



Save
before
September
20th

22nd Annual National Institute on Class Actions

It's My Kinda Program in My Kinda Town

October 18-19, 2018
W Chicago City Center
172 West Adams Street
Chicago, IL

visit ambar.org/cac2018 to register



Program Description:

Attend the most important class-action program in the nation and you will:

- Get an annual summary of the most important developments in case law from Professor Coffee of Columbia Law School
- Gain practical insights on class action cases from prominent judges
- Learn trial techniques and best practices from the leading in-house counsel, defense counsel, and plaintiffs' attorneys in the field

Visit ambar.org/cac2018 to register

Register Now!

	Early Bird Rate	Advance Rate Effective September 1, 2018	Standard Rate Effective September 20, 2018
General Public	\$845	\$940	\$1,035
ABA Members	\$735	\$815	\$895
ABA Section of Litigation Members	\$660	\$740	\$795
Government Lawyers	\$680	\$760	\$815

The ABA reserves the right to correct all typographical errors. Fees do not include travel or lodging. To register, visit www.ShopABA.org/cac2018

Sponsored by:

Silver Sponsor:



Bronze Sponsor:

DISCO

Earn up to 13 CLE Credits
Including 1 hour of ethics

Not an ABA Member? **Join Now!**
www.ambar.org/join

ABACLE National Institutes bring you face-to-face with nationally recognized experts on substantive topics—often while fulfilling most of your annual CLE requirements.

John M. Barkett

Shook, Hardy & Bacon
Miami, FL

Rafey S. Balabanian

Edelson
San Francisco, CA

Eric Blinderman

Therium
New York, NY

Leslie A. Brueckner

Public Justice
Washington, DC

Fred B. Burnside

Davis Wright Tremaine LLP
Seattle, WA

Elizabeth J. Cabraser

*Lieff Cabraser Heimann
& Bernstein, LLP*
San Francisco, CA

Elizabeth M. Chiarello

Sidley Austin LLP
Chicago, IL

Professor John C. Coffee, Jr.

Columbia Law School
New York, NY

Kelly M. Dermody

*Lieff Cabraser Heimann
& Bernstein, LLP*
San Francisco, CA

Honorable Robert M. Dow Jr.

