



**LAW SEMINARS  
INTERNATIONAL**

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*The 16th annual conference on*

# Litigating Class Actions

*Best tips and strategies for navigating current litigation trends from  
nationally renowned class action litigators*

**November 12 & 13, 2020**

*Via Interactive Zoom Broadcast*

## *Agenda—Day 1*

**8:30 Registration Opens**

**9:00 Introduction & Overview**

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

**Timothy G. Fielden, Esq., Program Co-Chair,**  
*Assistant General Counsel*  
Microsoft ~ Redmond, WA

**9:15 2020 Update on Case Law Trends**

Piecing together the past year's major decisions from Article 3 standing to valuation of claims

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

**10:30 Break**

**10:45 Environmental Class Actions**

Behr Dayton Thermal Products v. Martin and other recent cases on certification of common issues;  
implications for certification of other toxic tort class actions including the surge in Perfluoroalkyl and  
Polyfluoroalkyl substances (PFAS) cases

**Barbara Mahoney, Esq.**  
Hagens Berman Sobol Shapiro ~ Seattle, WA  
**Eric L. Klein, Esq.**  
Beveridge & Diamond ~ Boston, MA

**12:00 Lunch (on your own)**

**1:15 Health Care Class Actions: The Role of Class Actions as a Path to Recovery of  
Damages Related to the Opioid Crisis**

State regulatory activity: Update on state-level consumer protection enforcement litigation and the interplay  
with local government, Tribal, and consumer class actions

**Jeff Rupert, Esq.,**

Chief, Complex Litigation Division  
Washington Attorney General's Office ~ Seattle, WA

Update on the negotiation class mechanism certified by federal Judge Polster in the Opioid MDL

**Paulina do Amaral, Esq.**  
Lieff Cabraser Heimann & Bernstein  
New York, NY

Case study of the RICO claims in class action federal lawsuits filed on behalf of Alaska Native Communities and in individual suits on behalf of Washington Tribes: Issues to be resolved and the relationship to other forms of Opioid litigation

**Dan Drachler, Esq.**  
Zwerling Schachter ~ Seattle, WA

Class certification issues for human health impacts vs. financial impacts on government entities

**Derek W. Loeser, Esq.**  
Keller Rohrback ~ Seattle, WA

**3:15 Break**

**3:30 Privacy Class Actions**

New developments for claims arising from data breaches, Telephone Consumer Protection Act (TCPA) violations, and the use of facial recognition

**Eve-Lynn Rapp, Esq.**  
Edelson ~ San Francisco, CA  
**Robert E. Cattnach, Esq.**  
Dorsey & Whitney ~ Minneapolis, MN

Anticipating the broader impact of future state legislative actions: State-level trends including the Illinois Biometric Information Privacy Act (BIPA) and its use against defendants located in other states

**Nicola Menaldo, Esq.**  
Perkins Coie ~ Seattle, WA

**5:00 Continue the Exchange of Ideas: Virtual Reception for Faculty and Attendees**

Grab your favorite beverage and snack for a moment of comraderie and a less structured discussion of what is happening in the class action world

*Agenda—Day 2*

**9:00 Navigating the Ethical Rules in a Class Action World**

How to apply the Rules of Professional Conduct in class actions, with an emphasis on lessons from recent cases

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

**10:00 Break**

**10:15 Employment Class Actions**

Impact of the Me Too and equal pay movements

**Toby Marshall, Esq.**  
Terrell Marshall Law Group ~ Seattle, WA  
**William Ben Stafford, Esq.**  
Perkins Coie ~ Seattle, WA

**11:15 Arbitration Clauses in Consumer and Employment Class Actions**

Potential impact of the legislation that recently passed the House

**F. Paul Bland, Jr., Esq.**, *Executive Director*  
Public Justice ~ Washington, DC  
**Rebecca J. Francis, Esq.**, *Senior Attorney*  
Microsoft ~ Redmond, WA

**12:15 Lunch (on your own)**

**1:30 Trials in Class Actions and Post-Trial Motions**

Litigating Article 3 standing vs. litigating damages: When is it better to attack a lack of damages through a Rule 12(b)(6) motion rather than litigating standing?

**Gretchen F. Cappio, Esq.**  
Keller Rohrback ~ Seattle, WA

Do you want to Focus on Article 3 standing or just litigate damages? (i.e. When is it better to attack a lack of damages through a Rule 12(b)(6) motion rather than litigating standing?)

**Fred B. Burnside, Esq.**  
Davis Wright Tremaine ~ Seattle, WA

**2:45 Break**

**3:00 Settlement Strategies**

Current best practices for designing a settlement that the courts will approve and effectively administering settlements once approved

**The Hon. Thomas McPhee, Esq.**  
JAMS ~ Seattle, WA

**Darrell L. Cochran, Esq.**  
Pfau Cochran Vertetis Amala ~ Tacoma, WA

**Gretchen F. Cappio, Esq.**  
Keller Rohrback ~ Seattle, WA

**Emily Brubaker Harris, Esq.**  
Corr Cronin ~ Seattle, WA

**Kim D. Stephens, Esq.**  
Tousley Brain Stephens ~ Seattle, WA

**4:30 Evaluations and Adjourn**

*Who Should Attend*

Attorneys, business executives, and consultants involved with class action litigation, and government officials involved with parallel investigations

*About the Conference*

This year the response to the Covid-19 pandemic permeates all of our daily lives. Class action litigation is no exception. Covid-related claims have been filed in virtually every topic area we will cover in this year's program. Even if you are not currently dealing with a Covid-related case, you will want to hear about the filing and legal theory trends.

