

Mark Your Calendar!

2019 Fall Conference

October 27-29, 2019

The Ritz-Carlton, Chicago • Chicago, IL



NADC
1800 M Street, NW
Suite 400 South
Washington, DC 20036
Phone: 202-293-1454
Fax: 202-530-0659
www.dealercounsel.com

REGISTER TODAY!
[Click here.](#)



Conference Registration

Members are welcomed to join us for our fall program which will include innovative ideas and tackle the complex issues facing dealers and their counsel. Registration is available [here](#). The registration fee is \$495 per attendee and includes meeting materials, sessions and meal functions.

Cancellation Policy

Cancellation(s) of the 2019 NADC Fall Conference can be accommodated by NADC up to Friday, September 27, 2019 less a \$25.00 processing fee. After September 27, we are not able to process refunds.

CLE Credit

CLE Credit may be available for the 660 minutes of educational program *pending approval in your state* (11 general credits for states that calculate 60 minutes per credit; 13.2 for states that use 50 minutes per 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.

Travel Plans

Please arrange your travel to join NADC at the opening cocktail reception on Sunday, October 27 from 6:00 – 7:30 pm. The conference will conclude on Tuesday, October 29 at 12:45 pm. Only a select number of rooms are available pre and post the meeting dates. Please make your reservations today to secure additional dates if available.

REGISTER TODAY!

[Click here.](#)

Hotel Reservations

The NADC room block at **The Ritz-Carlton, Chicago** is sold out. Please contact jpolo-sherk@dealercounsel.com if you would like to be added to the waitlist.



Airport Transportation

Depending on traffic and weather, the Chicago O'Hare International Airport (ORD) is approximately 30 to 60 minutes; Midway International Airport (MDW) is approximately 30 to 45 minutes.

To arrange limousine service, please contact The Ritz-Carlton, Chicago concierge prior to arrival.

Weather

Average High Temperature: 58°F (14°C)

Average Low Temperature: 41°F (5°C)

Despite what the averages say, weather during this month can vary. Packing layers of clothing is recommended.

Suggested Dress

Dress for all conference events is business casual.

QUESTIONS?

Contact Jennifer Polo-Sherk at jpolo-sherk@dealercounsel.com



SUNDAY, OCTOBER 27

3:00 - 5:00 pm

Senica
Board Meeting

5:30 pm

Lakeside
New Member Reception

6:00 - 7:30 pm

Lakeside
Reception
Sponsored by:



MONDAY, OCTOBER 28

7:30 am

The Grand Foyer
Registration

7:30 - 8:30 am

St. Clair Ballroom
Breakfast
Co-Sponsored by:



7:30 - 8:30 am

Ritz-Carlton Ballroom Salon BC
In-House Counsel Breakout Session: The Growing Threat of Forced Disclosure of Attorney Communications with Dealer Association Clients

Moderator: Richard N. Sox, *Bass Sox Mercer*
Jason T. Allen, *Bass Sox Mercer*
James T. Fleming, *Connecticut Automotive Retailers Association*
Matthew Larsgaard, *Automobile Dealers Association of North Dakota*

In this session, recent attempts by OEMs to force production of attorney communications with their dealer association clients and court decisions will be discussed. The panelists have first-hand knowledge of the issue as they were each involved in those recent litigation matters. Current law surrounding attorney-client privileged communications will be addressed along with strategies for ensuring that dealer association communications with their lawyers are maintained as privileged.

8:30 - 8:45 am

Ritz-Carlton Ballroom
Opening Remarks

8:45 - 10:15 am

Ritz-Carlton Ballroom
Session 1: NADA Update
Andrew Koblenz, *NADA*
Paul Metrey, *NADA*

During this session, NADA attorneys Andy Koblenz and Paul Metrey will highlight an array of salient and breaking federal regulatory developments affecting auto dealers, including the FTC's proposed amendments to the Safeguards Rule, the Military Lending Act, the proposed ABA resolution on indirect auto financing, the effect of the interest deduction limitation on bonus depreciation, trade and tariffs, fuel economy, and more.

10:15 - 10:30 am

The Grand Foyer

Break

Monday Breaks Co-Sponsored by:



DEALERLAW.COM



10:30 - 12:00 pm

Ritz-Carlton Ballroom

Session 2: The Code of Kyrptonite: Ethical Limitations on Lawyers' Superpowers

Stuart Teicher, *CLE Performer*

Did the drafters of our ethics code believe that lawyers are superheroes? It seems so. In this unique program, Stuart Teicher, Esq. (the "CLE Performer") weaves together talk of superpowers, superheroes, and other fun stuff to explain important ethics rules and explore both the breadth and limitations on a lawyer's power. Topics include:

- The allocation of decision-making authority between lawyer and client (Rule 1.2)
- The rule about withdrawing from representation (Rule 1.16)
- Our duties as an advisor (Rule 2.1)
- How "Zealousness" has lately been seen as the tool of villains, rather than heroes.

