The Eleventh Annual Comprehensive Conference on

Class Actions

Strategies for keeping up with a rapidly changing landscape

June 4 & 5, 2015
Seattle, Washington
1201 Third Avenue Building, 49th Floor

Credits: WA 12 CLE (incl. 1 ethics) (call about others)
Quick when/where: 8:30 a.m., 1201 Third Avenue
2014 was a memorable year for developments in class action law, with important appellate cases deciding on issues such as arbitration, Article III standing, CAFA, class certification, fraud-on-the-market, issue certification, mootness, and settlements. Lower courts continue to develop conflicting interpretations of the landmark decisions from the Supreme Court in recent cases such as American Express, Amgen, Clapper, Comcast, Concepcion, Dukes, Genesis Healthcare, Halliburton, Knowles, and Oxford Health Plans. While many of these Supreme Court opinions led some people to predict the demise of class actions, the volume of class action filings in both state and federal courts continues to be high with outcomes uncertain and mixed.

Please join us for this program addressing important legal developments in class action law.

~ Program Co-Chairs: Thomas L. Boeder, Esq. of Perkins Coie LLP and Timothy G. Fielden, Esq. of Microsoft Corporation

Thursday, June 04, 2015

Class Actions Conference

8:00  Registration Opens
8:30  Introduction & Overview

Thomas L. Boeder, Esq.  Program Co-Chair
Perkins Coie LLP ~ Seattle, WA

Timothy G. Fielden, Esq.  Program Co-Chair
Assistant General Counsel in Legal and Corporate Affairs
Microsoft Corporation ~ Redmond, WA

8:45  National Class Action Trends: Where is the Case Law Taking Us?
Evolving class certification standards, ascertaining class membership, removing cases under CAFA, offering judgment under Rule 68 to moot claims, voluntarily dismissing a case, assessing a plaintiff’s adequacy to represent the class

Charles B. Casper, Esq.
Montgomery McCracken Walker & Rhoads LLP
Philadelphia, PA

9:30  Lessons from the Recent Spate of Food Labeling Class Actions
Increasing activity in California and elsewhere around the country

Kathleen M. O’Sullivan, Esq.
Perkins Coie LLP ~ Seattle, WA

Denis W. Stearns, Esq., Professor of Food Law & Policy
Seattle University School of Law ~ Seattle, WA

10:30 Break
10:45  New Developments in the Interplay Between Government Regulatory Activity and Consumer Protection Class Actions
Privacy and information security: Evolving cybersecurity threats, public policy responses, and risks for companies holding consumer data

Rob McKenna, Esq.
Orrick, Herrington & Sutcliffe LLP ~ Seattle, WA

Federal and state perspectives on the interplay between government enforcement activity and class action suits a tool for making consumers whole

Tina Kondo, Esq.
Assistant Regional Director, Northwest Regional Office
Federal Trade Commission ~ Seattle, WA

Shannon E. Smith, Esq.
Senior Counsel and Chief of the Consumer Protection Division
Washington State Attorney General’s Office ~ Seattle, WA

12:15 Lunch (on your own)
1:30  Data Breaches: Cases at the Intersection of Class Actions and Internet Technology
Addressing issues relating to liability for Advanced Persistent Threats: Regulatory compliance vs. industry best practices vs. strict liability; how a company’s response plan affects the prospects for follow on class action litigation and damage awards

Gretchen Freeman Cappio, Esq.
Keller Rohrback LLP ~ Seattle, WA

Todd M. Hinnen, Esq.
Perkins Coie LLP ~ Seattle, WA

2:30  “No-Injury” Cases: To What Extent is “No Harm, No Foul” a Defense?
Medical monitoring, nuisance, defect as injury, and more, as they apply to today’s court decisions

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

Beth Terrell, Esq.
Terrell Marshall Daudt & Willie PLLC ~ Seattle, WA

3:30 Break
3:45  Choice of Forum: Continuing Evolution of the Law on Arbitration Clauses With Class Action Waivers
Plaintiff and defendant perspectives on recent and pending cases

Thomas E. Loeser, Esq.
Hagens Berman Sobol Shapiro LLP ~ Seattle, WA

Gavin W. Skok, Esq.
Riddell Williams PS ~ Seattle, WA

5:00  Continue the Exchange of Ideas: Reception for Faculty and Attendees
Sponsored by Perkins Coie LLP

About the Conference

What previous attendees have said:

“Great presentations!!”

“The content was superb!”

“Great speakers and valuable discussions with other professionals.”

