



THE STATE BAR OF CALIFORNIA
ANTITRUST AND UNFAIR COMPETITION
LAW SECTION
PRESENTS

Earn 6.75
Hours MCLE Credit



21st Annual

Golden State Antitrust and Unfair Competition Law Institute & Antitrust Lawyer of the Year Award Dinner

OCTOBER 27, 2011

The Westin St. Francis Hotel

335 Powell Street

San Francisco, CA 94102-1875

Register Online:

<http://antitrust.calbar.ca.gov>

sponsored by:



PROGRAM SCHEDULE

8:00 a.m. – 9:00 a.m.

Registration & Continental Breakfast – Breakfast sponsored by Kurtzman Carson Consultants

GENERAL SESSION

9:00 a.m. – 9:15 a.m.

Welcome Remarks

Kimberly A. Kralowec—Section Vice Chair, The Kralowec Law Group

Daveed A. Schwartz—Section Vice Chair, Locke Lord Bissell & Liddell LLP

PLENARY SESSION #1

9:15 a.m. – 10:45 a.m.

Recent Developments in Antitrust and Unfair Competition Law

This popular panel returns once again this year. Our dynamic speakers will provide an overview of recent California and federal developments in antitrust and unfair competition law.

Professor Thomas A. Papageorge, University of San Diego School of Law, Special Prosecutor, San Diego County District Attorney's Office

Thomas Greene, Special Litigation Counsel, Bureau of Competition, Federal Trade Commission

Professor Jesse W. Markham, University of San Francisco School of Law

10:45 a.m.–11:00 a.m.

Morning Break – Breaks sponsored by Econ One, OSKR, LLC, and Sarnoff Court Reporters

PLENARY SESSION #2

11:00 a.m. – 12:30 p.m.

Landmark Class Action Decisions of 2011—Their Impact on Antitrust and UCL Litigation

The panel will analyze the U.S. Supreme Court's milestone class action decisions of 2011—*AT&T Mobility LLC v. Concepcion*, *Smith v. Bayer Corp.*, and *Wal-Mart Stores, Inc. v. Dukes*—and their impact on antitrust and UCL litigation in California and across the nation. The panel will consider the reasons for the Supreme Court's heightened interest in class action cases, the continued vitality of past Supreme Court and Court of Appeals decisions such as *Eisen v. Carlisle & Jacquelin*, and where these new opinions may lead us.

Albert J. Boro, Jr., Moderator, Senior Vice President & General Counsel, SoloPower, Inc.

Hon. Susan Y. Illston, District Judge, United States District Court, Northern District of California

Aton Arbisser, Kaye Scholer LLP

Elizabeth J. Cabraser, Lief Cabraser Heimann & Bernstein, LLP

Tracy R. Kirkham, Cooper & Kirkham, P.C.

Donn P. Pickett, Bingham McCutchen LLP

12:30 p.m.–2:00 p.m.

Golden State Institute Luncheon – Sponsored by NERA Economic Consulting

Luncheon Speaker: **Hon. Joseph F. Wayland**, Deputy Assistant Attorney General for Civil Enforcement, Antitrust Division, U.S. Department of Justice

We are honored to have Deputy Assistant Attorney General Joseph F. Wayland of the U.S. Department of Justice speak to us about recent civil antitrust enforcement activity.

2011 ANTITRUST LAWYER OF THE YEAR — JOSEPH W. COTCHETT



The Antitrust and Unfair Competition Law Section of the State Bar of California is pleased to honor **Joseph W. Cotchett** as the 2011 Antitrust Lawyer of the Year.

Joe Cotchett has a legendary reputation for his courtroom

accomplishments and is considered one of the country's foremost trial lawyers by both plaintiff and defense attorneys. The National Law Journal has called him one of the 100 Most Influential Lawyers in America. He is the senior partner at Cotchett, Pitre & McCarthy,

LLP. Joe has dedicated much of his legal career to public justice with a prolific history of pro bono work. He has tried over 100 jury trials, including some of the largest antitrust cases. He represented the NFL and various teams in antitrust cases around the country and has tried antitrust cases in both federal and state courts. Joe and his firm have brought many large antitrust class action cases over the years, and have served as lead or co-lead class counsel in cases such as *In re Citric Acid Litigation*, *In re International Air Transportation Surcharge Antitrust Litigation*, and *In re SRAM Antitrust Litigation*, to name a few.

