



**ALFA International**  
THE GLOBAL LEGAL NETWORK

# BUSINESS LITIGATION PRACTICE GROUP REGIONAL SEMINAR



**Philadelphia, PA | December 7, 2023**

# SEMINAR PROGRAM SCHEDULE

## Thursday, December 7, 2023

### Program at Hyatt Centric Center City Philadelphia

1620 Chancellor Street | Philadelphia, PA | The Charles Darrow Room 2nd Floor

1:30 P.M. – 2:00 P.M.

**REGISTRATION**

2:00 P.M. – 2:05 P.M.

**WELCOME AND OPENING REMARKS**

*Speaker:*

**Christopher A. Page**, YOUNG MOORE AND HENDERSON, P.A.,  
Raleigh, NC

2:05 P.M. – 2:35 P.M.

**OVERSIGHT DUTIES OF CORPORATE OFFICERS AFTER *MCDONALD'S***

*Speaker:*

**John H. Newcomer, Jr.**, MORRIS JAMES LLP, Wilmington, DE

Delaware courts recognize that corporate directors have oversight duties under the good-faith component of the fiduciary duty of loyalty. In the seminal Caremark decision, the Delaware Court of Chancery held that directors have an oversight duty to ensure that information and reporting systems exist that are reasonably designed to provide accurate information to management and the board so they can reach informed judgments concerning the corporation's compliance with the law and business performance. The Court of Chancery's recent decision *re McDonald's Corp. Shareholder Derivative Litigation*, No. 2021-0324-JTL (Del. Ch. Jan. 25, 2023), imposed the same duty of oversight on corporate officers within their area of responsibility. We will explore what this means for corporate officers going forward.

2:35 P.M. – 3:05 P.M.

**INTELLECTUAL PROPERTY CASE LAW UPDATE**

*Speaker:*

**Joseph G. Fortner, Jr.**, HALLORAN SAGE, Hartford, CT

The world of intellectual property – patents, trade secrets, copyrights, trademarks and unfair competition – is a dynamic, rapidly shifting one. Not only is intellectual property of ever-increasing importance to businesses regardless of industry, but each area has its own benefits (and traps). In this session, we will discuss cutting-edge issues and recent developments in the arena of intellectual property, compare how different doctrines may serve your business's needs and offer practical suggestions, both to protect your IP and to try to avoid claims by others.

3:05 P.M. – 3:20 P.M.

**BREAK**

# SEMINAR PROGRAM SCHEDULE

3:20 P.M. – 3:45 P.M.

## THE WALLS COME TUMBLIN' DOWN: CROSS-BORDER AND OVERSEAS DISCOVERY IN INTERNATIONAL LITIGATION

*Speaker:*

**Kandice K. Hull**, MCNEES WALLACE & NURICK LLC, Harrisburg, PA

For better or worse, changes in technology and society have encouraged international litigation and opened doors, walls and borders to the pursuit of investigation and discovery that would have been out of reach just a few years ago. Still, while the means may exist that allow cross-border and cross-national discovery to proceed, not all jurisdictions and governments have "gotten on board." After reviewing what has become feasible in this rapidly changing arena, our panel will discuss how courts and governments have — or have not — adapted to allow for broader discovery (including depositions), offer suggestions on how to press for — and to rebuff — efforts to secure information in remote locales and provide pointers on one might work within the system to deal with existing barriers.

3:45 P.M. – 4:10 P.M.

## PROTECTING IN-HOUSE COUNSEL'S ATTORNEY-CLIENT PRIVILEGE

*Speaker:*

**Taylor McMahan**, TAYLOR, DAY, GRIMM & BOYD, Jacksonville, FL

**Jacob Lehman**, GERMAN, GALLAGHER & MURTAGH, P.C., Philadelphia, PA

We are all familiar with the attorney-client privilege doctrine in the United States, but in-house attorneys increasing participation in communications involving both legal and non-legal advice and more frequent cross-border communications require additional analysis. Failing to recognize the differences at the inception of a matter can create issues unnecessarily and perhaps catastrophic disclosures. In this session, we will explore the nuances of attorney-client privilege with respect to the multiple hats worn by in-house counsel as well as cross-border communications in a sample of jurisdictions.

4:10 P.M. – 5:00 P.M.

