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# Webinar: Avoiding Construction Claims and Disputes

A Baker Tilly [on-demand webinar](#) provides an overview of strategies to identify potential claims scenarios and potential resolutions available to mitigate claims.

“Conflict and disagreements are normal on construction projects; however, when everyday disagreements escalate into unresolvable issues, claims and disputes may result,” the firm says on its site. “These can lead to costly and time consuming distractions for your organization and your project.”

Learning objectives:

- Understand red flags associated with high-risk projects
- Learn characteristics of a culture of claims avoidance
- Learn contractual methods/provisions that can help to proactively avoid disputes
- Understand remedies not requiring legal action

[Watch the on-demand video.](#)

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# The Difficulties of Being Obvious: Practical Advice for Overcoming Obviousness Rejections

Fitch, Even, Tabin & Flannery LLP will present a free webinar, "The Difficulties of Being Obvious: Practical Advice for Overcoming Obviousness Rejections," featuring Fitch Even partner Stephen Favakeh and Fitch Even patent agent, Thomas James.

The webinar will take place on Thursday, June 22, 2017, at 9:00 am PDT / 10:00 am MDT / 11:00 am CDT / 12:00 noon EDT.

CLE credit has been approved for California, Illinois, and Nebraska. Other states may also award CLE credit upon attendee request. There is no fee to attend, but registration is required.

Following the live event, a recording of the webinar will be available to view for one year at [www.fitcheven.com](http://www.fitcheven.com).

Register at <https://register.gotowebinar.com/register/2784708194098019841>

In the predictable arts, an obviousness rejection is typically based on a combination of multiple references, the firm says on its website. Attempting to overcome such a rejection can be a perplexing and frustrating experience. This is particularly true when the patent examiner is combining references to arrive at the claimed invention in what can be a highly subjective manner. Nevertheless, when it comes time to respond, there will usually be more than one way to get the job done.

The webinar will address best practices for responding to obviousness rejections, covering these topics and more:

- How to take the prevailing and latest Federal Circuit case law into account in your responses
- Making effective claim amendments specifically tailored to overcome the obviousness rejection
- Developing persuasive arguments in support of patentability over a combination of references

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## [Webinar: Effectively Using Offers of Judgment](#)

Dinsmore & Shohl LLP will present a complimentary webinar titled “[Effectively Using Offers of Judgment](#)” on Thursday, May 18, at 11 a.m. Central time.

In the third webinar series of the year, Brittany Kirk will provide an introduction to Offers of Judgment, discussing how to leverage this risk-shifting tool to avoid litigation and its associated costs.

This presentation will discuss:

- When is the Offer of Judgment an effective litigation tool
- How to draft a precise Offer of Judgment
- Using Offers of Judgment to moot class actions after Campbell-Ewald
- State Offer of Judgment statutes

Anyone with questions may contact Missy Davis:  
melissa.davis@dinsmore.com

[Register for the webinar.](#)

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## [Webinar: Bridging the Information Gap Between Inventors and the Patent System](#)



Fitch, Even, Tabin & Flannery LLP will present a free webinar, "[Full Disclosure: Bridging the Information Gap Between Inventors and the Patent System](#)," featuring Fitch Even partner Michael J. Krautner.

The webinar will take place on Thursday, April 27, 2017, at 9:00 am PDT / 10:00 am MDT / 11:00 am CDT / 12:00 noon EDT.

In a release, the firm said patents can be extremely valuable business assets, but only as valuable as the information they convey. Before a patent can be monetized, it will be scrutinized by myriad individuals – inventors, attorneys, examiners, judges, juries, and business leaders – each of whom will interpret the patent in the light most favorable to their

objective. As a patent filer, it's vital to ensure inventors provide clear, detailed, and accurate descriptions of their inventions so they'll withstand scrutiny and generate the optimal return on investment.

Inventors can provide a business with a true competitive advantage, but because of the technical and legal complexities involved, attempting to capitalize on their innovations can be both expensive and risky. By educating inventors to recognize patentable innovations, the expense can be reduced and the risk mitigated.

