



Class Actions

Latest Developments
in Law and Practice



Discussion of the Supreme Court's class action decisions this term, by advocates involved in those cases



Analysis of the Trump administration's potential effects on class action litigation, including Supreme Court appointments

In-house counsel's insights on class action trends

Practical tips for defending class actions effectively



July 20-21, 2017

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Class action litigation continues to pose significant risks and challenges for American and international businesses. Class actions have been a significant focus for the United States Supreme Court in recent years and this term has been no exception. Meanwhile, prior rulings are being interpreted and further developed by the lower courts against a backdrop of significant changes: the new Trump administration and forthcoming changes to federal Rule 23. The DRI Class Actions Seminar gives attendees a unique opportunity to hear prominent SCOTUS advocates discuss the Court's recent class action decisions and a Canadian Supreme Court Justice offer insights about class action appeals in that country. Renowned class action practitioners and experienced in-house counsel will also discuss emerging class action trends and effective strategies for defending a class action from inception, through opposition to class certification, to successful resolution through settlement or trial. Practitioners defending class actions should not miss this outstanding program.



Jennifer **Quinn-Barabanov**
Program Chair



Jeffrey A. **Holmstrand**
Law Institute



Wylan M. **Ackerman**
Program Vice Chair



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What You Will Learn

- Cutting-edge analysis of the Supreme Court's most recent class action decisions and how lower courts are interpreting them
- How forthcoming and possible future amendments to Rule 23 could affect class action litigation and settlements
- Emerging trends and issues in data privacy and TCPA class actions
- Insights on how the Supreme Court of Canada handles class action appeals from a sitting justice
- Practical advice from class action practitioners and experienced in-house counsel



Get Started

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- Discover the  **DRI Client Connection**—meet in-house and claims professional registrants and speakers.

PROGRAM SCHEDULE

WEDNESDAY, JULY 19

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

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

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THURSDAY, JULY 20

Wireless Access

SPONSORED BY **Bradley Arant Boult
Cummings LLP**

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

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

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

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

Jennifer Quinn-Barabanov, *Stephoe & Johnson LLP*, Washington, DC

8:15 a.m. **Forecast for Class Actions Under a Trump Administration**

Hear views on how a new Supreme Court justice might affect the Court's consideration of hot-button class action issues. This session will also analyze the new justice's class action track record, compare it to existing Supreme Court jurisprudence, and discuss the future of class action lawsuits before the newly reconstituted Supreme Court.

Alison Frankel, *Thomson Reuters*, New York, NY

9:15 a.m. **Microsoft v. Baker**

This presentation will address the Supreme Court's resolution of the question whether plaintiffs can obtain federal appellate review of a ruling denying class certification after volun-

Click on any speaker name to view bio.

tarily dismissing their claims with prejudice and its practical effect on litigating class claims.

Stephen M. Rummage, *Davis Wright & Tremaine LLP*, Seattle, WA

10:00 a.m. **Insights from the Supreme Court of Canada**

A sitting Supreme Court of Canada Justice will provide the audience with the philosophical approach to class actions of Canada's high court, how it addresses the recognition of the diverse jurisdictions in Canada, and the legislation applicable in each of the Canadian provinces.

The Honorable Suzanne Côté, *Supreme Court of Canada*, Ottawa, ON

10:45 a.m. **Refreshment Break**

SPONSORED BY **Reed Smith LLP**

11:00 a.m. **The Future of Privacy Class Actions**

Legal developments are not the only changes that will drive the privacy class actions of the future. Our panel will discuss how emerging technologies, the Internet of Things (IOT), "big data," and increasing cybersecurity threats may affect the nature and scope of future of data privacy class actions.

MODERATOR | **Stewart A. Baker**, *Stephoe & Johnson LLP*, Washington, DC

PANEL

 **Kurt Beyerchen, Jr.**, *Hyundai Motor America*, Fountain Valley, CA

 **Craig M. Halseth**, *Ford Motor Company*, Dearborn, MI

Christiana L. Lin, *comScore Inc.*, Reston, VA

 **Yael Weinman**, *Verizon*, Washington, DC

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12:00 p.m. **Women's Networking Lunch** | To sign up please contact Michelle Czapski at mczapski@bodmanlaw.com.

Lunch Arouns | Join colleagues and friends at selected restaurants for lunch (*on your own*). More details on-site.

1:30 p.m. **Litigating Statutory Damage Class Actions After *Spokeo***

Learn how lower courts have interpreted the concreteness and particularity requirements for standing in the aftermath of the U.S. Supreme Court's decision in *Spokeo v. Robins*, and gain insights on how lower courts' divergent approaches affect different types of claims, particularly those for statutory damages.

Bryan Merryman, *White & Case LLP*, Los Angeles, CA

2:30 p.m. **Plumbing the Depths of *American Pipe***

The contours of *American Pipe* tolling have been shifting in recent years. This session will explore the effect of courts' application of tolling in a variety of contexts and the impact on plaintiffs' ability to pursue individual claims in state or federal court after a denial of class certification.

Mark A. Perry, *Gibson Dunn & Crutcher LLP*, Washington, DC

3:15 p.m. **Refreshment Break**

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3:30 p.m. **Ascertainability**

The federal courts of appeals have adopted different approaches regarding whether and to what extent a class must be ascertainable to be certified. Hear an overview of the current state of the law on ascertainability and practical suggestions for defeating class certification under the various standards.

