preparation, conducting pre-mediation conferences, pre-mediation submissions, the opening statement, conduct of joint session or caucuses, information gathering and strategic disclosure, effective communication, handling leverage, risk and transaction cost analysis, impasse breaking, deal analysis, closure, and overall negotiation theory, strategy, and skills.

10:15 - 11:15 A.M. CONT.

### SESSION 1B: NAVIGATING MARITIME PERSONAL INJURY & DEATH CASES AND OTHER HOT TOPICS

*Speakers: George M. Chalos, Principal, Chalos & Co, P.C.; Eric Daniel, Thompson Hine, LLP; Paul J. Kozacky, Principal, Kozacky Weitzel McGrath, P.C.; Michael W. McLeod, Rumrell, McLeod & Brock, PLLC*

The program covers the basics of the Admiralty Law applicable to personal injury and death claims depending on the location of the incident and the status of the claimant. The presentation is lead by a number of experienced maritime practitioners from throughout the country in a town hall format. Discussion will focus on understanding when the maritime law applies to an accident or injury, the impact of location of the injury and status of the claimant on the theories of recovery, remedies available to passengers and the lack of a heightened duty of care for common carriers, the definition of "seaman," and the trilogy of remedies available including the difference between Jones Act Negligence, Unseaworthiness and Maintenance and Cure obligation as well as the definition of Longshoreman and the compensation scheme applicable to land based workers.

### SESSION 1C: PERSPECTIVES ON CLASS ACTION AND MULTI-DISTRICT LITIGATION

*Speakers: Tal J. Lifshitz, Attorney, Kozyak Tropin & Throckmorton, LLP (Moderator); James E. Cecchi, Partner, Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.; Christopher A. Seeger, Partner, Seeger Weiss LLP*

Class action and multidistrict litigation remain an integral and evolving part of federal litigation, in various substantive areas including antitrust, products liability, securities, and consumer fraud. The "Perspectives on Class Action and Multi District Litigation" (MDL) presentation will provide attendees an opportunity to hear from some of the top practitioners in the country on critical and topical issues related to class actions and MDL proceeding, including emerging class action and MDL trends such as application of the Supreme Court's recent Bristol-Meyers Squibb decision on personal jurisdiction to class actions, changes in the federal rules of civil procedure impacting class action litigation, and proposed revisions to the rules on multidistrict litigation. Attendees will also learn effective strategies for litigating all aspects of the class action and MDL, from both plaintiff and defense counsel, from inception of the litigation through MDL proceedings, class certification, dispositive motions, settlement negotiation and approval, objections, and trial.

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11:30 A.M.- 12:30 P.M.

## **SESSION 2A: SEX TRAFFICKING AND CRIMINAL STREET GANGS: A SURVIVOR'S TALE**

*Speakers: Hazel Fasthorse, Human Trafficking Specialist, Advocacy Constant; Joseph Orabona, Assistant U.S. Attorney, U.S. Department of Justice; Alessandra P. Serano, National Project Safe Childhood Coordinator, Assistant U.S. Attorney, U.S. Department of Justice*

Traditionally focused on drug trafficking and other crimes, gangs across America have moved into the world of sex trafficking as a lucrative, low-risk crime. From the east coast to the west coast, cases are springing up in multiple jurisdictions leaving multiple victims in their wake. These resource-intensive cases involve multiple perpetrators and, oftentimes, multiple victims, requiring a depth of collaboration at the local and federal level. The U.S. Department of Justice has made investigating and prosecuting sex trafficking a national priority, within the National Strategy to Combat Human Trafficking (2017) and also by expanding the Project Safe Childhood initiative to include trafficking offenses where minor victims are involved. This presentation will provide an overview of the pervasiveness of the problem across every corner of the United States and discuss federal human trafficking statutes used to combat the problem. This presentation will also provide a unique perspective: that of a trafficking survivor who was trafficked by her schoolmate's father for almost a year. She will provide her viewpoint as she shares her story about the journey from her recovery to the conviction and sentencing of her trafficker.