This webinar will provide tips and strategies on how to

- Educate inventors on how to identify viable inventions and distinguish them from unpatentable ideas and concepts
- Ask the right questions to get inventors to divulge the unique details of an invention
- Tell a story that clearly illustrates why a patent is warranted

CLE credit has been approved for California and Illinois and is pending in Nebraska. Other states may also award CLE credit upon attendee request. There is no fee to attend, but registration is required.

Following the live event, a recording of the webinar will be available to view for one year at [www.fitcheven.com](http://www.fitcheven.com).

[Register for the webinar.](#)

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# Deal Protections and Remedies: A Study of Public Merger Agreements in 2016

Practical Law has completed its annual survey of public M&A transactions, the fourth to analyze deal-protection measures binding target companies.

The company will discuss the survey results in a complimentary [60-minute webinar](#) scheduled for April 26 at 1 p.m. EDT.

This year's edition reviews the first full year of public merger deals to have been negotiated following the Delaware Supreme Court's seminal 2015 decision in *Corwin v. KKR*, which held that an informed stockholder vote can restore the presumptions of the business judgment rule in the target board's favor. The study provides a timely snapshot of how practitioners have begun responding to this increased deference toward director decision-making in M&A.

The Practical Law study examines how various deal characteristics – including buyer type, form of consideration, deal size, and financing—affect the negotiations and ultimate agreement between the transaction parties. The study also reviews the deal protections negotiated by buyers who require their own stockholder approval before closing. This analysis has two goals: to learn how frequently those buyers agree to symmetrical deal-protection measures, and to determine how reciprocally binding covenants and remedies affects the deal protections agreed to by the target company.

Daniel Rubin, Senior Legal Editor, Practical Law Corporate and M&A and primary author of the study, will review the study's results, including its findings on no-shop and go-shop provisions, fiduciary outs and matching rights, termination rights, and break-up fees.

Following the webinar, attendees will receive a link via e-mail to these Practical Law resources:

Fiduciary Duties in M&A Transactions  
Fairness Opinions

[Register for the webinar.](#)

[Join Our LinkedIn Group](#)

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## [On-Demand: Before You Outsource, Protect Your IP & Mitigate Open Source Risks](#)



[Black Duck Software](#) has posted a [complimentary on-demand webinar](#) discussing ways organizations can outsource to meet their development needs and also address open source security and management risks before giving contractors access to their valuable technologies.

“Today’s rapidly changing technologies, including the proliferation of open source and the accelerating shift to the cloud, are increasing the use of outside experts for both application development and IT solutions,” the company says on its website. “At the same time, IP security is top of mind



worldwide.”

The presenter is Jim Markwith, co-founder and managing partner of Symons Markwith LLP’s Seattle and Washington, DC area offices.

He is an experienced technology and corporate transactions attorney with over 20 years of experience. His clients range from start-ups to fortune 50 technology leaders, including computer software, on-line retail, and Healthcare IT product and service developers.

Prior to private practice, Markwith held executive and senior in-house legal positions with Microsoft, Adobe Systems, and Allscripts Healthcare. He received his J.D. degree from Santa Clara University School of Law, and is a member of the California, Washington, DC, and Washington State Bar Associations.

[Watch the on-demand webinar.](#)

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## **Liability of Compliance Officers at Financial Institutions**

Practical Law and Norton Rose will present a webinar titled “[Liability of Compliance Officers at Financial Institutions](#)”

on Wednesday, May 3, 2017, beginning at 1 p.m. EDT.

CLE credit is available in multiple states.

In recent years, U.S. securities regulators have increasingly focused on the regulated entities' compliance personnel, holding many individually liable for the deficiencies in their firm's handling of its compliance obligations, the company says on its website. The regulators deem compliance officers the gate keepers whose efforts should detect and prevent securities laws violations at the firm.