*United States District Court for
the Northern District of Illinois*
Chicago, IL

E. Michelle Drake

Berger & Montague, P.C.
Minneapolis, MN

Professor Robin Efron

Brooklyn Law School
Brooklyn, NY

Robert G. Eisler

Grant & Eisenhofer
Wilmington, DE

Honorable Sara L. Ellis

*United States District Court for
the Northern District of Illinois*
Chicago, IL

Vincent J. Esades

Heins Mills & Olson, P.L.C.
Minneapolis, MN

Donald R. Frederico

Pierce Atwood LLP
Boston, MA

Jeffrey Fowler

O'Melveny & Myers, LLP
Los Angeles, CA

Adam L. Hoeflich

*Barlit Beck Herman
Palenchar & Scott LLP*
Chicago, IL

Jason S. Hartley

Hartley, LLP
San Diego, CA

Megan E. Jones

Hausfeld, LLP
San Francisco, CA

Daniel R. Karon Institute Chair

Karon LLC
Cleveland, OH

Professor Robert H. Klonoff

Lewis & Clark Law School
Portland, OR

Tarifa B. Laddon

Faegre Baker Daniels, LLP
Los Angeles, CA

Professor Alexandra D. Lahav

*University of Connecticut
Law School*
Hartford, CT

Honorable John Z. Lee

*United States District Court for
the Northern District of Illinois*
Chicago, IL

Jason L. Lichtman

*Lieff Cabraser Heimann
& Bernstein, LLP*
New York, NY

Melissa H. Maxman

Cohen & Gresser LLP
Washington, DC

Andrew J. McGuinness

Andrew J. McGuinness, Esq.
Ann Arbor, MI

Christopher M. Murphy

McDermott Will & Emery
Chicago, IL

Ken K. Patel

The Procter & Gamble Company
Cincinnati, OH

Cynthia Randall

Microsoft Corp.
Seattle, WA

Deborah M. Rasin

Hill-Rom Holdings, Inc.
Chicago, IL

Steven M. Rummage

Davis Wright Tremaine
Seattle, WA

Professor Anthony J. Sebok

*Benjamin N. Cardozo
School of Law*
New York, NY

Sabrina H. Strong

O'Melveny & Myers, LLP
Los Angeles, CA

Ariana J. Tadler

*Milberg Tadler Phillips
Grossman LLP*
New York, NY

Aviva O. Will

Burford Capital
New York, NY

Day 1: Thursday, October 18	
9:45 a.m. – 10:00 a.m.	<p>“Welcome to the Windy City!”</p>
10:00 a.m. – 11:00 a.m.	<p>“Second to None” Class Actions 101 Instructors: Andrew J. McGuinness, Daniel R. Karon</p> <p>Drew and Dan will begin the set by sketching Rule 23’s elements. Then, they’ll improv real-life cases, channeling the facts through Rule 23. Finally, they’ll raise the house lights, and our audience will discuss and debate whether the courts should or should not have certified certain cases. Though this program may not be ready for prime time, it’s guaranteed to inform and entertain.</p>
11:00 a.m. – 12:00 p.m.	<p>“Write to the Point” Class Actions 201 Instructor: Daniel R. Karon</p> <p>Judge Posner believes that “the time spent in transforming an unwieldy document into a lean, persuasive and grammatically correct brief can come back to the client with an appellate victory.” Judge Easterbrook recommends that lawyers stop reading other lawyers (whom he says as writers are “mostly bad”) and start reading Hemingway, Faulkner, and Saul Bellow for their different styles, and <i>The Atlantic</i> and <i>The New Yorker</i>, “where people write intelligently about important issues in short compass, using real English sentences.” Class Actions 201 will center on necessary but underappreciated writing fundamentals, including grammar, usage, syntax, punctuation, pace, theme, typography, structure, and more. Join us and master the craft of legal writing.</p>
12:00 p.m. – 1:15 p.m.	<p>Explore the Loop for Lunch</p>
1:15 p.m. – 2:15 p.m.	<p>“A Process that Works—Taking Class-Action Depositions the Right Way” Class Actions 301 Instructor: Jason S. Hartley</p> <p>Just as deep dish differs from thin crust, class-action depositions differ from depositions taken in traditional bilateral litigation. Special themes and goals apply that counsel too often overlook or don’t appreciate. This hands-on practicum will propose an architecture for class-action depositions that Daniel Burnham would envy. By preparing early and often, you’ll become the best deposition-taker in your firm.</p>
2:15 p.m. – 3:15 p.m.	<p>“They Weighed in Early.” A Lesson on the Changes to Rule 23 from the Rule 23 Subcommittee of the Advisory Committee on Civil Rules Faculty: Andrew J. McGuinness, Honorable Robert M. Dow, Jr., Professor Robert H. Klonoff, Elizabeth J. Cabraser, John M. Barkett</p> <p>Chicago has a rich tradition of encouraging inclusion in the political process. With this principle in mind, the Rule 23 Subcommittee’s changes to Rule 23 – changes that will fundamentally affect our practice – go into effect on December 1. The Subcommittee will join us to explain these exciting and important changes that all of us need to know.</p>
3:15 p.m. – 3:30 p.m.	<p>Intermission</p>
3:30 p.m. – 4:30 p.m.	<p>“Navigating Menacing Waters” Whether Injunctive Class Actions Are a Useful Way to Avoid Class-Certification Hurdles and Avoid Arbitration Faculty: Vincent J. Esades, Kelly M. Dermody, Megan E. Jones, Tarifa B. Laddon, Robert G. Eisler</p> <p>Committed to making Chicago our nation’s midwestern hub, in 1887 the Illinois General Assembly decided to reverse the flow of the Chicago River. How did they do it? They were innovative. As arbitration class bans and increasingly stringent requirements to sustain damage classes proliferate, injunctive-relief class actions may provide plaintiffs an innovative alternative strategy. We’ll take a deep dive into the requirements for injunctive classes, strategies for avoiding arbitration clauses, and other murky issues. Because in today’s tumultuous class-action waters, if don’t know your options, your opponent will surely lower the boom.</p>

