FAIRMONT MIRAMAR HOTEL & BUNGALOWS
SANTA MONICA, CALIFORNIA
MONDAY - TUESDAY
MARCH 18-19, 2019

USC Gould School of Law

2019 INTELLECTUAL PROPERTY INSTITUTE

10 FEDERAL JUDGES

• Hon. Alan Albright (W.D. Tex.) • Hon. T.S. Ellis III (E.D. Va.)
• Hon. Haywood Gilliam, Jr. (N.D. Cal.) • Hon. Barbara Lynn (N.D. Tex.)
• Hon. James Robart (W.D. Wash.) • Hon. Robert Schroeder III (E.D. Tex.)
• Hon. James Selna (C.D. Cal.) • Hon. Scott Balick (PTAB)
• Hon. Charles Boudreau (PTAB) • Hon. MaryJoan McNamara (ITC)

LUNCHEON KEYNOTE
Prof. David Hickton, University of Pittsburgh Institute for Cyber Law, Policy, and Security

PROMINENT ACADEMICIANS
Professors Barnett, Farley, Lemley, Lerner, Mangum, Menell, Nimmer, Rothman and Volokh

Email questions for the judges to cle@law.usc.edu

USC Gould School of Law

Damages Workshop on March 18 and Institute on March 19!

sun, surf and IP trends

MCLE/CPE credits available!
Register online now at http://gould.usc.edu/cle/ip/
#USCLAWIP
prominent speakers
Join over 600 IP professionals for an unrivaled gathering of national speakers and a sophisticated discussion of emerging issues and best practices in copyright, patent, trademark, trade secret and related fields. Join Judges Albright (W.D. Tex.), Ellis (E.D. Va.), Gilliam (N.D. Cal.), Lynn (N.D. Tex.), Robart (W.D. Wash.), Schroeder (E.D. Tex.), Selna (C.D. Cal.), Boalick (PTAB), Boudreaux (PTAB), and McNamara (ITC), Professor David Hickton (Founding Director of the University of Pittsburgh Institute for Cyber Law, Policy, and Security), plus leading academicians, in house counsel, a high ranking national official and top practitioners for two days of learning and networking at the beach.

don’t miss out
The Institute will sell out early, so register online now at http://gould.usc.edu/cle/ip/.

sponsors
We gratefully acknowledge the generous contributions of the following 2019 Institute sponsors:

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Special thanks to the supporters of the 2019 Institute, including:

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The Judge Paul R. Michel IP American Inn of Court
Los Angeles County Bar Association
Entertainment Law & Intellectual Property Section
Los Angeles Intellectual Property Law Association
National Association of Record Industry Professionals

Please visit our website at http://gould.usc.edu/cle/ip/ for a complete and up-to-date list of institute contributors.
12:00 PM
Workshop Registration Opens
A separate workshop registration and fee is required. Seating is limited, so register early!

1:10 PM
Recent Developments in IP Damages Law
This panel of legal and damages experts will review recent developments on damages in IP cases from trial and appellate courts, followed by a lively discussion on some of the most controversial and unsettled issues in damages today.

Lisa S. Glasser
Irell & Manella LLP

Blake B. Inglish
Senior Managing Director
InFact Experts LLC

Randall E. Kay
Jones Day

Ryan W. Koppelman
Alston & Bird LLP

Justin Lewis
Managing Director
Ocean Tomo, LLC

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Morrison & Foerster LLP

Gregory A. Pinsonneault
Managing Director and CEO
Litinomics, Inc.

Jeffery A. Stec
Managing Director
Berkeley Research Group, LLC

MODERATOR
Shelly Irvine
Senior Managing Director
FTI Consulting

3:40 PM
Networking Break
Hosted in part by Knobbe Martens Olson & Bear LLP

3:55 PM
Strategic Considerations in Presenting Your Damages Case at Trial
This panel, consisting of a prominent federal judge, IP litigator, damages expert, jury consultant and graphics expert, will address strategies and best practices in preparing for and presenting a damages case at trial.