## **SESSION 2B: AN HOUR WITH ABOVE THE LAW**

*Speakers: Evan Gibbs, Employment Litigator, Troutman Sanders LLP (Moderator); David Lat, Founder, Above the Law; Joe Patrice, Editor, Above the Law; Staci Zaretsky, Senior Editor, Above the Law*

The site AboveTheLaw.com is one of the most popular legal news sites today. The founder and editors, all former practicing attorneys with impressive credentials, left the traditional practice of law and took alternative paths. Their paths and work with the site have given them unique experiences and insights into the legal industry. This presentation will be a question-and-answer panel discussion delving into topics such as alternative careers for lawyers, transparency in the legal industry, the future of the practice of law, and many others. Learning objectives include insights to the current state of the legal industry, the future of the legal industry, alternative career paths for attorneys, and transparency in law firms.

11:30 A.M.- 12:30 P.M. CONT.

## **SESSION 2C: COPYRIGHT V. FAIR USE: RIGHTS V. REMEDIES**

*Speakers: Mickey H. Osterreicher, General Counsel, National Press Photographers Association (NPPA) (Moderator); Kenneth P. Norwick, Partner, Norwick & Schad; Nancy E. Wolff, Partner, Cowan, DeBaets, Abrahams & Sheppard LLP*

Copyright: it's complicated! With millions of images being uploaded every day and far too many users believing that the internet is the public domain, creating a sense of entitlement that everything found there is free for the taking — what are visual creators to do to enforce their rights? Most images are not registered with the U.S. Copyright Office prior to an infringement. In most cases the licensing fees being sought are relatively small. The majority of copyright attorneys require significant retainers before taking a case. Fair use has been raised as a successful defense in a growing number of cases. DMCA take-down notices are like a game of whack-a-mole where as soon as an infringing work comes down, it goes up somewhere else. So is IP enforcement a right without a real remedy when it comes to visual works? Does trying to enforce these rights equal “trolling”? Is a copyright small claims board the answer?

2:15 - 3:15 P.M.

## **SESSION 3A: BLOCKCHAIN 101: FOR LAWYERS DABBLING IN THE AREA!**

*Speakers: Steve Pugh, Chief Information Security Officer, Ionic Security; Rachel V. Rose, Principal, Rachel V. Rose – Attorney at Law, PLLC; Alexander N. Tsankov, Blockchain Engineer, Block Reaction; Michael Zussman, Counsel, OlenderFeldman, LLP*

Panelists will identify the basic concepts of cryptocurrencies and the blockchain technology that underlies them and explain how blockchain can become an industry disrupter with regard to banking and other industries. The presentation will explore how to use blockchain as an IP registry as well as the use of smart contracts to assist in the sale and licensing of intellectual property.

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2:15 - 3:15 P.M. CONT.

## **SESSION 3B: EASIEST CATCH: DON'T BE ANOTHER FISH IN THE DARK NET**

*Speakers: Mark Lanterman, Chief Technology Officer, Computer Forensic Services*

You've read the headlines. Unfortunately, the question now is not if your information is going to be accessed or stolen but when. Organizations are not immune to these attacks. In an effort to inform the attendees of current developments in the digital underground as well as provide realistic advice for cyber protection, Mark Lanterman will be discussing recent high-profile cyber crime events, including website breaches impacting retailers, banks, and government agencies. He will discuss particularly dangerous types of threats that might affect individuals involving the Dark Web, the Internet of Things, phishing, and Wi-Fi attacks.

## **SESSION 3C: BASICS OF FEDERAL FUNDING AGREEMENTS**

*Speakers: Jana Patterson (in personal capacity), Senior Counsel, Office of the General Counsel, U.S. Department of Commerce*

The Federal Government spent \$3.98 trillion in 2017. Of this, recent estimates suggest the top 100 Federal contractors alone received \$262 billion and \$515 billion a year went to Federal grants. At these levels, it is important to understand the nature of contracts, grants, and related agreements. When are each of these legal instruments used? The Federal Grant and Cooperative Agreement Act, 31 U.S.C. 6101-08, seeks to clarify this. Different rules apply to each instrument, so it is important for funding instrument selection to have a sound legal basis under the Act. Disputes continue to arise in recent Federal court and Government Accountability Office cases. Questions arise daily as agencies make decisions about mission-related funding, funding that the private sector spends. In this session, learn the basics of funding agreements between the U.S. Government and non-Federal parties.

3:30 - 4:30 P.M.

