



2021 NADC Fall Conference October 24-26, 2021

The Ritz-Carlton Chicago
Chicago, IL

A stylized illustration of the Chicago skyline. The buildings are rendered in a flat, geometric style with various colors including red, white, grey, and black. The Willis Tower is the most prominent building in the center. The skyline is set against a light blue background. Above the skyline is a red banner with the word "CHICAGO" in white, bold, sans-serif capital letters.

CHICAGO

Mark Your Calendar!
Registration Deadline is October 20, 2021.

2021 NADC Fall Conference
October 24-26, 2021
The Ritz-Carlton Chicago
Chicago, IL



CHICAGO

CONFERENCE REGISTRATION

Join us for our fall program which will include innovative sessions that will tackle the complex issues facing dealers and their counsel.

The registration fee is \$595 per attendee and includes meeting materials, sessions, and meal functions. Registration will close Wednesday, October 20, 2021. [Click here to register.](#)

Cancellation Policy

Cancellation(s) of the 2021 NADC Fall Conference can be accommodated by NADC up to Friday, October 15, 2021, less a \$25.00 processing fee. After October 15, we are not able to process refunds.

CLE Credit

CLE Credit will be available for the 600 minutes (this includes the morning breakout) of educational program pending approval in your state (8.5 general credits and 1.5 ethics credits for states that calculate 60 minutes per credit; 10.2 general credits and 1.8 ethics credits 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 Kira Forster at Kforster@dealercounsel.com for more information.



NADC COVID-19 Code of Conduct

Due to the ongoing COVID-19 pandemic, we have taken several precautions to minimize risk in attending the 2021 NADC Fall Conference.

If you choose to attend in person, you agree that you will abide by the following standards:

- Do not travel if you are sick
- Do not attend the conference if you feel sick
- Wash your hands frequently
- Follow all posted venue guidelines including, but not limited to, social distancing guidelines, mask guidelines and traffic-flow signs
- Abide by the current City of Chicago ordinances* pertaining to COVID-19 guidance during your time in Chicago even if these ordinances differ from the State of Illinois Executive Orders
- Use provided hand sanitizer stations
- Be considerate - be kind

*Please note that while on the premises of the Ritz-Carlton, Chicago any violation of the current mandates/city ordinances pertaining to COVID-19 or otherwise, may result in removal from the premises without the ability to return.

Your registration indicates your understanding and acceptance of the terms of this Code of Conduct. You further understand and accept that should you violate the terms of the Code of Conduct and are asked to leave the premises; you will not be issued a refund of any fees paid to NADC.

By completing my 2021 NADC Fall Conference registration, I agree that I have read, understand, and agree to the NADC COVID-19 Code of Conduct and will abide by these regulations while participating in the 2021 NADC Fall Conference.

Please note: In alignment with the CDC's guidance, Chicago is now mandating that businesses require masks for everyone (including both customers and staff), regardless of vaccination status, in all public indoor settings. We will inform you if the mandate changes.

TRAVEL PLANS

Please arrange your travel to join NADC at the opening cocktail reception on Sunday, October 24 from 6:00 - 7:30 pm. The conference will conclude on Tuesday, October 26 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.

Hotel Reservations

Due to high demand, please make your hotel reservation at The Ritz-Carlton, Chicago as soon as possible to avoid the room block selling out. Hotel reservations may be made online [here](#) to receive the group rate of \$329 per night plus applicable taxes when booked by October 1, 2021. Rates are subject to availability. You may also call 800-542-8680 and ask to book under the code NAD for the NADC Fall Conference.

Please note that room availability outside of the peak conference nights (10/24 and 10/25) are limited. **The group rate is available until Friday, October 1st, unless it sells out earlier!**

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.



The Ritz-Carlton Chicago, Chicago, IL
106 E. Pearson Street
Chicago, IL 60611
United States

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Thank you to our current sponsors.



