

ABA Litigation Section

2022 Section Annual Conference

May 4–6, 2022

**Eden Roc Miami Beach
Miami Beach, FL**

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11 for Early Bird
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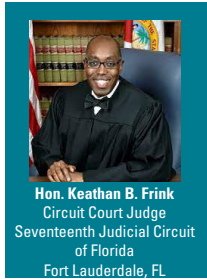
ABA[®]
AMERICAN **BAR** ASSOCIATION
Litigation Section

HIGHLIGHTS

FEATURED PROGRAMS

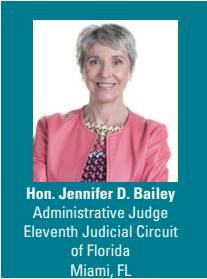
From the Bench: Dos, Don'ts, and Stories from the Front Lines

Wednesday, May 4 | 4:00 PM–5:30 PM



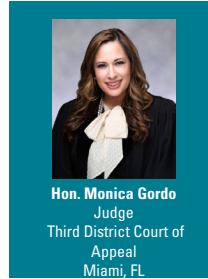
Hon. Keathan B. Frink
Circuit Court Judge
Seventeenth Judicial Circuit
of Florida
Fort Lauderdale, FL

MODERATOR



Hon. Jennifer D. Bailey
Administrative Judge
Eleventh Judicial Circuit
of Florida
Miami, FL

SPEAKER

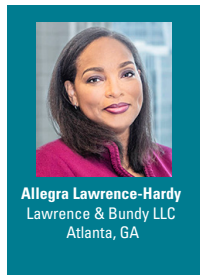


Hon. Monica Gordo
Judge
Third District Court of
Appeal
Miami, FL

SPEAKER

The State of Voting Rights in America

Thursday, May 5 | 9:00 AM–10:30 AM



Allegra Lawrence-Hardy
Lawrence & Bundy LLC
Atlanta, GA

MODERATOR



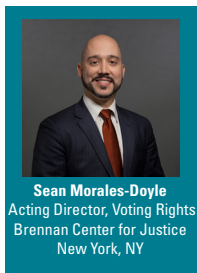
Debo P. Adegbile
Wilmer Cutler Pickering
Hale & Dorr LLP
New York, NY

SPEAKER



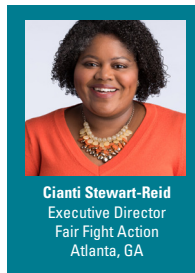
Deborah Archer
President
American Civil Liberties Union
New York, NY

SPEAKER



Sean Morales-Doyle
Acting Director, Voting Rights
Brennan Center for Justice
New York, NY

SPEAKER

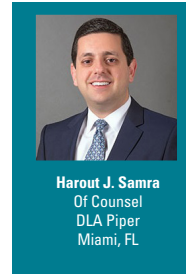


Cianti Stewart-Reid
Executive Director
Fair Fight Action
Atlanta, GA

SPEAKER

Rough Seas: Navigating the Policy and Legal Response to the Ongoing Human Rights Crisis in Cuba

Thursday, May 5 | 4:00 PM–5:30 PM



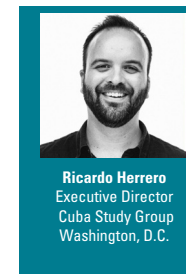
Harout J. Samra
Of Counsel
DLA Piper
Miami, FL

MODERATOR



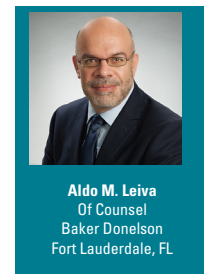
Pedro A. Freyre
International Practice Chair
Akerman LLP
Miami, FL

SPEAKER



Ricardo Herrero
Executive Director
Cuba Study Group
Washington, D.C.

SPEAKER



Aldo M. Leiva
Of Counsel
Baker Donelson
Fort Lauderdale, FL

SPEAKER

Attorney General of the United States: Is 'The United States' Really the 'Client'?

Friday, May 6 | 9:00 AM–10:30 AM



Lee Stapleton
Shareholder, Carlton Fields PA;
Former Chief Assistant U.S.
Attorney for the Southern District
of Florida
Miami, FL

MODERATOR



Wifredo A. Ferrer
Partner, Holland & Knight LLP;
Former U.S. Attorney for the
Southern District of Florida
Miami, FL

SPEAKER



Bruce A. Green
Louis Stein Chair
Fordham University School
of Law
New York, NY

SPEAKER



Michael B. Mukasey
Of Counsel, Debevoise &
Plimpton LLP; Former U.S.
Attorney General (81st)
New York, NY


SPEAKER

NETWORKING

WEDNESDAY, MAY 4

Welcome Reception | 5:30 PM–6:30 PM | *Included in Registration*

Network, catch up with old friends and colleagues, and make new connections. Drinks and light hors d'oeuvres will be served.

 *This event is sponsored by Ankura.*
Sponsor of the ABA Litigation Section

Committee Dinners & Dine-Arounds | 7:00 PM–9:00 PM | *Pay on Own*

Gather with those who share your professional and practice interests. All attendees are welcome, including those who are not committee members or are new to the Litigation Section.

THURSDAY, MAY 5

Networking Breakfast | 7:30 AM–8:45 AM | *Included in Registration*

Meet in small groups with Section leaders and newcomers. Learn how the Litigation Section can deliver results for your practice and professional development.

John Minor Wisdom & Diversity Leadership Awards Luncheon | 12:00 PM–1:15 PM | *Ticketed: \$100*

The Section will present the John Minor Wisdom Public Service and Professionalism Awards to DLA Piper LLP and to Caroline J. Heller of Greenberg Traurig LLP, and the Diversity Leadership Award to the Institute for Inclusion in the Legal Profession. The Honorable Rosemary Barkett, Iran-United States Claims Tribunal, will be our keynote speaker.


