



Trending Topics in Business Litigation 2021

Program dates start December 2. Register today!

**8 CLE
1 EPR**

Trending Topics in Business Litigation 2021

An update that's good for business

No matter what's going on in the world, it seems that business litigation never stands still. Make sure you're prepared to keep up with *Trending Topics in Business Litigation 2021*. Hear from leaders in business litigation as they delve into fraud claims, IP trends, bankruptcy discharges, labor and employment issues, non-competes, and more. Help your business clients minimize litigation risk and find success in the courtroom.

How you'll benefit:

- Explore the latest trends in intellectual property litigation
- Understand potential ethical violations and ways to avoid them
- Advise clients regarding developing labor and employment concerns
- Learn the ins and outs of various types of fraud claims
- Navigate emerging restrictions on non-compete agreements
- Protect your award or judgment in a Chapter 11 proceeding
- Know when and how to keep a case in (or out) of federal court

Who should attend:

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

Register now!

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visit www.wisbar.org/ondemand

Faculty

Program Chair & Presenter

Michael J. Cohen

Meissner Tierney Fisher & Nichols, S.C.,
Milwaukee

Presenters

Anthony S. Baish

Godfrey & Kahn, S.C., Milwaukee

Robert B. Corris

Robert B. Corris, S.C., Hartland

David G. Hanson

Reinhart Boerner Van Deuren, S.C.,
Milwaukee

Maria L. Kreiter

Godfrey & Kahn, S.C., Milwaukee

Susan E. Lovern

von Briesen & Roper, S.C., Milwaukee

Ann M. Maher

Husch Blackwell LLP, Milwaukee

Matthew W. O'Neill

Fox, O'Neill & Shannon, S.C., Milwaukee

David J. Sisson

Reinhart Boerner Van Deuren, S.C.,
Milwaukee

David J. Turek

Gass Weber Mullins LLC, Milwaukee

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.**

Dates / Location

Live Webcast

Thursday, December 2, 2021

Webcast Replays

Saturday, December 11, 2021

Friday, December 17, 2021

Thursday, December 23, 2021

Wednesday, December 29, 2021

Monday, January 3, 2022

Tuesday, January 11, 2022

Wednesday, January 19, 2022

Tuesday, January 25, 2022

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: 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.org up to two days prior to and 90 days after your seminar.

Schedule

- 8:30 AM Hot Topics in Restrictive Covenant & Trade Secret Litigation**
- Social media activity as solicitation and emerging social media policies from employers
 - Minimizing litigation risk when hiring from a competitor
 - Announcements versus solicitation
 - E-forensics: how to leverage digital tools to save you time and money
 - Defend Trade Secrets Act: a progress report 5 years later
 - The Computer Fraud and Abuse Act in Wisconsin and under *Van Buren v. United States*
Maria L. Kreiter
- 9:20 AM Applying Fraud Based Claims in Business Litigation**
- Misrepresentation and related tort theories
 - Constructive versus actual fraud
 - Voiding contracts based on fraud
 - Federal and state racketeering statutes
 - Civil thefts and other statutory remedies
David J. Sisson
- 10:10 AM Break**
- 10:25 AM Diversity Jurisdiction, Removal, and Remand: How to Keep a Case In (or Out) of Federal Court**
- Understanding “complete diversity”
 - Citizenship of partnerships, LLCs, and holding companies
 - Basics of removal and remand
 - Last-served defendant rule
 - “Snap” removal – unserved in-state defendants
Anthony S. Baish, Ann M. Maher
- 11:15 AM Panel Discussion – Hot Topics in Labor and Employment**
- Key considerations in defending wrongful termination claims – order and burden of proof and after-acquired evidence
 - Good cause – drafting considerations
 - Arbitration provisions – enforcement and practical considerations
 - Tortious interference with non-compete agreements/provisions
 - Mandatory vaccination policies
Moderator: David J. Turek
Panelists: Michael J. Cohen, Maria L. Kreiter, Matthew W. O’Neill
- 12:05 PM Lunch Break**
- 1:05 PM California Here We Come: Trending Executive and Legislative Restrictions on Non-Compete Agreements (or Will Your Speaker Still Have a Law Practice?)**
- Executive Order 14036 and Federal Trade Commission protection of competition

- Trending state/federal legislation as history and predictor of FTC rule
- FTC rule-making and enforcement
- FTC hearing January 9, 2020
- Employer reaction: the Beck Reed Riden joint submission in opposition
- Preemption or effect on Wisconsin enforcement of non-compete agreements
Robert B. Corris

- 1:55 PM Toward 2025: Trends in Intellectual Property Litigation**
- AI Meets IP: who (or what) innovates today?
 - Of trolls and trends: do non-practicing entities still matter?
 - Patentable subject matter: what is new under the sun?
 - Copyright: does Information still “want to be free”?
 - Where are the battlegrounds? Metrics in the district courts and the PTAB
 - Brands and advertising: wild frontiers and global markets in pandemic times
David G. Hanson

3:00 PM Break

- 3:15 PM Bankruptcy Discharges – Playing Offense and Defense**
- Non-dischargeable claims
 - Dischargeable claims
 - The shield: protecting a plaintiff’s claims from discharge
 - ▶ At trial
 - ▶ In a settlement
 - The sword: protecting a defendant’s interests in discharging a judgment
 - ▶ At trial
 - ▶ In a settlement
 - Protecting your award or judgment in a Chapter 11 proceeding
 - ▶ Filing a proof of claim
 - ▶ Post-petition attorney’s fees
Matthew W. O’Neill

- 4:05 PM Panel Discussion – Hot Ethics Topics in Business Litigation**
- Conflicts with limited liability managers
 - Fiduciary duties of attorneys organizing the limited liability company
 - Mergers and acquisitions – privilege on the move
 - Working remotely and the unauthorized practice of law
Moderator: Susan E. Lovern
Panelists: Anthony S. Baish, Michael J. Cohen, Ann M. Maher

4:55 PM Program Concludes

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

Book Sale!

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Additional Learning Opportunities

Common Ethical Issues for the Organizational Lawyer

Review general ethical considerations in representing organizations. Understand special ethical challenges that can emerge when representing an entity. 1.5 CLE/EPR

Live Webcast: Oct. 26, 2021

Webcast Replays: Nov. 3, 2021 | Nov. 11, 2021 | Nov. 15, 2021 | Nov. 24, 2021 | Dec. 3, 2021 | Dec. 11, 2021 | Dec. 15, 2021 | Feb. 3, 2022

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
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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.

DVD: # ED0003 | Member: \$89 | Nonmember: \$115

Flash Drive: # EF0003 | Member: \$89 | Nonmember: \$115

Trending Topics in Business Litigation 2021

Priority Code: S4017B

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<input type="checkbox"/> State Bar Member	<input type="checkbox"/> \$269
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