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CHAPTER CONFERENCE

**AUGUST 25-28, 2020**  
VIRTUAL ANNUAL CONFERENCE  
WITH 3.0 HOURS OF ETHICS

*By in-house counsel, for in-house counsel<sup>®</sup>*



CHAPTER CONFERENCE

This 3½-day event provides 20 hours of CLE programming and is specifically designed for you as an in-house attorney, including 3 hours of ethics. Our registration format allows you to customize your program schedule to fit your practice needs by choosing from the many hours of programming offered.

## CONFERENCE SCHEDULE

\*\*Please note that this schedule is subject to change. You are welcome to attend any session during the conference.

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# PROGRAM SESSIONS

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## TUESDAY, AUGUST 25, 2020

### 9:00 AM – 9:50 AM

“Data Strategy: The Role of Legal Counsel” - Godfrey & Kahn S.C.

The digital revolution is fundamentally transforming how businesses operate and go to market with new goods or services. Next-generation digital technologies through Internet of Things, interconnected devices, artificial intelligence, machine learning, and robotic process automation are generating massive stores of data. In response, companies are recognizing the need for a more comprehensive data strategy. This session will cover the legal imperative for a data strategy—including key legal issues around data stewardship, data innovation, and data governance, as well as the emerging role of chief data officer.

#### Speakers:

**Andy Schlidt**, Shareholder and Chief Privacy Officer, Godfrey & Kahn, S.C.

**Justin Webb**, Attorney and Chief Information Security Officer, Godfrey & Kahn, S.C.

**Ariane Strombom**, Assistant General Counsel, Technology and Marketing, Northwestern Mutual Life Insurance Co.

### 10:00 AM - 10:50 AM

“Complex Patchwork of State and Local Regulations of Employment” - Ogletree Deakins, P.C.

It is increasingly important—and simultaneously increasingly difficult—to monitor and comply with the seemingly never-ending stream of state and municipal regulation of employment issues. Required training, limitations on employment/severance agreements, paid and unpaid leave requirements, criminal history “ban the box,” salary history inquiries, medical/recreational marijuana, local drug testing regulation, minimum wage, independent contractor/employee relationship... the list goes on and on. Identify strategies and practical measures for navigating this treacherous landscape, coast to coast.

#### Speakers:

**Sarah Platt**, Shareholder, Ogletree Deakins

**Tim Kamin**, Shareholder, Ogletree Deakins

**Alexander Pyke**, Director of Labor and Employment Law, Quad/Graphics, Inc.

### 11:00 AM - 11:50 AM

“ESG Goes Mainstream: What In-house Counsel Needs to Know Now” – Foley & Lardner LLP

In corporate America today, “environmental, social, and governance” (ESG) can mean a lot of different things, or not much at all. It is data-based as well as narrative, and typically static or backward-looking. Increasingly, ESG reporting is also goal-oriented and aspirational. This presentation will attempt to provide a definition and context for the term ESG, explain how and why it is used, suggest steps attorneys can take to help mitigate risks, and cover hot topics in the ESG world.

#### Speakers:

**Jason M. Hille**, Partner Foley & Lardner LLP.

**Peter A. Tomasi**, of Counsel, Foley & Lardner LLP.

**Phil Kappell**, Senior Attorney, Sensient Technologies Corporation.

**Kim Marotta**, Global Senior Director, Sustainability and Alcohol Policy, Molson Coors

### 1:00 PM – 1:50 PM

**"When and How to Throw the Challenge Flag: Bid Protest Considerations and Strategies Under State and Federal Law, Including Traps for the Unwary"** - Quarles & Brady LLP

The overall effectiveness of bid protests filed at the U.S. Court of Federal Claims and the Government Accountability Office remains relatively high, with 44% of aggrieved parties receiving some form of relief. But the process continues to include numerous traps for the unwary. Join us as we discuss strategies for quickly and efficiently determining whether a bid protest is worthwhile and for meeting deadlines to prevent your protest from becoming moot.