 *The John Minor Wisdom Public Service & Professionalism and Diversity Leadership Awards Luncheon is sponsored by Stone Pigman Walther Wittmann LLC.*

Sunset Cruise and Dinner | 6:30 PM–9:00 PM | *Ticketed: \$100*

Join us on a scenic cruise along the Intracoastal Waterway. Enjoy hors d'oeuvres, dinner, drinks, and entertainment. Boarding will be across the street from the Eden Roc and the yacht will leave at 7 PM.

After Hours with Ankura | 9:00 PM–10:30 PM | *Included in Registration*

Keep the night going! Join Ankura for after-dinner drinks and dessert in the hotel when you return from the cruise—a perfect way to end the evening with colleagues and friends.

 *This event is sponsored by Ankura.*
Sponsor of the ABA Litigation Section

FRIDAY, MAY 6

Committee Networking Breakfast | 8:00 AM–9:00 AM | *Included in Registration*

Start your day by networking with litigators whose practice areas match yours. Learn how to get involved in the Section's 39 open-enrollment committees.

Networking Luncheon | 12:00 PM–1:15 PM | *Ticketed: \$75*

Network over lunch as you meet new attendees and reconnect with Section colleagues and friends. Miami Beach Mayor Dan Gelber will be our keynote speaker.

SCHEDULE*

WEDNESDAY, MAY 4

TIME	CLE	EVENT
1:30 PM–2:30 PM	<i>General</i>	Breakout: The Great Tuna Debate: The Impact of Uninjured Class Members on Class Certification
	<i>General</i>	Breakout: Seven Secrets to Success at Mediation: New Developments for the Online Era
	<i>General</i>	Breakout: Bivens and Section 1983: The Future of Constitutional Damages Actions
	<i>Ethics</i>	Breakout: Witness Ethics: Steering Clear of Potential Minefields
2:30 PM–2:45 PM		Networking Break
2:45 PM–3:45 PM	<i>Ethics</i>	Breakout: The Ethical Use of Expert Witnesses
	<i>General</i>	Breakout: Successful Partnering of Trial and Appellate Counsel
	<i>General</i>	Breakout: Stockouts, Price Spikes, Toilet Paper, and Computer Chips: Supply Chain Litigation in the Pandemic Era
	<i>General</i>	Breakout: The Year in Review: Hot Topics in International Arbitration
4:00 PM–5:30 PM	<i>General</i>	Plenary: From the Bench: Dos, Don'ts, and Stories from the Front Lines
6:00 PM–7:00 PM		Welcome Reception
7:30 PM–9:30 PM		Committee Dinners & Dine-Arounds

THURSDAY, MAY 5

TIME	CLE	EVENT
7:30 AM–8:45 AM		Networking Breakfast
9:00 AM–10:30 AM	<i>General</i>	Plenary: The State of Voting Rights in America
10:30 AM–10:45 AM		Networking Break
10:45 AM–11:45 AM	<i>General</i>	Breakout: Ransomware and Cybersecurity Attacks: Advising Clients, Litigating Liability, and Maximizing Insurance Recovery
	<i>Elimination of Bias</i>	Breakout: COVID-19 and Gender: The Impact of the Pandemic on Women in the Profession
	<i>Non-CLE</i>	Breakout: Allow Non-Lawyers to Practice Law AND Own Law Firms? Really?
	<i>Ethics</i>	Breakout: Avoiding Ethical Risks in a Hybrid Work Environment

*Schedule as of April 7, 2022. Subject to change.

SCHEDULE*

THURSDAY, MAY 5 CONTINUED

TIME	CLE	EVENT
11:45 AM–12:00 PM		Networking Break
12:00 PM–1:15 PM		John Minor Wisdom & Diversity Leadership Awards Luncheon (Ticketed: \$100)
1:30 PM–2:30 PM	<i>General</i>	Breakout: The Jury Has the Case and You Are in the Hall: What Key Issues Should be Focused On?
	<i>Elimination of Bias</i>	Breakout: Othering or Smothering? Creating Thoughtfulness Without “Thought Policing” for Diversity & Inclusion Efforts in the Legal Profession
	<i>Ethics</i>	Breakout: Ethics Considerations for Pro Bono Representations in a Pandemic and Post-Pandemic World
	<i>General</i>	Breakout: The Attack on <i>New York Times v. Sullivan</i> : Will 58 Years of Libel Law Be Overturned?
2:30 PM–2:45 PM		Networking Break
2:45 PM–3:45 PM	<i>General</i>	Breakout: Infectious Disease Litigation: Science, Law, and Procedure
	<i>General</i>	Breakout: What to Do When it All Goes Wrong: Strategies for Dealing with the Unexpected During a Hearing or Trial
	<i>Elimination of Bias</i>	Breakout: A Competitive Edge: Leveraging Diversity for Successful Outcomes in Litigation
	<i>Non-CLE</i>	Breakout: Business Development in the Digital Age: Social Media, Networking, and Thought Leadership for the Modern Lawyer
3:45 PM–4:00 PM		Networking Break
4:00 PM–5:30 PM	<i>General</i>	Plenary: Rough Seas: Navigating the Policy and Legal Response to the Ongoing Human Rights Crisis in Cuba
6:30 PM–9:30 PM		Sunset Cruise and Dinner
9:00 PM–10:30 PM		After Hours with Ankura

*Schedule as of April 7, 2022. Subject to change.

