

ACC Western Pennsylvania Chapter - 2016-2017 CLE Program Calendar

September 14, 2016 – 3Q Value Roundtable – FedEx Ground – 8:30 a.m. to 10:30 a.m.

Practicing Preventive Law: Eliminating Legal Issues Before They Arise, Nicole Auerbach and Jeffrey W. Carr, Valorem Law Group

Nicole N. Auerbach and Jeffrey W. Carr will lead the discussion for our third quarter Value Roundtable. Nicole N. Auerbach is one of the founding partners of Valorem Law Group (www.valorem.com), a nationally known alternative fee litigation firm formed by BigLaw refugees in January 2008 to give clients an alternative to the billable hour. Jeff Carr is widely hailed as a preeminent thought leader and forward thinking General Counsel, having been a vocal advocate of the ACC Value Challenge and catalyst to reform the practice of law. Jeff recently joined the Valorem Law Group to lead ValoremNext, a platform designed to diminish the need for legal services by preventing problems before they occur. Nicole and Jeff will discuss this approach, challenging us to recall that merely doing the same things better is not a sustainable value approach. The only sustainable savings can come from a program that prevents the demand for legal services in the first place. At times during the conversation, the floor will open for peer-to-peer conversation to hear your specific examples to move from being a great firefighter to the best in fire prevention.

September 20, 2016 – 2 Hour Cocktail CLE – Duquesne Club – 2:45 p.m. to 6:00 p.m.

The Federal “Defend Trade Secrets Act of 2016” (DTSA): The Hot New IP, Sponsored by Picadio, Sneath Miller & Norton

Described by some as the most significant expansion of federal law into the field of intellectual property since the Lanham Act in 1946, the Defend Trade Secrets Act (DTSA) was signed into law by the President on May 11, 2016. The act, which does not preempt state trade secret laws and will apply broadly to acts of trade secret misappropriation that take place after the signing of the bill, provides for federal court jurisdiction, and includes broad civil remedies, including somewhat controversial civil seizure and injunction provisions. The program will explore this new chapter of federal IP law and its ramifications for litigants, counsel, and companies. The presentation will demonstrate how forensic examination of electronic data can be developed and presented in a way that makes it useable and admissible in injunctions and trials on trade secret and non-competition issues. We will also discuss how the DTSA affects employee and consultant non-disclosure and non-competition agreements. In particular, the DTSA now requires companies to inform its employees, consultants, and independent contractors of certain whistleblower rights, and, if they fail to do so, they give up the right to obtain enhanced damages and attorney’s fees in actions against these individuals. Finally, we will be providing a case law update on the status and development of the law as of the time of the presentation.

September 27, 2016 – 1 Hour Ethics CLE – Hilton Garden Inn, Southpointe – 3:30 p.m. to 6:00 p.m.

The Bonehead Play, Professor Mark Yochum – Joint Program with the Washington County Bar Association

Professor Mark Yochum will explore the ethics of sportsmanship as a model for professional practice. The title refers to the mistake Fred Merkle made in a storied baseball event of 1908, wherein the failure to attend to a simple rule leads to professional disaster and even death. Yochum will tell Merkle's tale, which provides guidance and inspiration on how we as attorneys deal with errors in others and, inevitably, errors in ourselves. Those Rules of Professional Conduct born of a concern for “zealous advocacy” will be discussed, and the program will serve as a reminder that although practitioners may sometimes be adversaries, we all play for the good of the game.

October 6, 2016 – 1 Hour Lunch CLE – U.S. Courthouse, Jury Assembly Room – 11:30 a.m. to 1:00 p.m.

Situational Awareness in Trial Advocacy – The Honorable Arthur J. Schwab

Impressions are formed from the first encounter with the Court and through to trial/appeal. Each encounter (whether it is in-person or a filing) is a chance to gain or lose credibility. Once credibility is lost, it is very difficult, if not impossible, to regain. Judge Schwab will discuss trial advocacy procedures in these areas: Initial Filings, Initial Pleadings, Contact with the Clerk’s Office and Chambers, Request for Hearing/Obtain Hearing Date, Initial Case Management Conference, Motions to Dismiss, Motion Practice, Communications with the Court, Summary Judgment, and Trial/Injunction Hearing.

October 11, 2016 – 1 Hour Lunch CLE – Dickie, McCamey & Chilcote – Two PPG Place – 11:30 a.m. to 1:00 p.m.

Clarifying the Murky Waters of FMLA, FLSA, ADA, STD and WC, Sponsored by Dickie, McCamey & Chilcote, P.C.

2015 and 2016 have been roller coaster rides for employers – legally speaking – with several federal, state and local employment changes.

