

2022 Antitrust & Complex Business Disputes Law Section Program

Thursday, February 3, 2022
In-Person Live and Live Webcast

NORTH CAROLINA: 7.25 MCLE HOURS

Includes:

1.00 Ethics/Professional Responsibility

Planned by the NCBA Antitrust & Complex Business Disputes Law Section

REGISTER TODAY

Save 10% if registration is received by January 13, 2022

cle.ncbar.org/courses/37023

IN-PERSON LIVE LOCATION

North Carolina Bar Center, 8000 Weston Parkway, Cary

Information on the Return to In-Person Live CLE Programs

By choosing to attend in person, you will be required to provide one of the following when you arrive at the CLE program:

- A vaccination record (printed or digital) indicating that you are fully vaccinated as defined by the CDC, or
- Documentation (printed or digital) of a negative COVID-19 PCR or antigen test conducted within 72 hours prior to the start of the program.

Association staff will note the type of documentation presented but will not make or retain copies.

You will also be required to wear a face mask when not actively eating or drinking.

If you are experiencing COVID-19 symptoms, or within a COVID-19 quarantine/isolation period (as defined by the CDC) on the day of the CLE program, you should not attend in person. If that happens, you should contact the CLE Department at 919.677.0561 to switch your registration to Live Webcast.

We will continue to evaluate and update our safety procedures for in-person CLE programs based on the latest guidance and may convert in-person programs to virtual Live Webcast programs if health and safety precautions require it.

For ease of participating, most of our In-Person CLE programs will be simultaneously available via Live Webcast. Approximately two weeks thereafter, the program will also be available on demand for asynchronous learning.

Program Summary

This CLE explores issues that challenge lawyers in complex business disputes, providing in-depth coverage of topics that arise frequently such as covenants not to compete and unfair and deceptive trade practice claims under N.C. Gen. Stat. § 75-1.1. It also draws attention to breach of contract and tortious interference with contract claims and new developments in the law with artificial intelligence. Panelists from a variety of backgrounds share their experiences in sponsorship of junior attorneys and diversity and inclusion in the in-house corporate counsel environment. Frequently regarded as the highlight of the section's annual CLE, the final session features valuable insight about practice before the business court from the perspectives of sitting business court judges.

Past Program Testimonials

“ As a new attorney in NC, it was helpful toward getting the lay of the land substantively and professionally.

“ The diversity panel was incredibly insightful.

— Attendees, 2021 Antitrust & Complex Business Disputes Law Section Programs, February 4, 2021

AGENDA

Thursday, February 3, 2022 | 7:45 AM–5:15 PM

7:45 Registration and Continental Breakfast

8:10 Welcome and Introductions

8:15 The Opening: Pleadings-Stage Strategy for Breach of Contract and Tortious Interference Claims | Scoggan

Learn about strategic considerations for both prosecuting and defending claims for breach of contract and tortious interference. This presentation explores procedural rules and tips for addressing dispositive issues early in a case, as well as substantive areas of the law most susceptible to resolution through a pleadings-stage motion.

9:15 Break

9:25 Covenants Not to Compete | Lord

This session covers trends with the enforceability of non-competes in the executive, legislative and judicial branches of government. Recent decisions of significance rendered by North Carolina courts are discussed as well.

10:25 Break

10:35 Unfair and Deceptive Trade Practices? How the FTC May Be Transforming Liability for Artificial Intelligence | Kelly

Rapid advances in artificial intelligence are impacting every industry and outpacing regulators' ability to establish clear rules for new technologies. Although the United States does not have comprehensive regulation of artificial intelligence, the Federal Trade Commission (FTC) has issued guidance on how businesses can responsibly use artificial intelligence to avoid violating consumer protection laws, including Section 5 of the Federal Trade Commission Act, the Fair Credit Reporting Act, and the Equal Credit Opportunity Act. This presentation provides a brief primer on artificial intelligence and contextualize the FTC's guidance on how even well-intentioned technology may expose companies and developers to liability.

11:05 Break

11:15 Taking Professional Conduct Rules 5.1 and 5.2 to Heart: A Panel Discussion on Sponsorship of Junior Attorneys* | Phillips, Segars, Tompkins, Wade and Wong | Moderator: Rini

This panel discusses best practices for mentoring and sponsoring newer attorneys so that all attorneys can have an opportunity to become successful

AGENDA

members of the profession. Explore how mentorship and sponsorship can benefit both parties in the relationship so that the profession can be a more collegial and inclusive working environment. Panelists also highlight recent survey results regarding perceptions of diversity and inclusion in the practice area and discusses how law firms and organizations can work to help all attorneys feel included in the profession.

12:30 **Lunch Break**

1:25 **Panel Discussion: Perspectives From In-House Counsel** | Dongre, Pratt and McLean | Moderator: Fulton

These panelists — seasoned in-house attorneys who work routinely with outside litigators on complex business disputes share insights from their unique perspective as fellow advocates and representatives of corporate clients.

2:25 **Break**

3:25 **An All-Natural Program and Deception Claims** | Feldman

Broad conduct standards in state statutes like N.C. Gen. Stat. § 75-1.1 invite a wide range of suits, including claims about deceptive practices. This session addresses one type of frequently litigated deception claim: allegedly misleading food labels. Discusses theories and defenses that plaintiffs and defendants raise in these types of claims and consider how variations in state-law standards affect strategies and outcomes.

3:35 **Break**

3:45 **Business Court Panel Discussion** | Chief Judge Bledsoe, Judge Conrad, Judge Davis, Judge Earp and Judge Robinson | Moderators: Blair and Martinez

Frequently regarded as the highlight of the section's annual CLE, this panel discussion features sitting business court judges, who offer their perspectives about practice before the business court.

