



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

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**Golden State Antitrust and Unfair
 Competition Law Institute & Antitrust Lawyer
 of the Year Reception and Dinner**
 Honoring Terrence A. Callan

OCTOBER 25, 2012
 The St. Regis Hotel
 125 3rd Street
 San Francisco, CA 94103

sponsored by:



PROGRAM SCHEDULE

8:00 a.m. – 9:00 a.m.

Registration & Continental Breakfast sponsored by Kurtzman Carson Consultants

GENERAL SESSION

8:45 a.m. – 9:00 a.m.

Welcoming Remarks

Cheryl L. Johnson – *Incoming Section Chair*
Deputy Attorney General, California
Department of Justice - Los Angeles, CA

Kenneth R. O'Rourke – *Section Vice Chair,*
Golden State Institute
O'Melveny & Myers LLP - Los Angeles, CA

PLENARY SESSION #1

9:00 a.m. – 10:30 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.

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

Thomas Greene
Special Litigation Counsel, Bureau of Competition of the Federal Trade Commission - San Francisco, CA

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

10:30 a.m. – 10:45 a.m.

Morning Break – Breaks sponsored by Barkley Court Reporters and OSKR, LLC

PLENARY SESSION #2

10:45 a.m. – 12:30 p.m.

"Big Stakes" Antitrust Trials

The stakes are often high when an antitrust case goes to a jury. Two recent and high profile antitrust trials make this point abundantly clear. One is a criminal trial in which a federal court jury convicted a handful of defendants of participating in an international price fixing cartel. The Antitrust Division of the U.S. Department of Justice now seeks over a billion dollars in criminal fines against the corporate defendants and prison sentences and fines for the individual defendants.

The other is a civil trial in which a state court jury found that there was no conspiracy to fix prices and boycott the plaintiff's technology. The plaintiff sought several billion dollars of compensatory damages, which if awarded by the jury and trebled under the Cartwright Act, could have resulted in a judgment of nearly \$12 billion.

The lawyers who tried these cases will discuss them from their unique, insiders' perspective. These panels are sure to be interesting and insightful for litigators and non-litigators alike.

Panel 1: **U.S. v. AU Optronics, et al.** In March 2012, a San Francisco federal court jury convicted two companies and two individuals of criminal price fixing in violation of the Sherman Act. The jury found that the defendants participated in an international cartel, agreeing to restrain markets for TFT-LCD panels. This trial was one of the first (if not the first) international cartel cases in over a decade to be prosecuted and tried by the Antitrust Division against corporate defendants through a jury's verdict.

Christopher A. Nedeau, *Nossaman LLP - San Francisco, CA*
Lead trial counsel for defendant AU Optronics

Heather S. Tewksbury, *U.S. Department of Justice - San Francisco, CA*
Trial counsel for the United States Department of Justice, Antitrust Division

Kenneth R. O'Rourke, *O'Melveny & Myers LLP - Los Angeles, CA*
Moderator for the panels

Panel 2: **Rambus v. Micron Technology and Hynix Semiconductor.** In November 2011, after a five-month trial including nearly two months of deliberation, a San Francisco Superior Court jury (9 jurors to 3) found that the defendants did not violate the Cartwright Act or intentionally interfere with the plaintiff's prospective economic advantage. Rambus alleged that Hynix, Micron and other memory chip manufacturers conspired to fix prices and boycott Rambus' proprietary memory interface technology to limit its adoption in computers worldwide. This trial presented one of the largest Cartwright Act damage claims to a jury in years.

Kenneth L. Nissly, *O'Melveny & Myers LLP - Menlo Park, CA*
Lead trial counsel for defendant Hynix Semiconductor, Inc.

William C. Price, *Quinn Emanuel LLP - Los Angeles, CA*
Lead trial counsel for defendant Micron Technology, Inc.

Bart H. Williams, *Munger Tolles & Olson LLP - Los Angeles, CA*
Lead trial counsel for plaintiff Rambus Inc.

GOLDEN STATE INSTITUTE LUNCHEON

12:30 p.m. – 2:00 p.m.