Joe has an engineering degree from California Polytech, and earned his law degree from the University of California, Hastings College of

ANTITRUST BREAKOUT #1

2:15 p.m. – 3:45 p.m.

The Law of Pricing, Including Resale Price Maintenance in California After Leegin

Participants in twenty-first-century commerce face many price-related issues, including bundling, below-cost pricing, price discrimination, and resale price maintenance. This panel will use practical examples and hypotheticals to explain legal principles and address some of the more challenging nuances faced by practitioners.

Elaine F. Foreman, Moderator, Senior Director of Legal Services, Cisco Systems, Inc.

Jonathan M. Eisenberg, Deputy Attorney General, California Department of Justice

Penelope A. Prevolos, Morrison & Foerster LLP

Dr. Lawrence Wu, Senior Vice President, NERA Economic Consulting

Judith A. Zahid, Zelle Hofmann Voelbel & Mason LLP

3:45 p.m. – 4:00 p.m.

Afternoon Break – Breaks sponsored by Econ One, OSKR, LLC and Sarnoff Court Reporters

ANTITRUST BREAKOUT #2

4:00 p.m. – 5:15 p.m.

Trial Complexities in Antitrust Cases following Clayworth: Competing Views of Different Plaintiffs' Groups and Defendants

This panel will discuss strategic and procedural complexities and opportunities when antitrust claims brought by a class of direct purchasers, a class of indirect purchasers, direct action plaintiffs (i.e., opt outs) and/or the State Attorneys General are on the brink of trial, and the parties and the court are wrestling with how to structure a joint trial or a series of trials.

Michael F. Tubach, Moderator, O'Melveny & Myers LLP

Martha Boersch, Jones Day

Craig C. Corbitt, Zelle Hofmann Voelbel & Mason LLP

Steven N. Williams, Cotchett, Pitre & McCarthy, LLP

Law. He is a Fellow of the American College of Trial Lawyers, the International Society of Barristers, and the International Academy of Trial Lawyers, an Advocate in the American Board of Trial Advocates, and a former Master of the American Inns of Court. He has authored several books on law and serves on numerous boards and State Commissions. He is a former Colonel in the Army in both JAG and the Airborne Special Forces Reserves.

Joe has received the Trial Lawyer of the Year Award by Trial Lawyers for Public Justice and the Anti-Defamation League's Distinguished Jurisprudence Award, and has been honored by Disability Rights Advocates and inducted into the 2011 Trial Lawyer Hall of Fame.

UCL BREAKOUT #1

2:15 p.m. – 3:45 p.m.

The UCL, FAL, and CLRA "Go Viral": Facebook, Google, Apple, Yahoo!, Zynga, and Other High-Tech Cases

California is the undisputed epicenter of a critical mass of social networking sites, search engine companies, and other high-tech corporations, many of whom have been or may become the target of Unfair Competition Law, False Advertising Law, and Consumers Legal Remedies Act class actions in federal and state courts. This panel will discuss key issues, strategic considerations, and cutting-edge trends in the context of such litigation.

Ashlie Beringer, Moderator, Gibson, Dunn & Crutcher LLP

Colin Stretch, Deputy General Counsel, Facebook, Inc.

Eric Goldman, Associate Professor and Director of the High Tech Law Institute, Santa Clara University School of Law

Jill Manning, Steyer Lowenthal Boodrookas Alvarez & Smith LLP

UCL BREAKOUT #2

4:00 p.m. – 5:15 p.m.

"Labels Matter": Emerging Trends in UCL, FAL, and CLRA False Advertising Litigation

This panel will focus on the impact of recent California Supreme Court and appellate court decisions – including *Kwikset*, *In re Tobacco II*, *Daugherty v. American Honda Co.*, and *Pfizer Inc. v. Superior Court* -- on false and misleading advertising class action litigation brought under the Unfair Competition Law, False Advertising Law, and Consumers Legal Remedies Act.

