

**41<sup>st</sup> Annual Corporate Counsel Institute**  
**May 16-17, 2019 • The Whitehall Hotel • Houston, TX**  
**May 16-17, 2019 • Live Webcast**

**Thursday Morning, May 16, 2019**

**Presiding Officer:**

**Jeffrey J. Walker**, Masergy Communications, Inc. - Plano, TX

7:30 am In Houston Only	<b>Registration Opens</b>  Includes continental breakfast.
8:20 am	<b>Welcoming Remarks</b>
<b>Employment Issues for Corporate Counsel</b>	
8:30 am 0.50 hr	<b>Recent Developments in Labor and Employment Law</b>  Get the latest updates in labor and employment law, including developments under the current administration.  Gary D. Eisenstat, Ogletree, Deakins, Nash, Smoak & Stewart, P.C. - Dallas, TX
9:00 am 0.75 hr	<b>C-Suite Investigations: An Experience To (or Not To) Forget</b>  Explore an actual investigation of claims of harassment and discrimination against the company CEO and how the General Counsel should handle the role of 'monkey in the middle' without sacrificing integrity while preserving his/her relationship with the Board of Directors and the CEO.  Marla A. Moore, Marla Moore, PLLC - Houston, TX Mark L. Weintrub, Authentix - Addison, TX
9:45 am 0.75 hr	<b>The Use of Data Analytics In Employment Decision-Making</b>  Explore the growing role of data analytics in traditional employment decision-making, the use of wearable and implantable technology to capture employee data, and the legal risks associated with same. The effects of real-time performance metrics and hyper-transparency on employee feedback models will also be discussed.  Jason Boulette, Boulette Golden & Marin L.L.P. - Austin, TX Michael D. Marin, Boulette Golden & Marin L.L.P. - Austin, TX
10:30 am	<b>Break</b>

**GDPR & Cybersecurity Impacts on Texas Business**

10:45 am 0.50 hr	<p><b>What Small and Mid-Size Businesses Need to Know About GDPR</b></p> <p>The EU's General Data Protection Regulation (GDPR) has been a game-changer for companies of all sizes. Learn the important details of GDPR including who it applies to, recent guidance from European Data Protection Authorities, and how to gauge and mitigate the risk to your organization.</p> <p>Tom Matzen, Matzen Consulting Group - Austin, TX</p>
11:15 am 0.50 hr	<p><b>Cybersecurity: Lessons Learned from Recent Breaches</b></p> <p>Get an overview of recent data breaches and the consequences in terms of litigation, government regulation and enforcement, policy and practice changes at the affected entities, and lessons for other companies going forward.</p> <p>Stephen E. Stein, Thompson &amp; Knight LLP - Dallas, TX</p>
11:45 am 0.50 hr	<p><b>Indemnification and Insurance: Contractual Risk Transfer Provisions</b></p> <p>Contract terms designed to allocate risk and mandate the procurement of insurance are a critical component of any corporate risk management program. Avoid surprises by understanding what risk transfer provisions can (and cannot) accomplish and how they interface with the company's own insurance programs.</p> <p>Amy Elizabeth Stewart, Amy Stewart PC - Dallas, TX</p>
12:15 pm In Houston Only	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Thursday Afternoon, May 16, 2019

### Presiding Officer:

**Stephen E. Stein**, Thompson & Knight LLP - Dallas, TX

### LUNCHEON PRESENTATION

	<p><b>Thank You to Our Luncheon Sponsor</b> <b>Bracewell LLP</b></p>
12:35 pm 0.50 hr	<p><b>Effective Client Communication Across Generational and Other Divides</b></p> <p>Effective communication is a key predictor of career and professional success for in-house lawyers. As the corporate world becomes more diverse, client communication becomes even more challenging. Learn how to effectively communicate in this fast changing corporate environment.</p> <p>Jane Mallor McBride, Optimus Legal Management &amp; Consulting - Plano, TX</p>
1:05 pm	<p><b>Break</b></p>

1:20 pm 1.00 hr	<p><b>Crafting and Drafting The Win-Win Deal</b></p> <p><b>Negotiation Tricks and Traps (approx. 20 min.)</b>  <b>We all know the right number at the wrong time is the wrong number. So what insights can we glean from recent scientific advances to increase the odds of a favorable deal ethically?</b></p> <p><b>Boilerplate Clauses ... Aren't They a Drag (approx. 20 min.)</b>  <b>Remind yourself why you should read all of the clauses and provide edits, especially when most people do not!</b></p> <p><b>Strange But True: Unusual Contracts (approx. 20 min.)</b>  <b>Discuss unusual agreements and clauses in agreements, which might make you stop to wonder "can they do that?"</b></p> <p><b>Donald R. Philbin Jr., Donald R. Philbin, Jr., P.C. - San Antonio, TX</b>  <b>Marc J. Krasney, PS Lightwave, Inc. - Houston, TX</b>  <b>Mark R. Zeidman, Ferguson Braswell Fraser Kubasta PC - Houston, TX</b></p>
<b>Alternative Arrangements for All</b>	
2:20 pm 0.50 hr	<p><b>Alternative Fee Arrangements: One Model That Works</b></p> <p>A simple, risk-reward, engagement model which benefits both the company and the law firm.</p> <p>Mark D. Wolf, U.S. Well Services, Inc. - Houston, TX</p>
2:50 pm 0.50 hr ethics	<p><b>Pro Bono Collaborations with Outside Counsel: The New Networking</b></p> <p>With both in-house counsel and outside firms wanting to give back to their communities and to develop their relationships with each other, pro bono truly is the new networking. Learn how in-house counsel and outside firms can collaborate, including best practices and overcoming fears of lack of subject-matter knowledge, on pro bono projects from legal advice clinics to direct representation, and how these collaborations help bridge the "justice gap."</p> <p>Michael Hofrichter, Houston Volunteer Lawyers - Houston, TX</p>
3:20 pm	<p><b>Networking Break</b></p> <p>Catch up with your colleagues and make some new friends as you get the most of your live conference registration. Of course, the chance to make your own ice cream sandwich only adds to the fun.</p>
3:50 pm 0.50 hr	<p><b>Cases You Should Know</b></p> <p>Refresh your knowledge and learn about some recent decisions on a variety of corporate, compliance, and litigation issues. Topics include the enforcement and interpretation of commonly used contract provisions; discovery limitations and obligations, including privileges and spoliation; developing case law on the False Claims Act and Foreign Corrupt Practices Act; and more.</p> <p>Hon. Tracy Christopher, Fourteenth Court of Appeals - Houston, TX  Yvonne Y. Ho, Bracewell LLP - Houston, TX</p>