David P. Enzminger
Winston & Strawn LLP

Jeffrey H. Kinrich
Managing Principal
Analysis Group, Inc.

Jamie Ledet Laird
President and Founder
Laird Trial Consulting, L.L.C.

Hon. James L. Robart
U.S. District Court (W.D. Wash.)

Gayle Mumm Rossi
Vice President
DecisionQuest

MODERATOR
Brian Horne
Knobbe Martens Olson & Bear LLP

5:15 PM
Adjournment
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>7:00 AM</td>
<td>Institute Registration and Continental Breakfast</td>
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<tr>
<td>7:30 AM</td>
<td>Women in IP Breakfast</td>
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<tr>
<td>8:00 AM</td>
<td>Women vs. Women at Work: Overcoming Workplace Conflict and the Bias that Built It</td>
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<tr>
<td></td>
<td>Join award-winning authors and practicing attorneys Andie Kramer and Al Harris as they challenge stereotypes that women are inherently back-stabbers who cannot get along with each other, discuss why women’s relationships with other women in the workplace can be difficult and propose actionable steps that can be taken to overcome and avoid workplace conflict and build on the positive aspects of women working with women as reflected in their upcoming book, It’s Not You, It’s the Workplace: Women’s Conflict at Work and the Bias That Built It.</td>
</tr>
<tr>
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<td>0.75 hour of MCLE elimination of bias credit available.</td>
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<tr>
<td>8:30 AM</td>
<td>Welcome and Opening Remarks</td>
</tr>
<tr>
<td>8:40 AM</td>
<td>The New Frontier of IP Litigation: Perspectives from the Bench</td>
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<tr>
<td></td>
<td>Join prominent Federal judges as they discuss changes in the courtroom now and in the future for trials, experts, damages, discovery, forum selection and other areas. Know the playbook for the future now! Questions for the judges? Email your questions to <a href="mailto:cle@law.usc.edu">cle@law.usc.edu</a> or submit them via the Institute app and we will share your questions anonymously with the judges before the Institute.</td>
</tr>
<tr>
<td>9:50 AM</td>
<td>Networking Break</td>
</tr>
</tbody>
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|         | Alton B. Harris
|         | Nixon Peabody LLP
|         | Chicago, IL                                                          |
|         | Andrea S. Kramer
|         | McDermott Will & Emery
|         | Chicago, IL                                                          |
|         | INTRODUCER
|         | Laura M. Burson
|         | Sheppard, Mullin, Richter & Hampton LLP                              |
|         | Cynthia Lock Tregillis
|         | Institute Chair
|         | Western Digital Corporation                                          |
|         | Hon. Alan Albright
|         | U.S. District Court (W.D. Tex.)
|         | Waco, TX                                                             |
|         | Hon. Barbara M.G. Lynn
|         | Chief Judge
|         | U.S. District Court (N.D. Tex.)
|         | Dallas, TX                                                           |
|         | Hon. Robert W. Schroeder III
|         | U.S. District Court (E.D. Tex.)
|         | Texarkana, TX                                                        |
|         | Hon. James V. Selna
|         | U.S. District Court (C.D. Cal.)                                      |
|         | MODERATOR
|         | Charles S. Barquist
|         | Maschhoff Brennan                                                    |
10:10 AM  
**IP Issues in Artificial Intelligence**

Intellectual property law must imminently answer questions surrounding whether, when and how the content increasingly created by AI systems will be protected. Does copyrighted content require human authorship? If not, what is the standard? What are the relevant considerations? Who owns the copyrights? And what other policy considerations and practical concerns must be balanced? This distinguished panel will draw on existing legal principles to help us look into a future that is rapidly upon us.

