



*Transportation Lawyers
Association*

53rd

*Transportation Law
Institute*



Friday, November 13, 2020

Hotel Monteleone 🌸 New Orleans, LA

53rd Transportation Law Institute



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Friday, November 13, 2020
Hotel Monteleone – New Orleans, LA

Clark Monroe and Charlie Riley, 2020 TLI Program Chairs

The Transportation Lawyers Association 53rd Transportation Law Institute is scheduled for Friday, November 13 at the Hotel Monteleone in New Orleans, Louisiana. The educational program will cover aspects of corporate structure and risk analysis, impact of COVID-19 on transportation providers, cross border conflicts of law, contract drafting, terms and conditions, global trade disruption lessons learned, fraudulent claims issues in the United States and Canada, and an ethics panel addressing the ever-changing world of transportation viewed through the post-COVID-19 lens. Each panel will provide both legal and industry perspectives on the topics covered.



Program Location

Hotel Monteleone

214 Royal Street
New Orleans, LA 70130
(504) 523-3341

Hotel Rate: \$249 per night plus applicable taxes and fees
Make your reservations **online** today.

Reservation Deadline: Oct. 22, 2020.

It's been said that the French Quarter begins in the lobby of Hotel Monteleone. Guests have the best point of departure for all things New Orleans. Step outside this historic French Quarter hotel to discover shop after shop of fabulous European antiques, estate jewelry, oriental rugs, and art and antiquities from around the world. Quaint New Orleans restaurants and specialty shops line the French Quarter streets. Enjoy New Orleans tourist attractions just steps from the hotel, including Jackson Square, Bourbon Street, the French Market, and the Riverwalk, where you can watch the steamboats along the Mississippi River.

Please note the following information regarding hotel accommodations:

- Hotel rate: \$249 plus applicable taxes and fees.
- Reservation deadline is October 22.
- Reserve early as TLA's room block may be sold out prior to the October 22 reservation deadline.
- Make your **reservation online** or call 1-504-523-3341 and reference TLA.
- Check-in time is 4:00 p.m., and check-out time is 12:00 p.m.
- Reservations received after October 22 will be subject to availability and the hotel's prevailing rates and may not be allocated to TLA's room block.



Registration Brochure



Who Can Attend?

TLI is open to attorneys with an interest in transportation law, practice, or procedure.

Registration

The registration fee for the TLI includes the Thursday evening reception, attendance at the program sessions, the comprehensive program materials, breakfast on Friday morning, lunch on Friday, refreshments at each program break, and the Friday evening wine reception.

Pre-Registration

Register prior to Oct. 22, 2020

- Register online at <https://bit.ly/2MOGsxI>.
- Pay by check – mail the registration form and check payment to Transportation Lawyers Association (TLA), P.O. Box 723248, Atlanta, GA 31139.

Papers, proceedings, and an attendee list for those who have pre-registered will be distributed via email approximately one week prior to TLI and at the event upon on-site registration Friday morning.

On-Site Registration

On-site registration is available for those who miss the pre-registration deadline of October 22 but would like to attend the program. On-site registration will be open the morning of Friday, November 13, outside the meeting room.

We encourage pre-registration so that:

- You are included on the pre-registration roster available to attendees approximately one week prior to the event.
- You receive attendee-only emails related to TLI, including any information on a Dine Around and other ancillary activities.
- Program materials can be prepared for you, including a name badge, CLE form, etc.

Social Events

Thursday Evening Reception – 5:00 p.m.

A reception will be held at the Hotel Monteleone.

Friday Wine & Cheese Reception – 4:15 p.m.

Close out a fantastic day of exceptional CLE sessions with a wine and cheese reception at the hotel. Gather with your colleagues and toast another successful TLI.

Friday Evening Dine-Around – 6:00 p.m. and beyond!

At the conclusion of the TLI education sessions and wine event, enjoy a selection of 8-10 restaurants to choose from for a collegial dinner with your fellow TLA members and guests. We will be choosing a great selection of places which are unique in cuisine and experience. Nothing will be too far away from the hotel.

Saturday Event

The Creole Queen Historic River Cruise

1:30 p.m. - 4:30 p.m. Tickets - \$53

The Creole Queen is a traditional riverboat powered by a 24-ft diameter paddlewheel and New Orleans' only Historic River Cruise! Focusing on 300 years of New Orleans history, this cruise is narrated by a local historian who takes guests on a journey through the story of the city as we sail downriver to the Jean Lafitte National Historical Park and the historic Chalmette Battlefield. Highlights of the tour include the founding of the city by the LeMoyne brothers, the expansion of the city into the "French Quarters" of the Treme and Marigny, the Louisiana Purchase, and the critical Battle of New Orleans. A one-hour shore excursion at the battlefield features a guided tour and talk by National Park Rangers.

