

The 54<sup>th</sup>

# TRANSPORTATION LAW INSTITUTE



**November 12, 2021**

Metropolitan at the 9 | Cleveland, OH



*Transportation Lawyers  
Association*

# The 54<sup>th</sup> TRANSPORTATION LAW INSTITUTE



**The 54th Transportation Law Institute**  
**Friday, November 12, 2021 • Metropolitan at the 9 – Cleveland, OH**

Stevan Baxter and Allen Jones, 2021 TLI Program Chairs

**The Transportation Lawyers Association 54<sup>th</sup> Transportation Law Institute** is scheduled for Friday, November 12 at the Metropolitan at the 9 in Cleveland, Ohio. The educational program will cover a discussion led by the International Trade and Transportation Committee, a discussion on cargo led by the E-logistics and Commerce Committee, a casualty update, a cross-border ethics discussion to rival all ethics panels, a panel geared toward corporate issues in aviation and OTR cargo, and a labor and employment discussion. Each panel will provide legal and industry perspectives on the topics covered.



## Program Location

The TLA has contracted a room rate of \$215\* (\*plus applicable taxes and fees) per night for our members at the **Metropolitan at the 9**. Deadline to book your reservation and take advantage of this room rate is Oct. 20, 2021.

Make your reservation **online** today.

Nestled amidst the excitement of downtown Cleveland, the luxury Metropolitan at The 9 features 156 beautifully appointed hotel rooms designed to engage and inspire. Enjoy dining at AdegA, voted Best Downtown Cleveland Restaurant in 2015 and 2016, or unwind with a handcrafted cocktail at Azure Rooftop Lounge (open seasonally) while enjoying views of Lake Erie and the local cityscape. Tucked above the hotel lobby, Ledger Bar is made for conversation and people watching while sipping a refreshing beverage. The century-old bank vaults beneath the Cleveland Trust Rotunda are home to a luxury cocktail lounge, Vault, where you can enjoy a small plate menu and over 30 artisanal, hand-crafted libations fashioned by resident mixologists. Visit Alex Theater at The 9 to enjoy live performances featuring Cleveland's finest local entertainment.

# 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 attendance at the program sessions, the comprehensive program materials, continental breakfast on Friday morning, lunch on Friday, refreshments at each break, and the Thursday and Friday evening receptions.

## Pre-Registration

Register prior to Oct. 29, 2021

Register online at <https://events.translaw.org/2021/tli/home/>

Available presentations and pre-registered attendee list will be distributed online approximately one week prior to the TLI.

## Thursday Afternoon – Rock and Roll Hall of Fame

Sponsored by Benesch

Join us for an afternoon at the Long Live Rock Lounge! Cocktails and light appetizers will be served at the Lounge, which will be a staging ground for your self-guided tour. This event is free to the first 50 attendees. More details can be found on the website.

## Thursday Evening Reception

A reception will be held at the Metropolitan at the 9.

## Friday Wine & Cheese Reception

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

For those of you who plan to stay into the weekend, we will be arranging a Dine Around on Friday evening. Further information will be distributed to registered attendees as we approach the event.

## Late Night Friday

Sponsored by Benesch

After dinner cocktails at the Velvet Tango Room on Friday, November 12. More details on the website.

## Saturday Afternoon

Jump on a shuttle bus sponsored by Benesch and either enjoy lunch (on your own) at TownHall and explore the historical West Side Market and then check out a number of breweries within walking distance or enjoy lunch at L'Albatros and then enjoy one of Cleveland's world class museums – all walkable. More information on these events located on the event website. Please register for this event as we will need a number of the shuttle.

## Saturday Evening

Join your colleagues for a dinner at the Marble Room – a bank was restored and transformed into the one-of-a-kind Marble Room Steak and Raw Bar. It has a rich history that begins over 100 years ago. Please register if you will be attending so the appropriate reservation can be made. Dinner will be on your own.

## Continuing Legal Education (CLE)

Accreditation will be requested for the 54th 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. Certificates of attendance will be available on-site.

## 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](mailto:TLA-info@kellencompany.com).

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## The 54th Transportation Law Institute Program Agenda

**Friday, November 12**

7:30 a.m. – 8:15 a.m.

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### Continental Breakfast

7:30 a.m. – 5:00 p.m.

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### Registration Open

8:15 a.m. – 8:30 a.m.

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### Welcoming Remarks

Stevan R. Baxter, *Partner, Skoubye Nielson & Johansen LLC, Salt Lake City, UT,*  
*2021 TLI Program Co-Chair*

J. Allen Jones, *Senior Director, Legal Counsel, XPO Logistics, Inc., Dublin OH,*  
*2021 TLI Program Co-Chair*

Steven M. Canty, *Partner, Orleans Canty Novy, LLC, Chicago, IL,*  
*Transportation Lawyers Association President*

8:30 a.m. – 9:45 a.m.