5:15 **Adjourn**

* Indicates portion providing Ethics/Professional Responsibility credit

The views and opinions expressed are those of the individuals and do not necessarily represent official policy, position or views of the North Carolina Bar Association.

PROGRAM DETAILS

Speakers

- **Chief Judge Louis A. Bledsoe III**, North Carolina Business Court, Charlotte
- **Judge Adam M. Conrad**, North Carolina Business Court, Charlotte
- **Judge Mark A. Davis**, North Carolina Business Court, Raleigh
- **Judge Julianna T. Earp**, North Carolina Business Court, Greensboro
- **Judge Michael L. Robinson**, North Carolina Business Court, Winston-Salem
- **Monica H. Dongre**, RTI International, Research Triangle Park
- **Stephen D. Feldman**, Robinson Bradshaw & Hinson PA, Raleigh
- **Jeffrey M. “Jeff” Kelly**, Nelson Mullins Riley & Scarborough LLP, Raleigh
- **Michael C. Lord**, Williams Mullin, Raleigh
- **James E. McLean Jr.**, Duke Energy Corporation, Charlotte
- **Jim W. Phillips Jr.**, Brooks Pierce McLendon Humphrey & Leonard LLP, Greensboro
- **Carolyn C. Pratt**, University of North Carolina at Chapel Hill, Chapel Hill
- **Steven A. Scoggan**, Ellis & Winters LLP, Greensboro
- **Thomas H. “Tom” Segars**, Ellis & Winters LLP, Raleigh
- **Anne M. Tompkins**, Cadwalader Wickersham and Taft LLP, Charlotte
- **Giovanni D. “Gio” Wade**, University of North Carolina School of Law, Chapel Hill
- **Katarina “Katie” Wong**, Brooks Pierce McLendon Humphrey & Leonard LLP, Raleigh

Planner

- **John P. Marshall**, White & Allen PA, Kinston

Moderators

- **Sophia V. Blair**, Wyrick Robbins, Raleigh
- **Shana L. Fulton**, Brooks Pierce McLendon Humphrey & Leonard LLP, Raleigh
- **Agustin M. Martinez**, Ellis & Winters LLP, Greensboro
- **Preetha Suresh Rini**, Robinson Bradshaw & Hinson PA, Raleigh

Hotel Information

Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and rooms may sell out.

Embassy Suites

201 Harrison Oaks Boulevard, Cary

- **Nightly Rate:** \$174 single/double
- **Reservations:** 919.677.1840 or www.tinyurl.com/NCBA-EmbassyCary
- **Corporate Account Code:** 2691626

TownePlace Suites by Marriott

120 Sage Commons Way, Cary

- **Nightly Rate:** \$114 studio queen with sleeper sofa (Sunday–Thursday)
- **Reservations:** 919.678.0005
- **Ask for the NCBA corporate rate.**

Special Accommodations

NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

The Power of Association Meets The Power of Greater Good

The North Carolina Bar Foundation leads pro bono, public service and development initiatives for North Carolina Bar Association members and the public.

Learn more and get involved:
ncbarfoundation.org

NORTH CAROLINA
BAR ASSOCIATION
seeking liberty + justice



REGISTER TODAY!

Online: cle.ncbar.org/courses/37023 | **By phone:** 919.677.0561

By mail: Attn: Accounting–NCBA, 8000 Weston Parkway, Cary, NC 27513

STEP 1: Tell us who you are. (Please print clearly.)

Print Full Name: _____

Address: _____

City, State and ZIP: _____

Daytime Phone Number: _____

Email Address: _____

NC State Bar No. (Required for MCLE Credit): _____

STEP 2: Select your tuition rate. (Register early and save 10%. Payment must be received three (3) weeks prior to the program date to qualify for the early rate.)

Standard Rate: ☐ \$410 / ☐ \$370 Early

NCBA Member: ☐ \$340 / ☐ \$305 Early

**NCBA Antitrust & Complex Business
Dispute Law Section Member:** ☐ \$315 / ☐ \$285 Early

CLE Premier Pass: ☐ \$0

STEP 3: Select your learning format.

☐ In-Person Live (101ATM)

☐ Live Webcast (101LWC)

STEP 4: Complete your payment information.

(Registration is complete only after payment is processed. Please print clearly.)

I am registering for this program at the tuition rate checked above.

☐ Enclosed is a check, payable to NCBA.

☐ Please charge my credit card.

Card Number: _____ Exp. Date: _____

Total Amount: _____ Signature: _____

Discounts may be available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 919.677.0561 for details.

North Carolina Bar Association
8000 Weston Parkway
Cary, NC 27513

ADDRESS SERVICE REQUESTED

Nonprofit Org.
US Postage
PAID
Raleigh, NC
Permit #297

2022 Antitrust & Complex Business Disputes Law Section Program

NCBA is a registered CLE sponsor under the MCLE regulations promulgated by the North Carolina State Bar Board of Continuing Legal Education.

REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped and may include an overflow room with additional seating. **CHANGES TO EXISTING REGISTRATIONS:** Should an attendee need to cancel his or her registration to an In-Person Live, Live Webcast, Rebroadcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a \$75 administrative fee. An attendee may choose to transfer his or her registration at a program to the In-Person Live or Live Webcast format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute to an In-Person Live or Live Webcast program only. Substitution means sending another person to attend the In-Person Live or Live Webcast program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 919.677.0561. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations, including On-Demand registrations, cannot be canceled, substituted or transferred once purchased. **NO SHOWS:** Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in or log in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a \$75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. **MISCELLANEOUS:** The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee's image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.

premier pass

The CLE Premier Pass offers you
virtually unlimited CLE,
including tuition-free program admission
and around 1,000 On-Demand programs.

DETAILS:

ncbar.org/premierpass