

# Annual Plan 2016-2017

## Advertising Disputes & Litigation Committee

### *I. Leadership.*

Who are the Committee Leaders?	
<b>Chair</b>	Christopher A. Cole
<b>Vice Chairs</b>	John D. Graubert
	David G. Mallen
	Donnelly McDowell
	Terri J. Seligman
<b>Young Lawyer Representative</b>	Tiffany Ge
<b>Responsible Council Member</b>	Christine J. Sommers
<b>Responsible Committee Operations Co-Chair</b>	Christie G. Thompson

### *II. Committee Organization.*

Identify which person on the Committee Leadership team will have responsibility for the following	
<b>Membership Recruitment and Involvement</b>	Christopher Cole
<b>Connect and other technology</b>	Donnelly McDowell
<b>Committee Updates and Newsletters</b>	Terri Seligman
<b>Publications</b>	John Graubert
<b>Committee Programs</b>	David Mallen

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### III. *Committee Communication.*

How will the Committee Leadership communicate?	
<b>Time of Monthly Conference call (e.g., first Tuesday of each month)</b>	The last Friday of every month at 2 p.m. EST
<b>Will there be Committee Town Halls? If so, when?</b>	No. We are considering alternative forms of soliciting feedback, as prior town halls have been poorly attended.
<b>Will there be a Committee Meeting at the Spring Meeting?</b>	Yes

### IV. *Membership.*

Ensuring Member Involvement and Recruitment	
<b>What are the greatest challenges that the committee faces in recruiting new members?</b>	<p>Membership costs. Plaintiffs far less likely join.</p> <p>Coverage of class action practice within ABA Section of Litigation</p> <p>Distinguishing the subject matter/overlap between CP and ADL. We need to find a brighter line distinction between the two sections.</p> <p>Recruiting members outside of DC/NYC region and running consistent content of interest to those lawyers.</p>
<b>What are the greatest challenges that the committee faces in engaging current members?</b>	<p>Recruiting/enlisting committee member support on projects.</p> <p>Communicating the needs of the committee more effectively to committee members.</p> <p>Getting more young lawyer members involved with projects and activities.</p> <p>Huge amount of competing content being offered by sister committees.</p>
<b>Please identify at least three ways that you intend to recruit new members to your committee.</b>	We will develop a recruiting letter to members of the bar in our field, educating them about the benefits of membership. We will follow it up consistent and focused personal outreach to lawyers outside of

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	<p>DC/NYC region: west coast, Chicago, Texas, etc.</p> <p>We will offer more programming with a specific focus on class action litigation.</p> <p>We will work to recruit non-lawyer professionals, such as economists and consumer survey experts.</p>
	<p>One pillar of our programming will be dedicated to in-house counsel, and we will seek to include in-house lawyers on numerous substantive programs.</p>
	<p>We will develop and offer an Advertising Litigation 101 series, to attract new members to the field.</p>
<p><b>Please identify at least three programs, publications or other projects that will provide volunteer opportunities for your committee members.</b></p>	<p>Connect – maintain regular presence on Connect and get members to use Connect</p>
	<p>Monthly webinars, which we will encourage our members to propose and run, with our oversight.</p>
	<p>We will co-sponsor networking events with CP and PRIS, and other committees.</p>

### V. *Diversity*

	<p>Our Section’s goal is to ensure that our membership benefits by ensuring that people of different races, genders, sexual orientations, levels of experience, and career choices (e.g., working for the government, plaintiff-side representations, in-house, small law firms) can and do participate (“Section Diversity”).</p>
<p><b>What are the greatest challenges that your committee faces in ensuring Section Diversity?</b></p>	<p>Cost of membership.</p> <p>Our membership is overwhelmingly drawn from the defense bar, which itself tends to lack diversity. Unlike the CP and PRIS committees, we tend to have fewer members from federal and state governments, which are usually more diverse.</p>
<p><b>Please describe at least three specific activities planned to increase participation by women lawyers, minority lawyers, young lawyers, corporate counsel, government lawyers, foreign</b></p>	<p>Law student career panel, include various career choices; reach out to diverse law schools and law schools outside of DC/NYC region.</p>

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<b>lawyers, the plaintiffs' bar, and/or non-lawyers.</b>	We will work to increase in-house involvement in our programming, which tends to involve more women and minority lawyers.
	We will include gender or racially diverse speakers on every panel.

### VI. *Committee Programs.*

Please provide a schedule of planned programs and teleseminars for the upcoming year. As you complete this schedule, please consider the following:

**Type of Program.** There are generally four types of programs that you should consider:

- *Committee Programs*, also known as brown bags, are generally one-hour programs on a particular topic of interest. Committee programs are free to Section Members, and are \$25 for non-members.
- *Committee Update* programs are recurring programs in a subject matter area. These programs can occur monthly, quarterly, or at other intervals. Committee update programs are free to Section Members, and are \$25 for non-members.
- *Teleseminars* are programs where CLE credit is offered. There is generally more detail required and a more rigorous approval process. Teleseminars are generally [\$] for Members and [\$] for non-Members.
- *Town Hall* programs are programs put on by committees to inform their membership about Committee activities, and to solicit involvement and volunteers. These Town Hall programs are free to Section Members, and are \$25 for non-members.

**General Subject Matter.** If known, please indicate the program's topic area. If a program is planned for some months in the future, please provide as much information as possible, and at a minimum indicate the general subject matter, such as whether the program will cover recent developments, fundamentals, surveys across jurisdictions or trends.

**Date.** Please provide the approximate date for the program, which will be confirmed after the program, has been approved.