2014 was a memorable year for developments in class action law, with important appellate cases deciding on issues such as arbitration, Article III standing, CAFA, class certification, fraud-on-the-market, issue certification, mootness, and settlements. Lower courts continue to develop conflicting interpretations of the landmark decisions from the Supreme Court in recent cases such as American Express, Amgen, Clapper, Comcast, Concepcion, Dukes, Genesis Healthcare, Halliburton, Knowles, and Oxford Health Plans. While many of these Supreme Court opinions led some people to predict the demise of class actions, the volume of class action filings in both state and federal courts continues to be high with outcomes uncertain and mixed.

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Three Easy Ways to Register

Online: www.lawseminars.com
Phone: (206) 567-4490
Fax: (206) 567-5958
8:30 Introduction & Overview
  Thomas L. Boeder, Esq., Program Co-Chair
  Timothy G. Fielden, Esq., Program Co-Chair

8:45 Cases at the Intersection of Class Actions and Employee Protection Regulations
  Hiring practice issues with “no poaching” cases; wage and hour cases; pension plan management issues in cases alleging violations of the Employee Retirement Income Security Act (ERISA)
  Dean M. Harvey, Esq.
  Lieff Cabraser Heimann & Bernstein, LLP ~ San Francisco, CA
  Paul, Hastings, Janofsky & Walker LLP ~ Palo Alto, CA

9:45 Raising Capital: Class Actions and Market Manipulation
  High-frequency trading cases; fraud-on-the-market cases (practical implications of the Supreme Court’s decision in Halliburton v. Erica John Fund upholding the presumption of price impacts, but leaving open the door for rebutting the presumption)
  Stacey P. Slaughter, Esq.
  Robins Kaplan LLP ~ Minneapolis, MN
  Joy A. Kruse, Esq.
  Lieff Cabraser Heimann & Bernstein, LLP ~ San Francisco, CA

10:45 Break

11:00 Settlements and Legal Ethics: An Analysis of Recent Opinions Rejecting Class Action Settlements on Ethical Grounds
  Issues arising from the status of class representatives and counsel as fiduciaries; conflicts of interest; attorney’s fees vs. value to the class; incomplete and misleading notices to the class; adversity among class subgroups; other potential issues
  Michael Himes, Esq.
  Perkins Coie LLP ~ Seattle, WA

12:00 Lunch (on your own)

1:15 Settlement Strategies for Class Actions and Multidistrict Litigation
  Best practices for designing a settlement that the courts will approve; when not in court, adapting strategies to better-fit ADR; tips for more effectively administering settlements once approved
  Cathy Yanni, Esq., Moderator
  JAMS ~ San Francisco, CA
  Juli E. Farris, Esq.
  Keller Rohrback LLP ~ Seattle, WA
  The Hon. Richard A. Kramer, Esq., Judge
  San Francisco County Superior Court ~ San Francisco, CA
  Gwendolyn C. Payton, Esq.
  Lane Powell PC ~ Seattle, WA

2:45 Prosecuting and Defending Class Actions After Certification
  Perspectives on and strategies for litigating post-certification issues and trying class action claims
  Eric S. Beane, Esq.
  DLA Piper LLP ~ Los Angeles, CA
  Toby J. Marshall, Esq.
  Terrell Marshall Daudt & Willie PLLC ~ Seattle, WA

3:45 Evaluations and Adjourn
Thomas L. Boeder, Program Co-Chair, partner, Perkins Coie LLP, focuses on antitrust litigation and counseling, class actions, and consumer protection litigation. He heads the firm’s Commercial Litigation Practice and is a former Deputy Attorney General in the Washington Attorney General’s Office in charge of Antitrust, Consumer Protection and Criminal Law Enforcement.

Timothy G. Fielden, Program Co-Chair, is Assistant General Counsel in Legal and Corporate Affairs at Microsoft Corporation, where he represents the company in class actions, product liability, and commercial litigation in North America and elsewhere.

Cathy Yanni, Moderator, Special Master/Discovery Referee, JAMS, specializes in class actions, including settlement implementation and mass tort cases. She is recognized as “Top Master,” Daily Journal’s Top 100 California Neutral, and as AV Preeminent in Martindale-Hubbell Lawyer Ratings.

Eric S. Beane, partner, DLA Piper LLP, is experienced in class action litigation, wage and hour litigation, mass layoffs, trade secret and non-compete issues and ERISA claims for global clients. He defends employers in claims of wage and hour violations, wrongful discharge, employment discrimination, sexual harassment, breach of contract and misappropriation of trade secrets.

Gretchen Freeman Cappio, partner, Keller Rohrback L.L.P., focuses on civil litigation, including environmental municipal litigation, consumer and employee protection, product liability, and data breach litigation.

Charles B. Casper, partner at Montgomery, McCracken, Walker and Rhoads, LLP, chair of the Class Action Defense practice. He defends national and statewide class actions, as well as computer software and hardware, commercial and antitrust litigation. He is a Super Lawyer.