At the same time, pre-Covid claims continue apace. At one time, U.S. Supreme Court decisions in cases such as AT&T v. Concepcion, Wal-Mart v. Dukes, and Comcast v. Behrend, caused many pundits to predict the demise of class actions. We are now finding that class actions remain a significant part of civil dockets in federal and state courts addressing issues of consumer protection, employment practices, the environment, and healthcare.

The number of filings is increasing in areas such as accessibility, privacy, and cybersecurity. Although many practitioners assume that class actions always settle before trial, there is a growing body of cases that have gone to trial after class certification, with some substantial verdicts that are now on appeal. For those cases that do settle, courts are taking a much closer look at settlement terms, including attorneys' fees, and in some cases rejecting class-wide settlements that the parties propose. And for those companies that include arbitration terms with class-action waivers in their contracts, plaintiffs, courts, and legislatures continue to address whether those terms are enforceable in consumer and employment disputes.

This program will cover these and other important trends in class actions. Please join us for an interactive forum with speakers who will offer different perspectives from judges, government-enforcement attorneys, plaintiffs' attorneys, and defense counsel.

We hope you will join us for both the conference and the virtual reception at the end of the first day.

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

### *Registration & Other Conference Information*

**Tuition:** Regular tuition for this program is \$995 with a group rate of \$895 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$745. For students, people in their job for less than a year, and public interest NGO's, our rate is \$497.50. All rates include admission to all program sessions and course materials. Make checks payable to Law Seminars International.

As an added value bonus, you'll receive access to audio and video recordings of the program at no extra charge. Financial aid is available to those who qualify. Contact our office for more information.

**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 Friday, November 6, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

**Continuing Education Credit:** Live credits: This program qualifies for 11.75 (inc 1 ethics) WA and 12.0 (inc 1 ethics) CA MCLE credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

**Time Shift Your Content:** Audio podcasts and video replays, with course materials, are available for download or on a flash drive at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within five business days after the program or from the date we receive payment.

### *Faculty*

**Thomas L. Boeder**, Program Co-Chair, is a partner at Perkins Coie. He is a former Chief of Antitrust, Consumer Protection and Criminal Law Enforcement in the Washington State Attorney General's Office.

**Timothy G. Fielden**, Program Co-Chair, is Assistant General Counsel at Microsoft where he focuses on class action litigation.

**The Hon. Thomas McPhee**, JAMS, served 22 years on the Thurston County Superior Court.

**F. Paul Bland, Jr.** is the Executive Director of Public Justice. He manages and leads Public Justice's legal and foundation staff, guiding the organization's litigation docket and other advocacy.

**Fred B. Burnside** is co-chair of Davis Wright Tremaine's class action defense group. He also serves as co-chair of the ABA's Annual National Institute on Class Actions.

**Gretchen F. Cappio** is a partner at Keller Rohrback. She has a passion for striving for meaningful change through the class action device.

**Charles B. Casper** is chair of the Class Action Defense Practice at Montgomery McCracken Walker & Rhoads.

**Robert E. Cattanach** is a partner at Dorsey & Whitney. He represents clients on matters of cybersecurity, privacy, and information governance.

**Darrell L. Cochran** is a partner at Pfau Cochran Vertetis Amala. He has won a significant number of multi-million-dollar verdicts and settlements for his clients.

**Paulina do Amaral** is a partner at Lieff Cabraser Heimann & Bernstein and a senior member of the firm's Mass Tort and Injury Practice Team. Her current work includes national prescription opiate litigation.

**Dan Drachler** is of counsel to Zwerling Schachter. He concentrates in the areas of antitrust, consumer and securities class action litigation.

**Rebecca J. Francis** is a senior attorney at Microsoft. Her expertise includes complex civil litigation with an emphasis on consumer class action defense and healthcare litigation.

**Emily Brubaker Harris** is the managing partner for Corr Cronin. In addition to class action defense, she is also one of the lead attorneys pursuing wrongful death claims arising from the 2014 Oso Landslide.

**Eric L. Klein**, Beveridge & Diamond, represents major companies and municipalities in environmental and mass torts, class actions, and federal citizen suits under environmental statutes.

**Derek W. Loeser**, Keller Rohrback, represents state and local government entities in ongoing cases against opioid manufacturers.

**Barbara Mahoney** is a partner at Hagens Berman Sobol Shapiro where she represents plaintiffs in complex class-action cases.

**Toby Marshall** is a founding member of Terrell Marshall Law Group, where he represents plaintiffs in class actions, collective actions, and other complex litigation.

**Nicola Menaldo** is of counsel to Perkins Coie. She defends technology companies on issues including privacy and data security, marketing, biometrics, scraping and web crawling, artificial intelligence (AI) and machine learning.

**Eve-Lynn Rapp** is a partner at Edelson. She devotes a considerable amount of her practice to consumer technology cases, consumer fraud cases, and privacy lawsuits.

**Stephen M. Rummage** is a partner at Davis Wright Tremaine. He represents class action clients from a broad variety of industries.

**Jeff Rupert** is Chief of the Complex Litigation Division at the Washington Attorney General's Office. He previously served as a Team Leader in the Consumer Protection Division.

**William Ben Stafford** is a partner at Perkins Coie. He has extensive experience defending complex wage-and-hour class action cases.

**Kim D. Stephens** is a member of Tousley Brain Stephens. In addition to his private class action practice, he has been appointed special attorney general for Washington State and lead counsel to manage both state and federal, multi-district class actions.