<p>4:30 p.m.–5:30 p.m.</p>	<p>“Big Challenges in the City of Big Shoulders” Electronic Discovery’s Rise to Prominence Faculty: E. Michelle Drake, Honorable Sara L. Ellis, Ariana J. Tadler, Jeffrey Fowler</p> <p>Daniel Burnham, Chicago’s urban designer and master architect, tapped the latest technology to design the city’s earliest skyscrapers. In the same way that architecture developed and became more sophisticated, so too has litigation discovery, quickly vaulting into the technical age. Whereas e-discovery used to be an exotic exception, it’s now the rule. Lawyers and courts routinely struggle to fashion discovery protocols. Recent rules and opinions concerning proportionality and admissibility have only made this exercise more difficult. And when considering the changes to Rule 26, who knows where to start? Our program will offer a blueprint for cracking the e-discovery code and drawing up your best discovery plan.</p>
<p>5:30 p.m.–7:00 p.m.</p>	<p>“My Kind of Town!” Institute Cocktail Party</p> <p>Join us for a cocktail party at the stylish W Hotel. In a casual atmosphere, you can network, meet new friends, and get to know our faculty. This relaxed event in the heart of Chicago promises to start the Institute with a bang.</p>
<p>Day 2: Friday, October 19</p>	
<p>9:00 a.m.–10:00 a.m.</p>	<p>“Big Price Tags, Big Issues” The Proliferation of Third-Party Financing and Its Challenges Faculty: Melissa H. Maxman, Professor Anthony J. Sebok, Elizabeth M. Chiarello, Aviva O. Will, Eric Blinderman</p> <p>Carl Sandburg declared Chicago the “City of Big Shoulders”—hometown to hard-working people with that can-do attitude. But when it comes to class actions, our judicial and legislative branches often tell us what we can’t do. This concern applies to plaintiffs’ and defense lawyers. One area of can’t-do controversy involves third-party financing, an industry that has exploded as a financing alternative for class actions. But how does it differ from traditional law firm or client funding? What ethical concerns does it raise? Should it be regulated? If so, under what circumstances and by whom? And should courts require parties to disclose it? We’ll unpack whether the propagation of third-party financing will require “building, breaking, and rebuilding” that no-one could have imagined.</p>
<p>10:00 a.m.–11:00 a.m.</p>	<p>“Holy Cow! This Year the Courts Said What?!” A Mighty Swing at the Year in Class-Action Jurisprudence Instructors: Professor John C. Coffee, Jr., Professor Alexandra Lahav</p> <p>As usual, this past year involved plenty of class-action action. Back by popular demand, Professors Coffee and Lahav will clean up this year’s important class-action developments—developments that you’ll need to understand if you want to serve your class-action clients properly and stay atop your class-action game.</p>
<p>11:00 a.m.–11:15 a.m.</p>	<p>Intermission</p>
<p>11:15 a.m.–12:15 p.m.</p>	<p>“Never a Day Off” Understanding and Managing Economic Risks for Lawyers on Both Sides of the v. Faculty: Fred B. Burnside, Cynthia Randall, Rafey S. Balabanian, Steven M. Rummage</p> <p>Far from voodoo economics, securing leadership is part science and part art. If defense lawyers think hourly, hourly billing still exists—it’s over, go home. Clients demand competing bids, with capped fees per case phase, rollover agreements, and shared-risk proposals tied to various success measures. Overbid, you lose the work; underbid you lose your shirt. Defense lawyers must now think like plaintiffs’ lawyers. And how do plaintiffs’ lawyers protect their hard work and novel theories from other plaintiffs’ lawyers? How do they navigate case management, work delegation, and cost-effective representation when cases can last years or decades? Though everything is peaceful from 1,353 feet, we’ll examine strategies necessary for landing the case, minimizing risk, and complying with ethics requirements. This practice moves pretty fast. If you don’t stop to understand your options, you could miss it.</p>
<p>12:15 p.m.–1:30 p.m.</p>	<p>Lunch and Mingle</p>
<p>1:30 p.m.–1:45 p.m.</p>	<p>Announcements and Aha Moments</p>

1:45 p.m.–2:45 p.m.	<p>“A Ticket into the Friendly Confines” Class-Action Insights from In-House Counsel.</p> <p>Faculty: Sabrina H. Strong, Ken K. Patel, Deborah M. Rasin</p> <p>Never mind deep dish. Are you looking for a deep throat? There’s nothing better than getting the skinny from someone on the inside. Lawyers from the north and south sides will want to hear our in-house experts’ remarks on how they approach and manage class actions. Our in-house faculty will discuss such topics as how they select their litigation strategies, how recent legislative developments have affected their decision making, and how the increase in class-action trials has influenced their defense strategies. This discussion guarantees to be a grand slam.</p>
2:45 p.m.–3:45 p.m.	<p><i>Bristol-Myers Squibb Co. v. Superior Court of California</i>: “Is it a Bear or a Cub?”</p> <p>Faculty: Donald R. Frederico, Professor Robin Efron, Leslie A. Brueckner, Christopher M. Murphy</p> <p>The Supreme Court’s <i>Bristol-Myers Squibb</i> decision has forced federal courts to tackle personal jurisdiction in class actions in a whole new way—even though <i>BMS</i> was neither a class action nor was it filed in federal court. So just how far does <i>BMS</i> reach, and what are its practical implications? Does it help defendants or simply create extra work and uncertainty for them? Can plaintiffs leverage this supposed extra work and uncertainty, or are plaintiffs the ones facing sudden death? Whether <i>BMS</i> is a bear or a cub—or perhaps a bull—depends on whom you ask. We’ll ask together.</p>
3:45 p.m.–4:00 p.m.	<p>Seventh-Inning Stretch</p>
4:00 p.m.–5:00 p.m.	<p>“Who Needs Second City?” Class Damages from A(kroyd) to (Lovit)Z: A Three-Act Play</p> <p>Faculty: Jason Lichtman, Honorable John Z. Lee, Adam L. Hoeflich</p> <p>We all know that in class-actions lawsuits, damages and their enormity (or not) steal the show. Together we will examine how plaintiffs’ and defense lawyers consult with experts to analyze class damages with an eye toward obtaining or scuttling class certification. We invite you to pack the house for our three-act play that assembles these important pieces of the class-certification puzzle.</p>
5:00 p.m.	<p>“Planes, Trains, and Automobiles” We’re Adjourned!</p>