Janet George  
Fellow and Chief Data Scientist  
Western Digital Corporation  
San Jose, CA

Prof. Mark A. Lemley  
Stanford Law School  
Durie Tangri LLP  
Stanford, CA

Prof. Eugene Volokh  
UCLA School of Law

**MODERATOR**  
Prof. David Nimmer  
UCLA School of Law  
Irell & Manella LLP

11:30 AM  –  Passing Period

11:35 AM  
**COPYRIGHT TRACK SESSION 1A**

**Fair Use in the Digital Environment**

After nearly a decade of almost uninterrupted expansion, 2018 has seen at least two major appellate decisions that curtail the application of the fair use doctrine in digital copyright infringement cases – *Fox News v. TV Eyes* from the Second Circuit and *Oracle v. Google* from the Federal Circuit. What lessons can be drawn from the digital index and computer software contexts that inform how the fair use doctrine will develop in the next decade? What does transformative use mean in this context? Is it different than in the context of a painting, video, musical recording or writing? How do the traditional four factors apply in the digital environment and are there other factors that affect the analysis in particular cases? This panel explores the development of the fair use doctrine in the digital environment and assess how it can be expected to evolve in the years to come.

Dale Cendali  
Kirkland & Ellis LLP  
New York, NY

Prof. Jack I. Lerner  
UC Irvine School of Law

Ben Sheffner  
SVP and Associate General Counsel, Copyright & Legal Affairs  
Motion Picture Association of America, Inc.

**MODERATOR**  
Prof. June M. Besek  
Lecturer in Law  
Executive Director, Kernochan Center for Law, Media and the Arts  
Columbia Law School  
New York, NY

**GLOBAL PATENT LITIGATION: FORUM SELECTION**

Patent holders have a choice as to where to bring their case. Many more cases today are being initiated outside of the United States than ever before, including in China, Korea, Germany, and other venues outside the United States. This panel will examine the strategic advantages and disadvantages to various international forums for patent litigation, and compare them to the United States. It will also look at anti-suit injunctions and other issues relating to comity.

Hon. T.S. Ellis III  
U.S. District Court (E.D. Va.)  
Alexandria, VA

Steve Jensen  
Knobbe Martens Olson & Bear LLP

Hon. MaryJoan McNamara  
Administrative Law Judge  
U.S. International Trade Commission  
Washington, D.C.

Keith A. Newburry  
Vice President, Chief IP Counsel  
Edwards Lifesciences

Hon. James L. Robart  
U.S. District Court (W.D. Wash.)  
Seattle, WA

**MODERATOR**  
Ellen S. Robbins  
Akerman LLP
Mediating a Trademark Case: Best Practices Including Mediation Strategy, Settlement Options, and Lessons Learned

This panel will explore important considerations for mediating a trademark case, including general best practices, how to tackle the mediation brief and exhibits, opening statements and joint sessions, and creative variations on common settlement solutions, including co-existence agreements, license agreements, and purchase of trademark rights.

Jennifer Doyle
General Counsel
Beautycounter

David Hazlehurst
Senior Counsel, Legal Affairs
NBCUniversal

Jeff Kichaven
Principal Mediator
Jeff Kichaven Commercial Mediation

MODERATOR
Perry J. Viscounty
Latham & Watkins LLP

12:45 PM
Luncheon Keynote Presentation: Cybersecurity, Trade Secrets and the Effect of Trade Issues on IP Protection

DAVID J. HICKTON, the Founding Director of the University of Pittsburgh Institute for Cyber Law, Policy, and Security, joins us for a timely 45 minute discussion about cybersecurity, trade secrets and the effect of trade issues on IP protection.

Professor Hickton served as the 57th U.S. Attorney for the Western District of Pennsylvania from August 2010 to November 2016. Prior to becoming U.S. Attorney, he engaged in the private practice of law, specifically in the areas of transportation, litigation, commercial and white collar crime. Professor Hickton began his legal career serving as a Law Clerk for the Honorable U.S. District Judge Gustave Diamond from 1981 to 1983. For more than a decade, he was an Adjunct Professor of Law at Duquesne University School of Law where he taught antitrust.

