

2020 NADC Fall Virtual Conference

October 26-27, 2020



CONFERENCE REGISTRATION

Join us for our virtual fall program which will offer innovative ideas and tackle the complex issues facing dealers and their counsel. **Registration is available [here](#).** The registration fee is \$250 per attendee and includes access to eight live sessions and archived video recordings of the sessions for 60 days, meeting materials, access to our virtual exhibitor hall, social networking opportunities and in-platform messaging opportunities.

Registration will be open until Friday, October 23rd.

If you wish to attend the day of, please email
jpolo-sherk@dealercounsel.com.

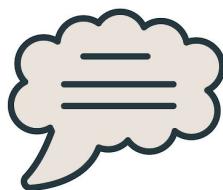
Cancellation Policy

Cancellation(s) of the 2020 NADC Fall Conference can be accommodated by NADC up to Monday, October 19, 2020 less a \$25.00 processing fee. After October 19, we are not able to process refunds.

CLE Credit

CLE Credit **may be available** for the 510 minutes of educational program **pending approval in your state** (8.5 general credits for states that calculate 60 minutes per credit; 10.2 for states that use 50 minutes per credit). Please make sure to check with your individual state bar associations regarding virtual credit requirements and whether or not you must attend the session live in order to obtain credit.

CLE credit will be applied towards the state or states entered in your online registration form. Contact Jennifer Polo-Sherk at jpolo-sherk@dealercounsel.com, for more information.



VISIT OUR EXHIBITORS!

At the virtual conference you will be able to "visit" sponsors and exhibitors to inquire about their services and products. You will have the ability to network with representatives by sending in-platform messages. We encourage everyone to stop by our partners' booths to see how our Associate Members are assisting dealers during these unprecedented times

HOW TO ATTEND OUR VIRTUAL CONFERENCE

Approximately one to two weeks prior to start of the conference, you will receive further instructions with a link to log in to the virtual conference (you must register first to receive this link). When you receive this link, hit 'Log In' and type the email address you used to pay for your registration.

We are using the Pathable platform which utilizes Zoom for web conferencing. To attend a virtual meeting on the Pathable platform, we strongly recommend using Google Chrome or Microsoft Edge browsers. Due to limitations within Zoom, attendees in Safari, Firefox, or other browsers may have to dial in via telephone in order to hear the meeting audio. Telephone dial-in numbers are provided once you join the broadcast.

Alternatively, if you have Zoom already downloaded, you will have an option to open the meeting within the Zoom program.

System Requirements for Attending a Pathable Powered Event

- Desktop or laptop computer (note: most computers purchased within the past few years will exceed the minimum requirements stated below.)
 - Operating System:
 - Mac: Mac OSX 10.7 or later
 - Windows: Windows 10, 8, 8.1, 7, Vista (SP1 or later), XP (SP3 or later)
 - Ubuntu: 12.04 or later
 - Linux: Red Hat Enterprise Linux 6.4 or higher
 - Processor / RAM:
 - Single Core 1Ghz or higher (Dual core 2Ghz or higher, 4G RAM recommended)
 - Web Browser:
 - Windows: Chrome 72+, Edge 84+, Firefox 27+, or IE 11+
 - Mac: Chrome 30+, Safari 7+Edge 84+, or Firefox 27+
 - Linux: Chrome 30+, Firefox 27+
 - Internet Connection:
 - 1.5 Mbps "up" minimum (3+ Mbps "up" recommended). Note: wireless speeds are lower than your ISP's advertised speeds. You can use speedtest.net to test your speeds on your computer.
 - Mobile Web:
 - Smartphone with web browser (Chrome, Edge, Firefox, or Safari recommended)

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Thank you for supporting NADC and thank you to our current sponsors.

Virtual Session Sponsors



General Sponsors



*Associate Members interested in sponsoring? Contact jpolo-sherk@dealercounsel.com

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Conference Schedule

MONDAY, OCTOBER 26

9:00 to 9:30 am ET

Opening Remarks and Member's Business Meeting

9:30 to 11:00 am ET

Session 1: NADA Update

Andy Koblenz, NADA

Paul Metrey, NADA

In this session, NADA attorneys Andy Koblenz and Paul Metrey will provide an overview of numerous federal regulatory challenges confronting auto dealers in the areas of finance, privacy, tax, trade, fuel economy, and COVID-19 relief. Ample time will be set aside for questions.