#### Speakers:

**Eric Van Schyndle**, Partner, Quarles & Brady LLP.

**Patrick Whiting**, Corporate Counsel, Kraemer North America

### 2:00 PM - 2:50 PM

**"How to Protect Your Organization From Cyber Risk Amid COVID-19"** - Michael Best & Friedrich LLP

The increasing entry of companies into cyberspace has led to an increase in operational risks, as well as the risk of cyberattacks against them. With persistent threats to cybersecurity, it is likely that cyber insurance will continue to grow globally. The threats have only increased and the impacts on insurance have grown during the global COVID-19 pandemic. Join our panelists as we discuss the latest cyber threats and ways to mitigate them, including through cyber insurance.

#### Speakers:

**Adrienne S. Ehrhardt**, CIPP/US, CIPM, Partner, Practice Group Chair, Privacy & Cybersecurity, Michael Best, LLP

**Derek Lacznik**, Partner & Senior Account Executive, M3 Insurance

**Michael Sias**, Assistant General Counsel & Assistant Secretary, Northwestern Mutual Life Insurance Co.

### 3:00 PM – 3:50 PM

**"Trademark Protection, Enforcement, and Licensing"** - Boyle Fredrickson S.C.

This session will explore various ways of protecting, enforcing, and licensing trademarks, including using trademarks to protect product shapes and service images (e.g., restaurants, stores), pros and cons of foreign registrations, and asserting rights in colors and designs.

#### Speakers:

**Adam Brookman**, Partner, Boyle Fredrickson S.C.

**James Reeves**, Corporate Counsel, Jason Industries, Inc.

## WEDNESDAY, AUGUST 26, 2020

### 9:00 AM - 9:50 AM

**"Export Controls: Keeping Trade Moving. You Don't Know What You Don't Know"** - Walker Morris LLP.

Export controls and sanctions maintained by the UN, the US, the EU, and other jurisdictions are rapidly and continually changing, leaving international businesses at risk of offending when moving goods between jurisdictions. Lawyers from UK law firm Walker Morris will talk about how in-house counsel can help overcome obstacles to international trade and provide their businesses with guidance on keeping goods moving across borders.

Walker Morris partners James Crayton (Commercial Contracts) and Andrew Northage (Regulatory) and director Nick McQueen (Commercial Dispute Resolution) will discuss today's circumstances and tomorrow's possible scenarios and will provide practical advice on keeping businesses moving.

**Speakers:**

**James Crayton**, Partner, Walker Morris LLP

**Andrew Northage**, Partner, Walker Morris LLP

**Nick McQueen**, Director, Walker Morris LLP.

**Mai Der Shaw**, Senior Corporate Counsel, Harley-Davidson Motor Company

## 10:00 AM - 10:50 AM

"M&A Trends in 2020: Doing Global Deals in the Face of Regulatory and Digital Tax Changes" - Eversheds Sutherland

In these uncertain times, this session will explore the impact of macro political events on the global M&A landscape. Doing business overseas is more important than ever as the drive to open new markets continues and the need for a global perspective on the search for technology and talent intensifies. As the trend toward nationalism and protectionism (arguably) grows, M&A activity is facing increased scrutiny from regulators, including through tax reform. The risks associated with undertaking cross-border M&A are increasing, fueling a desire for strategic-only M&A. (Volumes are down but values are broadly consistent in 2019.) Participants will gain insight into how external and internal counsel are advising their clients on navigating this new world order.

**Speakers:**

**Robin Johnson**, Partner, Eversheds Sutherland

**Lance Phillips**, Partner, Eversheds Sutherland

**Dan Counsell**, Director – Mergers & Acquisitions, Kohler & Co.

**Jason Baab**, Vice President, Oshkosh Corporation

## 11:00 AM - 11:50 AM

"Rethinking Strategic Supply Chain - Legal Considerations and Guidance for Global Business Teams" - Baker McKenzie LLP.