The free 75-minute webinar that will discuss recent trends and issues in this field. The webinar presenters will discuss several topics, including:

- Different approaches US securities regulators use in assessing individual liability of compliance personnel.
- Recent cases against individual compliance officers by various regulators.
- Best practices for minimizing the risk of a regulatory action or sanctions against compliance professionals at a broker-dealer or investment advisor.

A short Q&A session will follow.

Presenters:

Kevin James Harnisch, Partner, Norton Rose Fulbright US LLP

Ilana Beth Sinkin, Associate, Norton Rose Fulbright US LLP

Vlad Pavlovic, Senior Legal Editor, Practical Law Litigation  
(Moderator)

[Register for the webinar.](#)

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# The Case for Continuous Open Source Management



Speakers from Black Duck Software and Wolters Kluwer will be presenters in a [webinar](#) addressing key open source security and management questions.

The complimentary event will be Wednesday, March 22, at 11 a.m. Eastern time.

Speakers will be Bob Genshaft, Director Strategic Programs at Wolters Kluwer, and Black Duck's VP and General Manager On-Demand Audits Phil Odenca.

"Companies are constantly seeking ways to ensure their application code is secure and effectively managed. For example, M&A acquirers conduct one-time code audits on companies they are buying to avoid legal, operational or security pitfalls. Other organizations are proactive, using an ongoing solution to make sure their application code is secure and well managed on a day-to-day basis. Increasingly, many companies are opting to use both approaches," Black Duck says in a release.

Topics will include:

- When is it appropriate to conduct an audit?
- When should your company consider an ongoing solution?

- What are the benefits of doing both?

[Register for the webinar.](#)

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## Webinar: The Future of Whistleblower Hotlines Revealed



Navex Global will present a [complimentary webinar](#) on the company's annual Ethics & Compliance Hotline Benchmark Report, a tool compliance professionals around the globe reference every year to help measure their program and highlight areas for improvement.

The event will be Tuesday, March 21, 2017, beginning at 10 a.m. Eastern time. Anyone who registers but can't attend the live event will receive a link that will provide access to the recording at a later date.

Navex studied more than 936,000 anonymized reports from their clients' intake systems, analyzed the data and interpreted the trends.

This webinar will address questions such as:

- Are the number of reports increasing or decreasing?
- What's happening with case closure times?
- Are retaliation reports being substantiated within the

organization at higher rates?

- How do open door reports impact the data?

[Register for the webinar.](#)

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## On-Demand: Managing Workplace Harassment: Trends and Objectives in 2017



Navex Global and Bloomberg have posted an [on-demand webinar](#) discussing discrimination regulations applicable to the workplace, from what constitutes discrimination to what limits employers can put on the words and actions of employees.

The 60-minute webinar is available free of charge.

“After the 2016 election, multiple studies have noted an increase in workplace harassment, through discrimination remarks and actions, from both sides of the campaign,” Navex says on its website. “This has resulted in divisive and sometimes hostile work environments. HR, Compliance and Ethics officers must take action to create a welcome environment that is harassment-free.”

The video covers strategies for developing policies and plans for training departments and employees to minimize and manage workplace harassment, and understand when disciplinary actions should – or must – be taken.

### **Educational Objectives:**

Program participants will learn:

- What actions constitute discrimination in the workplace, including sexism, racism, and homophobia;
- Limits on how employers can approach and manage workplace harassment;
- Strategies for developing training plans for leaders as well as employees to minimize and avoid workplace harassment;
- What types of disciplinary measures might be taken by employers.

**Who would benefit most from attending this program?**

Human Resources leaders; compliance officers; ethics officers; anyone responsible for employee training within their organizations.

[Watch the on-demand webinar.](#)

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## Webinar: Fueling Your Business Strategy with Patents

Fitch, Even, Tabin & Flannery LLP will present a free one-hour webinar, "[Fueling Your Business Strategy with Patents](#)," featuring Fitch Even attorneys Allen E. Hoover and George N. Dandalides.

The webinar will take place on Wednesday, March 15, 2017, at 9:00 am PST / 10:00 am MST / 11:00 am CST / 12:00 noon EST.