SCHEDULE*

FRIDAY, MAY 6

TIME	CLE	EVENT
6:30 AM–7:15 AM		Mental Health and Wellness Fun Run/Walk
8:00 AM–9:00 AM		Committee Networking Breakfast
9:00 AM–10:30 AM	<i>General</i>	Plenary: Attorney General of the United States: Is ‘The United States’ Really the ‘Client’?
10:30 AM–10:45 AM		Networking Break
10:45 AM–11:45 AM	<i>General</i>	Breakout: Practicing Law in a COVID World
	<i>General</i>	Breakout: The Evolving Law of Restrictive Covenants and Its Impact on the Disclosure of Confidential Information
	<i>General</i>	Breakout: Experts: Communicating Complex Ideas and Issues in Litigation Consistent with Messaging Trends
	<i>Mental Illness Awareness</i>	Breakout: Mental Health Issues in Litigation
12:00 PM–1:15 PM		Networking Luncheon (Ticketed: \$75)
1:30 PM–2:30 PM	<i>General</i>	Breakout: How Litigators Can Avoid Arbitral Purgatory
	<i>Non-CLE</i>	Breakout: The Next Chapter: Retirement and Happiness Planning for Type-A Litigators
	<i>General</i>	Breakout: How Do I Get on The List?: A Candid Discussion Regarding Considerations For Selecting Outside Counsel
	<i>General</i>	Breakout: Nuts and Bolts of Complex Litigation: Practical Tips on How to Prosecute and Defend Complex, Multi-Party, and Class Cases

*Schedule as of April 7, 2022. Subject to change.

PROGRAMMING

WEDNESDAY, MAY 4

The Great Tuna Debate: The Impact of Uninjured Class Members on Class Certification

1:30 PM–2:30 PM

General CLE

Distinguished experts from both sides of the class action bar will discuss and debate the impact of including uninjured class members in a putative class, including the implications of the Ninth Circuit's critical ruling on the de minimis requirement for uninjured class members in *Ocean Wholesale Grocery Coop., Inc. v. Bumble Bee Foods LLC*.

Moderator: Adam E. Polk, Girard Sharp LLP, San Francisco, CA

Speakers: Virginia M. Buchanan, Levin Papantonio Rafferty Proctor Buchanan O'Brien Barr Mougey PA, Pensacola, FL; David R. Singh, Weil Gotshal & Manges LLP, Red Shores, CA

Seven Secrets to Success at Mediation: New Developments for the Online Era

1:30 PM–2:30 PM

General CLE

Mediation advocacy is completely different in the online era—or is it? Hear expert advocates and mediators describe what has changed and what hasn't, and learn inside info about what works and doesn't work from both sides of the table. Topics include whether the timing and scheduling of mediation has changed; whether lawyers are looking for different skills in mediators; how we have adapted to physical separation and communication through the screen; and whether the online environment has breathed new life into Joint Sessions and direct communication between the sides. Obtain helpful tips from advocates and mediators in the trenches that can get you to "Yes" at your next online mediation. This panel will tell you what you need to know.

Moderator: Conna A. Weiner, JAMS, Boston, MA

Speakers: Jeff Kichaven, Jeff Kichaven Commercial Mediation, Los Angeles, CA; Eshigo P. Okasili, Law Office of Eshigo P. Okasili LLC, Silver Spring, MD

Bivens and Section 1983: The Future of Constitutional Damages Actions

1:30 PM–2:30 PM

General CLE

Following the killing of George Floyd and recent protests again police violence, Section 1983 and Bivens constitutional damages actions—along with the qualified immunity defense that applies to both—are at the center of public discourse. This panel addresses these doctrines' futures, focusing on legal, policy, and racial justice concerns.

Moderator: Tyce R. Walters, Latham & Watkins LLP, Washington, D.C.

Speakers: Alanah E. Odoms, ACLU of Louisiana, New Orleans, LA; Jay R. Schweikert, Cato Institute, Washington, D.C.

PROGRAMMING

Witness Ethics: Steering Clear of Potential Minefields

1:30 PM–2:30 PM

Ethics CLE

The primary job of the trial lawyer is to present the client's case to the factfinder, generally through witness testimony. What are best practices for preparing and presenting witnesses for deposition and trial? Using a series of vignettes, and incorporating audience participation, this panel of seasoned trial lawyers will provide practical advice on effective and ethical witness presentation.

Speakers: Michael B. Chavies, Akerman LLP, Miami, FL; Laura K. Lin, Munger Tolles & Olson LLP, San Francisco, CA; Robert R. Simpson, Carlton Fields PA, Hartford, CT

The Ethical Use of Expert Witnesses

2:45 PM–3:45 PM

Ethics CLE

This presentation explores the ethical issues related to the use of expert witnesses in dispute resolution. Topics include: rules of professional conduct applicable to presenting witnesses generally; how to ethically prepare and use an expert witness; interacting with your opponent's experts; the difference between consulting experts and testifying experts, and implications with respect to discovery; and the ethical and practical constraints on expert witnesses themselves, particularly when the expert is an attorney.

Moderator: Neil J. Wertlieb, Wertlieb Law Corp, Pacific Palisades, CA

Speakers: Hon. Wendy W.Y. Chang, Los Angeles Superior Court, Los Angeles, CA; Solomon B. Genet, Meland Budwick PA, Miami, FL; Paula W. Hinton, Winston & Strawn LLP, Houston, TX

Successful Partnering of Trial and Appellate Counsel

2:45 PM–3:45 PM

General CLE

Do too many cooks spoil the broth? Maybe not. This panel discussion will focus on the benefits and perils of partnering trial and appellate counsel during the life of a case. Attendees will hear from an esteemed panel of practitioners on best practices with regard to issue spotting, pretrial disputes and motions, trial motions, and drafting writs and briefs. In-house counsel will share their approaches regarding the selection of litigation teams, the delicate balancing of interests, and the best recipe for success.