**Diversity Opportunity.** Please indicate how the program will support Section Diversity among speakers or participants. If the program is to be scheduled with another ABA Section or organization, please consult your assigned Committee Operations co-chair for assistance on obtaining those approvals.

Please see the sample schedule below.

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<b>Type of Program</b>	<b>General Subject Matter</b>	<b>Date</b>	<b>Diversity Opportunity</b>
<b>Committee Program</b>	Recent FTC Consent Order with VW	September 2016	We will include government speakers and there will be interest among plaintiffs' firms.
<b>Committee Program</b>	The FDA/FTC Interface	Sept./Oct. 2016	We will include government speakers.
<b>Committee Program</b>	"5 top cases of the quarter." This will be an in-depth review every quarter of notable advertising litigation matters.	Quarterly	Possible co-sponsor with Trial Practice; will seek to include diverse lawyers in every panel.
<b>Committee Program</b>	Fundamentals of advertising litigation	Quarterly	Programming geared to younger lawyers, new to the field.
<b>Committee Program</b>	"Science and Advertising Substantiation Before the Agencies and Courts"	January 2016	Half-day symposium regarding how courts and agencies deal with science, will include academics, agency reps and law firm speakers.
<b>Committee Update</b>	Advertising self-regulation series: Recent NAD decisions involving social media	TBD	We will seek out diverse speakers
<b>Committee Program</b>	Recent FTC Contempt actions	TBD	We will include government speakers and there will be interest among plaintiffs' firms
<b>Committee Program</b>	Overlap between FTC & CFPB	Early 2016	We will include speakers from FTC & CFPB
<b>Committee Program</b>	Networking event: West Coast, and other regions	Spring 2016	

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### VII. *Committee Updates and Newsletters*

Please identify the newsletters and other regular updates that the committee provides to its members. Please include both newsletters and non-newsletter communication channels such as blogs or CONNECT.

Newsletter/Update Name and Brief Description.	How many will be published?	Dates of Publication
Will work with CP on joint newsletter	Quarterly	
Will continue providing monthly updates in conjunction with CP and PRIS	Monthly	

### VIII. *Book & Treatises Projects*

Project/Book Title	Brief Description	Project Leaders	Date for Completion	Status
Consumer Protection in China	Consumer protection issues in China	John Graubert		
Symposium on Science, Advertising and the FTC	Collected papers to be published either in a Section publication or an independent journal	John Graubert		
CP Compliance Manual	This project is being led by CP, but our committee is devoting substantial time and resources.	Donnelly McDowell		

**IX. *Monitoring Developments.*** Describe how the committee will stay abreast of developments in the committee's areas of interest, including new cases and agency actions, legislative proposals, and policy initiatives.

Substantive Area	How is it being monitored?	Responsible Person
<b>Lanham Act Litigation</b>	Monthly Updates	Chris Cole
<b>NAD Decisions</b>	Monthly Updates	David Mallen
<b>Consumer Class Actions</b>	Monthly Updates	Donnelly McDowell
<b>State/Federal Government Enforcement Actions</b>	Monthly Updates	Terri Seligman

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**X. Other Activities and Projects.** Please identify any planned committee activities not described above, particularly if there are budgetary constraints.

Planned Activity/Project	Estimated Date	Any Support Needed?
Symposium on Science, Advertising, the Courts and Agencies	January 2016	We will need section support in terms of promoting this live event, and we will be publishing articles from the program.

**XI. Summary – Recap: Major Goals and Activities.** Using the information provided above, please list the major projects, goals and dates for completion for the year

Date	Planned Activity
<b>September</b>	Consumer Protection Monthly Updates (ongoing every month)  Membership outreach – recruitment drive begins  Committee notice and drive to engage on ABA Connect platform
<b>October</b>	Committee Program: VW settlement
<b>November</b>	Committee Program: 5 notable advertising litigation cases of the quarter (repeated quarterly)
<b>December</b>	Committee Program: Fundamentals of advertising litigation, Part 1: the Lanham Act and NAD (additional sessions will be offered throughout the year)  Committee Program: Recent FTC contempt actions
<b>January</b>	Committee Program: Science, Advertising, Courts and Agencies Symposium  Committee Program: Year in Review
<b>February</b>	Networking event: West Coast
<b>March</b>	Law School Series: Careers in Advertising law (repeated throughout year at various schools)

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<b>April</b>	Spring Meeting
<b>May</b>	Advertising issues for in-house counsel (Spring 2016) Committee Program: Overlap between FTC and CFPB
<b>June</b>	Summer Associate/Intern Panel: partner with CP committee Committee Program: 5 notable advertising litigation cases of the quarter
<b>July</b>	Committee Program: Focusing on NAD
<b>August</b>	Networking event: East Coast

*The Draft Annual Plan is due to Diane Odom (diane.odom@americanbar.org) on or before July 31, 2015.*

*Final Annual Plan is due to Diane Odom diane.odom@americanbar.org) on or before August 28, 2015.*

We confirm that:

- our Committee's Leadership has reviewed and discussed the above plan;
- we have discussed our plan with the Responsible Council Member and a Committee Operations Co-Chair;
- each of us understands and is committed to completing the assigned tasks and achieving the stated goals; and
- we believe that the goals that we have listed are achievable.

Signed:

/s/ Christopher A. Cole

Committee Chair

/s/ John D. Graubert



# *Annual Plan 2016-2017*

Committee Vice-Chair

/s/ David G. Mallen

Committee Vice-Chair

/s/ Donnelly McDowell

Committee Vice-Chair

/s/ Terri J. Seligman

Committee Vice-Chair