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A Comprehensive Two-Day Conference on

Class Actions and Alternatives For Resolving Aggregate Claims

New decisions, trends, and strategies for
plaintiffs and defendants

June 17 & 18, 2013
Boston, Massachusetts
Seaport West Building

Credits: This program qualifies for CLE in all states requiring CLE credits. (call about others)
Quick when/where: 8:30 a.m., 155 Seaport Boulevard

Class Actions and Alternatives Conference
June 17 & 18, 2013 | Boston, Massachusetts
Seaport West Building



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8:00 Registration Opens

8:30 Introduction to Day 1: Recent Developments in Traditional Class Action Litigation
Derek T. Ho, Esq., Program Co-Chair
 Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C.
 Washington, DC
John A. Shope, Esq., Program Co-Chair
 Foley Hoag LLP ~ Boston, MA

8:45 Update on National Class Action Trends
 New decisions on repetitive class actions, methods to prove class-wide damages, stipulations limiting damages to avoid federal jurisdiction, settlement classes, partial certification and more
Charles B. Casper, Esq.
 Montgomery McCracken Walker & Rhoads LLP
 Philadelphia, PA

9:30 Update on Trends in MDL Litigation
 The JPML's 1404/1407 Shift and the End of Reflexive Transfer
Adam J. Levitt, Esq.
 Grant & Eisenhofer P.A. ~ Chicago, IL

10:15 Break

10:30 Evidentiary Standards: New Supreme Court Cases on When Plaintiffs Need to Prove What, and How They Need to Do That
 Amgen (should plaintiffs at class certification have to prove that misstatements inflated the company's stock price?); Comcast (when can a trial judge rely on expert witness testimony in certifying a class?); aftermath of the Wal-Mart case
Derek T. Ho, Esq., Moderator, Program Co-Chair
David F. Marcus, Ph.D., Vice President
 Cornerstone Research ~ Boston, MA
Christopher J. McDonald, Esq.
 Labaton Sucharow LLP ~ New York, NY
Thomas J. Dougherty, Esq.
 Skadden, Arps, Slate, Meagher & Flom LLP ~ Boston, MA

1:15 Arbitration Clauses: Emerging Law From Follow-On Cases After AT&T Mobility LLC v. Concepcion
 Overview of recent and pending cases: American Express case in the U.S. Supreme Court; key Second Circuit cases; Kilgore case in the 9th Circuit; California Supreme Court cases; other case law developments
John A. Shope, Esq., Program Co-Chair
 Impact of case strategies for plaintiffs and defendants
F. Paul Bland, Jr., Esq., Senior Attorney
 Public Justice Foundation ~ Washington, DC
Scott O'Connell, Esq.
 Nixon Peabody LLP ~ Manchester, NH

3:15 Break

3:30 Current Issues in Class Certification
 Nationwide certification issues; state groupings (i.e. Pella); recent Seventh Circuit jurisprudence (Text and ENH); and Third Circuit (Sullivan); standing (including Judge Koh's views, Judge Ware's views, and First American v. Edwards)
Archis A. Parasharami, Esq.
 Mayer Brown LLP ~ Washington, DC

4:15 The Transition from Identifying Trends to Developing Strategies: Tips from Recent Wage and Hour Class Actions
Shannon Liss-Riordan, Esq.
 Lichten & Liss-Riordan, P.C. ~ Boston, MA
Terence P. McCourt, Esq.
 Greenberg Traurig LLP ~ Boston, MA

5:30 Continue the Exchange of Ideas: Reception for Faculty and Attendees
 Sponsored by Foley Hoag LLP and Kellogg, Huber, Hansen, Todd, Evans & Figel P.L.L.C.



KELLOGG, HUBER, HANSEN,
TODD, EVANS & FIGEL, P.L.L.C.

12:00 Lunch (on your own)



About the Conference

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The last three years has been a remarkable period for development of class action law. Already, the Supreme Court's recent decisions in Concepcion and CompuCredit have accorded great deference to arbitration clauses, even where the result is to bar class action claims, and WalMart v. Dukes indicates that certification of class actions for cases that remain in court will become significantly more difficult. By the end of the current term, the Court will have decided three cases that will either continue this trend, or potentially curtail it. American Express v. Italian Colors Restaurant will test whether the Court's deference to bilateral arbitration agreements extends to situations where the plaintiffs claim that class procedures are necessary to "effectively vindicate" federal statutory claims. And Comcast v. Behrend and Amgen v. Connecticut Retirement Funds will further elaborate on the requirements for class certification under Wal-Mart.

This comprehensive conference will explore these trends, which have led some to predict a drastic decline in class actions in court. It will also explore an important and emerging area of interest spawned by these trends -- namely, alternatives to the traditional class action as a means of resolving aggregate disputes.

