



Appellate Advocacy



Live moot argument in ceremonial courtroom, with insight and analysis from a distinguished panel of appellate judges



Expert commentary on appellate issues confronting businesses



In-house panel to discuss retention of independent appellate counsel



May 11-12, 2017

Sheraton New Orleans

New Orleans, LA

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delivers
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Experienced appellate practitioners, in-house counsel, and occasional appellate advocates alike will benefit from a distinguished faculty of judges, in-house counsel, and leading practitioners providing valuable insight on every stage of an appeal. This program features presentations on the effect of various technological advances on brief writing, certification of issues to a state court, and the role of insurance on appeal. The program also offers guidance on brief writing and preparation for argument in the context of en banc review and discusses strategic considerations when the government is a party to your appeal. A panel of in-house counsel will offer insight on the appeal process and effective management of appeals, and, for the first time, our highly regarded mock argument will be held at the United States district court, just blocks from our hotel.



Keith E. Whitson
Program Chair



Tillman J. Breckenridge
Committee Chair



Sara Kobak
Program Vice Chair



Robert L. Wise
Committee Vice Chair



Jeffrey A. Holmstrand
Law Institute



See what others have to say about DRI seminars

PRESENTED BY **DRI's Appellate Advocacy Committee**



What You Will Learn

- Tips on effective oral advocacy from judges who regularly hear oral arguments
- Better brief writing in the electronic age, including the use of visual images and hyperlinks in briefs
- Strategic considerations for en banc review or when the government is a party
- Valuable insight from an in-house panel on management of appeals and retention of appellate counsel
- The circumstances when certification of issues from federal to state courts is most likely and strategies for pursuing or opposing certification
- How the tripartite relationship among insured, insurer, and counsel works at the appellate level



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**
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Maximize Your DRI Seminar Experience

No one gets you connected like DRI.

- Access the **DRI Appellate Advocacy Committee Community** 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 and claims professional registrants and speakers.

PROGRAM SCHEDULE

WEDNESDAY, MAY 10

1:00 p.m. **Networking Event: Walking Tour of the French Quarter**

Before the conference gets underway, attendees are welcome to participate in a two-hour walking tour of the historic French Quarter! We will stroll along the Mississippi River, through the French Market and Jackson Square, and down the sidewalks of quaint streets dating back to the early 1700s. Our local tour guide will explain the secrets of the French Quarter as we explore its architecture, courtyards, gardens, food, music, and art. **Cost is \$26. Please RSVP by April 24, 2017, to Wendy Hermes, hermes@berryfirm.com.**

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6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

THURSDAY, MAY 11

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

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

SPONSORED BY **Schnader Harrison Segal & Lewis LLP**

8:00 a.m. **Welcome and Introduction**

Jeffrey A. Holmstrand, *Grove Holmstrand & Delk PLLC*, Wheeling, WV

Keith E. Whitson, *Schnader Harrison Segal & Lewis LLP*, Pittsburgh, PA

8:15 a.m. **Brief Writing in the Digital Age**

Learn about the effect on brief writing of various technological advances and how to use these advances to structure legal arguments. This includes the use of visual images in briefs, the increased use of hyperlinking, and tips for

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writing to judges who may read briefs on tablets or computers.

Charles T. Frazier, Jr., *Alexander Dubose Jefferson & Townsend LLP*, Dallas, TX

The Honorable Donna S. Stroud, *North Carolina Court of Appeals*, Raleigh, NC

9:15 a.m. **Certification of Issues from Federal to State Courts**

The panelists will provide their insights regarding the circumstances in which certification is most likely to arise, the legal and strategic issues in pursuing or opposing certification, and the effect of removal on requests to certify.

MODERATOR | **Jill M. Wheaton**, *Dykema Gossett PLLC*, Ann Arbor, MI

PANEL

The Honorable Steven H. David, *Indiana Supreme Court*, Indianapolis, IN

The Honorable D. Brooks Smith, *Chief Judge, U.S. Court of Appeals for the Third Circuit*, Philadelphia, PA

10:15 a.m. **Refreshment Break**

SPONSORED BY **Reed Smith LLP**

10:30 a.m. **The Role of Insurance on Appeal**

In-house counsel share views on how the tripartite relationship between insurer, insured, and counsel works at the appellate level, and the insurer's obligations. The panelists will also discuss the rising trend of claims for bad faith based on allegations of taking a frivolous appeal.

