



Trending Topics in Business Litigation 2019

Program dates start December 5. Register today!

**8 CLE
1 EPR**

Trending Topics in Business Litigation 2019

The latest in litigation

Trending Topics in Business Litigation 2019 is a roundup of the most recent legal developments and important issues that could affect your clients' businesses. Learn from leaders in business litigation as they offer perspective and advice on some of the hottest questions popping up in the industry:

- How can enterprise entity theory be used to assign liability?
- Who is an "executive level" employee and when does the duty of loyalty apply?
- Does the derivative action statute still apply after *Marx v. Morris*?
- How do you adequately find and prepare a witness for a 30(b)(6) deposition?

Plus, earn 1.0 EPR credit by delving into ethical challenges faced by business litigators.

Who should attend:

- In-house counsel
- Corporate attorneys
- Business lawyers who advise corporate clients
- Litigation attorneys
- Insurance lawyers
- Employment attorneys

How you'll benefit:

- Expand your arsenal of legal tactics to assign liability
- Command a strong response to your next FRCP 30(b)(6) discovery request
- Identify the duties of a fiduciary in corporate and LLC settings
- Gain an overview of Wisconsin Fair Dealership Law
- Understand trade secret law as applied in Wisconsin and federal courts
- Discuss the latest hot topics involving e-discovery and proportionality
- Address tough ethical situations involving litigation finance

Register now!

Faculty

Program Chair & Presenter

Michael J. Cohen

Meissner Tierney Fisher & Nichols, S.C.
Milwaukee

Presenters

Christopher P. Banaszak

Reinhart Boerner Van Deuren, S.C.
Milwaukee

Daniel J. Blinka

Godfrey & Kahn, S.C.
Milwaukee

Robert B. Corris

Robert B. Corris, S.C.
Hartland

Timothy M. Hansen

Hansen Reynolds LLC
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Dean P. Laing

O'Neil, Cannon, Hollman, DeJong &
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Ann M. Maher

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Brian R. Smigelski

DeWitt LLP
Brookfield

David J. Turek

Gass Weber Mullins LLC
Milwaukee

Zachary R. Willenbrink

Godfrey & Kahn, S.C.
Milwaukee

Dates

Location

Live Brookfield Seminar

Thursday, December 5, 2019

Sheraton Milwaukee Brookfield

375 S. Moorland Rd.

Brookfield, WI

(262) 364-1100

Live Webcast

Thursday, December 5, 2019

Webcast Replays

Monday, December 16, 2019

Thursday, December 26, 2019

Monday, December 30, 2019

Wednesday, January 8, 2020

Tuesday, January 14, 2020

Additional webcast replay dates are available for this program.

Visit wisbar.org/seminars for more information and to register.

Credits

This program has been submitted to the Wisconsin Board of Bar Examiners for up to **8 CLE credits, including 1 Ethics and Professional Responsibility credit.**

Schedule

8:00 AM Registration

8:30 AM Litigation Bingo: Piercing the Corporate Veil and the Single Business Enterprise Theory

- Alter ego
- Single business enterprise theory
- Reverse veil piercing
- Insurance coverage issues

Michael J. Cohen

9:15 AM Koss v. Park Bank and the Uniform Fiduciaries Act

- Koss overview
- The law on the UFA in other jurisdictions
- The proceedings in the lower courts in Koss
- The Wisconsin Supreme Court's decision

Dean P. Laing

10:00 AM Break

10:15 AM Trade Secrets Overview and Update

- Role of a trade secrets claim in conjunction with a traditional contract claim
- Procedural steps for asserting and defending trade secret claims
- Different theories for pursuing misappropriation claims
- Applicable Wisconsin and federal court cases

David J. Turek

11:00 AM Breach of Fiduciary Duty Claims Between Members of an LLC

- *Marx v. Morris* confirms standing of limited liability company member to directly sue another member and the potential for a breach of fiduciary duty claim.
- Effect of Chapter 183 on breach of fiduciary duty claim
- Effect of operating agreement on breach of fiduciary duty claim
- Factors to consider in determining whether fiduciary duty applies to a member of a limited liability company

Brian R. Smigelski

11:45 AM Lunch (on your own)

12:45 PM Wisconsin Fair Dealership Law

- Who it protects
- How it protects
- Limitations on protection
- Significant Wisconsin/Seventh Circuit cases

Robert B. Corris

1:30 PM Strategic Use of Data and Forensics in Litigation

- Securing data through adequate safeguards and contracts
- Keeping data secure through litigation and injunctions
- Improving e-discovery through forensic analysis and proportionality arguments

Christopher P. Banaszak

2:15 PM Deals Gone Wrong, Litigating Post-Closing Claims

- Typical claims – *for indemnification*
 - ▶ Fraud, breach of contract – material adverse effect (MAE) or material adverse change (MAC)
- Fraud carve outs in Delaware and Wisconsin
- No reliance clauses in Delaware and Wisconsin
- Strategies for plaintiffs
 - ▶ How to survive a motion to dismiss
- Strategies for defendants
- Drafting points, including forum selection – tying into litigation strategies
 - ▶ For sellers
 - ▶ For buyers

Daniel J. Blinka, Zachary R. Willenbrink

3:00 PM Break

3:15 PM When the Corporation Talks: Effective Use of Corporate Designee Depositions

- Use and scope of the 30(b)(6) or 804.05(2)(e) notice
- Preserving objections to the notice
- Handling questions outside the scope of the notice
- Designating and adequately preparing the corporate designee
- Proportionality and possible cost shifting

Ann M. Maher

4:00 PM History, Practice, and Ethics of Litigation Finance

- History of third party funding of legal disputes (champerty, barratry, maintenance)
- Early ethical prohibitions on the practice
- Modern trends
- Common litigation finance arrangements and related ethical considerations
- Wisconsin's litigation finance disclosure rules

Timothy M. Hansen

4:50 PM Program Concludes

Following start time, webcast replay schedule will vary slightly from above listed times.

Registration

Online: www.wisbar.org/seminars

Mail: State Bar PINNACLE

Phone: (800) 728-7788

Registrations

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P.O. Box 7158

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State Bar CLE/PINNACLE Passbook Registrations: Passbook Certificates must be received by the State Bar at least one business day prior to the event. For live and video seminars, walk-in registrations with the Passbook Certificates are welcome.

Registration Cancellations: Please visit www.wisbar.org/cancellation_policy for information on PINNACLE registration cancellation policies.

Course materials for those attending the seminar: Course materials are provided in PDF format and are downloadable from *myStateBar* on wisbar.org up to four days prior to and 90 days after your seminar. For live seminar attendees who prefer a printed format, please select the tuition option that includes printed materials for an additional \$20.

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Also of interest:

4th Annual Family Business Update

Gain a checklist approach for exit planning options and strategies, and learn to avoid common costly mistakes. Find creative uses for trusts to protect a family business from family drama and impaired family members. Navigate ethical issues that arise when representing closely held businesses and their owners. 7 CLE/1 EPR

Live Madison Seminar and Live Webcast: Dec. 11, 2019

Webcast Replays: Dec. 26, 2019 | Jan. 3, 2020 | Jan. 7, 2020 | Jan. 13, 2020
Jan. 22, 2020 | Jan. 30, 2020 | Feb. 5, 2020

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Priority Code: S 3 7 6 5 B

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