~ Program Co-Chairs: Derek T. Ho, Esq. of Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C. and John A. Shope, Esq. of Foley Hoag LLP



8:30 Introduction to Day 2: Weighing the Alternatives for Resolving Aggregate Claims
Derek T. Ho, Esq., Program Co-Chair
John A. Shope, Esq., Program Co-Chair

8:45 Consumer Financial Protection Bureau (CFPB) in the Obama Administration's Second Term: The Potential Impact on Securities and Financial Industry Class Actions

To what extent will the new federal regulatory scheme transfer jurisdiction to federal courts? How do state attorneys general think it will change their role? How will it impact class actions as a consumer damages recovery mechanism?

Christopher K. Barry-Smith, Esq., Deputy Attorney General
 Massachusetts Office of the Attorney General ~ Boston, MA

John R. Snyder, Esq.
 Bingham McCutchen LLP ~ Boston, MA

10:15 Break

10:30 Qui Tam Litigation as a Model for Replacing Private Class Action Enforcement

Plaintiff perspective

Reuben A. Guttman, Esq.
 Grant & Eisenhofer P.A. ~ Washington, DC

Defendant perspective

Nicholas C. Theodorou, Esq.
 Foley Hoag LLP ~ Boston, MA

12:00 Lunch (on your own)



1:15 The Future for Class Actions as a Form of Aggregate Litigation: Is the "Private Attorney General" Era Coming to an End?

Are recent Supreme Court decisions likely to drastically limit future class actions? If so, will we see plaintiffs' attorneys partnering with state attorneys general to prosecute claims using the AG's Parens Patriae authority? What are the pros & cons?

Myriam Gilles, Esq., Professor of Law
 Benjamin N. Cardozo School of Law ~ New York, NY

Plaintiff's perspective

Edward D. Rapacki, Esq.
 Ellis & Rapacki LLP ~ Boston, MA

Defendant's perspective

Linda T. Coberly, Esq.
 Winston & Strawn LLP ~ Chicago, IL

State agency perspective

David A. Curran, Esq.
 Assistant Attorney General, Civil Division
 Arkansas Office of the Attorney General ~ Little Rock, AR

2:45 Special Address: A View from the Bench on the Future of Class Action Litigation

The Hon. William G. Young, Esq.
 U.S. District Court - District of Massachusetts ~ Boston, MA

3:15 Break

3:30 Ethics: Watching for Ethical Issues From the Start of the Case

Stephen M. Rummage, Esq.
 Davis Wright Tremaine LLP ~ Seattle, WA

4:30 Evaluations and Adjourn



Registration & Other Conference Information

To Register:

Call us at: 206-567-4490
 Fax the registration form to us at: 206-567-5058
 Email us at: registrar@lawseminars.com
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 Walk-ins are welcome, subject to space availability.
 Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for this program is \$1245 with a group rate of \$935 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$830. For students and people in their job for less than a year, our rate is \$622.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Tuesday, June 11, 2013. After that time, we will credit your tuition

toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The conference will be held at the Seaport West at 155 Seaport Boulevard in Boston, Massachusetts 02210. Special thanks to Foley Hoag LLP for making this space available. Sleeping rooms are available at the Renaissance Boston Waterfront Hotel at 606 Congress Street. Call the hotel directly at (800) 468-3571 for reservations at the special negotiated rate of \$295 and mention Law Seminars International. Rooms are on a first come, first served basis.

Continuing Education Credits: Live credits: This program qualifies for CLE credits in all states requiring CLE credits. Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

If You Cannot Attend: Our complete Homestudy Course, consisting of a DVD recording and the course materials, is available for \$1255. The course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or from the date we receive payment.

Faculty: Class Actions and Alternatives Conference

Derek T. Ho, *Program Co-Chair*, partner at Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., is experienced as a litigator in both trial and appellate practice and in complex commercial cases in both federal and state courts.

John A. Shope, *Program Co-Chair*, partner at Foley Hoag LLP, focuses his dispute resolution practice on complex commercial litigation, particularly consumer class action litigation. He defends national corporations such as American Honda, Dell Computer, Fidelity Investments, Wal-Mart and Enterprise Rent-A-Car both in New England and nationally.

The Hon. William G. Young, *Special Address*, Judge of the United States District Court, District of Massachusetts, has been an active trial judge for more than 25 years. He has also taught at several law schools including Harvard, Boston College, and Boston University.

Christopher K. Barry-Smith, is Deputy Attorney General for the the Massachusetts' Attorney General Office, and is responsible for supervising the Business & Labor and Public Protection & Advocacy Bureaus. Previously, he practiced commercial litigation and intellectual property law in Boston.

F. Paul Bland, Jr., Senior Attorney at Public Justice, is responsible for developing, handling, and helping Public Justice's cooperating attorneys litigate a diverse docket of public interest cases.