Juli E. Farris, Keller Rohrback, focuses on banking and securities litigation. She represents both plaintiffs and defendants in multi-party litigation involving allegations of securities and bank regulatory law violations, financial fraud and breach of fiduciary duty.

Dean M. Harvey, partner, Lieff Cabraser Heimann & Bernstein, LLP, focuses on antitrust litigation and intellectual property litigation to remedy and prevent wrongful conduct by dominant firms. These lawsuits concern industries including high-technology labor, pharmaceuticals, microprocessors, food packaging, automobiles, payment systems, air transportation, and electric power.

Michael Himes, partner, Perkins Coie LLP, focuses his practice on commercial litigation and appeals.

Todd M. Hinnen, partner, Perkins Coie LLP, focuses on civil and criminal litigation, investigations, and regulatory compliance counseling relating to privacy and data security. Previously, he was the Acting Assistant Attorney General for National Security at the U.S. Department of Justice.

Tina Kondo, Assistant Regional Director, Northwest Regional Office, Federal Trade Commission, files consumer protection and antitrust cases and conducts consumer and business education and outreach. Previously, she was Deputy Attorney General for the Washington State Attorney General’s Office, where she oversaw the Consumer Protection, Antitrust, and Revenue Divisions.

The Hon. Richard A. Kramer, San Francisco Superior Court, is assigned to the Complex Litigation Department. He presided over a felony trial department for five years, then a general civil trial department. He was a justice in the Appellate Division of the Superior Court and a Justice Pro Tem in the Court of Appeal.

Joy A. Kruse, partner, Lieff Cabraser Heimann & Bernstein, LLP, played a leading role in the day-to-day litigation and resolution of the Broadcom, McKesson, America Online, Peregrine, and Network Associates cases.

Thomas E. Loeser, partner, Hagens Berman Sobol Shapiro LLP, focuses on class actions, False Claims Act and whistleblower cases, consumer protection and identity-theft/privacy. He is AV preeminent rated and a former federal cyberprosecutor at the U.S. Attorneys’ Office. He prosecutes mortgage lenders, builders, national banks, hospitals, insurers and data processors.

Toby J. Marshall, member, Terrell Marshall Daudt & Willie PLLC, concentrates on civil litigation, consumer protection, and employment law. He represents workers and consumers in a variety of class actions, including wage and hour, product defect, and consumer fraud cases.

Rob McKenna, partner, Orrick, Herrington & Sutcliffe LLP, is Co-Head of the firm’s Public Policy Group. He is the former Attorney General of the State of Washington, and is experienced in public policy, appellate law and investigations.

Bradford K. Newman is a partner and Chair of the International Employee Mobility and Trade Secret Practice at Paul, Hastings, Janofsky & Walker LLP. He advises and represents technology, banking, professional service, manufacturing and commerce companies in employee mobility matters, and provides advice on Sarbanes-Oxley, whistleblower issues, and investigations involving claims of misconduct.

Kathleen M. O’Sullivan, partner in and Co-Chair of the Appellate Practice Group at Perkins Coie LLP, focuses on business litigation, class action defense, constitutional litigation and appellate litigation.

Gwendolyn C. Payton, shareholder and Chair of the Class Action Group, Lane Powell PC, focuses on national class actions, antitrust and trade litigation.

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

Gavin W. Skok, partner and Chair of Riddell Williams’ Litigation Group, is a commercial litigator whose practice emphasizes class action defense, data security litigation, securities fraud, and intellectual property disputes.

Stacey P. Slaughter, partner, Robins Kaplan LLP, is experienced in financial markets dealing with commercial litigation, antitrust and trade regulation, and securities and financial litigation. She also focuses on commercial breach of contract, employment matters, insurance, intellectual property and trade secret concerns.

Shannon E. Smith, Senior Counsel and Chief of the Consumer Protection Division, Washington State Attorney General’s Office manages the Consumer Protection Division’s litigation, enforcement, consumer services, and consumer outreach. She also oversees the State’s Lemon Law Administration and Manufactured Housing Dispute Resolution Program.

Denis W. Stearns, Professor of Food Law & Policy, Seattle University School of Law, and Of Counsel at Marler Clark, the first law firm with a national practice focused on foodborne illness litigation.

Beth Terrell, member, Terrell Marshall Daudt & Willie PLLC, focuses on litigation, including prosecution of consumer fraud, defective product, securities, and wage and hour class actions. She has been co-lead counsel on multi-state and nationwide class actions.

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

Our Co-Chairs:
Thomas L. Boeder, Esq.
Perkins Coie LLP

Timothy G. Fielden, Esq.
Microsoft Corporation

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