MODERATOR | **Anthony (Tony) R. Zelle**, *Zelle McDonough & Cohen LLP*, Boston, MA

PANEL

 **Lincoln S. Le Varge**, *Tower Hill Insurance Group LLC*, Gainesville, FL

 **Demetrius E. Rush**, *Zurich North America*, Schaumburg, IL

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11:30 a.m. **En Banc Review**

What factors are important in the granting of a rehearing en banc and what are the unique challenges for appellate counsel and the judges involved? This panel will cover decisional dynamics where a full court must render an opinion or opinions.

MODERATOR | **James C. Martin**, *Reed Smith LLP*, Pittsburgh, PA

PANEL

Deanne E. Maynard, *Morrison & Foerster LLP*, Washington, DC

Aaron M. Panner, *Kellogg Huber Hansen Todd Evans & Figel PLLC*, Washington, DC

The Honorable D. Brooks Smith, *Chief Judge, U.S. Court of Appeals for the Third Circuit*, Philadelphia, PA

12:30 p.m. **Lunch (on your own)**1:45 p.m. **Ethics and Appellate Litigation**

This interactive presentation will focus on ethical rules and responsibilities that arise in appellate practice, including candor with the court, conflicts of interest, and issues with third-party litigation funding.

Kristine M. Ellison, *Eversheds Sutherland (US) LLP*, Washington, DC

Adam M. Koss, *Murphy Pearson Bradley & Feeney*, San Francisco, CA

Sara Kobak, *Schwabe Williamson & Wyatt PC*, Portland, OR

2:45 p.m. **Handling a Civil Appeal When the Government Is a Party**

The federal government appears as a party or amicus curiae in a broad range of civil appeals in the federal courts of appeals and the U.S. Supreme Court. The same is true for state governments, both in federal and state appellate courts. What strategies work best when the

government is your opponent? Or if the government happens to be on your side, what is the best way to coordinate with government counsel for the benefit of your client?

MODERATOR | **Lawrence S. Ebner**, *Capital Appellate Advocacy PLLC*, Washington, DC

PANEL

Mark S. Chenoweth, *Washington Legal Foundation*, Washington, DC


Kevin C. Newsom, *Bradley Arant Boult Cummings LLP*, Birmingham, AL

3:45 p.m. **Refreshment Break**4:00 p.m. **In-House Counsels' View of Appellate Advocacy**

Our panel of in-house counsel provides views on the appellate process and their insights about the value and challenges of using appellate specialists not just for appeals but in the trial courts as well.

MODERATOR | **Lisa M. Baird**, *Reed Smith LLP*, Los Angeles, CA

PANEL

 **Elizabeth J. Feeney**, *GlaxoSmithKline*, Philadelphia, PA

 **Nicholas L. Secord**, *Kia Motors America Inc.*, Irvine, CA

5:00 p.m. **Appellate Advocacy Committee Meeting (open to all)**6:00 p.m. **Networking Reception**7:00 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

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FRIDAY, MAY 12

7:30 a.m. **Registration**

Continental Breakfast (7:30 a.m.–8:30 a.m.)

SPONSORED BY **Wright Lindsey & Jennings LLP**

The 9:00 a.m. session will be held in the Ceremonial Courtroom of the United States District Court for the Eastern District of Louisiana, 500 Poydras Street, just blocks from our hotel.

9:00 a.m. **Mock Argument: *Microsoft Corporation v. Baker, et al.*, 797 F.3d 607 (9th Cir. 2015), cert. granted, 136 S. Ct. 890 (2016)**

A panel of judges presides over a mock oral argument performed by experienced practitioners. In addition to the argument, hear the practitioners and jurists explain their thoughts, theories, and concerns about the case, and witness an actual case conference following the argument.

MODERATOR | **Sara Rodrigue Buggs, NeunerPate**, Lafayette, LA

PANEL OF JUDGES

The Honorable Michael A. Cherry, *Chief Justice, Nevada Supreme Court*, Carson City, NV

The Honorable Harris L. Hartz, *U.S. Court of Appeals for the Tenth Circuit*, Denver, CO

The Honorable Helene Nita White, *U.S. Court of Appeals for the Sixth Circuit*, Cincinnati, OH

ADVOCATES

Paula Duggan Vraa, *Larson King LLP*, Saint Paul, MN

Nancy Winkelman, *Schnader Harrison Segal & Lewis LLP*, Philadelphia, PA

11:00 a.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 Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **9** 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 for legal specialization credit in civil appellate law has been made for the states of California, Florida, Louisiana, Ohio and Texas.** 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 the **Sheraton New Orleans Hotel, 500 Canal Street, New Orleans, LA 70130** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$239 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Appellate Advocacy Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 504.525.2500** and mention the **DRI Appellate Advocacy Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 11, 2017**, to be eligible for the group rate. Requests for reservations made after **April 11, 2017** are subject to room and rate availability.