Moderator: Effie D. Silva, Cargill Inc., Wichita, KS.

Speakers: Marcie R. Getelman, Lennar Corporation, Miami, FL; Sonia Escobio O'Donnell, Sonia Escobio O'Donnell Attorney at Law, Miami, FL; Mary-Christine (M.C.) Sungaila, Buchalter, Irvine, CA

PROGRAMMING

Stockouts, Price Spikes, Toilet Paper, and Computer Chips: Supply Chain Litigation in the Pandemic Era

2:45 PM–3:45 PM

General CLE

The COVID pandemic has profoundly affected virtually all supply chains, resulting in supply shortages and price spikes in raw materials, components, and finished goods. This session will explore: (1) why supply shortages and price spikes are inevitable during a worldwide pandemic, (2) the types of supply chain lawsuits that are arising from the pandemic, (3) how force majeure clauses will be interpreted in light of the pandemic and the protection they may or may not provide, and (4) how supply chain contracting and business practices will change as a result of the pandemic.

Moderator: **Jennifer A. Semko**, Baker & McKenzie LLP, Washington, D.C.

Speaker: **Scott M. Carr**, Ankura, Washington, D.C.; **Vanessa L. Miller**, Foley & Lardner LLP, Detroit, MI

The Year in Review: Hot Topics in International Arbitration

2:45 PM–3:45 PM

General CLE

Panelists will discuss hot topics of interest in international arbitration including: whether 28 U.S.C. 1782 provide discovery for parties in private arbitrations; when can someone who didn't sign the arbitration agreement be required to arbitrate; what new treaties and laws provide jurisdiction for international arbitration; and recent cases of interest.

Moderator: **Henry L. Parr**, Wyce PA, Greenville, SC

Speakers: **Florian Mohs**, Pestalozzi, Zurich, Switzerland; **Ucheora Onwuamaegbu**, Arent Fox LLP, Washington, D.C.; **Christopher M. Ryan**, Shearman & Sterling LLP, Washington, D.C.; **Nancy M. Thevenin**, Thevenin Arbitration & ADR, New York, NY

From the Bench: Dos, Don'ts, and Stories from the Front Lines

4:00 PM–5:30 PM

General CLE

At this highlight program, attendees will gain valuable pointers, insights and advice from the Judiciary including guidelines and recommendations on the best practices for a focused and efficient hearing or trial.

Moderator: **Hon. Keathan B. Frink**, Seventeenth Judicial Circuit of Florida, Fort Lauderdale, FL

Speakers: **Hon. Jennifer D. Bailey**, Administrative Judge Eleventh Judicial Circuit of Florida Miami, FL; **Hon. Monica Gordo**, Third District Court of Appeal, Miami, FL

PROGRAMMING

THURSDAY, MAY 5

The State of Voting Rights in America

9:00 AM–10:30 AM

General CLE

The program will focus on the current state of voting rights in America as we approach the 2022 midterm election and the 2024 president election. In particular, the panel will discuss how restrictions on voting may disproportionately impact Black and brown voters. The program will feature key players in ongoing litigation concerning voting rights, scholars focused on the subject, and members of organizations dedicated to leveling the playing field and ensuring equal access to the voting booth.

Moderator: **Allegra Lawrence-Hardy**, Lawrence & Bundy LLC, Atlanta, GA

Speakers: **Debo P. Adegbile**, Wilmer Cutler Pickering Hale & Dorr LLP, New York, NY; **Deborah Archer**, President, American Civil Liberties Union, New York, NY; **Sean Morales-Doyle**, Acting Director, Voting Rights, Brennan Center for Justice, New York, NY; **Cianti Stewart-Reid**, Executive Director, Fair Fight Action, Atlanta, GA

Ransomware and Cybersecurity Attacks: Advising Clients, Litigating Liability, and Maximizing Insurance Recovery

10:45 AM–11:45 AM

General CLE

Cybercrime, particularly ransomware, has skyrocketed over the past few years, leading to data breach lawsuits, regulatory actions, and significant business losses. Attorneys are often the first line of defense and have to advise clients on notice obligations; working with law enforcement; mitigating losses; leveraging insurance; and defending and prosecuting related negligence and data privacy claims. This panel is well-suited for everyone from seasoned cyber law attorneys to general practitioners who are used to getting a call whenever a client has an emergency.

Moderator: **Geoffrey J. Miller**, Custom House Risk Advisors, New Haven, CT

Speakers: **Joan K. Archer**, Farmobile LLC, Leawood, KS; **Latosha M. Ellis**, Hunton Andrews Kurth LLP, Washington, D.C.; **Sara Schroeder**, Allied Professionals' Insurance Services, Orange, CA; **Dr. David B. Thaw**, University of Pittsburgh School of Law, Pittsburgh, PA

PROGRAMMING

COVID-19 and Gender: The Impact of the Pandemic on Women in the Profession

10:45 AM–11:45 AM

*Elimination of Bias
CLE*

While the pandemic has impacted all aspects of the legal profession, it has had a profound impact on female attorneys. Before the pandemic, legal scholars had already recognized a troubling trend: too many experienced women lawyers were leaving the profession. The pandemic has, unfortunately, only accelerated this trend, heightening the stress and inequalities faced by women-at work and at home, particularly those with caregiver responsibilities. In this program we examine this exodus of women lawyers and the factors that make the pandemic particularly disruptive for women in the profession. Panelists will also discuss steps that can be taken to create a more gender balanced recovery and equity in the ongoing and post-pandemic world.