When an employee is required to miss work due to a physical ailment, many different issues and/or laws come into play such as Short Term Disability Insurance, Family and Medical Leave, Americans with Disabilities, Workers’ Compensation. How do they fit together, and which do you apply when? What are the newest rules and regulations, and what do you, as an employer, need to implement to stay in compliance?

Dickie McCamey’s Employment and Labor Law Team will have a panel presentation to address all of the changes taking effect and what is on the horizon. After the formal presentation, there will be time allotted for more specific questions from the audience for clear-cut solutions to their concerns.

October 25, 2016 – 1 Hour Lunch CLE - DoubleTree by Hilton Hotel & Suites – 11:30 a.m. – 1:00 p.m.

Mergers & Acquisitions - Expanding Successor Liability Trends in Asset Deals, Sponsored by Schnader Harrison Segal & Lewis

Assumptions are made that an asset deal is without issue as to the operations of the seller. More and more both the Courts and legislatures are looking to buyers to report misdeeds or non-compliance of sellers. This CLE explores the expanding areas of successor liability in asset transactions.

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November 1, 2016 – 1 Hour Lunch CLE & Chapter Annual Meeting – K&L Gates Center – 11:30 a.m. – 1:00 p.m.

Corporate Responses to Investigative Requests by the Federal Government, Sponsored by K&L Gate LLP

All businesses must prepare for the possibility that they may become the subject or target of a federal investigation. In this one hour program, K&L Gates lawyers Mark Rush, Brian Saulnier, and Thomas Ryan will discuss the important steps that corporations can take in response to investigative requests by the federal government. Such topics will include how to be proactive; how to respond to different methods of government contact; concerns over such issues as privacy, privilege, and protecting trade secrets; and other key considerations that should be taken into account in this new era of aggressive corporate investigations.

November 9, 2016 – 1 Hour Lunch CLE – Meyer Unkovic & Scott, Henry W. Oliver Building – 11:30 a.m. to 1:00 p.m.

Ready for Your Company to Benefit from ADR? Perspectives from a Mediator, Sponsored by Meyer Unkovic & Scott

The program will review the various cost-savings and time efficiencies a company can achieve with ADR. You will also learn about:

- Review of mediation, early neutral evaluation and arbitration as forms of ADR, and ways you can evaluate and ultimately resolve legal matters at any stage of litigation.
- The various strategic advantages your company can have by using creative ADR options.
- What in-house counsel should and should not do during the ADR process in order to have a more successful outcome.

November 17, 2016 – 2 Hour Breakfast CLE – Jones Day – 8:00 a.m. – 10:30 a.m.

Class Actions Worldview: Emerging Trends Around the Globe, Sponsored by Jones Day

Although class actions have been common in the United States for decades, they historically have not been as widely used in the rest of the world. The situation and risks are rapidly changing, however, as more and more countries enact class actions or class action-like procedures – sometimes without key procedural safeguards that exist in U.S. class proceedings. For companies operating in a global marketplace, the threat of cross border class, collective, or other group litigation is significant. This presentation covers current trends in class actions globally, highlights key high-risk jurisdictions, and recommends steps companies can take now to prepare for and address risks.

December 6, 2016 – 1 Hour Lunch CLE – Reed Smith – 11:30 a.m. – 1:00 p.m.

How Courts Have Addressed the 2015 Changes to the Federal Rules of Civil Procedures, Sponsored by Reed Smith

This program will address recent court decisions interpreting the 2015 changes to the Federal Rules of Civil Procedure, with a focus on cases in the Third Circuit.

December 8, 2016 – ACC Western Pennsylvania Holiday Party – Renaissance Hotel – 5:30 p.m. – 9:30 p.m.

December 16, 2016 – 4Q Value Roundtable – Covestro LLC – 8:30 a.m. to 10:00 a.m.

January 10, 2017 – 1 Hour Lunch CLE – TBD – 11:30 a.m. – 1:00 p.m.

The Future of Artificial Intelligence and the Law, Sponsored by LegalSifter, Inc.

People were late for computers, the Internet, cloud, and mobile. They do not want to be late for artificial intelligence. AI will be bigger than all the other four combined. Pittsburgh is one of the leading locations in the world for the advent of artificial intelligence, so it's a great place for lawyers to put themselves on an artificial intelligence journey.

While there is a lot of talk about lawyers being replaced by artificial intelligence, this topic will discuss how, if developed with an entrepreneurial spirit and with the help of the legal community, artificial intelligence will create super lawyers, grow practices, lawyer compensation, demand for legal services, and close the justice gap. The advent of software-enabled service offerings in the legal service space will change how lawyering is done everywhere, starting with the most capacity constrained – general counsels.

January 18, 2017 – 1 Hour Lunch CLE – Duquesne Club – 11:30 a.m. – 1:00 p.m.