In its invitation, Fitch Even asks: Do you know why your

competitors are obtaining all those patents? What value does a patent bring, and how do you leverage it? Patents can provide a wide range of potential benefits, from market protection to licensing to defensive value—as well as other key benefits you may not be aware of. Geared toward IP practitioners as well as business owners, our webinar will cover the following topics and more:

- What a patent is, and why, when, and how to get one
- The many potential benefits of patent protection
- Why and how to enforce a patent, and what to expect
- Timetable and costs

CLE credit has been approved for California and Illinois and is pending in Nebraska. Other states may also award CLE credit upon attendee request.

Following the live event, a recording of the webinar will be available to view for one year at [www.fitcheven.com](http://www.fitcheven.com).

[Register for the webinar.](#)

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**Litigation is Inevitable:  
Update on Recent Advertising**

# Class Actions

Kelley Drye & Warren will present a [complimentary webinar](#) Wednesday, Feb. 22, 2017, to update participants on recent advertising class actions. The event is part of the firm's Advertising & Privacy Law Webinar Series. The 60-minute webinar will begin at noon Eastern time.

Consumer class action suits continue to be a growing source of concern to marketers and income for plaintiffs' law firms. This webinar will provide an update on recent consumer class action cases across a range of industries and provide guidance and strategies on how to knock out a consumer class action.

Kelley Drye partners August Horvath and Jeff Jacobson will lead the discussion.

The webinar will include a discussion of developing cases, the post-Spokeo standing on class actions, and hot-button issues such as the economic models in support of class certification. Speakeers also will discuss the types of cases that are receiving the most traction.

The webinar also will be available later on-demand.

Kelley Drye is an accredited provider of NY & CA CLE. This non-transitional continuing legal education program has been approved for 1.0 NY Professional Practice credit, 1.0 Illinois credit, and 1.0 CA General credit. The firm will apply for CLE credit in other jurisdictions, upon request.

[Register for the webinar.](#)

[Join Our LinkedIn Group](#)



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# Former FCC Legal Advisor Edward 'Smitty' Smith joins DLA Piper

[DLA Piper](#) announced that Edward "Smitty" Smith, former legal advisor to past Federal Communications Commission (FCC) Chairman Tom Wheeler, has joined the firm's Telecommunication practice, part of the firm's global Intellectual Property and Technology practice, as a partner in the Washington, DC office.

Smith recently was responsible for advising the chairman of the FCC on wireless telecommunications, engineering and technology, and consumer affairs. In this role, he led legal and policy teams on major issues involving the cutting edge of technological development. Smith oversaw FCC policymaking on such issues as 5G technology, satellites, spectrum sharing, autonomous vehicle communications, small-cell deployment, and unmanned aviation systems. Previously, Smith was Chief of Staff and Senior Counsel of the FCC's Incentive Auction Task Force, a multibillion-dollar radio spectrum allocation project.

Prior to joining the FCC, Smith was special advisor at the U.S. Department of Commerce's National Telecommunications and Information Administration. As special advisor, Smith launched the agency's State Broadband Data and Development Grant Program, a \$350 million grant program to improve the quality of broadband data nationwide. Smith also helped lead the agency's Broadband Technology Opportunities Program, a \$4.7 billion effort to extend and develop services to reach rural and underserved areas, worked to improve wireless broadband

access for public safety agencies, and helped provide financial assistance to low-income families transitioning from analog to digital television.

At DLA Piper, Smith will focus his practice on telecom matters and advise clients on the full range of issues in the wireless, broadband and satellite sectors.

“Smitty brings experience, expertise and leadership that will further strengthen the accomplished telecom team we’ve built,” said Michael Senkowski, co-chair of DLA Piper’s Telecommunication practice. “He has an excellent reputation for his government service and his strong knowledge of the telecommunications and technology sectors will be a great benefit to our clients.”

“Given the changes in Washington, there’s a great deal of uncertainty about the regulatory environment facing companies in the years ahead,” said Jeff Lehrer, managing partner of DLA Piper’s Washington, DC, office. “Adding Smitty bolsters a team that already had a firm understanding of the industry and the FCC, which today is unquestionably as important, if not more important, than it’s been at any point in recent years.”