Moderator: Michele B. Miller, Cozen O'Connor PC, San Francisco, CA

Speakers: Kelly M. Matayoshi, Farella Braun + Martel LLP, San Francisco, CA; Michelle A. Travis, University of San Francisco School of Law, San Francisco, CA

Allow Non-Lawyers to Practice Law AND Own Law Firms? Really?

10:45 AM–11:45 AM

Non-CLE

Various jurisdictions permit or are seriously considering allowing non-attorneys to practice law as "Legal Paraprofessionals" without supervision of lawyers. Non-lawyers in some states are allowed to own law firms and share legal fees. Are these tests a preview of the future of legal practice? Are these steps wise?

Moderator: Don W. Bivens, Don Bivens PLLC, Phoenix, AZ

Speakers: Kina Harding, Harding Law Firm, Mesa, AZ; Hon. Constandinos G. Himonas (Ret.), Justice, Utah Supreme Court, Salt Lake City, UT; Nicole Miller, LegalZoom, Glendale, CA; Stephen P. Younger, Foley Hoag LLP, New York City, NY

Avoiding Ethical Risks in a Hybrid Work Environment

10:45 AM–11:45 AM

Ethics CLE

We have all come to learn that working remotely has its advantages. However, the ethical vigilance required of lawyers working remotely, utilizing remote reviewers, or working with clients whose employees are working remotely is real, as our panelists will explain. Come listen! Avoid the risk!

Moderator: John M. Barkett, Shook Hardy & Bacon LLP, Miami, FL

Speakers: Jan L. Jacobowitz, Legaethicsadvisor.com, Miami, FL; Daniel L. Laguardia, Shearman & Sterling LLP, San Francisco, CA; David B. Seserman, Seserman Law LLC, Denver, CO; Yolanda P. Strader, Carlton Fields PA, Miami, FL

PROGRAMMING

The Jury Has the Case and You are in the Hall: What Key Issues Should be Focused On?

1:30 PM–2:30 PM

General CLE

The situation is familiar. You have tried your case, sat through instructions, and now you are alone with anxiety, doubt, and fear. This program will include a review of the issues you should be focused on while waiting for the jury.

Moderator: Samuel A. Danon, Hunton Andrews Kurth LLP, Miami, FL

Speakers: Zascha B. Abbott, Lewis Brisbois & Smith LLP, Fort Lauderdale, FL; Aaron Krauss, Cozen O'Connor PC, Philadelphia, PA; Hon. Norma S. Lindsey, Third District Court of Appeal, Miami, FL; Hon. Lisa Walsh, Eleventh Judicial Circuit of Florida, Miami, FL

Othering or Smothering? Creating Thoughtfulness Without "Thought Policing" for Diversity & Inclusion Efforts in the Legal Profession

1:30 PM–2:30 PM

*Elimination of Bias
CLE*

Minority groups have become increasingly outspoken about the nuanced ways in which they are "othered," and the legal profession has made efforts to achieve greater inclusion. However, the focus on sensitivity to specialty groups has also resulted in a backlash, including allegations of special treatment or even a refusal to be alone with women. Can our attempts at "inclusion" result in even more division? Do law firm "affinity" groups or mandatory diversity requirements help inclusion or just exacerbate 'othering'? How can we best handle "otherness" in jury settings, with clients, opposing counsel, or within our firms? Join us in exploring these questions and identifying how to create real opportunities and a healthy environment for inclusion in the legal profession.

Speakers: Gretchen C. Bellamy, McDonald's, Chapel Hill, NC; Anya Marino, Harvard Law School, Cambridge, MA; Rosevelie Marquez Morales, Hogan Lovells, New York, NY; Larry D. Smith, Variosity Institute of Inclusion Excellence/Southern Trial Counsel PLC, Orlando, FL

PROGRAMMING

Ethics Considerations for Pro Bono Representations in a Pandemic and Post-Pandemic World

1:30 PM–2:30 PM

Ethics CLE

The COVID-19 pandemic highlighted the fragility of success and stability for residents and businesses in the nation's numerous underinvested, frequently diverse, communities. Just as the pandemic and post-pandemic world has highlighted these communities' difficulties, it also has highlighted an evolving landscape for representing these communities on a pro bono basis. The need has not lessened, but it has changed, and we need to ensure that when we take on a pro bono matter, we are prepared to serve our clients to the fullest extent of our abilities, while also ensuring we are complying with all of our ethical duties as their counsel. Topics will include how to identify and prioritize the most pressing needs of these communities, balancing countervailing business interests within your firm or practice that do not represent actual conflicts, managing your representation from home, ensuring confidentiality, and best practices in remote pro bono representation.

Moderator: Paul F. Stibbe, Greenberg Traurig LLP, Chicago, IL

Speakers: Jayme M. Cassidy, Legal Services of Greater Miami Inc., Miami, FL; Tiffany M. Graves, Bradley Arant Boult Cummings LLP, Jackson, MS; Erica Spangler Raz, Chicago Lawyers' Committee for Civil Rights, Chicago, IL; Jessi Tamayo, University of Miami School of Law, Miami, FL

PROGRAMMING

The Attack on *New York Times v. Sullivan*: Will 58 Years of Libel Law Be Overturned?

1:30 PM–2:30 PM

General CLE

Justices Thomas and Gorsuch and many anti-press interests are seeking reconsideration of the media's protections in the landmark case of *New York Times v. Sullivan*, the linchpin of American libel law which arose in the context of the Civil Rights movement. Is their attack warranted? Can it succeed? How would defamation law change?