The COVID-19 pandemic has caused an unprecedented global crisis, including notable disruptions of international trade and supply chains, which have presented new challenges and risks to companies doing business internationally. The pandemic also exposed vulnerabilities in supply chain infrastructure, such as a lack of diversity in suppliers, weaknesses in offshore sources of supply and insufficient contractual remedies to address interruptions in the supply of key products and services, among others. What should companies be doing now to protect their operations, continue to navigate the uncertainties caused by the pandemic and prepare for a post-COVID world?

Join Baker McKenzie for a session providing a wide perspective on strategic supply chain assessment and adjustment in the wake of the COVID-19 pandemic and thought leadership on supply chain resilience, including the following:

- Creating a culture of preparedness
- Evaluating financial and geographic risks and potential implications and strategies to address demand shocks
- Effectively planning for disruptions through collaboration, oversight and contractual remedies

**Speakers:**

**Andrew Warmus**, Partner, Corporate & Securities Practice Group, Baker McKenzie LLP

**Christina Conlin**, Partner, International and Commercial Practice Group, Baker McKenzie, LLP

**Peter George**, Partner, Baker McKenzie LLP

**Michael Hatfield, Jr.**, Formerly Chief Counsel, Global Business Services, Mondelēz International

## 1:00 PM - 1:50 PM

### "Addiction, Substance Abuse, and Mental Health During COVID-19" – Perkins Coie LLP

Alcohol and drugs know no social, economic, or educational barriers, and legal professionals face unique stressors. In fact, lawyers are almost twice as likely to struggle with substance abuse when compared to the general population. They also suffer from disproportionately higher rates of mental health issues, often leading to the abuse of prescription medication. Addiction in the legal profession is a major problem that has led to many promising careers and lives cut short. Join us to learn more about the substance abuse issues affecting the legal profession and some of the measures that are being taken to address this crisis.

#### Speakers:

**Jennifer Bluestein**, Chief Talent Officer, Perkins Coie LLP

**Dr. Thomas P. Britton**, DrPH LPC LCAS ACS CCS, President and Chief Executive Officer, Gateway Foundation

**Maureen Harms**, Associate General Counsel and Managing Counsel, 3M Company

**Mary Spranger**, Licensed Clinical Social Worker, WisLap, State Bar of Wisconsin

## 2:00 PM- 2:50 PM

### "Understanding (and Managing) the Divergent Fiduciary Duty Standards for Corporations and LLCs After the Wisconsin Supreme Court's Decision in Marx v. Morris (2019)". – Reinhart Boerner Van Deuren S.C.

In Marx v. Morris, the Wisconsin Supreme Court said that the LLC statutes do not supersede common law with respect to members' fiduciary duties, but the Wisconsin Supreme Court has previously ruled that a very similar section of the corporate statutes does seem to supersede common law with respect to corporate directors' fiduciary duties. Further, the Wisconsin Supreme Court has previously ruled that Wisconsin law, not Delaware law, might define the fiduciary duties of a corporation doing business in Wisconsin, even if it is incorporated under Delaware law. So, the state of the law in Wisconsin is very confused on fiduciary duty as it pertains to governance of a business entity. However, we can provide remedies that corporate counsel can apply to clarify which fiduciary duty standards do and don't apply to their boards, managers, or members.

#### Speakers:

**Gregory Monday**, Shareholder, Reinhart Boerner Van Deuren s.c.

**Tiffany R. Reeves**, Shareholder, Reinhart Boerner Van Deuren s.c.

**Blaine Renfert**, General Counsel at Sub-Zero.

## 3:00 PM - 3:50 PM

### "Getting Command of the Real Estate Parcel: What Do You Own and What Can/Should You Do With It?"– Meissner Tierney Fisher & Nichols S.C.