## ETHICAL DILEMMAS FOR IN-HOUSE COUNSEL: BEING A GOOD LAWYER AS AN EMPLOYEE FOR THE CLIENT

*Speaker:*

**Gregory A. Broman**, NILAN JOHNSON LEWIS PA, Minneapolis, MN

**Matthew C. Burke**, YOUNG MOORE AND HENDERSON P.A., Raleigh, NC

In-house attorneys face ethics questions that are significantly different from outside counsel, but nonetheless are subject to the same professional responsibility rules. Because these rules were overwhelmingly written from the perspective of private practitioners, they can be seemingly ill-equipped and challenging to apply to an in-house environment where, among other differences, the lawyer's client is also their employer. In this session, we will look at some challenging hypotheticals that will give our attendees a chance to roundtable alternative solutions to difficult problems.

S O C I A L   E V E N T

# DINNER AT OCEAN PRIME

124 South 15th Street

Philadelphia, PA

6:00 - 9:00 P.M.



**ALFA International**  
THE GLOBAL LEGAL NETWORK

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# SPEAKERS



**MATTHEW C. BURKE** is an associate with Young Moore and Henderson, P.A., the ALFA International member firm in Raleigh, North Carolina. Matt is a trial lawyer who advises and represents clients in a variety of practice areas, including commercial disputes, business torts, employment claims, construction defects, insurance coverage, product liability, and various personal injury matters. Matt graduated with high honors from the University of North Carolina School of Law. Prior to joining Young Moore, Matt clerked for Associate Justice Cheri Beasley on the Supreme Court of North Carolina and worked in the North Carolina Solicitor General's Office. In addition, Matt served as the compendium editor for the ALFAI Business Litigation Practice Group's recent compendium on trade secrets claims.



**GREGORY A. BROMEN** is a shareholder and co-chair of the Business Litigation Practice Group of Nilan Johnson Lewis PA, the ALFA International member firm in Minneapolis, Minnesota. As a former practicing CPA (currently inactive), Greg adeptly applies analytical skills first developed as an auditor and financial analyst to the practice of law by deciphering every detail of his cases and breaking down extraordinarily complex commercial disputes into manageable components easily understood by a judge or jury. His practice encompasses a wide variety of business and commercial disputes, including bankruptcy and creditor's remedies, commercial contract claims, business torts, real estate, and shareholder and owner disputes. Greg graduated magna cum laude from William Mitchell College of Law (now Mitchell Hamline School of Law) in 2004, where he was assistant editor of the William Mitchell Law Review, and previously earned a Bachelor of Accounting degree from the University of Minnesota Duluth.



**JOSEPH G. FORTNER, JR.** is co-chair of the Commercial Litigation Practice Group of Halloran Sage, the ALFA International member firm in Hartford, Connecticut. He is a member of the ALFAI Board of Directors and a past chair of ALFAI's Business Litigation Practice Group. Joe is an experienced business litigator and trial lawyer who has litigated a wide range of business, intellectual property and related commercial matters in state and federal courts, including trade secret claims, contract disputes, commercial fraud and torts, technology and cybersecurity matters, trade regulation, unfair trade practices, employee termination and product-related commercial disputes. Joe represents clients in trademark and trade dress, copyright, patent, cyber defamation, domain name, licensing and other intellectual property matters and uses his experience to counsel clients regarding intellectual property issues and other business relationships. He also prosecutes trademark matters at the Patent & Trademark Office and negotiates licenses, assignments and other intellectual property agreements. Joe is a regular speaker at ALFAI and other events and is the program chair for the 2025 ALFAI International Client Seminar. Joe

# SPEAKERS

has written and lectured on trademarks, trade secrets, copyrights, antitrust issues, cybersecurity, pandemic-related matters, contracts and e-commerce, including authoring the Connecticut portions of several ALFAI compendiums regarding trade secrets and product liability. He is a graduate of Duke University and received his JD from Vanderbilt. When he is not practicing law and developing hypotheticals, he performs music with his wife, Holly (also a lawyer), in their duo, "Blind Date."



**KANDICE K. HULL** is a trial attorney with McNees Wallace & Nurick LLC, ALFA International's member firm in Harrisburg, Pennsylvania. Kandice is chair of her firm's Litigation Group and leads their eminent domain practice. She is also a member of her firm's ALFAI Committee. Her practice involves the representation of corporate clients in business litigation, with a particular focus on real estate-related litigation and appellate matters. She has represented businesses in cases involving contract disputes, eminent domain, quiet title and other property rights claims. In addition to her work in the trial courts, she handles appellate litigation matters before the Pennsylvania state and federal appellate courts. Kandice is associate firm counsel for McNees, handling ethical and conflict issues. Kandice is a 2000 graduate of the University of Virginia School of Law and a summa cum laude graduate of Franklin and Marshall College. She has been honored as one of the Best Lawyers in America in the field of Appellate Law since 2010.