4:20 pm 1.00 hr	<p><b>Lessons Learned from Trial</b></p> <p>This panel of experienced trial lawyers will discuss what they have seen from trials that every in-house lawyer should know.</p> <p>Moderator: Alistair B. Dawson, Beck Redden LLP - Houston, TX</p> <p>Panelists: Jeffrey S. Davis, Bradley Arant Boult Cummings LLP - Houston, TX Aaron Mark Pool, Donato, Minx, Brown &amp; Pool, P.C. - Houston, TX Hon. Randall W. Wilson, Susman Godfrey - Houston, TX</p>
5:20 pm	<b>Adjourn</b>

## Friday Morning, May 17, 2019

### Presiding Officer:

**C. E. Rhodes**, Houston, TX

7:30 am In Houston Only	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
8:30 am 1.00 hr	<p><b>New Litigation Landmines</b></p> <p><b>Avoiding (or Using) Anti-SLAPP Motions to Dismiss (approx. 20 min.)</b> Originally intended as an early dismissal mechanism for a small, specialized subset of media cases, the Texas Citizens Participation Act (a/k/a the Anti-SLAPP statute) has morphed into a constantly-expanding behemoth that has been applied to almost every kind of civil suit filed in Texas today. Get a brief overview of how the statute works, an update on the types of cases that Texas courts have found to be subject to the TCPA, and business decisions that can and should be taken into account when filing and defending cases in Texas.</p> <p><b>Revisiting Non-Compete Protections in Texas: The Use of Non-Competition Covenants to Protect Confidential Information in the Digital Age (approx. 20 min.)</b> As work environments become increasingly interconnected through technology, companies must continue to re-evaluate all available options to protect their confidential and proprietary information and trade secrets. Get highlights of the current state of non-compete protections in Texas, with a focus on the use of such covenants to protect a company's sensitive business information.</p> <p><b>Corporate Representative Depositions: Risks and Rewards (approx. 20 min.)</b> Corporate representative depositions can be powerful tools in litigation-posing significant risk for corporate litigants who are ill prepared. Learn key considerations to help identify the appropriate witness to testify and formulate a strategic response strategy.</p> <p><b>Allison Standish Miller, Beck Redden LLP - Houston, TX</b> <b>Jason M. Storck, Wilson Sonsini Goodrich &amp; Rosati, P.C. - West Lake Hills, TX</b> <b>Cynthia L. Saiter, Scott Douglass &amp; McConnico LLP - Austin, TX</b></p>

9:30 am 1.00 hr	<p><b>Topical Updates and Surprises In the Coming Year</b></p> <p><b>IP Law Update (approx. 20 min.)</b> Get the latest updates you need on developments in intellectual property law.</p> <p><b>Immigration Law Update (approx. 20 min.)</b> Address the immigration fundamentals necessary to business success in the current political environment. Understand the major changes to business immigration law and how your company can strategically navigate them.</p> <p><b>Environmental Law Update (approx. 20 min.)</b> In the midst of deregulation at the federal level and constantly evolving state requirements, get an update on the latest developments in environmental law and examine how these changes could impact your practice and your clients.</p> <p><b>Edward A. Cavazos, Pillsbury Winthrop Shaw Pittman LLP - Austin, TX</b> <b>Leigh Ganchan, Ogletree, Deakins, Nash, Smoak &amp; Stewart, P.C. - Houston, TX</b> <b>Heather M. Palmer, Sidley Austin LLP - Houston, TX</b></p>
10:30 am	<b>Break</b>
<b>Attorney Marketing in the 21st Century</b>	
10:45 am 0.50 hr	<p><b>The Law of Marketing</b></p> <p>Examine the legal implications of marketing and advertising on social media platforms, including regulatory oversight by the FTC and other agencies, as well as the status of social media posts as corporate speech.</p> <p>John G. Browning, Passman &amp; Jones - Dallas, TX</p>
11:15 am 1.00 hr ethics	<p><b>Ethical Hazards That Confront Corporate Counsel</b></p> <p>Corporate counsel are the primary counsel for the organization. If the actions of senior management threaten to substantially injure the corporation, what must counsel do? When is counsel required to become a whistleblower? Under what circumstances are counsel required to disclose their own errors? During this final hour of the institute, we will discuss the most challenging ethical obligations of in-house counsel.</p> <p>Sean Gorman, Bracewell LLP - Houston, TX Kristi H. McCarthy, Chevron North America Exploration &amp; Production Company - Houston, TX</p>
12:15 pm	<b>Adjourn</b>