Susan G. Kupfer, Moderator, Glancy Binkow & Goldberg LLP

Hon. Richard A. Kramer, Judge, San Francisco Superior Court

Pamela M. Parker, Adjunct Professor, University of San Diego School of Law

William L. Stern, Morrison & Foerster LLP

5:30 p.m. – 7:00 p.m.

Reception for Antitrust Lawyer of the Year – Hosted Cocktail Reception – Sponsored by Rust Consulting Inc./Kinsella Media LLC.

7:00 p.m. – 9:30 p.m.

Antitrust Lawyer of the Year Award Dinner and Program – Wine generously provided by St. Francis Winery and Vineyards

Honoring Joseph W. Cotchett, Cotchett, Pitre & McCarthy, LLP

REGISTRATION INFORMATION

REGISTRATION ONLINE: <http://antitrust.calbar.ca.gov>

PRE-REGISTRATION BY MAIL: Your pre-registration must be received no later than October 21, 2011. Please send your completed registration form and check payable to The State Bar of California to:

**Program Registrations
The State Bar of California
180 Howard Street
San Francisco, CA 94105-1639**

PRE-REGISTRATION BY FAX: Please fax your pre-registration to Program Registrations at 415.538.2368 no later than October 21, 2011. Credit card information is mandatory. Do not mail originals.

ON-SITE REGISTRATIONS: On-site registration opens at 8:00 a.m. and is subject to space availability.

CANCELLATIONS/REFUND POLICY: Cancellations and request for refunds must be received in writing no later than October 21, 2011. Substitute registrants are allowed, but must register in their own name.

MCLE CREDIT: The State Bar of California and the Antitrust and Unfair Competition Law Section are State Bar of California approved MCLE providers. This activity has been approved for 6.75 hours of MCLE credit

SPECIAL ASSISTANCE: Please call 415.538.2554.

QUESTIONS: For registration information, please call 415.538.2508. For program content/Section information, please call 415.538.2554.

AUDIO CDs: Directly following this program, audio CDs of the program will be available with a complete set of program materials from Versa-Tape. To order, please call 800.468.2737.

GSJ LUNCHEON SPEAKER

Joe Wayland is the Deputy Assistant Attorney General for Civil Enforcement in the Antitrust Division of the Department of Justice. In this position, he is responsible for all of the Division's litigation (including challenges to proposed mergers) and non-merger investigations. The Division enforces the federal antitrust laws and other laws relating to the protection of competition and the prohibition of restraints of trade and monopolization.

Prior to his appointment in the Department of Justice in the fall of 2010, Wayland was a litigation partner at Simpson Thacher & Bartlett in New York City, where he practiced for 22 years, focusing on complex business litigation, antitrust counseling and corporate investigations. Wayland has extensive lead trial and arbitration experience in a wide range of business matters, and he has won verdicts in numerous federal and state courts. He was elected as a Fellow of the American College of Trial Lawyers in 2009.

Wayland earned his AB from Washington University in 1979, his JD from Columbia University Law School in 1983 and his LLM (in international and comparative law) from Georgetown University Law School in 1987.



JOIN THE ANTITRUST & UNFAIR COMPETITION LAW SECTION

The Antitrust and Unfair Competition Law Section was established by the State Bar of California in 1981 for the purpose of furthering the knowledge of its members in federal and state antitrust and unfair competition law. The focus of the Section is on both litigation—including individual actions by competitors and class actions by direct/indirect purchasers, and the procedural aspects of such litigation—as well as antitrust counseling. It deals with both private and government (federal, state and local) enforcement actions, including government criminal procedures. The Section is governed by an Executive Committee appointed by the Board of Governors of the State Bar of California.

Section Membership

There are no prerequisites to membership. All interested attorneys, judges, non-attorneys, paralegals, law students and out-of-state attorneys are invited to enroll in the Section.

Standing Committees

The Section has the following standing committees in which Section members are urged to participate:

- Education/Programs
- Legislation
- Publications/Journal

Journal

The Section publishes a periodic journal—*Competition*. Members who wish to author articles or assist with publications are encouraged to contact the Editor.

Programs

The Section annually presents an MCLE-accredited Golden State Antitrust and Unfair Competition Law

Institute, at which it confers the Antitrust Lawyer of the Year Award. It also sponsors educational programs at the Section Education Institute, the State Bar of California Annual Meeting, and through informal, "brown-bag" seminars throughout the year.