Boarding the Creole Queen begins at 1:30 p.m. for a 2:00 p.m. departure from the Spanish Plaza. Tickets include lunch on board.

Cancellations & Substitutions

A \$75 cancellation fee will be imposed upon cancellations received before October 22. Cancellations will not be accepted after October 22; however, substitutions will be allowed. Cancellations must be received in writing by mail or email (TLA-info@kellencompany.com).

Continuing Legal Education (CLE)

Accreditation will be requested for the 53rd Transportation Law Institute from every state from which participants indicate they will require CLE credit. As you are likely aware, each state has its own rules and regulations regarding program approval and attendance reporting, as well as its own definition of CLE.

Questions

Questions pertaining to the program agenda, registration, or continuing legal education accreditation should be directed to the TLA Executive Office at TLA-info@kellencompany.com.





The 53rd Transportation Law Institute Program Agenda

7:30 a.m. – 8:30 a.m.

Breakfast

7:30 a.m. – 5:00 p.m.

Registration Open

8:30 a.m. – 8:45 a.m.

Welcoming Remarks

John F. Wilcox Jr., *Shareholder/Director, Dysart Taylor Cotter McMonigle & Montemore, P.C., Transportation Lawyers Association President*

G. Clark Monroe II, *Member, DunbarMonroe, PLLC, 2020 TLI Program Co-Chair*

Charles E. Riley IV, *Partner, Simon Peragine Smith & Redfearn LLP, 2020 TLI Program Co-Chair*

8:45 a.m. – 9:45 a.m.

"You Could Almost See Other Dimensions": A Post-Pandemic International Transportation Tell-All

International trade has faced unprecedented challenges in the wake of COVID-19, and the "past doesn't pass away so quickly here." While trade routes may never be the same, one thing is certain – we can all benefit from "lessons learned" as transportation users and service providers emerge from global trade disruption. From demurrage recovery to cargo abandonment, storing containers in third-party yards while having to divert shipments to Canada (or elsewhere), cries of "force majeure" met with blank sailings, deliveries amidst stay-in-place orders, and vessels unable to call to port. "Around the corner, there's a promise of something daring and ideal and things are just getting going." Each panelist will address emerging international legal issues affecting the transportation industry post-pandemic, including best practices, e.g., in drafting contracts and shipping document terms and conditions, insurance coverage and litigation considerations, and what the global supply chain will look like post-COVID-19. (Quotations from Bob Dylan's "Chronicles, Volume One" about the time he spent in New Orleans in the late 1980s).

Moderator:

Stephanie S. Penninger, *Senior Director, Legal Counsel, XPO Logistics, Charlotte, NC*

Panelists:

Sarah Sweet, *Associate, Borden Ladner Gervais, Toronto, ON, Canada*

Pamela A. Palmer, *Member, Clark Hill LLP, Los Angeles, CA*

Derek H. Goodman, *Corporate Counsel, Expeditors, Seattle, WA*

Mark Newcomb, *Counsel and Vice President – Claims & Insurance, Americas, Canada and Caribbean Home Office, ZIM American Integrated Shipping Services Co. LLC, Norfolk, VA*

9:45 a.m. – 10:00 a.m.

Refreshment Break





The 53rd Transportation Law Institute Program Agenda

10:00 a.m. – 11:00 a.m.

Cross-Border Trade

The cross-border trade panel will consider the shipment of goods between the United States and Canada along with the conflicts of law that apply to contract negotiations, cargo claims, and unpaid freight.

Moderator:

M. Gordon Hearn, *Partner, Fernandes Hearn LLP, Toronto, ON, Canada*

Panelists:

Marc Blubaugh, *Partner, Co-Chair, Transportation & Logistics Practice Group, Benesch, Friedlander, Coplan & Aronoff, LLP, Columbus, OH*

Heather C. Devine, *Partner, Alexander Holburn Beaudin + Lang LLP, Toronto, ON, Canada*

Jeffrey R. Simmons, *Chief Legal Officer, GlobalTranz Enterprises, Inc., Phoenix, AZ*

11:00 a.m. – 12:00 p.m.