David J. Hickton
Founding Director
Institute for Cyber Law, Policy, and Security
Professor of Law
University of Pittsburgh School of Law
Pittsburgh, PA

2:15 PM
New Strategies for Preventing Online Infringement: Article 13 of the Proposed EU Copyright Directive, YouTube Content ID and Beyond

The European Union is considering copyright legislation that would require online services to filter their sites for infringing content, if copyright owners provide sufficient information to allow the online services to do so. Developments in technology and law suggest that online services may face greater responsibilities for preventing piracy going forward.

The political environment is also less favorable for online services and their advocates, who object to the changes proposed by the European Council, than it was in 2012 (when SOPA and PIPA were defeated). This panel will discuss what is feasible, what changes in the law are being considered, and what should be done to facilitate cooperation between content owners and online services in the prevention of internet piracy.

Matt Andrews
Counsel, Global Content Protection
Netflix

Brian W. Carver
Copyright Counsel
Google
San Francisco, CA

Maria Strong
Deputy Director, Policy and International Affairs
U.S. Copyright Office
Washington, D.C.

MODERATOR
Prof. Jan Bernd Nordemann
Boehmert & Boehmert
Berlin, Germany
TRADEMARK TRACK SESSION 2C

Emerging Trends in Trademark Remedies

The panel will take a closer look at new developments in both traditional and non-traditional remedies employed in trademark infringement matters including trends in requiring willfulness to disgorge lost profits; quantifying corrective advertising; allowing for reasonable royalties and extraterritorial damages; seizure, destruction and recall of infringing goods; and changing standards for obtaining injunctive relief. This experienced panel will examine the impact of recent decisions on best trial practices, expert reporting, academia and how in-house counsel can align their internal strategies to comport with recent game-changing decisions.

Prof. Jonathan Barnett
USC Gould School of Law
Prof. Christine Haight Farley
American University Washington College of Law
Prof. Peter Menell
UC Berkeley School of Law

INTRODUCER
Robin Maness
Associate Dean of Development, Alumni Relations and Continuing Legal Education
USC Gould School of Law

3:45 PM - Networking Dessert Break
Hosted in part by Alvarez & Marsal Disputes and Investigations, LLC

The IP Year in Review: Patent, Trademark and Right of Publicity, and Copyright

In this popular session, top scholars in patent, trademark and right of publicity, and copyright highlight and explain the most significant developments in IP law of the past year.

Prof. Jonathan Barnett
USC Gould School of Law
Prof. Christine Haight Farley
American University Washington College of Law
Prof. Peter Menell
UC Berkeley School of Law

INTRODUCER
Robin Maness
Associate Dean of Development, Alumni Relations and Continuing Legal Education
USC Gould School of Law

5:40 PM - Networking Reception
Meet the Institute speakers at our cocktail reception, hosted by Nathan Associates Inc.
planning committee

Cynthia Lock Tregillis*
INSTITUTE CHAIR
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Jeff Kichaven Commercial Mediation

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Olivia M. Kim
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Salman Alam
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Andrew B. Grossman
Winston & Strawn LLP

Sarah Butler
NERA Economic Consulting

John Hansen
TM Financial Forensics

Rachel M. Capoccia*
Jeff Mangels Butler & Mitchell LLP

Nick Hariton
IPP Trial Consulting

Alyssa Caridis
 Orrick, Herrington & Sutcliffe LLP

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Elvir Causevic
Houlihan Lokey

David L. Hayes
Fenwick & West LLP

Yar R. Chaikovsky
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Yakub Hazzard
Mitchell Silberbergh & Knupp LLP

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Nathan Associates Inc.

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Juniper Networks, Inc.

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Hueston Hennigan LLP

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DLA Piper LLP (US)

Ronald L. Johnston*
Arnold & Porter

Oleg Elkhunovich
Susman Godfrey L.L.P.