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### Rocking the Boat: Should We Call a Lawyer When Our Cargo Ship Plugs the Suez Canal?

The mega-container ship Ever Given's blockage of the Suez Canal is a case study on the chain liability issues flowing from an international transportation disaster. The International Trade and Transportation Committee will lead a discussion on responding to international transportation disasters including such issues as government civil and criminal investigations into the disaster; strategies and defenses against claims for damages brought by governments, private third-parties and subrogated insurers; potentially liable parties; insurance coverage and other issues and employing crisis management measures to avoid reputational harm. This program will be presented by a panel including an attorney who represented many of the cargo owners on the Ever Given ship, an in-house attorney from one of the leading aviation insurance companies that deals with air disasters, an in-house attorney from a leading logistics company and a moderator. Each perspective will help our members to be better prepared to address and advise clients on any type of high-profile transportation disaster that occurs, whether it be international or domestic.

#### MODERATOR:

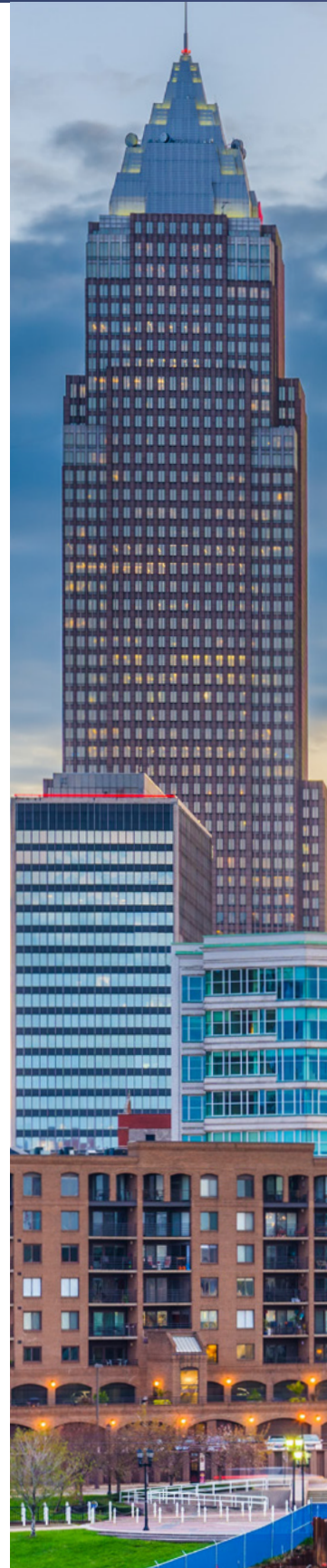
Peter Quinter, *Partner, GrayRobinson, P.A., Miami, FL*

#### PANELISTS:

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

Tracy Morris, *Asst. Vice President - Aircraft Products, AIG Aerospace, Atlanta, GA*

Jai Sharma, *Partner, Clyde & Co., London, UK*



## The 54th Transportation Law Institute Program Agenda

9:45 a.m. – 10:00 a.m.

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### Refreshment Break

10:00 a.m. – 11:15 a.m.

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### “Break on Through:” The Other Side of Cargo Claims

The panel will provide a brief review of cargo claims liability and pre-emption (under Carmack and FAAAA) including case law updates. The discussion will then focus on various claims that are often asserted in conjunction with cargo claims, but which fall outside the traditional scope of those claims such as delay damages and consequential damages. The panel will discuss the liability of different parties including brokers and carriers, and strategies for responding to claims for both parties.

#### MODERATOR:

Ryan Mahoney, *Attorney, Blich Westley Barrette S.C., Oakbrook, IL*

#### PANELISTS:

Spencer Critchett, *Associate Corporate Counsel, Visible Supply Chain Management, Salt Lake City, UT*

Brandon Maxey, *Attorney, Mayer LLP, Dallas, TX*

Mark Thornton, *Attorney, Skoubye Nielson & Johansen, LLC, Salt Lake City, UT*

11:15 a.m. – 12:30 p.m.

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### “Great Balls of Fire:” How to Avoid a Nuclear Verdict in Your Trucking Case

The Casualty Litigation Committee will lead a discussion on avoiding nuclear verdicts. The presenters will discuss strategies to defeat the plaintiff's playbook of driving up the value on any case. In many instances, the plaintiffs' bar is outworking the defense bar. It is critical to spot the weaknesses in your case at a very early stage, such as a bad venue, spoliation issues, DOT compliance problems, a lax safety program, post-accident driver discipline, bad witnesses, etc. The panel will offer critical insight on how to develop the right strategy to combat these problems using the best resources available.