Angela M. Spivey, *McGuireWoods LLP*, Atlanta, GA

4:15 p.m. **Insurance Coverage Issues Raised by Class Claims**

This session will discuss the specialized insurance coverage issues that arise when companies ask their liability insurers to defend them in class actions (including "no injury" class actions), exclusions and other policy provisions that insurers may assert, and particular kinds of coverage available for class action claims and settlements.

Courtney C.T. Horrigan, *Reed Smith LLP*, Pittsburgh, PA

Alexander E. Potente, *Sedgwick LLP*, San Francisco, CA

5:15 p.m. **Adjourn**

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

SPONSORED BY **Shook Hardy & Bacon LLP**

7:30 p.m. **Dine-Arouns** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

FRIDAY, JULY 21

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

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

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

Wystan M. Ackerman, *Robinson & Cole LLP*, Hartford, CT

8:10 a.m. **Class Action Waivers in Employment Agreements**

This presentation will discuss the Supreme Court's upcoming review of a series of cases that ask whether agreements to forgo class actions or collective proceedings and instead resolve employer–employee disputes through individual arbitration are enforceable under the Federal Arbitration Act or prohibited by the National Labor Relations Act.

Neal K. Katyal, *Hogan Lovells US LLP*, Washington, DC

“Content is excellent and speakers are leading edge practitioners in this specific area of practice.”

9:00 a.m. **Rule 23 Amendments: What Comes Next?**

As the process for finalizing the current round of amendments to Rule 23 nears completion, gain an insider’s view of the issues that were addressed, those that hit the cutting-room floor, and potential areas of focus for the Federal Rules Advisory Committee.

MODERATOR | **Michael R. Pennington**, *Bradley Arant Boult Cummings LLP*, Birmingham, AL

The Honorable Robert M. Dow, Jr., *U.S. District Court for the Northern District of Illinois*, Chicago, IL

10:00 a.m. **Refreshment Break**

10:15 a.m. **Class Action Settlements**

Several high-profile class settlements have been challenged recently at the appellate level under Rule 23 and the Rules Enabling Act, as well as on constitutional grounds, prompting judicial clarification concerning the kind of injunctive relief terms that raise red flags and make settlements vulnerable. Learn about the emerging dividing line between class settle-

ment terms that are likely to be approved and those that are not.

Tristan L. Duncan, *Shook Hardy & Bacon LLP*, Kansas City, MO

11:15 a.m. **Recent Developments in TCPA Class Actions**

This session will provide insights concerning recent developments and trends in class actions under the Telephone Consumer Protection Act (TCPA), including the most recent wave of lawsuits, the appeal before the D.C. Circuit, and potential changes to the TCPA under a newly constituted Federal Communications Commission.

 **Christine L. Brandt**, *Macy’s Inc.*, San Francisco, CA

Christine M. Reilly, *Manatt Phelps & Phillips LLP*, Los Angeles, CA

12:15 p.m. **Ethics**

This session will address recent ethics-related developments in the class action arena.

Matthew D. Berkowitz, *Carr Maloney PC*, Washington, DC

1:15 p.m. **Adjourn**

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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.

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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 **12** 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. 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 **Westin Washington, DC City Center, 1400 M Street NW, Washington, DC 20005** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$199 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit **dri.org** and go to the **DRI Class Actions Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 202.429.1700** and mention the **DRI Class Actions Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **June 20, 2017**, to be eligible for the group rate. Requests for reservations made after **June 20, 2017** are subject to room and rate availability.

Registration Policy

Save \$100 when you register by June 20, 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 **June 27, 2017** (*please allow 10 days for processing*). Registrations received after **June 27, 2017**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **June 27, 2017**. Cancellations received after **June 27** and on or before **July 4, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **July 4** 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 **June 20, 2017**. After **June 20**, 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 Class Actions 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.


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Stewart A. Baker, Steptoe & Johnson LLP, Washington, DC

Matthew D. Berkowitz, Carr Maloney PC, Washington, DC

 **Kurt Beyerchen, Jr.**, Hyundai Motor America, Fountain Valley, CA

 **Christine L. Brandt**, Macy's Inc., San Francisco, CA

The Honorable Suzanne Côté, Supreme Court of Canada, Ottawa, ON

The Honorable Robert M. Dow, Jr., U.S. District Court for the Northern District of Illinois, Chicago, IL

Tristan L. Duncan, Shook Hardy & Bacon LLP, Kansas City, MO

Alison Frankel, Thomson Reuters, New York, NY

 **Craig M. Halseth**, Ford Motor Company, Dearborn, MI

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

Courtney C.T. Horrigan, Reed Smith LLP, Pittsburgh, PA

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Mark A. Perry, Gibson Dunn & Crutcher LLP, Washington, DC

Alexander E. Potente, Sedgwick LLP, San Francisco, CA

Jennifer Quinn-Barabanov, Steptoe & Johnson LLP, Washington, DC

Christine M. Reilly, Manatt Phelps & Phillips LLP, Los Angeles, CA

Stephen M. Rummage, Davis Wright & Tremaine LLP, Seattle, WA

Angela M. Spivey, McGuireWoods LLP, Atlanta, GA

 **Yael Weinman**, Verizon, Washington, DC

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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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Employment and Labor Law
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**Insurance Bad Faith and
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Hyatt Regency Boston, Boston, MA

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**Hot Topics in International
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William Fry Law Firm, Dublin, Ireland

September 7–8
Cybersecurity and Data Privacy
Westin Michigan Avenue, Chicago, IL

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

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