Andrea Weiss Jeffries*
Jones Day

David P. Enzminger
Winston & Strawn LLP

Blake B. Inglis
InfAct Experts LLC

Marc A. Fenster
Russ August & Kabat

Edward G. Poplawski*
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Evan Finkel
Pillsbury Winthrop Shaw Pittman LLP

Ashish A. Pradhan
Cornerstone Research

Russell J. Frackman*
Mitchell Silberbergh & Knupp LLP

Tamerlin J. Godley
Munger, Tolles & Olson LLP

Allan Gabriel
Dykema Gossett LLP

Jennifer A. Golinveaux
Winston & Strawn LLP

Lisa S. Glasser
Irell & Manella LLP

Sharmin Green
Intel Corporation

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Paul, Weiss, Rifkind, Wharton & Garrison LLP

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Frankfurt Kurnit Klein & Selz PC

Michael D. Jay
DLA Piper LLP (US)

Andrea Weiss Jeffries*
Jones Day

Ronald L. Johnston*
Arnold & Porter

*Executive Committee Members
The Media, Entertainment & Technology Law Program at the USC Gould School of Law offers students a unique educational experience that addresses the complex mix of legal and business issues in content and technology markets. Our innovative curriculum prepares students for practice through courses in intellectual property and business law taught by our research faculty, skills and simulation workshops taught by senior transactional and litigation attorney. USC Gould law students gain practical experience through our Intellectual Property and Technology Law Clinic, and externship opportunities in the legal departments of leading media, entertainment and technology firms. Students who wish to specialize in entertainment law have the opportunity to earn a Certificate in Entertainment Law, including courses at the USC School of Cinematic Arts. Interested in learning more about our program, students and graduates? We encourage you to browse our website at http://gould.usc.edu/academics/media-entertainment-and-technology-law-program/ or contact the Director, Professor Jonathan Barnett, at jbarnett@law.usc.edu.

**continuing education credits**

**LAWYERS.** Minimum Continuing Legal Education (MCLE): USC Gould School of Law certifies that this activity qualifies for minimum continuing legal education credit in the amount of 4 hours for March 18 and 8.50 hours for March 19 (of which 0.75 hours may apply to elimination of bias credit). The USC Gould School of Law is a State of California approved MCLE provider. This event may meet the requirements for continuing legal education credits in other states. Please check with the State Bar Association or Supreme Court in the state in which you are seeking continuing legal education credits to see if this program is eligible.

**ACCOUNTANTS.** Continuing Professional Education (CPE): This program meets the guidelines set by the California State Board of Accountancy in the amount of 4.5 hours for March 18 and 8 hours for March 19.
frequently asked questions

REGISTRATION
Registration for Tuesday’s Institute includes all sessions for the day, including the Women in IP breakfast session, keynote luncheon, networking breaks, and cocktail reception. All registrations including Monday’s half day Damages Workshop will receive continuing education credit, the Institute’s mobile app (an online guide for the program) and an electronic download of the program syllabus materials. Free WiFi will be available for all attendees!

AUDIO RECORDINGS AND SYLLABUS
Do you want to refer back to sessions after the Institute? Purchase audio recordings at a discount when you purchase an Institute registration.
Unable to attend? Purchase audio recordings and the Institute Syllabus to receive California MCLE self-study credit for listening to the sessions.
Visit our website at http://gould.usc.edu/cle/ip for more information.

LOCATION AND ACCOMMODATIONS
The 2019 Intellectual Property Institute will be held at:

Fairmont Miramar Hotel & Bungalows
101 Wilshire Boulevard, Santa Monica, CA 90401
Information: (310) 576-7777  Reservations: (866) 540-4470
Website: http://www.fairmont.com/santa-monica/
Reservations: https://book.passkey.com/go/uscgouldlaw

The Fairmont Miramar combines historic elegance, a beachfront location and modern appointments, offering a beautiful swimming pool, swaying palm trees, sea breezes, exquisitely manicured grounds and casually elegant guest rooms and suites. This luxury oceanfront hotel will provide an unforgettable experience.

A limited number of rooms are available at the Fairmont Miramar at a special rate of $375 per night for single or double occupancy. Call the hotel reservations number by February 25, 2019 and mention the USC Gould School of Law to take advantage of this special rate.