Virtually all Wisconsin companies have some interest in real estate. This presentation will facilitate a panel discussion on unique aspects of real estate law that may impact those interests. It will include topics such as hidden, reversionary interests in railroad lines (which means the company does not own what it thinks it owns); riparian interests of companies owning property next to navigable water; and little-known facts about surveys and title commitments.

#### Speakers:

**Adam J. Tutaj**, Shareholder, Meissner Tierney Fisher & Nichols S.C.

**William T. Stuart**, Shareholder, Meissner Tierney Fisher & Nichols S.C.

**Cheri Hipenbecker**, General Counsel for Knight Barry Title Group

## THURSDAY, AUGUST 27, 2020

### 9:00 AM - 9:50 AM

"Lawyers, Time, and Money: Avoiding Wage and Hour Missteps" - Lindner & Marsack, S.C.

Unknowingly violating state and federal wage and hour laws can result in a host of complicated legal and investigative actions. Including misclassification issues, off-the-clock, on-call, and work-from-home traps, this presentation will identify employers' most common mistakes, how to avoid them, and how to remedy them before they become costly legal fights.

#### Speakers:

**Kristofor L. Hanson**, Partner, Lindner & Marsack, S.C.

**Sally A. Piefer**, Partner, Lindner & Marsack, S.C.

**Christopher J. Smith**, Legal Counsel, C.D. Smith Construction

### 10:00 AM - 10:50 AM

"Let's Make a Deal: Negotiating to Limit Exposure" - Wilson Elser Moskowitz Edelman & Dicker LLP

Long gone are the days when a dispute in litigation is resolved by simply "splitting the baby." Now, corporate attorneys and their outside counsel must ensure they are familiar with and effective in using advanced techniques to ensure the best outcome for their companies. That starts with evaluating the potential for early resolution, the steps required to effectuate a favorable position once mediation arrives, and the use and development of advanced negotiation techniques to reach the preferred result. This seminar will address the various considerations before resolving a case and the ways in which cases of any kind can be positioned to ensure your company walks away with an auspicious end to a given dispute.

#### Speakers:

**Kevin A. Christensen**, Partner, Wilson Elser Moskowitz Edelman & Dicker LLP

**John Loring**, Partner, Wilson Elser Moskowitz Edelman & Dicker LLP

**Antonio Catalano**, Vice President, General Counsel, and Secretary, Rite-Hite

### 11:00 AM - 11:50 AM

"OSHA Compliance and Enforcement Issues That Keep In-House Counsel Up at Night" - Husch Blackwell LLP

OSHA investigations can be distracting, time-consuming, and costly for a business. In this presentation, attendees will learn techniques and strategies for addressing and minimizing risks before an OSHA investigation occurs, appropriate response steps during an investigation, and legal strategies for negotiating and/or litigating with OSHA after citations have been issued.

#### Speakers:

**Erik Eisenmann**, Partner, Husch Blackwell LLP

**Ronda Warren**, Director, Labor & Employment Law, Adient

### 1:00 PM - 1:50 PM

"Rise of the Machines! The Future of AI in the Workplace" - Buelow Vetter Buikema Olson & Vliet LLC.

Imagine having the Series 800 Model 101 Infiltrator, looking just like Arnold Schwarzenegger, conducting your hiring interviews. Well, that may be a bit far-fetched, but artificial intelligence (AI) is right around the corner, and someday machines may select candidates. At first blush, it seems like the ideal system—no biases, no prejudices, no emotions, and the ability to detect when an applicant is fibbing. However, more technology poses more challenges and opens the door to a host of potential privacy and other workplace issues. We will explore the legal consequences of this brave new world.

Speakers:

**Joel S. Aziere**, Buelow Vetter et al.

**Saveon D. Grenell**, Buelow Vetter et al.

**Heather Gatewood**, Senior Attorney, Business and Employment Law, Manpower Group

**2:00 PM - 2:50 PM**

“Top Ways to Mitigate Risk in Commercial Litigation”- Stafford Rosenbaum LLP

In the typical vendor-vendee relationship, both parties attempt to limit their exposure to liability. Terms and conditions are one avenue, with tools like warranties, forums selection clauses, and choice of law provisions. These tools can and should be used. Are they the right tools for your business? Is your business properly communicating these terms and conditions to those it does business with? How can you (and later, a court) be sure? Which terms and conditions are negotiable, and which ones are non-starters?