Charles B. Casper, partner at Montgomery McCracken Walker and Rhoads LLP, defends nation and statewide class actions, as well as computer software and hardware, commercial and antitrust litigation. He is named in "Super Lawyers" and since 1993, has been national class action counsel to Microsoft Corporation.

Linda T. Coberly, partner in Winston & Strawn LLP's litigation practice, is a founding member and vice chair of the firm's appellate practice. She focuses on appeals and motions practice that resolves complex commercial lawsuits before trial and has extensive experience in corporate fraud litigation.

David A. Curran, is assistant attorney general with the Civil Division

of the Arkansas Attorney General's Office. Previously, he was in the Attorney General's Consumer Protection Division, where he was responsible for all antitrust lawsuits filed on behalf of the State of Arkansas.

Thomas J. Dougherty, partner at Skadden, Arps, Slate, Meagher & Flom LLP, heads the Litigation Group in the firm's Boston office. He has been heavily involved in litigation that has fashioned the standards by which subsequent cases have been governed.

Miriam Gilles, Professor of Law at Benjamin N. Cardozo School of Law, is experienced in civil rights and structural reform litigation, tort and litigation reform and class action practice.

Reuben A. Guttman, director at Grant & Eisenhofer P.A., is involved in litigation and class actions and represents clients in claims brought under various employment discrimination, labor and environmental statutes.

Adam J. Levitt, partner at Grant & Eisenhofer P.A. and director of its Consumer Practice group, focuses on class actions and complex commercial litigation. He is President of Class Action Trial Lawyers and a member of the American Law Institute.

Shannon Liss-Riordan, partner at Lichten & Liss-Riordan, P.C., concentrates on class action litigation involving failure to pay wages, overtime, gratuities, minimum wage, and misclassification of employees as independent contractors. She has been named a "Best Lawyer" and "Super Lawyer".

David F. Marcus, Vice President at Cornerstone Research, provides consulting services and expert testimony in litigation involving economic and financial issues and focuses on securities litigation, valuation issues, and litigation involving financial institutions.

Terence P. McCourt, is Chairman of Greenberg Traurig LLP's, Boston office's Labor and Employment Practice group and concentrates on labor and employment litigation and counseling. Previously, he was Deputy Chief Legal Counsel to the Governor of Massachusetts and

General Counsel to the Secretary of Labor.

Christopher J. McDonald, partner at Labaton Sucharow LLP, concentrates on prosecuting complex securities fraud cases. He also works with the Firm's Antitrust & Competition Litigation Practice, representing businesses, associations and individuals injured by anticompetitive activities and unfair business practices.

Scott O'Connell, partner and deputy chair of Nixon Peabody LLP's Litigation department is practice group leader of the Commercial Litigation team and the Class Action & Aggregate Litigation team. He represents integrated financial service companies including banks, securities firms, insurance companies and regulated subsidiaries of nonfinancial parents.

Archis A. Parasharami, partner at Mayer Brown LLP, is co-chair of the Consumer Litigation & Class Action Practice and has a particular focus on strategy issues, multidistrict litigation and critical motions.

Edward D. Rapacki, partner at Ellis & Rapacki LLP, is experienced in litigation matters. Previously, he was with the Massachusetts Attorney General's Office, the Middlesex County District Attorney's Office, and was a member of the Massachusetts State Ethics Commission

Stephen M. Rummage, partner at Davis Wright Tremaine LLP, has defended consumer class actions, securities fraud claims, right of publicity actions, contract disputes and construction.

John R. Snyder, partner at Bingham McCutchen LLP, focuses on broker-dealer and other securities industry matters, including litigation in federal and state courts, arbitration and regulatory matters. He also handles financial institution litigation.

Nicholas C. Theodorou, partner and chair of Foley Hoag LLP's Business Crimes and Government Investigations Practice Group, represents corporations, officers and directors, and other individuals in criminal, civil, and regulatory investigations and civil litigation. He has been named a "Super Lawyer".

June 17 & 18, 2013
Boston, Massachusetts

Seaport West Building
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Who Should Attend:
Attorneys, business executives, and consultants involved with class action litigation and government officials involved with parallel investigations

You Will Learn About:

- Updates on national class action trends
- Updates on trends in MDL litigation
- Evidentiary standards: New Supreme Court cases
- Arbitration clauses: Emerging law from follow-on cases after *Concepcion*
- Current issues in class certification
- Tips from recent wage & hour class actions
- Consumer financial protection bureau (CFPB) and the potential impact on securities and financial industry class actions
- *Qui Tam* litigation as a model for replacing private class action enforcement
- The future for class actions as a form of aggregate litigation
- Special Address: A view from the bench on the future of class action litigation
- Watching for ethical issues from the start of the case

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