## **SESSION 4A: BLOCKCHAIN: FROM INNOVATION TO REGULATION**

*Speakers: Marissa Kim, Managing Partner, ARK Advisors; Robert Griffiths, Partner, Masur Griffiths + LLP; Steven Masur, Partner, Masur Griffiths + LLP; John Wise, CEO and Chairman of the Board, Loci*

Tremendous innovation has taken place in applications for blockchain technologies and cryptocurrencies. Blockchain could benefit numerous industries and forever change the way business is conducted on a global scale. With blockchain innovation, many new legal challenges are created and more strict

3:30 - 4:30 P.M. CONT.

regulation seems to be on the horizon, with recent statements from governing bodies like the SEC and CFTC regarding token offerings as securities. In this panel, expert speakers will discuss blockchain, current regulatory measures that are already underway and address challenges facing attorneys who are practicing in the blockchain and cryptocurrency technology space. They will also address some best practices for legal evaluation of blockchain technologies, ICOs and cryptocurrency as well as address what may be in store for the future of blockchain regulators and innovators.

## **SESSION 4B: TRENDS IN FIRST AMENDMENT POLICING**

*Speakers: Brandon Del Pozo, Chief, Burlington Police Department; Eileen Rosen, FBA Civil Rights Law Section, Past National Chair, Rock Fusco & Connolly LLC; Wylie Stecklow, FBA Civil Rights Law National Chair, Wylie Stecklow PLLC*

From Occupy Wall Street to Black Lives Matter to Students to End Gun Violence, protest activism of the 1960s has awoken and those participating in street protests are getting younger and younger. Recent protest events, like those at the University of Vermont in Burlington and in Baton Rouge, La., highlight the difficulties faced in enforcing the law while protecting free speech. This panel will discuss various standards to balance expressive speech activity protected by the First Amendment with the rights of others to enjoy the use of their roads, subways, and to generally enjoy their lives without inconvenience.

## **SESSION 4C: HOW ALCOHOL BEVERAGE COMPANIES STAND OUT IN 2018: DIGITAL BRAND PROMOTION CHALLENGES WITHIN THE REGULATORY FRAMEWORK**

*Speakers: Donna H. Hartman, OlenderFeldman, LLP; Michael J. Zussman, Counsel, OlenderFeldman, LLP*

Alcohol beverage companies exist in one of the most highly regulated industries in the country. Federal, state and local laws that vary widely across jurisdictions govern the distribution, sale, advertising, and consumption of alcohol. With the advent of new technologies, alcohol companies are finding new and creative ways to promote their brands and reach their audience, such as using virtual reality to create a new experience for consumers, having the ability to narrowly target certain demographics and communicate directly with anyone with a social media account through messages, images, and video, and collecting valuable data and user information on their websites. How does an alcohol company create and promote its brand in 2018, and where are the lines between existing laws and the freedom to use technology freely for advertising? This panel explores these challenges and how a highly regulated industry is navigating relatively unregulated technologies.

# Friday, September 14

8:30 - 9:30 A.M.

## **GENERAL SESSION/LEGISLATIVE UPDATE**

9:45 - 10:45 A.M.

### **SESSION 5A: HOW TO WIN A CASE FROM A JUDGE'S PERSPECTIVE**

*Speakers: James M. Wagstaffe, Partner, The Wagstaffe Group (Moderator); Hon. Loretta A. Preska, Senior U.S. District Judge, Southern District of New York; Roger J. Maldonado, Partner, Smith Gambrell & Russell and President-Elect New York City Bar Association*

This program will discuss important ways to use the procedural rules and statutes to win cases in federal court. It begins with the basics of subject matter jurisdiction, personal jurisdiction, removal, venue, and summary judgment. The panel will also discuss the importance of knowing local rules and practices. Attendees will benefit from hearing about the latest developments in federal civil procedure and the importance of attention to local rules and practices, as well as gaining insight from judges about how to persuade.

### **SESSION 5B: WOMEN'S HUMAN RIGHTS – THE PLIGHT OF THE MIGRANT DOMESTIC VIOLENCE VICTIM**

*Speakers: Gemma Solimene, Professor, Fordham Law School (Moderator); Deborah Anker, Clinical Professor of Law, Harvard Law School, Immigration and Refugee Clinical Program; Francesca Braga, Research Assistant, Leitner Center for Law and Social Justice; Marjoleine Zieck, Professor, Amsterdam Law School*

Attendees will gain an understanding of the Human Rights Protections afforded at the Global Level and explore how these protections have been further solidified at the regional level. Learn how to identify the limitations of implementation at the state level and examine regional efforts to monitor state compliance.