Speakers:

**James I. Statz**, Stafford Rosenbaum LLP

**Kurt Simatic**, Stafford Rosenbaum LLP

**Ari Kasper**, Senior Litigation Counsel, eXp Realty, LLC

**Nate Troyer**, Account Executive, M3 Insurance

**3:00 PM – 3:50 PM**

“Website Privacy Policies: Do You Really Need to Care? (Hint: Probably)” - Davis|Kuelthau, S.C.

A brief overview of the laws that directly impact a website privacy policy and their application to Wisconsin businesses. We will look at technologies that can change what data you are collecting on your website and some best drafting practices for privacy policies, along with a brief look at legislation proposed in Wisconsin that would substantially change the data privacy landscape.

Speakers:

**Joseph S. Heino**, IP, Litigation and Technology, Davis|Kuelthau

**M. Andrew Skwierawski**, Litigation and Technology, Davis|Kuelthau

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**ETHICS FRIDAY, AUGUST 28, 2020**

**9:00 AM - 9:50 AM**

ETHICS: “Trust but Verify—Assuring Good Faith and Fair Dealing in Your Contracts and Agreements” – Laffey, Leitner & Goode LLC

As lawyers, we are trained to be skeptical. And most of the time, that’s a good thing. But it’s not the only thing. Speakers John Halpin, Sarah Thomas Pagels, and Jordan Corning will provide some tried and true tips and tricks for evaluating both standard and nonstandard terms and conditions in your contracts and agreements to ensure both parties to the deal have an open dialogue about each side’s expectations and the duty to cooperate up front before it’s too late. We will explore the mutual benefit of working closely with the business units to identify deal-breaker language up front (and educate them about the position of the other side), to establish greater transparency in the negotiation phase, and to minimize potential surprises after you ink the deal.

Speakers:

**Sarah Thomas Pagels**, Partner, Laffey, Leitner & Goode LLC

**John W. Halpin**, Partner, Laffey, Leitner & Goode LLC

**Jordan Corning**, Epic Systems LLC



## 10:00 AM - 10:50 AM

ETHICS: "Corporate Crime, Internal Investigations, and the Duty to Report" – von Briesen & Roper, S.C.

Companies of all sizes face a number of threats—both internal and external—including the theft of intellectual property, cybercrime, and internal bad actors. The chief federal law enforcement official for the Eastern District of Wisconsin will address initiatives of the federal government to partner with Wisconsin companies to combat those threats. At the same time, companies need to maintain vigilance to identify these threats at their earliest stages to prevent or limit damage to the organization. We will discuss how companies can work toward maintaining that effort.

### Speakers:

**Stacy Gerber Ward**, von Briesen & Roper, s.c.

**Matthew Krueger**, United States Attorney, Eastern District of Wisconsin

**Thomas J. Kister**, Legal Director, Johnson Controls Federal Systems Inc.

## 11:00 AM - 11:50 AM

ETHICS: "Ethical Issues & Best Practices for Workplace Investigations" Littler Mendelson P.C.

The #MeToo movement and continued rise in corporate wrongdoing claims have highlighted the importance of conducting ethical, prompt, and thorough investigations of workplace misconduct. This program will work through the planning, execution, and concluding stages of an investigation; the challenges presented by each; and best practices for conducting lawful and ethical investigations.

### Speakers:

**Mike Gotzler**, Littler Mendelson P.C.

**Mike Yellin**, Littler Mendelson P.C.

**Julia Arnold**, Counsel -Employment & Workplace Privacy, Briggs & Stratton Corporation

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