Membership Benefits

- Free annual subscription to the Section journal *Competition* to keep members current on issues and developments
- Discounts on all Antitrust and Unfair Competition Law Section programs
- Discounts on any Section publications
- Opportunity to participate in Section and Committee activities
- Opportunity to meet other members of the Antitrust and Unfair Competition Law Section

Visit <http://antitrust.calbar.ca.gov> to join!

Register Online <http://antitrust.calbar.ca.gov>

Golden State Antitrust and Unfair Competition Law Institute and Antitrust Lawyer of the Year Award Dinner

October 27, 2011 • San Francisco, CA

REGISTRATION FORM

Note: One registrant per form. Photocopies may be used.

Bar Number: _____

Name: _____

Firm: _____

Firm Address: _____

City, State: _____

Zip Code: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

(Required for email confirmation)

Your name and email address may be disclosed to other 2011 GSI attendees and exhibitors/vendors.

Check Here if you do not want your information released.

REGISTRATION FEES (by October 21, 2011, late registrations subject to space availability)

Full Day Institute & Dinner - Member - \$395

Full Day Institute & Dinner - Non-Member - \$470 (2011-2012 Section Membership included for Non-Members)

Institute ONLY

Antitrust Section Member - \$290

Non-Member* - \$365 (2011-2012 Section Membership included for Non-Members)

Government/Academic - \$75

Non-Attorney Law Student - \$50

Sponsorship Opportunities

GOLD (Includes table for eight at dinner, 5 institute registrants, program attribution) - \$3,000

SILVER (Includes table for eight at dinner, 2 institute registrants, program attribution) - \$2,000

BRONZE (Program attribution ONLY, no dinner or registration in program) - \$500

Your sponsorship includes a full congratulatory slide in our dinner program presentation.

Please send an electronic, 8.5"x11" color or b/w pdf to mitch.wood@calbar.ca.gov by Friday, October 21, 2011 to be included.

Lawyer of the Year Dinner and Cocktail Reception ONLY

Per Person - \$150

__ Additional Dinners - \$150

Government/Academic - \$100

Table for Eight - \$1200

Program Materials

Special thanks to Gilardi & Co. LLC for their generous sponsorship.

An email will be sent to you 48 hours in advance of this program directing you to our program materials hosting site where you can download the program materials in advance of this program. The materials will also be provided on-site in electronic format on a flash memory stick. The flash memory sticks are sponsored by Gilardi & Co. LLC. Please feel free to bring your laptops as we'll have ample power sources and Wifi services during our program.

CREDIT CARD INFORMATION (VISA/MasterCard Only)

I authorize the State Bar of California to charge my program registration to my VISA/MasterCard account. (No other credit card will be accepted.)

Account Number: _____

Expiration Date: _____ (Visa or MasterCard only)

Cardholder's Name: _____

Cardholder's Signature: _____

Deadline: In order to pre-register, your form and check, payable to The State Bar of California, or credit card information, must be received by October 21, 2011.

Mail To: Program Registrations, State Bar of California, 180 Howard Street, San Francisco, CA 94105.

Fax To: Program Registration at 415-538-2368. In order to fax your registration, credit card information is MANDATORY. **(Photocopies of checks will NOT be accepted.)**

The State Bar of California and the Antitrust and Unfair Competition Law Section are approved State Bar of California MCLE providers.

Register Online <http://antitrust.calbar.ca.gov>



THE STATE BAR OF CALIFORNIA
EDUCATION FOUNDATION
The Antitrust and Unfair
Competition Law Section
180 Howard Street
San Francisco, California 94105

**21st Annual
Golden State Antitrust and
Unfair Competition Law
Institute & Antitrust Lawyer of
the Year Award Dinner
OCTOBER 27, 2011**

The Westin St. Francis Hotel

335 Powell Street
San Francisco, CA 94102-1875

Earn 6.75 Hours MCLE Credit

REGISTER ONLINE:
<http://antitrust.calbar.ca.gov>

First Class PRSRT
U.S. POSTAGE
PAID
Documentation