9:45 - 10:45 A.M. CONT.

### **SESSION 5C: STATUTES, REGULATIONS, POLICY AND EXECUTIVE ORDERS: SORTING OUT THE IMMIGRATION MESS**

*Speakers: Danielle Fackenthal, Staff Attorney, A Salmon Firm LLC; Rebeca E. Salmon, Executive Director, Access To Law Foundation*

Danielle Fackenthal and Rebeca Salmon will review the various changes in Trump Administration policy, regulations, and other orders which are frequently touted as changes to the immigration law in various media outlets. Clients are bombarded with information causing confusion about eligibility for relief, what the changing landscape means, and how it can be addressed. With constantly conflicting stories and interpretations, it is important that immigration attorneys arm themselves with simple explanations for clients, colleagues, and the public. After the presentation, the panel will open the floor to discuss various ideas in addressing misinformation campaigns.

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11:00 A.M. - 12:00 P.M.

**SESSION 6A: #METOO: IMPLEMENTATION AND ADMINISTRATION OF AN EFFECTIVE ANTI-HARASSMENT POLICY**

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*Speakers: Donna Phillips Currault, Member, Gordon, Arata, Montgomery, Barnett LLC (Moderator); Phillip M. Kitzer, Attorney, Teske Katz Kitzer & Rochel; Hon. Lisa M. Smith, U.S. Magistrate Judge, Southern District of New York; Mary A. Smith, Principal, Jackson Lewis P.C.*

Sexual harassment has become center-stage like no other time in history. Even lawyers who do not specialize in Labor & Employment will have an interest in this topic, and those who do practice in this area will benefit from the discussions on how recent public outcry has impacted this practice area. The panelists will discuss (a) what constitutes sexual harassment, (b) why reporting sexual harassment is critical, (c) how to properly investigate a charge, (d) what is prompt remedial action and (e) recent tax consequences governing confidential sexual harassment settlement agreements.

**SESSION 6B: DRAFTING, NEGOTIATING, AND ENFORCING INTELLECTUAL PROPERTY LICENSE AGREEMENTS: STRATEGIES AND PITFALLS**

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*Speakers: Maria Z. Vathis, Of Counsel, Bryan Cave Leighton Paisner LLP (Moderator); Donna Frosco, Dunnington Bartholow & Miller LLP; Olivera Medenica, Dunnington Bartholow & Miller LLP; Viviana Mura, Head of Global Trademark Practice, Luxottica Group; Rita M. Odin, VP and Senior Trademark Counsel, The Estee Lauder Companies, Inc.*

In this program, panelists will explore the main clauses of a licensing agreement that require particular attention. Panelists will highlight common

11:00 A.M. - 12:00 P.M. CONT.

pitfalls encountered when negotiating these agreements and the complex set of transactions in which they arise. Panelists will also go over essential strategies in ensuring that the most salient considerations are properly addressed. Topics will be addressed from both the in-house and outside counsel perspective, from negotiation to litigation. The program will also include mock negotiation strategies as well as an analysis of a hypothetical licensing deal between which turns sour. In the litigation context, panelists will go over the latest case law as it pertains to the topics discussed and explore litigation strategies as well as the perspective of in-house counsel in managing outside counsel. The panel will close with a brief outline of best strategies to follow when negotiating licensing deals.

**SESSION 6C: FEDERAL RULES OF CIVIL PROCEDURE 2015 AMENDMENT UPDATE: PROPORTIONALITY, PRINCIPLES, AND PERSPECTIVES**

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*Speakers: Stephen L. Buffo, Managing Director, Stout Risius Ross LLC; Justin J. Joyce, Associate, Porter Wright Morris & Arthur LLP; Hon. Jack Zouhary, U.S. District Judge, Northern District of Ohio*

The amendments to the Federal Rules of Civil Procedure that took effect on December 1, 2015, placed an increased emphasis on the speed of proceeding with case scheduling and initiating meaningful and appropriately targeted discovery. Since then, courts and litigants have faced a variety of challenges in implementing both the letter and the intent of these rule changes. This presentation will provide an update on the 2015 Amendments to the Federal Rules of Civil Procedure as they pertain to electronic document discovery, with the objective of providing insights from the field of what's been learned and observed over the two-plus years since their implementation.

For a complete listing of  
convention event details visit  
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