12:00 - 1:00 pm

Saint Clair Ballroom

Lunch

Co-Sponsored by:



1:15 - 2:15 pm

Ritz-Carlton Ballroom

Session 3: Dealer Advocacy, From Sacramento - Washington, DC: An Interview with NADA President, Peter Welch

Peter Welch, *NADA President*
Rob Cohen, *Arent Fox, LLP*

2:15 - 2:30 pm

The Grand Foyer

Break

2:30 - 3:30 pm

Ritz-Carlton Ballroom

Session 4A: Issues Impacting the Independent Dealer

Adam Crowell, *ComplyNet*

What keeps independent dealers up at night? What opportunities for success lie at their doorstep? This discussion will cover a range of topics such as the federal and state legislation and regulation uniquely impacting independent dealers, enforcement actions touching the industry, and the status subprime marketplace.

St. Clair Ballroom

Session 4B: Dealership Preparation for New Privacy Laws

Monica Baumann, *Scali Rasmussen*
Alisa Reinhardt, *California New Car Dealers Association*

This presentation will cover the California Privacy Act of 2018 and how compliance with the Act is likely to affect dealerships around the country as manufacturers and lenders work to be in compliance. CNCDA's



Regulatory Affairs Director Alisa Reinhardt will cover the history of the bill, implementation in California, and updates at the federal level. Scali Rasmussen's Monica Baumann will discuss what kinds of rights the new law provides California consumers as well as the causes of action it provides for customers.

3:30 - 4:00 pm
The Grand Foyer
Break

4:00 - 5:00 pm
Ritz-Carlton Ballroom

Session 5A: The Habits of Highly Effective Outside Counsel: An In-House Counsel Perspective

Moderator: Johnnie Brown, *Pullin, Fowler, Flanagan, Brown & Poe PLLC*
Katherine Kelley, *CarMax*
Harold Oehler, *Lazydays RV*
Steve Straske, *Feman Management Services Corporation*

What are the habits of highly effective outside counsel? Join us for this roundtable discussion to get perspectives from in-house counsel as well as practical recommendations for how to best work with outside counsel.

St. Clair Ballroom

Session 5B: New Technology in Fraud Detection and Prevention . . . A Case Study

Adam Rosenfield, *Rosenfield & Company*
Ken Rosenfield, *Rosenfield & Company*
Michael Semanie, *Kiigore, Pearlman, Semanie, Denius & Squires P.A.*

Using a real live case study, panelists will discuss how to use new data extraction technology in detecting fraud, as well as Benford's law.

5:00 - 6:30 pm
Lakeside
Reception

Co-Sponsored by:



TUESDAY, OCTOBER 29

8:00 am
The Grand Foyer
Registration

8:00 - 9:00 am
The Grand Foyer
Breakfast
Sponsored by:



9:00 - 10:00 am
Ritz-Carlton Ballroom

Session 6: Websites and The Americans With Disabilities Act: Recent Website Accessibility Concerns for Dealerships

Doug Greenhaus, *NADA*
Kaye Lynch Sparks, *NADA*
Frank Hamner, *Holler and Classic Family of Automotive Dealerships*

There has been a recent uptick in claims made against dealerships and other businesses involving whether and to what degree their public-

facing websites must be made accessible to the disabled public under the Americans with Disabilities Act (ADA). This session will review website accessibility issues highlighting recent claims activity and NADA's efforts to work with the U.S. Department of Justice, vehicle manufacturers, website vendors, dealerships, and other interested parties to address the legitimate concerns of customers with visual or motor skill impairments. Particular attention will be placed on how to address legal claims that arise and on potential cost-effective website accessibility strategies for dealerships.

10:00 - 10:15 am
The Grand Foyer
Break



Tuesday Breaks Sponsored by:

10:15 - 11:15 am
Ritz-Carlton Ballroom

Session 7: NHTSA Regulatory Developments
Jonathan Morrison, *Chief Counsel of NHTSA*

11:15 - 11:30 am
The Grand Foyer
Break

11:30 am - 12:30 pm
Ritz-Carlton Ballroom

Session 8: Combatting Constructive Termination: Lessons from an Ohio BMW-MINI Case

Christopher DeVito, *Morganstern, MacAdams & DeVito Co., L.P.A.*
Patrick Anderson, *Anderson Economic Group LLC*

Patrick L. Anderson and Christopher DeVito present a case study on their successful BMW-MINI litigation in Ohio. This case illustrates best practices for dealers and their attorneys that are contesting manufacturer decisions regarding dealer performance evaluations, approval of new dealer-principals, review of buy-sell agreements, and the use of right-of-first-refusal clauses to constructively terminate a dealer's interest.