Golden State Institute Luncheon sponsored by NERA Economic Consulting

Welcoming Remarks by **Dr. Lawrence Wu**, *Senior Vice President, NERA Economic Consulting*

Luncheon Speaker: Hon. Scott D. Hammond, *Deputy Assistant Attorney General, Antitrust Division, U.S. Department of Justice, Washington D.C.*

We are honored to have Deputy Assistant Attorney General Hammond speak to us about recent antitrust enforcement activity and what antitrust practitioners, business lawyers and their corporate and individual clients should know about the Department's criminal priorities going forward.

ANTITRUST BREAKOUT SESSION #1

2:15 p.m. – 3:45 p.m.

Sports and the Antitrust Playing Field

Professional sports and their governing bodies are headlined in the antitrust casebooks as often as in the press, or so it seems. The NBA and NFL have recently been embroiled in high-profile antitrust litigation over player lock-outs and salary caps. The NHL is currently in negotiations seeking to avoid a similar fate. Likewise, the NCAA and major universities find themselves named as defendants in litigation brought by current and former players over restrictions on who can play and who can profit from the players' names and likeness. The U.S. Supreme Court has also caught a case, deciding *American Needle v. NFL* in 2010. Leading antitrust litigators in this emerging antitrust practice involving professional and college sports, sports leagues and sports teams will discuss the state of play and how the game will be played going forward.

Jeffrey L. Kessler

Winston & Strawn LLP - New York, NY

Michael D. Hausfeld

Hausfeld LLP - Washington, D.C.

Christopher B. Hockett

Davis Polk & Wardwell LLP - Menlo Park, CA

Aton Arbisser, Moderator

Kaye Scholer LLP - Los Angeles, CA

3:45 p.m. – 4:00 p.m.

**Afternoon Break – Breaks sponsored by
Barkley Court Reporters and OSKR, LLC**

ANTITRUST BREAKOUT SESSION #2

4:00 p.m. – 5:15 p.m.

Judges' Panel on Effectively Presenting Expert Witnesses

A distinguished group of state and federal judges will discuss the effective use of expert witnesses in pre-trial proceedings (e.g., class certification, summary judgment) and during trial. The focus will be their "real world" experiences and practice pointers. This is a unique opportunity to learn directly from experienced state and federal judges who adjudicate major class actions, antitrust cases and other complex business litigation.

Hon. Steven A. Brick

Judge of the Superior Court, Alameda County Superior Court - Oakland, CA

Hon. David O. Carter

U.S. District Judge, Central District of California-Santa Ana, CA

Hon. James J. McBride

Judge of the Superior Court, San Francisco Superior Court - San Francisco, CA

Asim M. Bhansali, Moderator

Keker & Van Nest LLP - San Francisco, CA

UCL BREAKOUT SESSION #1

2:15 p.m. – 3:45 p.m.

CAFA at Age Seven: State and Federal Court Differences in Litigating UCL Cases

As a result of the Class Action Fairness Act of 2005 ("CAFA"), many more UCL cases are finding their way into the federal court system. This panel will discuss the procedural and substantive differences between litigating a UCL case in state court vs. federal court. Topics include removal under CAFA, pleading and the particularity requirement, how the standing rules operate differently in federal and state courts, and the impact of forum on the class certification analysis in the post-*Tobacco II* and post-*Dukes* world. Our distinguished panelists will offer practical, real-world advice on shepherding a UCL case through the two different court systems.

Hon. Robert D. Freedman

Judge of the Superior Court, Alameda County Superior Court - Oakland, CA

Hon. Elizabeth D. Laporte

U.S. Magistrate Judge, Northern District of California - San Francisco, CA

Paula L. Blizard

Keker & Van Nest LLP - San Francisco, CA

Eric B. Fastiff

Lieff Cabraser Heimann & Bernstein LLP - San Francisco, CA

Susan G. Kupfer, Moderator

Glancy Binkow & Goldberg LLP - San Francisco, CA

UCL BREAKOUT SESSION #2

4:00 p.m. – 5:15 p.m.