Moderator: George Freeman, Media Law Resource Center, Pelham, NY

Speakers: Floyd Abrams, Cahill Gordon & Reindel LLP, New York, NY; David A. Logan, Roger Williams School of Law, Bristol, RI; Mary Rose Papandrea, University of North Carolina Law School, Chapel Hill, NC; Barbara Wall, Gannett Co. Inc., McLean, VA

Infectious Disease Litigation: Science, Law, and Procedure

2:45 PM–3:45 PM

General CLE

Building on the recently published book, *Infectious Disease Litigation: Science, Law, and Procedure*, this panel will examine the practical lessons learned from not only COVID-19 related litigation, but also infectious disease litigation generally. Topics will include employment law, government mandates and compliance, insurance, tort liability, and the convergence of law and science in this space.

Moderator: Heather B. Bush, Bureau Veritas, Fort Lauderdale, FL

Speakers: Helene Baxter, Allied Universal, Jupiter, FL; Dr. Mark A. Roberts, Exponent Inc., Chicago, IL; Jeffrey R. Teeters, Wood & Lamping LLP, Cincinnati, OH; Davis M. Walsh, McGuireWoods LLP, Richmond, VA; Heather White, TIAA, Charlotte, NC

What to Do When it All Goes Wrong: Strategies for Dealing with the Unexpected During a Hearing or Trial

2:45 PM–3:45 PM

General CLE

This program will identify unexpected events that may arise during a hearing or trial and present suggested strategies from experienced trial lawyers and judges as to how to cure or mitigate consequences of the unexpected event.

Moderator: Marc J. Zucker, Weir & Partners LLP, Philadelphia, PA

Speakers: Hon. Carroll J. Kelly, Miami-Dade County Court, Miami, FL; Mark A. Romance, Day Pitney LLP, Miami, FL; Jennifer L. Seme, Wade Clark Mulcahy LLP, Philadelphia, PA

PROGRAMMING

A Competitive Edge: Leveraging Diversity for Successful Outcomes in Litigation

2:45 PM–3:45 PM

Elimination of Bias CLE

Studies show that diverse teams increase economic performance and are more innovative. Yet, gender and ethnic diversity in law firms is still imbalanced. This panel will discuss the benefits of diverse litigation teams and will provide tips on creating and best leveraging diversity to achieve more successful litigation outcomes.

Moderator: Ashley J. Heilprin, Phelps Dunbar LLP, New Orleans, LA

Speakers: Paulette Brown, MindSetPower LLC, Charleston, SC; **Nicole D. Galli**, ND Galli Law LLC, Philadelphia, PA; **Dr. Ann T. Greeley**, DecisionQuest Inc., State College, PA; **N. Damali Peterman**, JAMS/Breakthrough ADR LLC, New York, NY

Business Development in the Digital Age: Social Media, Networking, and Thought Leadership for the Modern Lawyer

2:45 PM–3:45 PM

Non-CLE

The legal services industry has evolved rapidly over the last two years. With the development of new platforms and media, and restrictions on travel and in-person meetings, the way lawyers collaborate, communicate and contract for legal serves has changed significantly. What are the best practices for business development and brand promotion in the new environment? What ethical and professional standards come into play when using these channels? Our panel of experts will give you the new playbook for successfully growing your profile and practice.

Moderator: Nash E. Long, Hunton Andrews Kurth LLP, Charlotte, NC

Speakers: Emily J. Kirk, McCune Wright Arevalo LLP, Edwardsville, IL; **David J. Scriven-Young**, Peckar & Abramson PC, Chicago, IL; **La’Jessica M. Stringfellow**, Robinson Gray Stepp & Laffitte LLC, Columbia, SC

PROGRAMMING

Rough Seas: Navigating the Policy and Legal Response to the Ongoing Human Rights Crisis in Cuba

4:00 PM–5:30 PM

General CLE

The image of Cubans improbably rising up during the late Spring and early Summer of 2021 to protest against their government’s corruption and maladministration captured the imaginations, stroked the emotions, of the Cuban exile community in Miami and throughout the world in particular and human rights activists in general. It also elevated the decades-long discussion regarding U.S. policy toward Cuba, the Cuban regime, and the Cuban people. U.S. relations with Cuba have been at a crossroads for much of the last decade, with the rapprochement of the Obama administration followed by the retrenchment of the Trump administration, which largely remains in place. The Cuban regime’s crackdown following the explosion of protests throughout the country highlighted the humanitarian crisis just 90 miles south of our borders and evidenced that a once size fits all approach has not worked in connection with the U.S.’s future relations with the Cuban government and the Cuban people. This program will place the current political and legal debates concerning the U.S.’s current and future policy toward Cuba in context by featuring speakers who have been engaged on all sides of Cuba issues both personally and professionally, including judges and other community leaders who are themselves Cuban immigrants or the children of Cuban exiles, as well as others who have been instrumental in the development and implementation of Cuba policy over the last several decades.

Moderator: Harout J. Samra, Of Counsel, DLA Piper, Miami, FL

Speakers: Pedro A. Freyre, International Practice Chair, Akerman LLP, Miami, FL; **Ricardo Herrero**, Executive Director, Cuba Study Group, Washington, D.C.; **Aldo M. Leiva**, Of Counsel, Baker Donelson, Fort Lauderdale, FL

PROGRAMMING

FRIDAY, MAY 6

Attorney General of the United States: Is 'The United States' Really the 'Client'?

9:00 AM–10:30 AM

General CLE

This program focuses on a fundamental question of our democracy, the answer to which turns on a legal and ethical conundrum: "who is the client of the Attorney General of the United States?" The President du jour; "the Presidency"; the Government of the United States; or something else? How is that role different from "White House Counsel", or POTUS' personal counsel? And what are the attendant ethical considerations?