The Impact of California's AB5 and Its Progeny on Transportation Entities and Providers in a Post-COVID-19 World

The passage of AB5, a now notorious and progressive law passed in California which changes the dynamic of worker classification for the ground transportation sector, the transportation industry generally, and many other industries, was already slated to have a profound impact on the transportation industry. This was especially true for the bus, trucking, TNC, taxi, and for-hire vehicle industries – even before the COVID-19 pandemic. Now, the future application of this expansive law, and the desire of other states, such as New York, to follow California's lead, may

change. This session will track the history of AB5, its application to different transportation business models, and the various legal and political challenges in California to this sweeping law. Similarly, New York State was fast tracking various AB5-like versions of legislation for swift passage. Like many things, the COVID-19 pandemic placed these efforts on hold. Because the for-hire industry in New York City is very different from California, the debate in New York was shaping up to be a battle between highly regulated downstate interests versus less regulated upstate interests. Also, different viewpoints among driver groups that are pro-union and pro-independent contractor have emerged to frame the debate. COVID-19 had immediate and tragic public health impacts on our nation, and it will continue to have lasting economic impacts on the transportation industry. So too will many of the laws that were passed in hopes of mitigating the economic crisis caused by the pandemic. Some of the laws, including the CARES Act, have provisions that may continue to confuse classification issues as certain of its unemployment enhancements are being provided to independent contractor drivers. The panelists will also explore and debate whether laws like the CARES Act will change or impact the outcome of the AB5 debate for other states contemplating the protection of gig workers. Speakers will discuss the future direction of such laws and the potential litigation that may follow.

Panelists:

Matthew W. Daus, *Partner, Windels Marx, LLP, New York, NY*

Paul B. Mello, *Partner, Hanson Bridgett LLP, Walnut Creek, CA*





The 53rd Transportation Law Institute Program Agenda

12:00 p.m. – 1:00 p.m.

TLA Awards Luncheon

1:00 p.m. – 2:00 p.m.

A Collaboration of Competitors Exposing Fraud Claims

The panelists will review the efforts of four law firms that compete for business but came together to share knowledge, information, and strategy which ultimately led to the exposure of a large fraud ring setting up accidents with commercial vehicles. They will also discuss the efforts to defeat the medical funding companies that inflated the special damages resulting in far greater damages being paid by carriers and insurers on the claims. In addition, the panelists will explore the benefits of collaboration with lawyers/firms from other countries. For example, and in particular, in fraud cases, if a Canadian aspect can be identified, its laws (based on the English common law) offer extraordinary and very effective remedies not generally available in the United States – specifically with respect to the gathering of evidence and the freezing of assets. Attendees will be exposed to the methods utilized in identifying the fraud claims as well as the benefit of the collaborative efforts to both the industry and the firms involved. A change in attitude toward working with competitive firms for the betterment of the industry is not just a lofty goal but a real bottom line benefit.

Panelists:

James M. Dill, *Partner, The Dill Firm PLC, Lafayette, LA*

Douglas F. Best, *Partner, Miller Thomson LLP, Toronto, ON, Canada*

2:00 p.m. – 3:00 p.m.

Ethical Considerations of AI and Emerging Technologies for Transportation Professionals and Attorneys

The presenter will address the ethical considerations associated with the exponential increase in computing power and artificial intelligence (AI) being adopted by the transportation industry, including but not limited to, privacy concerns, retention of data, preemptive terminations of drivers, and the use of predictive analytics as a means to reduce accident frequency and severity.

Panelist:

James A. Wescoe, *Partner, Weber Gallagher Simpson Stapleton Fires & Newby LLP, Philadelphia, PA*

3:00 p.m. – 3:15 p.m.

Refreshment Break

3:15 p.m. – 4:15 p.m.

Assessing Your Client's Corporate Structure and Ways to Mitigate Risk of Loss in an Uncertain World

After attending this session, participants will be able to properly evaluate their client's corporate structure through the lens of risk mitigation. In addition, once participants have identified their client's risk exposures, they will be able to advise and implement proper methods to reduce these risks.

Moderator:

Kevin Brejcha, *Associate, Blich Westley Barrette, S.C., Oak Brook, IL*

Panelists:

Brian Mathis, *Managing Member, Mathis Law Group, Ft. Lauderdale, FL*

Christine Weingart, *Of Counsel, Zimmerman Kiser Sutcliffe, Orlando, FL*

Bridgette Blich, *Shareholder, Blich Westley Barrette, S.C., Windermere, FL*

See the full program agenda, including session speakers, hotel information, social functions, and register online beginning in mid-July.

Visit <https://translaw.org/Pages/Events.aspx>.