Employer Challenges Based On The EEOC's Current Priorities, Sponsored by Littler Mendelson, P.C.

This Session will review the EEOC's current regulatory and litigation priorities, and what steps employers should be taking to minimize their risk as a result.

February 2, 2017 – 1 Hour Lunch CLE – Union Trust Building - 11:30 a.m. - 1:00 p.m.

Expanding In-House Pro-Bono Opportunities - Eve Runyon, Pro Bono Institute, Corporate Pro Bono

In coordination with the Pro Bono Institute and Corporate Pro Bono, recognized national experts will share how to develop and implement in-house supported pro bono programs in Western Pennsylvania.

February 7, 2017 – 1 Hour Lunch CLE Program – Allegheny HYP Club – 11:30 a.m. – 1:00 p.m.

Global Intellectual Property - Where Are We Now?, Sponsored by Ference & Associates

A survey of issues in IP law around the world. Relevant U.S. and International case law will be discussed.

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February 23, 2017 – 2 Hour Breakfast CLE & Roundtable Program – Left Field Meeting Space – 8:00 a.m. – 10:30 a.m.

Significant Pay Equity Developments, Sponsored by Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

The White House, on June 13, 2016, announced an initiative called the Equal Pay Pledge, through which 28 companies have made a commitment to conduct annual company-wide pay equity analyses in an effort to reduce the pay gap. Companies that are part of this initiative include some of the largest and most respected employers in corporate America. The initiative is part of a larger effort to improve economic, educational, leadership, and other opportunities for women through the United State of Women summit. On June 14, 2016, the U.S. Department of Labor issued a final rule on Sex Discrimination, which applies to federal contractors and subcontractors. The final rule covers a wide range of topics from compensation discrimination, pregnancy accommodation, the duty to avoid discrimination against individuals based on their gender identity, and the prohibition against harassment. These rules are designed to align the OFCCP regulations with case law and EEOC Interpretations of Title VII. Among other things, the new rule includes express provisions prohibiting pay discrimination.

Also on June 14, 2016 the Equal Employment Opportunity Commission issued a new fact sheet relating to equal pay, which is designed to advise employees of their rights and with respect to equal pay and to address issues related to the EEOC's proposal to require certain employers to submit pay data on an annual basis.

These events continue the growing trend of increased legislation, regulation, and corporate initiatives focused on identifying and correcting pay disparities in the workplace. Employers are encouraged to get in front of this issue sooner rather than later, to conduct their own pay audits to determine whether there are pay disparities that cannot be explained by legitimate factors, and to correct any such deficiencies, before governmental agencies or plaintiffs' attorneys start calling.

March 7, 2017 – 1 Hour Breakfast CLE Program – Rivers Club – 8:00 a.m. – 9:30 a.m.

Social Media - Use and Abuse By Businesses and Employees, Sponsored by Fox Rothschild

Review/update on unique and emerging issues facing employers with respect to social media and the workplace, including the ability to monitor and use information obtained from social media.

March 16, 2017 – 1Q Value Group Roundtable – Newton Consulting - Nova Place – 12:00 p.m. – 1:30 p.m.

March 21, 2017 – 1 Hour Lunch CLE – Rivers Club – 11:30 a.m. – 1:00 p.m.

State of Employment Law – 2017, Sponsored by Jackson Lewis

During this program seasoned and knowledgeable speakers Lynn Outwater and Douglas Smith will cover hot and emerging topics in labor and employment law. Attendees will learn everything they need to know to ensure compliance in the ever evolving employment law landscape.

March 30, 2017 – 1 Hour Cocktail CLE Program – TBD – 3:45 p.m. – 6:00 p.m.

General Counsel Panel: Leadership Skills For In-House Counsel, Sponsored by Vorys, Sater, Seymour and Pease

This leadership workshop is designed to offer a mix of both conceptual and practical training on key leadership principles necessary to help you succeed in your role as in-house counsel. On the conceptual side, the program includes discussion of effective leadership skills, mentoring and career management. On the practical side, the program covers topics such as managing and leading meetings, goal setting, managing up and managing oneself.

April 4, 2017 – 1 Hour Lunch CLE Program – Rivers Club – 11:30 a.m. -1:00 p.m.

You Have Received A Subpoena - What Now?, Sponsored by Clark Hill

Attorney Jeri A. Ryan, National Co-Leader of Clark Hill's Litigation Group, will present this session, giving very practical "do's and don't's" when responding to a subpoena. This presentation will cover steps – specific to both Federal and Pennsylvania law – required to preserve objections regarding the exercise of jurisdiction, privilege, undue burden, etc. The presentation also will contain practical tips when responding to requests for document production and deposition testimony, with an eye towards protecting a corporation's proprietary information, as well as business and financial interests.

