



Trending Topics in Business Litigation 2020

Program dates start December 3. Register today!

**8 CLE
1 EPR**

Trending Topics in Business Litigation 2020

You snooze, your clients lose

The impacts of COVID-19 have been far-reaching, but one thing the pandemic hasn't altered is your obligation to stay abreast of changes in technology and in the law and its practice. *Trending Topics in Business Litigation 2020* will get you up-to-speed in all three arenas. Learn from leaders in business litigation as they offer perspective and advice on:

- Litigating in a virtual world
- Non-compete public policy considerations in light of COVID-19
- Invoking force majeure provisions
- Spikes in data security breach claims
- And more!

Plus, earn 1.0 EPR credit by reviewing how to preserve attorney-client privilege in business litigation.

Who should attend:

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

How you'll benefit:

- Get tips for litigating your next COVID-related business issue
- Learn how to address choice of forum issues in non-compete cases
- Get tips and tricks for utilizing temporary injunctions
- Know what to consider when defending attorney fee claims
- Avoid violating attorney-client privilege

Register now!

Registration

ONLINE: www.wisbar.org/seminars

PHONE: (800) 728-7788

FAX: (608) 257-5502

MAIL: State Bar PINNACLE Registrations
P.O. Box 7158
Madison, WI 53707-7158

State Bar CLE/PINNACLE Passbook Registrations: Passbook Certificates must be received by the State Bar at least one business day prior to the event.

Registration Cancellations: Please visit 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 two days prior to and 90 days after your seminar.

Book Sale!

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Schedule

- 8:30 AM** **Select Issues in Non-Compete Litigation**
- Sale of stock and the Rule of Reason
 - Severability of restrictions
 - Blue penciling provisions
 - Unilateral attorney fee provisions
 - Public policy considerations due to COVID-19
- Michael J. Cohen*
- 9:20 AM** **Choice of Law/Forum Issues in Non-Compete Cases**
- Scope and reach of *Beilfuss v. Huff Corporation*
 - Dormant commerce clause argument
 - Binding effect of Wisconsin judgment
 - Drafting options for multi-state employers
- Robert B. Corris*
- 10:10 AM** **Break**
- 10:25 AM** **Litigating Attorney Fee Claims**
- The relevant factors to consider
 - Establishing the claim
 - Use of experts
 - Dismissal with and without prejudice
 - Defending the claim
 - Discovery of opposing party's attorney fees
- Dean P. Laing*
- 11:15 AM** **Practices and Procedures for Temporary Injunction Motions in Business Litigation Cases – Panel Discussion**
- Unwritten rules
 - Process/procedure
 - Tips/tricks
 - Experiences
- David J. Turek (moderator), Ann M. Maher, Christopher P. Banaszak, Robert B. Corris, Susan E. Lovern*
- 12:05 PM** **Lunch Break**
- 1:05 PM** **The Impact of COVID-19 on a Party's Duty to Perform Its Contract**
- Force majeure
 - Impossibility of performance
 - Frustration of purpose
- Brian R. Smigelski*
- 1:55 PM** **Data Security Breaches**
- Claims
 - Damages
 - Insurance issues
- Anthony S. Baish*

- 2:45 PM** **Break**
- 3:00 PM** **Litigating a Business Case During COVID-19 – Experiences and Lessons Learned**
- Depositions
 - Hearings
 - Mediations
 - Trials
 - Ethical issues
- Ann M. Maher (moderator), Dean P. Laing, Christopher P. Banaszak, Anthony S. Baish*
- 3:50 PM** **The Attorney-Client Privilege in Business Litigation – How to Keep It ... and How to Lose It**
- Source and scope – traps for the unwary
 - Complex issues regarding who is the client
 - Internal investigations and audits
 - Retained experts
 - Inadvertent privilege
- Susan E. Lovern*
- 4:40 PM** **Program Concludes**

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

Dates

Live Webcast

Thursday, December 3, 2020

Additional webcast replay dates are available for this program. Visit wisbar.org/seminars for more information and to register.

Webcast Replays

Monday, December 14, 2020

Saturday, December 19, 2020

Wednesday, December 23, 2020

Thursday, December 31, 2020

Tuesday, January 5, 2021

Friday, January 15, 2021

Wednesday, January 20, 2021

Thursday, January 28, 2021

Credits

This program will be submitted to the Wisconsin Board of Bar Examiners for up to **8 credits including 1 Ethics and Professional Responsibility credit.**

Faculty

Program Chair & Presenter

Michael J. Cohen

Meissner Tierney Fisher & Nichols, S.C.
Milwaukee

Presenters

Anthony S. Baish

Godfrey & Kahn, S.C.
Milwaukee

Christopher P. Banaszak

Reinhart Boerner Van Deuren, S.C.
Milwaukee

Robert B. Corris

Robert B. Corris, S.C.
Hartland

Dean P. Laing

O'Neil, Cannon, Hollman, DeJong & Laing, S.C.
Milwaukee

Susan E. Lovern

von Briesen & Roper, S.C.
Milwaukee

Ann M. Maher

Husch Blackwell LLP
Milwaukee

Brian R. Smigelski

DeWitt LLP - Metro Milwaukee Office
Brookfield

David J. Turek

Gass Weber Mullins LLC
Milwaukee

Additional Learning Opportunities

Drafting and Enforcing Closing Conditions in Unprecedented Times

Learn lessons from the "Victoria's Secret dispute" on the pre-and post-closing stages of a deal. Understand how to draft effective closing conditions even in times of great upheaval. Know what to expect and how to argue your side if it gets litigated. Get insight into what is still unknown about terminating deals because of extraordinary events. **1 CLE**

Webcast Replays: October 27, 2020 | November 6, 2020 | November 9, 2020

Business Law Forms Library

Forms at your fingertips. Access more than 65 forms for agreements, articles of incorporation, bylaws, checklists, taxes, and other business-related needs. All forms are easy-to-modify templates, follow statutory specifications, and ensure you include all required information.

Online Subscription: #FSFB2000; **Members Only:** \$95/year

Law Office Video: Preparing for your Business Deposition

A how-to video geared towards entrepreneurs and business owners. It demonstrates how to give short, simple answers during a deposition and emphasizes key points like avoiding the urge to volunteer information or the importance of understanding the question before answering. 18 mins.

English DVD: #ED0003; **Member:** \$89 | **Member:** \$115

English Flash Drive: #EF0003; **Member:** \$89 | **Member:** \$115

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