Moderator: Lee Stapleton, Shareholder, Carlton Fields PA, Former Chief Assistant U.S. Attorney for the Southern District of Florida, Miami, FL

Speakers: Wifredo A. Ferrer, Partner, Holland & Knight LLP, Former U.S. Attorney for the Southern District of Florida Miami, FL; Bruce A. Green, Louis Stein Chair, Fordham University School of Law New York, NY; Michael B. Mukasey, Of Counsel, Debevoise & Plimpton LLP, Former U.S. Attorney General (81st), New York, NY

Practicing Law in a COVID World

10:45 AM–11:45 AM

General CLE

From changing laws on vaccinations, testing and masking, to depositions, court appearances and client engagement, this panel will explore the challenges and opportunities of practicing law in COVID times. Topics include recent developments in the law, changing protocols around litigation, and best practices for success in this new and challenging environment.

Moderator: Jerry M. Cutler, The New School, New York, NY

Speakers: D. Porpoise Evans, Weiss Serota Helfman Cole & Bierman PL, Miami, FL; Tracey Salmon-Smith, Faegre Drinker Biddle & Reath LLP, Florham Park, NJ

PROGRAMMING

The Evolving Law of Restrictive Covenants and Its Impact on the Disclosure of Confidential Information

10:45 AM–11:45 AM

General CLE

While some states have long been hostile toward restrictive covenants, the majority of states allowed them in one form or another and their reasonableness was determined in a courtroom. Over the past few years, however, state legislatures have stepped into the area of restrictive covenants, either banning them altogether or severely limiting their application. During this trend toward greater employee mobility, what options do businesses have regarding the confidential information and trade secrets and how are courts handling that information?

Moderator: Christopher S. Hennessy, Cozen O'Connor PC, Chicago, IL

Speakers: David Andrew Byrne, Andrew Byrne & Associates PA, Miami, FL; Susan Potter Norton, Allen Norton & Blue PA, Miami, FL; Nefertari S. Rigby, Kaplan North America LLC, Fort Lauderdale, FL

Experts: Communicating Complex Ideas and Issues in Litigation Consistent With Messaging Trends

10:45 AM–11:45 AM

General CLE

In this program, learn how to use experts to define and deliver your client's key messages. Panelist will discuss why earlier is better for retaining experts as well as the use of expert messaging during discovery, mediation, and trial.

Moderator: Lee E. Plakas, Plakas Mannos, Canton, OH

Speakers: Kathryn S. Lehman, King & Spalding LLP, Atlanta, GA; Anne M. Kearse, Motley Rice LLC, Mount Pleasant, SC; Marlon Primes, Brennan Manna & Diamond LLC, Cleveland, OH; Ken Serwin, Ankura, San Francisco, CA

PROGRAMMING

Mental Health Issues in Litigation

10:45 AM–11:45 AM

Mental Illness Awareness CLE

What is the interplay between mental health issues and litigation, generally? How do litigants' unresolved mental health issues impact parties, counsel, and other stakeholders and prospective course of action once a mental health issue is identified in a matter? This program will explore counsels' ethical obligations, how best to assess, identify, and manage mental health issues at the onset of litigation, as well as best practices, before, during and after trial.

Moderator: **Sahmra A. Stevenson**, S.A. Stevenson Law Offices, Columbia, MD

Speakers: **Hon. Alan Lawson**, Florida Supreme Court, Tallahassee, FL; **Leila J. Levi**, National Women's Law Center, Washington, D.C.; **LaKeisha R. Randall**, The Randall Firm LLC, Atlanta, GA; **Peter K. Spillis**, Kelley Uustall, Fort Lauderdale, FL

How Litigators Can Avoid Arbitral Purgatory

1:30 PM–2:30 PM

General CLE

Arbitration continues to supplant litigation to resolve commercial, IP, employment, consumer, and other disputes. Experienced litigators are making fundamental mistakes in arbitration pleadings, discovery, motions and hearings. Avoid the fire. Listen to our experienced arbitrators who will explain what to do and what not to do to reach arbitral heaven.

Moderator: **Hon. John W. Thornton (Ret.)**, JAMS, Miami, FL

Speakers: **Deborah B. Mastin**, Law Office of Deborah Mastin PLLC, Miami, FL; **Joseph M. Matthews**, Joseph M. Matthews PA, Coral Gables, FL

PROGRAMMING

The Next Chapter: Retirement and Happiness Planning for Type-A Litigators

1:30 PM–2:30 PM

Non-CLE

Our greatest calling is trying cases. However, passion inevitably wanes for all of us. Our panel of retired Type-A litigators tackle planning for the next phase of our lives—and staying happy and involved in life. The time to start thinking about this is NOW.

Moderator: **David A. Soley**, Bernstein Shur, Portland, OH

Speakers: **Hilarie Bass**, Bass Institute, Miami, FL; **Robert Rothman**, Atlanta, GA; **Steve Weiss**, Chicago, IL

How Do I Get on The List?: A Candid Discussion Regarding Considerations For Selecting Outside Counsel

1:30 PM–2:30 PM

General CLE

This candid panel discussion will provide important perspectives from corporate counsel and outside counsel regarding the selection process for outside counsel. Included will be a discussion of among other things, the importance of outside counsel's diversity efforts, outside counsel's specialization and outside counsel's previous experience with similar litigation matters.

Moderator: **James D. Abrams**, Taft Stettenius & Hollister LLP, Columbus, OH

Speakers: **Michael A. Fernandez**, Rivero Mestre LLP, Miami, FL; **Michele R. Laine**, Mas Tec Inc., Coral Gables, FL; **Edwin M. Larkin**, Gannet Co. Inc., Rochester, NY

Nuts and Bolts of Complex Litigation: Practical Tips on How to Prosecute and Defend Complex, Multi-Party, and Class Cases

1:30 PM–2:30 PM

General CLE

This presentation will focus on the practical. From case inception through resolution, via settlement or judgment, we will present plaintiff, defense, and expert perspectives regarding how complex cases differ from two-party cases. Topics will include working with co or local counsel, critical case management orders to consider, sharing experts, maintaining the privilege, and strategic decision making throughout the case.

