



2021 Antitrust & Complex Business Disputes Law Section Program

Thursday, February 4, 2021
Live Webcast

North Carolina: 7.25 MCLE Hours

Includes:

1.00 Ethics/Professional Responsibility

Planned by the NCBA Antitrust & Complex Business Disputes Law Section

This program explores issues that challenge lawyers in complex business disputes, providing in-depth coverage of topics that arise frequently such as closely held business issues and privilege. It also draws attention to copyrights, white-collar crime and other matters that are less known but can complicate any commercial dispute. During the first of two engaging discussions, panelists from a variety of backgrounds share their experiences regarding diversity and inclusion in the antitrust and business disputes practice. The second, frequently regarded as the highlight of the section's annual CLE, features valuable insight about practice before the business court from the perspectives of sitting business court judges.

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7:55 AM–5:00 PM

7:55 Welcome and Introductions

8:00 A Picture is Worth Thousands of Dollars: A Primer on Royalty-Free Images and the Fair Use Doctrine
Rini

Learn how to navigate copyright issues with online images, estimate potential damages accruing from copyright infringement, and evaluate whether the fair use doctrine can be used as a defense to alleged copyright infringement.

8:45 Break

8:55 Straight to the Top: Evaluating the Impact of Direct and Immediate Supreme Court Jurisdiction Over Orders Regarding Class Certification
Carey and Hopkins

In 2017, the North Carolina General Assembly granted all parties an appeal as of right directly to the Supreme Court of North Carolina of any trial court's decision regarding class action certification. This presentation analyzes the impact of that jurisdictional change thus far and forecast what it might mean for the future development of North Carolina law regarding class actions, along with strategic considerations prompted by this direct right of appeal.

9:55 Break

10:05 White-Collar Criminal Law 101: What Every Civil Litigator Needs to Know
S. Fulton and O'Connell

Explore and examine the complex ethical issues, including privilege concerns, that arise when criminal law and civil litigation overlap in complex business disputes.

11:05 Break

11:15 Diversity, Equity & Inclusion (DEI) Panel Discussion
Panelists: Gatling, Gray, Outling and Williams
Moderator: Harrington

This panel features a lively discussion about important diversity, inclusion and bias issues that attorneys in the antitrust and business disputes practice face. Panelists from a variety of backgrounds share their perspectives and experiences regarding recruiting and promoting diverse legal talent and creating a more inclusive environment within the practice area of complex business disputes of North Carolina.

12:15 Lunch and DEI Discussion

Attendees are encouraged to attend this brown-bag lunch to react to the DEI panel and engage with the same issues in small groups.

This discussion does not offer MCLE credit.

[Click here](#) for more information and to sign up for this optional event.

1:10 Common Issues in Closely Held Business Disputes
Durham, R. Fulton and Lewis

Examine issues that frequently arise in closely held business disputes, including whether to proceed in the business court, determining direct claims versus derivative claims, application of the business judgment rule and self-dealing, and litigating Meiselman claims.

2:10 Break

2:20 Privilege, Work Product and Related Ethical Issues: What It Is, How to Protect It and How to Protect Yourself*

Parsons

The presenter explores how to correctly identify and protect the attorney client privilege, the work-product doctrine and various other privileges, along with ethical issues that arise along the way.

3:20 Break

3:30 Business Court Judges Panel Discussion
Panelists: Chief Judge Bledsoe, Judge Conrad, Senior Business Court Judge Gale, Judge McGuire and Judge Robinson
Moderator: Gregson

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.

5:00 Adjourn

* Indicates portion providing Ethics/Professional Responsibility credit

Speakers

- Chief Judge Louis A. Bledsoe III, North Carolina Business Court, Charlotte
- Judge Adam M. Conrad, North Carolina Business Court, Charlotte
- Senior Business Court Judge James L. Gale, North Carolina Business Court, Greensboro
- Judge Gregory P. McGuire, North Carolina Business Court, Raleigh
- Judge Michael L. Robinson, North Carolina Business Court, Winston-Salem
- Stephen V. Carey, Parker Poe Adams & Bernstein LLP, Raleigh
- Joshua B. Durham, Bell Davis & Pitt PA, Charlotte
- Ross R. Fulton, Rayburn Cooper & Durham PA, Charlotte
- Shana L. Fulton, Brooks Pierce McLendon Humphrey & Leonard LLP, Raleigh
- Kimberly B. “Kim” Gatling, Fox Rothschild LLP, Greensboro
- Danielle C. Gray, Blue Cross and Blue Shield of North Carolina, Durham
- Corri A. Hopkins, Parker Poe Adams & Bernstein LLP, Raleigh
- Gwendolyn W. Lewis, Lincoln Derr PLLC, Charlotte
- Shepard D. O’Connell, Brooks Pierce McLendon Humphrey & Leonard LLP, Raleigh
- Justin N. Outling, Brooks Pierce McLendon Humphrey & Leonard LLP, Greensboro
- Gary S. Parsons, Brooks Pierce McLendon Humphrey & Leonard LLP, Raleigh
- Preetha Suresh Rini, Ellis & Winters LLP, Raleigh
- Devon D. Williams, Ward and Smith PA, Raleigh

Planner

- Gavin B. Parsons, Coats & Bennett PLLC, Cary

Moderators

- Grace A. Gregson, Smith Anderson Blount Dorsett Mitchell & Jernigan, Raleigh
- Robert E. “Rob” Harrington, Robinson Bradshaw & Hinson PA, Charlotte