PARKING
Parking at the hotel is very limited and may not be available when you arrive, so plan accordingly. Self-parking is available at the City of Santa Monica Parking Structures 2 and 4 (short walks from the Fairmont Miramar). You may also be able to reserve parking at nearby private lots using the ParkMe parking app. Additional information is available at http://www.downtownsm.com/parking or on our website at http://gould.usc.edu/cle/ip. Hotel parking, if available, costs $20.00 per day or $50.00 per night for overnight guests.

CHECK-IN AND BADGE PICK-UP
Check-in begins at 7:00 AM for the Institute on Tuesday and 12:00 PM for Monday’s Workshop. Badges will be held at Will Call in the Wedgewood Foyer on the ground level of the hotel.

DIETARY RESTRICTIONS AND SPECIAL ACCESS NEEDS
USC Gould School of Law welcomes the participation of individuals with disabilities at our continuing legal education events. If you require special accommodations or have any questions, please contact us at (213) 821-3580 or cle@law.usc.edu.

EXHIBITORS
Visit our website at http://gould.usc.edu/cle/ip/ for more information or contact Wendy Wiley Willett at (213) 821-3579 with questions. Exhibitor space is limited at this popular Institute, so sign up early!

CANCELLATIONS
All registrations and purchases are final and non-refundable.

QUESTIONS?
Call the USC Gould Continuing Legal Education Office at (213) 821-3580 or email cle@law.usc.edu.
registration form

USC GOULD SCHOOL OF LAW 2019 INTELLECTUAL PROPERTY INSTITUTE
MONDAY AND TUESDAY, MARCH 18-19, 2019
FAIRMONT MIRAMAR HOTEL & BUNGALOWS | SANTA MONICA, CALIFORNIA

Registrant Name: ________________________________________________
Occupation/Title: _______________________________________________
Organization/Law School: _________________________________________
Address: _______________________________________________________
City: ____________________________ State: ______ Zip: ____________
Telephone: ______________________ Email: ________________________

☐ Check here if you prefer not to share your contact information with our sponsors or partners.
☐ Check here if you are a USC alumnus (Class of ___________).

IP DAMAGES WORKSHOP (Monday, March 18)
☐ $175 IP Damages Workshop Registration

INSTITUTE REGISTRATION TYPES (Tuesday, March 19)
☐ $599 Early-Bird Registration (sent on or before February 15)
☐ $699 Standard Registration (sent after February 15)
☐ $499 Three or More Registrations from the Same Organization (each)
   (printed registration forms must be submitted together)
☐ $450 In House Counsel
☐ $329 Recent Law School Graduates (Classes of 2016-18) (submit proof of graduation)
☐ $300 Government Employee
☐ $250 Full-Time Law Students

Register for the Women in IP Breakfast Session (Tuesday, March 19)
☐ Yes ☐ No (No additional fee for registrants of Tuesday’s Institute)

INSTITUTE AUDIO RECORDINGS (Delivered after the Institute)
☐ $99 (Purchased with a Registration)
☐ $199 (Purchased without a Registration)

PAYMENT METHODS

1 Check: Mail checks payable to USC Gould School of Law with the completed registration form to:
USC Gould Continuing Legal Education
IPI19 Registration
699 Exposition Boulevard, Suite 326, Los Angeles, CA 90089
☐ Enclosed Check # ____________ $ ____________

2 Credit Card: Register and pay online at http://gould.usc.edu/cle/ip
   If you attended one of our recent Institutes, an existing online account is linked to your email address. Passwords can be reset or sent to you.

contact information

USC Gould School of Law – Continuing Legal Education
699 Exposition Boulevard, Suite 326, Los Angeles, CA 90089
Telephone: (213) 821-3580 Email: cle@law.usc.edu
Website: http://gould.usc.edu/cle

Office hours are 9:00 a.m. to 5:00 p.m. Pacific Time
Join 10 Federal judges, a prominent government official, leading academicians, in house counsel and top practitioners at Santa Monica Beach!

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