April 19, 2017 – 1 Hour Cocktail CLE program – TBA – 3:45 p.m. – 6:00 p.m.

Workplace Privacy and CyberSecurity, Sponsored by Saul Ewing

The presentation will cover legal aspects of privacy in the workplace from employee medical information, background checks, surveillance, searches, and electronic monitoring to protection of employee information, what to do in the event of a security breach, security risks associated with employee use of wearable devices, etc.

April 25, 2017 – 3 Hour Breakfast CLE Program – Carnegie Science Center SportsWorks – 8:00 a.m. – 12:00 p.m.

Communications Basecamp for In-House Lawyers: Where Mindful and Ethical Discussion Begins, Sponsored by Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Careful listening, understandable speech, and cooperative dialogue are as important in the legal realm as they are in something

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as seemingly unrelated as the world of rock climbing. This interactive presentation will show attendees the similarities between in-house communication with internal clients, and the verbal and non-verbal dialogue between climbers. Emphasis will be placed on how both counsel and climbers must recognize the equal importance of talking and listening, will include suggestions on dealing with difficult team members, and will demonstrate the critical nature of non-verbal communication in relaying information effectively.

In addition, one-hour of the 3-hour session will focus on Model Rules of Professional Conduct 1.1 and 1.4, which address competence and communications with clients. This element of the session will assist in-house attorneys by providing an overview of these model rules and related common legal compliance issues, and will discuss how mindful communication can assist in-house counsel in complying with the rules through effective engagement and communication with compliance officers, difficult co-workers and in-house clients, while helping to minimize legal risk.

The take-aways of this presentation will include an overview of techniques for both mindful speaking and mindful listening, and information on how such communication can assist in the development of a workable compliance plan to help minimize and avoid legal risk, while adding attention and genuineness to everyday communication techniques. (All attendees also will leave with an elementary knowledge of basis knot-tying techniques!)

May 4, 2017 – 1 Hour Lunch CLE Program – TBA – 11:30 a.m. – 1:00 p.m.

People, Process & Technology: Simple Steps To Achieve Information Governance, Sponsored by Jordan Lawrence

Discover how to bridge the gap between IT and legal to mitigate data risk. Before developing a sound information governance policy, there needs to be an understanding of what exists, where it exists, how many exist and why it exists.

Only then can legal and IT work together to build policy and confidently and defensibly manage the massive amounts of data within an organization.

Discover how to unify data governance goals between departments and develop policy that supports compliant, secure corporate data.

May 16, 2017 – 2 Hour Breakfast CLE Program – Hilton Garden Inn, Southpointe – 8:00 a.m. – 10:30 a.m.

US & International IP: Trademarks, Copyrights and Designs, Sponsored by The Webb Law Firm

This program will discuss U. S. and International IP legal issues as they apply to trademarks, copyrights and designs. For copyright law, the speakers will explain governing U.S. and international principles, including the Berne Convention, and explore related authorship and ownership issues that continue to evolve with expanding proliferation of communication/creative platforms. In addition, with the global markets in which U.S. businesses are now operating, the speakers will look at pitfalls and opportunities concerning trademark registration, domains and enforcement (including grey market goods). The presenters will also discuss protection of designs invented/authored in the U.S. as well as internationally via recently enacted international agreements. They will include pitfalls to avoid in handling the above as well as international IP portfolio management best practices and alternative fee arrangements.

May 18, 2017 – 2Q Value Group – MSA, The Safety Company – 12:00 p.m. – 1:30 p.m.

June 6, 2017 – 1 Hour Cocktail CLE Program – Blank Rome, Union Trust Building – 3:45 p.m. – 6:00 p.m.

The Limits on Limits, Sponsored by Blank Rome

The Consumer Financial Protection Bureau has proposed new rules looking to revise the laws on mandatory arbitration clauses, including the prohibition of class actions, in consumer contracts in 2017.

This could be a major issue for banks and, really, any company dealing with the public. If it passes, it could also affect commercial contracts. At a minimum, everyone will have to revisit the boilerplate language in their contracts and website terms. It would also not be hard to imagine that it could impact such practices as setting liability limits and even jurisdiction and venue clauses down the road. Class action lawyers already have it in their sights.

From an ethical standpoint, the argument against these clauses is that they have essentially hijacked the judicial system from consumers. The effect of these clauses is that it has made it harder economically for consumers to sue, and with limited liability clauses, harder to recover amounts that make it worth suing. On the other side, you have companies trying to avoid getting held up in class actions and trying to do business in the face of mounting legal bills in numerous venues.

With the rule making process in action and a decision due in 2017, this is a timely issue. The presenters will address the proposed or newly enacted rule, its effect on companies and consumers, offer some tips on dealing with the issues, and then try to foreshadow what might be coming down the road because of what did or did not happen.

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