Step 1: Registration Rates

	Early Bird Rate	Advance Rate Effective September 1, 2018	Standard Rate Effective September 20, 2018
General Public	\$845	\$940	\$1,035
ABA Members	\$735	\$815	\$895
ABA Section of Litigation Members	\$660	\$740	\$795
Government Lawyers	\$680	\$760	\$815

The ABA reserves the right to correct all typographical errors. Fees do not include travel or lodging. To register, visit www.ShopABA.org/cac2018

Step 2: Section Membership

Section of Litigation - \$60

Step 3: Your Information

Name

Law Firm/Organization

Address Suite/Apt.

City State Zip Code

Telephone

Email ABA Member ID

The ABA and many of its entities provide content through email. We do not share email addresses with anyone outside the ABA.

Step 4: Your Total Due Amount

Registration Rate (from Step 1) 4A \$ _____


ABA Section of Litigation - \$60 (from Step 2) 4B \$ + _____

Total \$ _____

Step 7: 4 Easy Ways to Register

 Visit [http: www.ambar.org/cac2018](http://www.ambar.org/cac2018)

 Call (800) 285-2221

 Fax this form to (312) 988-5850

 Complete and mail this form:

The American Bar Association
 Event Registration Unit
 321 N Clark St., FL 19
 Chicago, IL 60654-7598

MCLE

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 11 CLE credit hours in 60-minute states, and 13.2 credit hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit http://www.americanbar.org/cle/mandatory_cle.html

Scholarships

For information on scholarships, visit www.americanbar.org/groups/cle/scholarship.

Attire

Business casual attire is appropriate for all activities.

Cancellations

Cancellations received five business days or more before the program will receive a full refund, less a \$50 cancellation fee. No refunds will be provided for cancellations after that date; however, substitute registrants are welcome at any time. To cancel your registration or substitute another individual, please call the ABA at (800) 285-2221 or fax your request to (312) 988-5850. Registrants who do not cancel within the allotted time period and who do not attend the program will receive a copy of the course materials after program completion.

Services for Persons with Disabilities

If special arrangements are required, please contact Donna Williams at (312) 988-6210 or Donna.Williams@americanbar.org. Reasonable advance notice is requested.

In-Person Registration

If you plan to register in person, please call the ABA at least 24 hours in advance to confirm that the program is being held as scheduled and that space is available. Cash payments will not be accepted.

Program Confirmation

Written confirmation of your registration will be sent to you upon receipt. If you do not receive the confirmation notice prior to the program, please call the ABA at (800) 285-2221 at least 24 hours in advance to confirm that your registration was received and that the program is being held as scheduled.

Hotel Information

W City Center Chicago

172 West Adams
Chicago, IL 60603

Reservations can be made by calling the W directly at **312-917-5627** or online at: <http://www.starwoodmeeting.com/events/start.action?id=171017889&key=61D09E8>

ABA Negotiated Airfare Discounts—Available Online!

With ABA Egencia*, you can automatically obtain ABA negotiated airfare discounts for travel to the ABA Meetings. ABA Egencia enables you to purchase the best airfare at the time of booking, by providing you with the ability to search for and compare fares from virtually every airline serving the destination.

Reservations with ABA Egencia can be made online or offline. For offline reservations, call (877) 833-6285. ABA Egencia is available online via **ABA Travel Services***. ABA airfare discounts on some carriers may also be obtained by purchasing your tickets under the ABA Discount Codes directly from the airline or through your travel agent.

American Airlines ABA Discount only available at **ABA Egencia**

United Airlines **800-426-1122** For ABA Meetings Only - Agreement Code: **633818 / Z Code: ZE6X** Discount available at www.united.com Online Discount Code: **ZE6X633818** Not for Leisure Travel

Delta Airlines **800-328-1111** ABA File Global Meeting Code: **NMR3V** Discount available at www.delta.com Online Meeting Event Code: **NMN7**

Egencia *A Travel Profile is required when booking airline reservations with ABA Egencia, click for more information.

Standing Committee on Continuing Legal Education

Under the guidance of the Standing Committee on Continuing Legal Education, the ABACLE administers and produces National Institutes, webinars, and other technology-based products and written course materials to assist lawyers' professional development efforts.