Moderator: **Jason Kellogg**, Levine Kellogg Lehman Schneider + Grossman LLP, Miami, FL

Speakers: **Maia Aaron**, Mark Migdal & Hayden, Miami, FL; **Jennifer L. Masko**, Tucker Ellis LLP, Cleveland, OH; **Joseph M. Rubbone**, Orangetheory Fitness, Boca Raton, FL

GENERAL INFO

Hotel Information

Nobu Eden Roc Miami Beach
4525 Collins Avenue
Miami Beach, FL 33140

All conference events will take place at Eden Roc, but attendees can make reservations at Eden Roc or Nobu Hotel. A block of rooms has been reserved at the discounted rate of \$269 plus a \$10 resort fee and 14% tax per night. The deadline to reserve at the discounted rate is Tuesday, April 12, 2022, at 6:00 PM ET. Reserve via the direct links posted at ambar.org/sac2022 or call 305-520-7197 (Eden Roc) or 305-250-2204 (Nobu) and reference the ABA Litigation Section Annual Conference. All reservations are subject to availability.

Air Travel

Closest Airport: Miami International Airport (MIA)
To access ABA-negotiated airfare discounts for travel, visit americanbar.org/travel.

MCLE Information

The ABA will seek **13.0** hours of CLE credit (including 4.0 hours of ethics credit, 3.0 hours of elimination of bias credit, and 1.0 hour of mental illness awareness credit) in 60-minute states, and **15.6** hours of CLE credit (including 4.8 hours of ethics credit, 3.6 hours of elimination of bias credit, and 1.2 hours of mental illness awareness credit) in 50-minute states for this program. Credit hours are estimated and are subject to each state's approval and credit rounding rules.

Program Course Materials

Course materials will be sent in advance via email to registrants and posted online before the conference. You may bring a laptop, smartphone, or tablet to view the materials onsite, as complimentary Wi-Fi access will be available.

Registration/Participant Image and Voice Agreement

Registration for, attendance at, or participation in the 2022 Litigation Section Annual Conference and other associated activities constitutes an agreement by the registrant to permit the ABA to use and distribute (both now and in the future) the participant's image or voice in photographs, videotapes, electronic reproductions, or audiotapes of such event.

Cancellations and Substitutions

Registration cancellations must be made in writing by Wednesday, April 20, 2022, and are subject to a \$50 administrative fee. No refunds will be provided for requests made after this date. Registrants who do not cancel before Wednesday, April 20, 2022, and who do not attend will receive a link with the program materials. Written substitutions will be permitted until Wednesday, April 20, 2022. After this date, substitutions must be made onsite. Visit ambar.org/sac2022 for details.

Scholarships

A limited number of scholarships are available. Scholarships are available upon application, on a case-by-case basis. Preference will be given to public interest lawyers, government lawyers, full-time law professors, solo or small firm practitioners of limited means, and unemployed attorneys. Please visit the conference website for details. All requests must be received by Wednesday, March 30, 2022.

Services for Persons with Disabilities

If special arrangements are required, please contact Maria Gamboa at maria.gamboa@americanbar.org. Please submit requests at least two weeks prior to the conference.

Health & Safety

The ABA takes the health and safety of our members, guests, and staff seriously. We know that the decision whether to attend a meeting is based upon a variety of personal and business considerations. We will continue to monitor a variety of sources, including the U.S. Centers for Disease Control and Prevention (CDC) and U.S. state and local health authorities for the latest public health updates, as well as applicable restrictions on events and gatherings. The ABA plans to hold this meeting in person but reserves the right to cancel or reschedule this event or convert it to a virtual event if health and safety restrictions require it. We will update the registrants and the website should the plans for this event change. As part of the registration process to hold this ABA meeting in person, every attendee is required to affirm his/her commitment to comply with the in-person meeting guidelines. Please review the requirements posted online carefully prior to registering for the meeting.

REGISTRATION

Registration Fees	Through 4/11/22	After 4/11/22
Litigation Section Member	\$720	\$820
Join the Litigation Section (for ABA Members)*	\$785	\$885
Government/Academic/Public Service/Judge**	\$420	\$520
Young Lawyer** (admitted to practice within the past 10 years or under 36 years old)	\$420	\$520
Law Student**	\$25	\$50
In-House Counsel (does not include solo practitioners, contract lawyers, vendors, partners, or employees of law firms)	\$395	\$495
ABA Member	\$820	\$920
Non-ABA Member	\$900	\$1,000
Sponsor	\$0	\$0

Events and Ticket Prices

Wednesday, May 4

Welcome Reception	Included in Registration
Committee Dinners & Dine-Arounds	Pay on Own

Thursday, May 5

Networking Breakfast	Included in Registration
John Minor Wisdom & Diversity Leadership Awards Luncheon	\$100
Sunset Cruise and Dinner	\$100
After Hours with Ankura	Included in Registration

Friday, May 6

Committee Networking Breakfast	Included in Registration
Networking Luncheon	\$75

*ABA Members can join the Litigation Section for a \$65 fee and receive the Litigation Section Member registration rate. Please note: Section membership will be applied within five business days.

**Rate applies to Litigation Section members only. Join the ABA at americanbar.org/membership. Already an ABA member? Join the Section for only \$65!

Register at ambar.org/sac2022

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