Smith received his J.D. from Harvard Law School and his B.A. from Brown University.

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available to view for one year at [fitcheven.com](http://fitcheven.com).

[Register for the webinar.](#)

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## 2016 HIPAA Year in Review: Audits, Fines, and Enforcement Trends

The logo features the word "HIPAA" in a large, bold, blue sans-serif font. Above the text is a light blue rectangular bar, and below it is another light blue rectangular bar. The full name of the act is written in a smaller font below the main text.

Health Insurance Portability  
and Accountability Act

Compliancy Group will present a [complimentary webinar](#) examining the major breaches and fines that made 2016 the most expensive year on record for HIPAA fines and enforcement.

The event will be Wednesday, Jan. 25, at 2 p.m. Eastern time.

HIPAA experts at Compliancy Group will analyze the causes of these breaches, the reasons for these substantial fines (almost \$24 million in total), trends in compliance, and what to expect from OCR investigations in 2017.

[Register for the webinar.](#)

[Join Our LinkedIn Group](#)

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## [Public M&A Year in Review: Trends and Highlights from 2016](#)

Practical Law will present a free [60-minute webinar](#) reviewing the year in M&A. During the webinar, Daniel Rubin, Senior Editor, Practical Law Corporate and M&A, will analyze what's market data and review critical M&A trends, unique transactions and highlights from 2016 that may affect your practice in 2017.

The event will be Wednesday, Feb. 1, at 1 p.m. EST.

The presenter will discuss:

- Trends in deal size and deal volume among strategic and financial buyers, including the year's swell of busted deals.
- The use of cash and stock consideration in public M&A deals in 2016.
- The continuing influence of shareholder activism on the M&A market.
- Legal developments and trends from 2016 that will influence deal-making in 2017.
- And more.

Also, participants may check out What's Market, which provides a continuously updated database of agreements covering a range of corporate, securities, finance and commercial topics,

including public merger agreements and spin-offs. In the public merger agreements database, readers can analyze and compare negotiated terms, such as fiduciary outs, matching rights, termination fees and pricing collars, across multiple deals. What's Market also contains links to the underlying public documents.

A short Q&A will follow.

Presenter:

Daniel Rubin, Senior Legal Editor, Practical Law Corporate and M&A

Following the webinar, email links will be provided to these Practical Law resources:

Making Good Use of Special Committees.

Preparing a Portfolio Company for Sale.

[Register for the webinar.](#)

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## **Employees Who Sell:** **Understanding the FLSA's** **Exemptions for Sales** **Employees**

Practical Law and the Wage & Hour Defense Institute will present a [free 75-minute webinar](#) providing guidance on minimum

wage and overtime pay exemptions applicable to sales employees under the Fair Labor Standards Act.

The event will be Wednesday, Jan. 25, at 1 p.m. Eastern time.

Speakers Paul Bittner of Ice Miller LLP (Columbus, OH) and Lawrence Peikes of Wiggin and Dana LLP (Stamford, CT), both members of the Wage & Hour Defense Institute, will discuss the sales exemptions, how to properly classify and compensate employees with sales duties, and the impact of improper classification, including:

- Understanding key elements of the exemptions.
- Defining “outside” sales.
- Distinguishing sales and sales-related activities.
- Defining a “retail or service establishment.”
- Structuring compensation.
- Identifying compensation “representing commissions.”
- Revisiting pharmaceutical sales and auto service advisors.
- Dealing with misclassified employees.
- Complying with differing state law.

A short Q&A will follow.

**Presenters:**

Paul Bittner, Partner, Ice Miller LLP (Columbus, OH)

Lawrence Peikes, Partner, Wiggin and Dana LLP (Stamford, CT)

**Moderator:**

Suzanne K. Brown, Senior Legal Editor, Practical Law Labor & Employment

[Register for the event.](#)

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# The Other Joint Employment Concern: Marijuana in the Workplace



Practical Law will present a complimentary [75-minute webinar](#) providing insights into recent developments and expected trends in the evolving the legal landscape of marijuana law. The event will be Wednesday, January 18, 2017 at 1 p.m. EST.