The presenters will walk through the key lessons learned in this important case, which involved an effort by a manufacturer, purportedly based on fulsomely documented performance evaluations, to prevent the sale of a dealership to a well-qualified individual. The case study illustrates how effective pleading, discovery, and expert testimony can overcome manufacturer decisions that are based on incomplete or faulty data. As the use of data analytics in automotive and other industries grows, the importance of these lessons will increase as well.

12:30 - 12:45 pm
Ritz-Carlton Ballroom
Closing Remarks

Additional Sponsors	
<p>Candy:</p>	<p>Conference Bag:</p>
<p>Conference Gift:</p>	<p>Flash Drive:</p>
<p>Lanyard:</p>	<p>Monday & Tuesday WiFi:</p>



Popular Attractions:

360 CHICAGO

Take the fastest elevator in the city to the 94th floor of the iconic John Hancock Building for 360 views of Chicago's skyline and Lake Michigan from 1000 feet above Magnificent Mile. If you're looking for more excitement, check out Chicago's highest thrill ride, TILT, an enclosed moving platform that tilts you out over Michigan Avenue from the 94th floor.

Address: 875 N Michigan Avenue, Chicago IL 60611
Contact: (888) 875-8439
www.360chicago.com

SHEDD AQUARIUM

Visit Chicago's accredited aquarium, which is home to over 32,000 animals including dolphins, stingrays, beluga whales, sea turtles and sharks and learn how Shedd is working toward a world thriving with aquatic life, sustained by people who love, understand and protect it.

Address: 1200 S Lake Shore Dr., Chicago, IL 60605
Contact: (312) 939-2438
www.sheddaquarium.org

MAGNIFICENT MILE

The eight-block stretch of downtown North Michigan Avenue is Chicago's premier shopping destination. From designers to department stores, you'll find anything you could need or want here which explains the attraction of both tourists and locals alike. The mile is also home to many extravagant restaurants, hotels and attractions.

Address: 625 N Michigan Ave., Chicago, IL 60611

MUSEUM OF SCIENCE AND INDUSTRY

Housed in the only building constructed for the 1893 World Fair that remains at the original site, Chicago's Museum of Science and Industry is the largest science museum in the Western Hemisphere, a historic landmark and a must-see.

Address: 57000 S Lake Shore Dr. Chicago, IL 60637
Contact: (773) 684-1414
www.msichicago.org



Popular Restaurants:

AU CHEVAL

A diner-style bar and restaurant with a passion for eggs, Au Cheval elevates traditional diner fare. Guests can indulge in dishes ranging from chopped chicken liver and roasted bone marrow, to traditional sandwiches, egg-focused entrees, and the signature cheeseburger. The bar program showcases strong, classic cocktails including the Horse's Neck, Vieux Bonal, and Hemingway's Daiquiri. A robust draught beer list offers a wide range of neighborhood, domestic, and international selections. The dimly lit restaurant, pulsating with a vintage reel-to-reel soundtrack, features dark leather booths, dark wood paneling, and a zinc bar wrapped around the open kitchen.

Address: 800 W Randolph St., Chicago, IL 60607
Contact: (312) 929-4580
<http://auchevaldiner.com/chicago/>

QUARTINO

Quartino is a bustling downtown Chicago restaurant and wine bar noted for its distinctive Italian small-plates menu, vintage décor, and attentive, personable service staff.

Quartino's menu features Italy's regional specialties including artisanal salumi, Neapolitan thin-crust pizza, house-made pasta, and seasonal dishes. Menu items, served in moderate portions and meant to be shared, are perfect for adventurous diners ready for a unique experience.

Address: 626 N State St., Chicago, IL 60654
Contact: (312) 698-5000
<https://www.quartinochicago.com/>

GIRL & THE GOAT

Girl & The Goat opened in summer of 2010 with the goal of serving a family style menu of tasty, bold flavored foods with global influence in a fun and lively setting that makes our guests feel at home from the moment they walk in the door. To enhance the experience, we offer a selection of wines from around the world with a focus on small producers, a rotating list of craft beers with a celebration of local Chicago breweries and a list of fun cocktails created by our bartenders. The menus are extensive and have a little something for everyone, and our staff is happy to help create the perfect dining experience for every guest that joins them.

Address: 809 W Randolph St., Chicago, IL 60607
Contact: (312) 492-6262
<https://girlandthegoat.com/>

CHICAGO CUT STEAKHOUSE

Chicago Cut is dedicated to putting culinary flair back into Chicago's upscale restaurant scene. That requires a unique menu, an unmatched wine list, and a modern twist on the traditional steakhouse setting.

Address: 300 N LaSalle, Chicago, IL 60654
Contact: (312) 329-1800
www.chicagocutsteakhouse.com

QUESTIONS?

Contact Jennifer Polo-Sherk at jpolo-sherk@dealercounsel.com