



# 13<sup>th</sup> ANNUAL MEETING

## September 19 & 20, 2019

### AGENDA

## Portland Regency Hotel & Spa ~ Atlantic Room

### THURSDAY, SEPTEMBER 19, 2019

6:00 pm                      **Reception with Open Bar**                      7:00 pm   **Dinner**

7:45 pm                      **Welcome and Introductions**  
Wm. Andrew MacIwaine, Dinse (Burlington, VT)

8:00 pm                      **The Duke Lacrosse Case**  
James P. Cooney, III, Partner, Womble Bond Dickenson LLP (Charlotte, NC)

Attorney Cooney will share his perspective on the highly profiled Duke Lacrosse Case, which he served as Counsel for Reade Seligmann, one of the wrongfully accused players. Working with a team of lawyers for the other wrongfully accused players, he exposed prosecutorial misconduct in the suppression of favorable DNA evidence which resulted in the removal and eventual disbarment of the District Attorney and a dismissal of all charges and a declaration by the Attorney-General that the players were innocent.

### FRIDAY, SEPTEMBER 20, 2019

7:30 am—8:00 am                      **Breakfast**

8:00 am—8:30 am                      **Opening Remarks and TDLA Business Meeting**  
Wm. Andrew MacIwaine, Dinse (Burlington, VT)

8:30 am—9:30 am.                      **Ethical Challenges of the High Profile Case**  
James P. Cooney, III, Partner, Womble Bond Dickenson LLP (Charlotte, NC)

Attorney Cooney will share the ethical challenges to consider when representing high profile cases, especially when interacting with the media. The operative rule is 3.6 Trial Publicity. He'll give an overview of this rule and the intricacies of how it can play out. He will discuss the ethical considerations when your case is tried not only by a jury, but by the public eye as well.

9:30 am—10:30 am                      **30(b)(6) Depositions**  
Moderated by **Marrielle B. Van Rossum**, Sulloway & Hollis P.L.L.C. (Concord, NH)

**Adrienne Fouts**, Drummond Woodsum (Portland, ME)  
**Edward M. Kaplan**, Sulloway & Hollis P.L.L.C. (Concord, NH)  
**Craig S. Nolan**, Sheehey Furlong & Behm P.C. (Burlington, VT)

Federal Rule of Civil Procedure 30(b)(6), along with corresponding state rules, provides a tremendous but sometimes overlooked discovery tool for defense attorneys needing to efficiently gather a corporation's systems, policies, and practices. Attorneys Fouts and Kaplan will present a general overview of the rule, as well as the subtle differences between deposing or defending a corporate entity in Maine, New Hampshire, and Vermont. Topics will also include why an attorney may want to depose a corporate designee in a variety of matters, the distinctions between a 30(b)(6) deposition and a deposition of an individual witness, and factors to consider when deciding whether and how to proceed with a 30(b)(6) deposition.

10:30 am—10:45 am                      **BREAK**

10:45 am—11:45 am                      **Corporate Counsel's Relationship with Defense Counsel**  
Moderated by **Matthew V. Burrows**, Gallagher, Callahan & Gartrell, P.C. (Concord, NH)

**Matt Cairns**, Associate General Counsel, Textron (Providence, RI)  
**Dave Herzer**, General Counsel, Constant Energy Capital Management (Portland, ME)

Two seasoned New England defense attorneys recently transitioned to working as in-house corporate counsel. Attorneys Cairns and Herzer are bringing decades of private defense experience now to one client, instead of multiple clients, and have new perspectives on working with outside counsel. They will share tips on how to make the relationship between corporate counsel and defense counsel a successful one.