“With the expansion of the number of medical and recreational marijuana states, businesses are in need of basic employment law counsel on the crossroads between marijuana use and workplace management,” Practical Law says on its website. “Currently 30 states and the District of Columbia have legalized medical marijuana use and 8 states now allow for recreational use. American companies are left to determine how these new requirements apply to their workforce and what sort of policies and procedures would best suit this new legal environment. This webinar will be a fast paced walk through of the 7 steps employers should take to balance compliance and the need to protect their workplaces from the adverse effects of employee marijuana use.”

Topics will include:

- Safety sensitive and other work-related risks associated with marijuana use.
- An overview of marijuana laws and applicable cases in the states where employees report for duty.
- Protocols for upgrading job descriptions to include



critical essential function safety language directly applicable to marijuana use.

- Integration of marijuana use safety concepts into supervisory training.
- Creating an appropriate drug free workplace policy option when dealing with marijuana.
- Understanding the inter-play between the ADA and workplace drug testing employer obligations.
- Putting all the puzzle pieces into place to form your compliant legal strategy to effectively address marijuana in your workplace.

A short Q&A will follow.

Presenter:

**Thomas M. Eden III**, Partner, Constangy, Brooks, Smith & Prophete, LLP

Tommy Eden works in the Firm's Workplace Drug & Alcohol Testing Practice Area and has developed employer Policies in all 50 states and all DOT Agency modes. Tommy is a national speaker on the subject of Marijuana in the workplace and many other workplace drug testing topics.

Moderator:

**Kate Bally**, Director, Practical Law Labor & Employment

Kate Bally joined Practical Law from Littler Mendelson P.C., where she worked as an associate in the employment group. Previously she was also an associate at Day Pitney LLP and a law clerk to the Honorable Stefan R. Underhill. Kate is Co-Director of Practical Law's Labor & Employment Service.

[Register for the webinar.](#)

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# Data Breach Trends and Tips: What State and Local Government Lawyers Need to Know



Practical Law's Mel Gates and Zach Ratzman on Thursday, January 12, 2017, at 1:00 p.m. Eastern will present a free, [75-minute webinar](#) that will explain recent data breach trends affecting state and local governments and provide tips on how to prepare for and help prevent a data breach or other cyber event . .

. before it happens.

Topics will include:

- Why state and local governments should be thinking about data breaches and other cyber events.
- Federal and state laws concerning personal information, data security, and breach notification.
- What reasonable security measures are and how they can impact a government entity's regulatory and litigation exposure.
- The basics on today's cyber threats with recent case studies of data breaches that have affected state and local governments.
- Recommendations on how government lawyers can play a key role in protecting their organizations.

A short Q&A will follow.

Presenters:

**Mel Gates**, Senior Legal Editor, Privacy & Data Security, Practical Law

Melodi (Mel) Gates, CIPP/US joined Practical Law from Squire Patton Boggs (US) LLP, where she was a senior associate focusing on cybersecurity and privacy issues, including in the health information technology field. Prior to practicing law, Mel worked for over twenty years in the telecommunications industry, last serving as chief information security officer (CISO) for a large network provider. She is also an appointed member of the Department of Homeland Security's Data Privacy and Integrity Advisory Committee (DPIAC).

**Zach Ratzman**, Director of Public Sector, Practical Law

Zach Ratzman joined Practical Law from the U.S. Department of Homeland Security's Office of the General Counsel in Washington, DC, where he advised senior DHS leadership on privacy, information sharing, and congressional oversight matters. Before that, Zach worked for nearly a decade at several major New York City law firms, where his practice focused on securities and accounting fraud litigation. Before entering private practice, he clerked for the late Honorable Harold Baer, Jr. in the Southern District of New York. Zach is the Director of Practical Law's Public Sector Service.

[Register for the webinar.](#)