#### MODERATOR:

Melissa Thompson Richardson, *Member, Walters Richardson PLLC, Lexington, KY*

#### PANELISTS:

Tom Reardon, *Partner, Reardon Anderson, LLC, Tinton Falls, NJ*

Patrick Foppe, *Partner, Lashly & Baer P.C., St. Louis, MO*

12:30 p.m. – 1:30 p.m.

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### Group Luncheon



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## The 54th Transportation Law Institute Program Agenda

1:30 p.m. – 2:30 p.m.

### “Dirty Deeds, Done Dirt Cheap:” What Not to Do Now, or...Well, Ever!

This year's ethics presentation will feature something a little different! Our multinational panel will focus on a variety of the practice issues facing lawyers today, and some prime examples of what not to do. In addition to canvassing ethics issues around modern practice in the COVID-19 era, the panel will also discuss ethics and practice issues from each of their national perspectives – including some of the more infamous stories to come out of each one! Join us for what should be an interesting take on professional ethics – or, as we'll see, the lack thereof.

#### MODERATOR:

Roger Watts, *Partner, Lindsay, LLP, Vancouver, BC, Canada*

#### PANELISTS:

Carlos Sesma, Jr., *Partner, Sesma Sesma & McNeese, Mexico City, Mexico*

Charles Riley, *Partner, Simon Peragine Smith & Redfearn, New Orleans, LA*

2:30 p.m. – 3:30 p.m.

### “Flying High, Laying Low:” Aviation Law in the COVID-19 Era

The Corporate Committee will discuss considerations in the post-COVID-19 shutdown world. Vaccinated business travelers who want to Fly Away (Lenny Kravitz) will have to evaluate business travel. Companies, executives, and those who seek to grow their business will have to evaluate the low percentage threat of COVID against the benefits of personal interactions and networking. The question will be: Should I stay, or should I go? (The Clash). Will profitable business travel resume to pre-COVID levels? How can suppliers, air carriers (air cargo, commercial, and general aviation), and investors in the industry, and its suppliers, adapt to the post-COVID era?

#### MODERATOR:

Heather Devine, *Partner, Alexander Holburn, Toronto, ON, Canada*

#### PANELISTS:

Nikhil Sathe, *Managing Director, Logisyn Advisors Inc., Mississauga, ON, Canada*

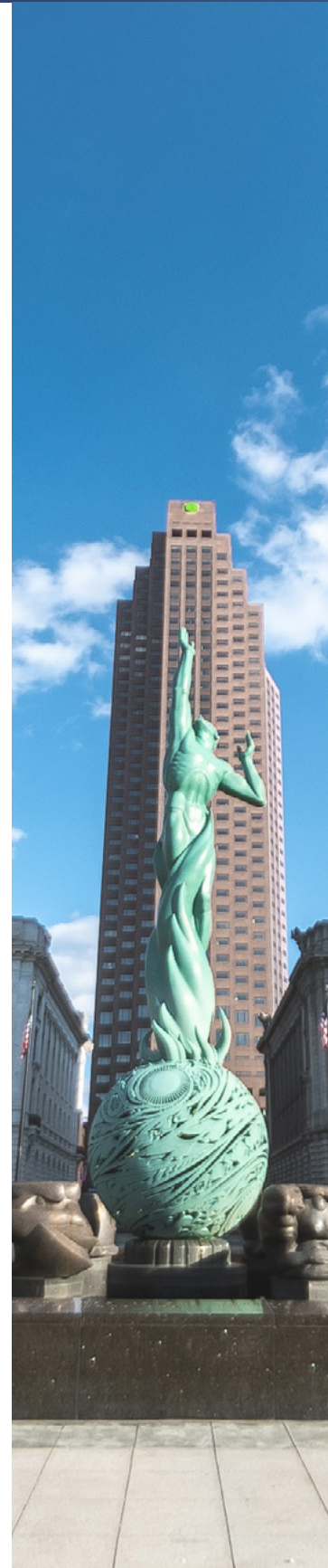
Callie Castillo, *Shareholder, Lane Powell, Seattle, WA*

Robert Brunnenmeir, *President, Flightpath Charter Airways, Woolwich, ON, Canada*

Alex Stovold, *Partner, Head of Aviation, DAC Beachcroft LLP, London, United Kingdom*

3:30 p.m. – 3:45 p.m.

### Refreshment Break



# REGISTRATION BROCHURE



## The 54th Transportation Law Institute Program Agenda

3:45 p.m. – 5:00 p.m.

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### Fast and Furious: The Biden Administration's Changes to Employment Laws Affecting the Transportation Industry

The Biden Administration has made several changes to labor and employment laws that impact the transportation industry. The Labor and Human Resources Committee will lead a fast-paced discussion reviewing the many changes already implemented, changes to look for in the future, and how these changes will impact employers and employees in our field.

