

Widener Law Review, Widener University Delaware Law School, presents:

Silence for Sale:

THE USES AND ABUSES OF
NON-DISCLOSURE AGREEMENTS,
NON-DISPARAGEMENT CLAUSES,
AND SECRET SETTLEMENTS



Friday, March 20, 2020

8:45 am – 5:00 pm

Distinguished Speaker: Burt Neuborne, Professor,
New York University School of Law

Widener University Delaware Law School
4601 Concord Pike, Ruby R. Vale Moot Courtroom
Wilmington, Delaware

Promises not to disclose information—often called non-disclosure agreements (NDAs)—are widely used in employment contracts, litigation settlements, and other contexts. In recent years, these agreements have come under intense scrutiny because of mounting evidence that the agreements have been used to suppress information of public concern, including information about sexual predators, dangerously defective products, and compromising details about candidates for public office. At the same time, NDAs are routinely used for legitimate purposes such as protecting trade secrets or sensitive financial information. The challenge is coming up with a regulatory regime—either statutory or judge-made—that effectively separates the wheat of legitimate NDAs from the chaff of illegitimate ones. That is the topic of this symposium, which explores the uses and abuses of contracts that suppress speech.

*6 1/2 CLE credits (includes 1 ethics credit) in Delaware and Pennsylvania.
New Jersey attorneys can self-report with Widener's Certificate of Attendance.*

8:00 am Registration Check-In

8:45–9:00 am Welcome

Rodney A. Smolla, Dean and Professor,
Widener University Delaware Law School

Rachel Sorrentino, Editor-in-Chief,
Widener Law Review

9:00–9:15 am Overview of the Program

Alan E. Garfield, Professor, Widener
University Delaware Law School

**9:15–10:45 am A View from the Trenches:
Practitioners Negotiating
and Litigating NDAs**

Moderator: Luke M. Scheuer, Associate
Professor, Widener University Delaware
Law School

Bebe H. Kivitz, Esquire, Kivitz & Kivitz, P.C.

Jeffrey I. Pasek, Esquire, Cozen O'Connor

Daniel W. Wolff, Esquire, Crowell & Moring, LLP

10:45–11:00 am Break (with refreshments)

11:00 am–Noon Distinguished Lecture

Burt Neuborne, Professor,
New York University
School of Law

12:00–12:45 pm Lunch—Barristers' Club

**1:00–2:20 pm How Should the Law
Regulate NDAs?**

Moderator: Stephen E. Friedman, Associate
Dean and Professor, Widener University
Delaware Law School

Miriam A. Cherry, Professor, St. Louis
University School of Law

Laurie Doré, Professor, Drake University
School of Law

David Hoffman, Professor, University of
Pennsylvania Carey Law School

**2:20–3:45 pm Does the First Amendment
Limit the Enforcement
of NDAs?**

Moderator: Alan E. Garfield, Professor,
Widener University Delaware Law School

Seth Kreimer, Professor, University of
Pennsylvania Carey Law School

Burt Neuborne, Professor, New York
University School of Law

Rodney A. Smolla, Dean and Professor,
Widener University Delaware Law School

3:45–4:00 pm Break

4:00–5:00 pm Ethical Issues in Drafting NDAs

Jon Bauer, Professor, University of
Connecticut School of Law

Payment Information —
*includes continental
breakfast & luncheon*

CLE Registration Fee \$200

Widener Law Alumni \$150

Students Free

Course materials will be
distributed electronically.

Online registration is required at
delawarelaw.widener.edu/lawreviewcle.

For questions or for accessibility or special
needs requests, contact Carol Perrupato at
DelawareLawCLE@widener.edu or
302-477-2178.