Registration Policy

Save \$100 when you register by April 11, 2017. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks and networking receptions. 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 **April 18, 2017** (*please allow 10 days for processing*). Registrations received after **April 18, 2017**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 18, 2017**. Cancellations received after **April 18** and on or before **April 25, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **April 25** will not receive a refund, but 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 previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **April 11, 2017**. After **April 11**, the group rate is **\$875**. 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 Appellate Advocacy Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. 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 *Click on any name to view bio.*

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Sara Rodrigue Buggs, NeunerPate, Lafayette, LA

Mark S. Chenoweth, Washington Legal Foundation, Washington, DC

The Honorable Michael A. Cherry, Chief Justice, Nevada Supreme Court, Carson City, NV

The Honorable Steven H. David, Indiana Supreme Court, Indianapolis, IN

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Kristine M. Ellison, Eversheds Sutherland (US) LLP, Washington, DC

Elizabeth J. Feeney, GlaxoSmithKline, Philadelphia, PA

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Sara Kobak, Schwabe Williamson & Wyatt PC, Portland, OR

Adam M. Koss, Murphy Pearson Bradley & Feeney, San Francisco, CA

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Aaron M. Panner, Kellogg Huber Hansen Todd Evans & Figel PLLC, Washington, DC

 **Demetrius E. Rush**, Zurich North America, Schaumburg, IL

 **Nicholas L. Secord**, Kia Motors America Inc., Irvine, CA

The Honorable D. Brooks Smith, Chief Judge, U.S. Court of Appeals for the Third Circuit, Philadelphia, PA

The Honorable Donna S. Stroud, North Carolina Court of Appeals, Raleigh, NC

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The Honorable Helene Nita White, U.S. Court of Appeals for the Sixth Circuit, Cincinnati, OH

Keith E. Whitson, Schnader Harrison Segal & Lewis LLP, Pittsburgh, PA

Nancy Winkelman, Schnader Harrison Segal & Lewis LLP, Philadelphia, PA

Robert L. Wise, Bowman and Brooke LLP, Richmond, VA

Anthony (Tony) R. Zelle, Zelle McDonough & Cohen LLP, Boston, MA

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March 15–17
Trial Tactics
The Venetian/Palazzo Resort,
Las Vegas, NV

March 23–24
Toxic Torts and Environmental Law
Sheraton New Orleans,
New Orleans, LA

April 5–7
**Insurance Coverage and
Claims Institute**
Loews Chicago Hotel, Chicago, IL

April 26–28
Life, Health, Disability and ERISA
Swissôtel Chicago, Chicago, IL

May 4–5
Retail and Hospitality Litigation
Loews Chicago Hotel, Chicago, IL

May 11–12
Drug and Medical Device
Sheraton New Orleans,
New Orleans, LA

May 11–12
Intellectual Property
Gleacher Center, Chicago, IL

May 31–June 2
**Insurance Bad Faith and
Extra-Contractual Liability**
Hyatt Regency Boston, Boston, MA

Publications for Your Practice

Members can access committee newsletters and seminar course materials via **DRI Online** at dri.org.

Newsletter *Certworthy* (4 times a year)

Visit the **Appellate Advocacy Committee page** on dri.org for information about the committee and related resources.

Appellate Advocacy focus in *For The Defense*

February 2017

March 2016

October 2015

Defense Library Series

Appellate Lawyers in Trial Courts (upcoming)



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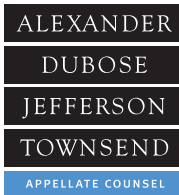
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Are you a first-time attendee at this DRI seminar? Yes No

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REGISTRATION FEE

Registration fee includes seminar attendance, networking events and course materials. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	Before Apr. 11, 2017	After Apr. 11, 2017	
<input type="checkbox"/> Member	\$875	\$975	<i>For inclusion on the preregistration list and to receive course materials in advance, register by April 18, 2017.</i>
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