#### MODERATOR:

Matt Austin, *Owner, Austin Legal, LLC, Columbus, OH*

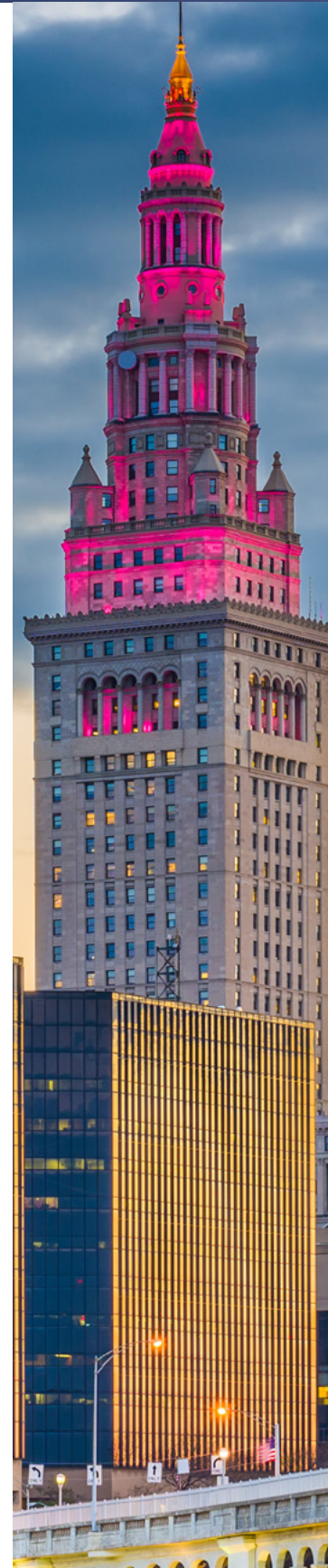
#### PANELISTS:

Nick Anderson, *Deputy General Counsel, Schneider, Green Bay, WI*

Joel Blich, *Shareholder, Blich Westley Barrette, S.C., Windemere, FL*

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

Visit <https://events.translaw.org/2021/tli/home/>



# The 54<sup>th</sup> TRANSPORTATION LAW INSTITUTE Registration Form



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To pay by credit card, please **register online**. Please note: Registrations completed online and paid by credit card will incur a 3% credit card fee in addition to the registration fee. Checks should be made payable to TLA, and mailed with the completed form to P.O. Box 723248, Atlanta, GA 31139.

**Pre-Registration Deadline: October 29, 2021**

## Registration Fees

- |   |  |                 |
|---|--|-----------------|
| <input type="checkbox"/> TLA Member \$350   | <input type="checkbox"/> RSVP: Thursday Afternoon - Rock and Roll Hall of Fame         | Quantity: _____ |
| <input type="checkbox"/> Non-member \$395   | <input type="checkbox"/> RSVP: Thursday Evening Reception                              | Quantity: _____ |
| <input type="checkbox"/> *Law Student \$100 | <input type="checkbox"/> RSVP: Saturday Afternoon - Shuttle bus, Lunch, Tours, Museums | Quantity: _____ |
|   | <input type="checkbox"/> Saturday Evening Dinner - Marble Room                         | Quantity: _____ |

\*Law students must provide the name of a current TLA member in good standing as a reference.

Reference Name: \_\_\_\_\_

\_\_\_\_\_  
Name and Title (please print)

\_\_\_\_\_  
Company/Firm Name

\_\_\_\_\_  
Street Address or P.O. Box Number

\_\_\_\_\_  
City State Zip/Mail Code Country

\_\_\_\_\_  
Email Address Telephone Number Fax Number

\_\_\_\_\_  
Emergency Contact: Name/Relationship Telephone Number

Special Dietary Needs/Allergies:  Vegetarian  Vegan  Gluten Free  Other: \_\_\_\_\_

From what state(s) will you be requesting CLE for this program? \_\_\_\_\_

**\$ \_\_\_\_\_ TOTAL ENCLOSED**

Check enclosed / Check Number \_\_\_\_\_ Made payable to TLA in U.S. Funds

Please complete this form and submit it with a check to:

TLA  
P.O. Box 723248  
Atlanta, GA 31139

To pay by credit card, **register online** through the TLA website.

### CANCELLATIONS & SUBSTITUTIONS

A \$75 cancellation fee will be imposed upon cancellations received before October 29. Cancellations will not be accepted after October 29; however, substitutions will be allowed. Cancellations must be received in writing by **email**.

**Don't forget to make your hotel reservations! Reserve online** or call 888-236-2427 or 216-239-1200 and mention TLA to receive our \$215 rate. The deadline to make reservations is Oct. 20, 2021.