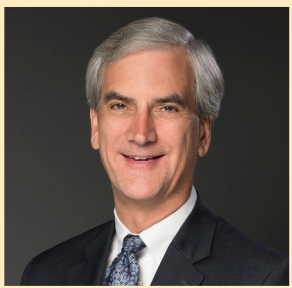


**JACOB LEHMAN** is a trial lawyer and partner with the Philadelphia, Pennsylvania ALFA International firm German, Gallagher & Murtagh P.C. He focuses his practice on complex civil litigation splitting his time between claims of professional negligence, product liability and other matters involving catastrophic injury. He also has a significant commercial litigation practice. Jake's focus is on creativity, aggressive advocacy, and most of all client service. He is a 2006 graduate of Temple University and completed his law degree at Rutgers University School of Law in 2009. In 2017 he obtained an LLM in trial advocacy with honors from Temple University's nationally ranked trial advocacy program. He is an active member of the Pennsylvania and Philadelphia Bar Associations and the Temple American Inn of Court. He writes and presents on legal topics in various venues and publications. Mr. Lehman has been honored by his peers including selection in 2016 as one of 35 "Lawyers on the Fast Track" by the Philadelphia Legal Intelligencer and by repeated inclusion in Law & Politics Magazine as a Super Lawyer: Rising Star, a distinction given to only 2.5% of Pennsylvania Attorneys under 40.

# SPEAKERS



**TAYLOR MCMAHON** is an associate with Taylor, Day, Grimm & Boyd, the ALFA International member firm in Jacksonville, Florida. In her business litigation and complex torts practice, she protects the interests of companies, management teams, business owners, and stakeholders in a diverse array of commercial and torts disputes. Her practice includes most types of business and commercial disputes ranging from breach of contract claims, shareholder disputes, corporate governance disputes, misappropriation of trade secrets, and UCC matters, while her torts practice ranges from product defects cases, defamation, and premises liability. She also handles disputes regarding real estate, wills & trusts and title insurance, along with construction defects litigation. Taylor is currently an active member of ALFAI's Business Litigation Steering Committee, ALFAI's Product Liability & Complex Torts Steering Committee and ALFAI's Future Leaders Practice Group.



**JOHN H. NEWCOMER, JR.** is a partner with Morris James LLP, the ALFA International member firm in Wilmington, Delaware, and serves on the firm's Executive Committee. John practices in the areas of commercial litigation and real estate. His experience in these dual fields provides his clients with a rare perspective in dealing with complex business and real estate matters. Understanding the dynamics of litigation and how it impacts his clients' business strategies gives John the ability to draft transactional documents to avoid problems before they arise. John's litigation practice involves a wide range of corporate, business and contract disputes. His experience as a certified mediator of the Delaware Superior Court gives John the additional insight to resolve his clients' disputes before they turn into costly litigation. Outside the practice of law, John enjoys riding motorcycles locally, nationally and internationally. John currently serves as chair of ALFAI's Business Litigation Practice Group.



**CHRISTOPHER A. PAGE** is a partner with Young Moore and Henderson, P.A., the ALFA International member firm in Raleigh, North Carolina. Chris is an experienced trial attorney with special emphasis on the representation of clients in the hospitality and retail industries, where he represents several national clients with all their legal needs, including claims relating to employment, business disputes, product liability, premises accidents, insurance coverage and construction defects. Chris has been named as a "Super Lawyer" in business litigation for many consecutive years and is listed in "Best Lawyers" for insurance law. After graduating *summa cum laude* from Duke University, Chris earned his law degree from Yale Law School, where he served as senior editor for the *Yale Law Journal*. Chris is a frequent speaker at ALFAI seminars and has created many presentations on a variety of litigation and management topics. Chris was named ALFAI's "Attorney of the Year" in 2017. Chris is the former chair of ALFAI's Hospitality & Retail Practice Group, former chair of ALFAI's Marketing Committee, a former member of ALFAI's Board of Directors and was ALFAI's 2022 International Client Seminar program chair.