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11:00 to 11:30 am ET

Exhibit Hall Break

11:30 to 12:30 pm ET

Session 2: Creampuffs, Sleds and Clunkers – Used Vehicle Sales – Legal Issues and Answers

Randy Henrick

Terrence O'Loughlin, Reynolds & Reynolds

Used vehicle selling has become a larger portion of many dealers' businesses and presents unique and difficult compliance challenges perhaps, especially, due to the pandemic. This session will identify the key issues and provide remedies, along with documentation solutions. Issues to be addressed include: "As Is" sales and warranty requirements, prior use and damage disclosures, certified pre-owned vehicles, used car buyers guide, titling, and odometer tampering, among others.

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12:30 to 1:30 pm ET

Lunch Break

1:30 to 2:30 pm ET

Session 3: TCPA 2020: Dealerships Under Attack

Lisa Messner, Mac Murray & Shuster

Michele Shuster, Mac Murray & Shuster

Marketing to consumers has never been more challenging and fraught with risk. Amid increasing TCPA class action filings targeting auto dealers, conflicting court rulings and FCC Declaratory Rulings, the U.S. Supreme Court is reviewing the interpretation of the TCPA. Now what? Through a discussion of relevant and high-profile case

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studies, participants will learn strategies for defending this type of unique litigation and receive practical guidance on avoiding TCPA liability pitfalls while proactively managing risk.

2:30 to 3:00 pm ET

Exhibit Hall Break

3:00 to 4:00 pm ET

Session 4: The Dealership Workplace of the 2020's: Handling Diversity, Appearance, and Hiring Issues in an Ever-Evolving World ... Without Getting Sued by Employees

Jack Schaedel, *FordHarrison LLP*

Rick Warren, *FordHarrison LLP*

Kimberly Ross, *FordHarrison LLP*

The main topics for this session will include: diversifying your clients' management teams (possible inclusion of manufacturer initiatives on women- and minority-owned dealerships); appearance discrimination; environmental issues in the 2020's (as the #MeToo movement evolves, what will be the new challenges for dealers in the new decade?).

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4:00 pm ET

Adjourn for Day

TUESDAY, OCTOBER 27

9:30 to 10:30 am ET

Session 5: Digital Issues Update: OEM Data Sharing Agreements – What Dealer Lawyers Should Know

Brad Miller, *NADA*

Dealers are being asked to provide more and more information to their manufacturers, and at the same time they see a real need to obtain data from the vehicle and elsewhere from the OEM.

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This sharing raises serious issues for dealers and this session will focus on the legal and regulatory issues raised by dealer and OEM data sharing agreements, including a discussion of the common legal issues raised for dealers and consumers by these agreements as well as an in-depth overview of specific OEM data agreements and proposals.

10:30 to 11:00 am ET

Exhibit Hall Break

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11:00 am to 12:00 pm ET

Session 6: Dealership Disruption, Valuation and Damages Update: Under the Hood

Stephen Dietrich, *Holland & Knight*

Adam Lawyer, *Dixon Hughes Goodman*

This session will discuss the current state of dealership values, the dealership acquisitions market, common buy/sell contract disputes and potential causes of damages in a dealership setting.

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12:00 to 1:00 pm ET

Lunch Break

1:00 to 2:00 pm ET

Session 7: Breaking the Cycle: The Importance of Enabling a DMS Independent Dealership

Travis Peterson, *OneView*

The goal of this presentation is to inform dealership counsel about all of the ways a dealer may be caught off guard by a DMS or a certain set of circumstances where access to, retention and ownership of, data is critical. The counsel's role is to protect the dealer, implement a third-party document management system and avoid being on the wrong side of real-world scenarios.

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2:00 to 2:30 pm ET

Exhibit Hall Break

2:30 to 3:30 pm ET

Session 8: Pandemic, Riots, and Cyberattacks: What Every Dealer Counsel Should Know About Insurance Coverage for Emerging Risks

Meghan Finnerty, *Offit Kurman*

This session will address: the status of coverage claims and litigation over COVID-19 business interruption, liability, and property claims; insurance issues relating to losses from riots and vandalism; and recent litigation over coverage for cyber attacks. In addition, we will provide practical advice for the general practitioner in how to protect and maximize insurance coverage for losses.

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3:30 pm ET

Adjourn for Day