The Supreme Court Theater: Now Playing and Coming Soon

This panel will cover the cutting-edge UCL cases now pending before the California Supreme Court, including *Rose v. Bank of America* and the "unlawful" prong, *Sanchez v. Valencia Holding* and arbitration clauses in UCL actions, *Zhang v. Superior Court* and UCL claims against insurers, and the sleeper UCL issue in *In re Cipro Cases I & II*. The panel will also cover critical unresolved issues the Supreme Court may take up. The panel will offer best strategies on litigating UCL cases when so many important questions remain unresolved, and will forecast the Supreme Court's UCL jurisprudence in the coming years.

Hon. Kathleen M. Banke

Associate Justice of the California Court of Appeal, First District - San Francisco, CA

Sarah A. Good

Pillsbury Winthrop Shaw Pittman LLP - San Francisco, CA

Kevin K. Green

Robbins Geller Rudman & Dowd LLP - San Diego, CA

Angel A. Garganta, Moderator

Arnold & Porter LLP - San Francisco, CA

RECEPTION

5:30 p.m. – 7:00 p.m.

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

DINNER

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
Honoree Terrence A. Callan, Pillsbury Winthrop Shaw Pittman LLP

2012 ANTITRUST LAWYER OF THE YEAR — TERRENCE A. CALLAN



The Antitrust and Unfair Competition Law Section of the State Bar of California is pleased to honor Terrence A. Callan as the 2012 Antitrust Lawyer of the Year.

Terry has been recognized as a preeminent antitrust lawyer by several leading legal and business publications, including *Guide to the World's Leading Competition and Antitrust Lawyers*; *PLC Cross-Border Competition Handbook*; *The Law and Leading Lawyers Worldwide Handbook*;

and *Who's Who in American Law*. Terry has also been ranked as a leading lawyer in *Legal 500 USA* in the category of Antitrust.

Terry has handled dozens of antitrust cases and Federal and State Grand Jury investigations and proceedings over the course of his career and has been prominently involved in many of the most significant ones across the country, including *In re Brand Name Prescription Drugs*, *Carbon Fiber*, *Snack Foods*, *Synthroid Marketing*, *Fine Paper*, *High Fructose Corn Syrup*, *Thermal Fax Paper* and *Clayworth v. Pfizer*.

REGISTRATION INFORMATION

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

PRE-REGISTRATION BY MAIL: Your pre-registration must be received no later than October 19, 2012. 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 19, 2012. 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 requests for refunds must be received in writing no later than October 19, 2012. Substitute registrants are allowed, but must register in their own name. Cancellations and refunds are subject to a \$25.00 service charge.

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 7.00 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.

GSI LUNCHEON SPEAKER

Scott D. Hammond is the Antitrust Division's Deputy Assistant Attorney General for Criminal Enforcement. He is responsible for the Division's criminal investigations and prosecutions nationwide. Mr. Hammond also oversees the Division's Corporate Leniency Program. Mr. Hammond joined the Division in 1988.



Golden State Antitrust and Unfair Competition Law Institute
and Antitrust Lawyer of the Year Reception and Dinner
Thursday, October 25, 2012 • 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 2012 GSI attendees and exhibitors/vendors.

Check Here if you do not want your information released.

REGISTRATION FEES (by October 19, 2012, late registrations subject to space availability)

Full Day Institute & Dinner - Member - \$395

Full Day Institute & Dinner - Non-Member - \$470 (2012-2013 Section Membership included for Non-Members)

Institute ONLY

Antitrust Section Member - \$290

Non-Member - \$365 (2012-2013 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) - \$2,250

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" slide, color or b/w pdf in landscape orientation to mitch.wood@calbar.ca.gov by Friday, October 19, 2012 to be included.

Lawyer of the Year Dinner and Cocktail Reception ONLY

Per Person - \$175

___ Additional Dinners - \$175

Government/Academic - \$100

Table for Eight - \$1400

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)

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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 19, 2012.

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
The Antitrust and Unfair
Competition Law Section
180 Howard Street
San Francisco, California 94105

**22nd Annual
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OCTOBER 25, 2012

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