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The Ritz-Carlton Chicago
Chicago, IL



CHICAGO

Conference Schedule

SUNDAY, OCTOBER 24

3:00 to 5:00 pm • Salon BC
Board Meeting

5:30 PM • Lakeside
New Member Reception

6:00 to 7:30 pm • Lakeside
Reception

MONDAY, OCTOBER 25

7:30 am • The Grand Foyer
Registration

7:30 to 8:30 am • St. Clair Ballroom
Breakfast

8:30 to 9:00 am • The Ritz-Carlton Ballroom
Opening Remarks and General Meeting of Members

9:00 to 10:30 am • The Ritz-Carlton Ballroom
Session 1: Ethics Session: The Tech Never Stops
Stuart Teicher

Technology continues to advance in the practice of law and that means that the ethical concerns continue to grow. Plus, a post-COVID world is going to increase the need to use new technologies — or rely more on technology. That's going to bring up competence issues (Rule 1.1). As a result, you need to make sure that you address your own continued competence. All lawyers need to make sure we understand how to use all of the latest platforms whether it be Zoom, or something similar. And, of course, we all need to be sensitive to the ethical implications of using these platforms. Everyone, regardless of our length in the practice, must abreast of the changes in the platforms, because they are being updated all the time.

In addition to the new technologies, there is an important inflection point about which we all must be aware — the place where competence, supervision, and communication converge. For the seasoned attorneys, remember that the only way you'll be able to adequately supervise your associates when they use these platforms is if you have an intimate understanding of the technology yourself. For the associates coming into the practice during these tumultuous times, remember that technological competence is only part of the challenge. Being able to advance to the next level in the firm requires understanding how that technology impacts your ability to communicate with the client.

10:30 to 11:00 am • The Grand Foyer
Break

11:00 am to 12:00 pm • The Ritz-Carlton Ballroom
Session 2: The Closing Day
Charles Gallear, *Arent Fox LLP*
Ken Rosenfield, *Rosenfield & Company PLLC*

Charles Gallear of Arent Fox, LLP and Ken Rosenfield, Rosenfield & Company PLLC will present to In-House Counsel group for breakout on "the closing day" what to expect, problems that show up, negotiating at the closing table, and preparing the closing statement.

12:00 to 1:00 pm • St. Clair Ballroom
Lunch

1:15 to 2:15 pm • The Ritz-Carlton Ballroom
Session 3: 3 Questions Dealers Must Answer in the Affirmative (Or Face Extinction over the Next Decade)
Shawn Mercer, *Bass Sox Mercer*
Richard Sox, *Bass Sox Mercer*

Presentation will address three questions that are of paramount concern to dealers and dealer lawyers:

- 1) Will dealers remain relevant?
This section will address changes in technology, direct sales, network consolidation, benefits of the dealer model and the importance of measured legislative efforts.
- 2) Will dealers remain profitable?
This portion of the program will discuss shrinking margins, delivery centers, incentive programs, allocation concerns, facility demands and direct competition.
- 3) Will dealers remain independent?
The third section touches on factory efforts to regulate dealer behaviors through control of data, staffing independence, rights of first refusal, over the air updates, etc.
- 4) Why dealers will survive for the foreseeable future.
The session concludes with a discussion of why the continued efforts of dealers, dealer associations and their competent dealer counsel can keep the dealer model viable for years to come.

2:15 to 2:30 pm • The Grand Foyer
Break

2:30 to 3:30 pm • The Ritz-Carlton Ballroom

Session 4: COVID-19: Wrapping Up and Lessons Learned

Doug Greenhaus, *NADA*
Kaye Lynch-Sparks, *NADA*

NADA will give a status update of federal laws and programs relating to paid employee leave, employee and customer health and safety, and financial programs developed in response to COVID-19. In addition to remaining legal and practical issues, we will discuss future compliance and policy challenges impacting dealership operations evolving from the COVID-19 experience.

3:30 to 4:00 pm • The Grand Foyer

Break

4:00 to 5:00 pm • The Ritz-Carlton Ballroom

Session 5: What Do I Owe You? Comprehensive Compensation Guidance for Automotive Dealership Employees

Katharine Batista, *Offit Kurman, P.A.*
Ari Karen, *Offit Kurman, P.A.*

In 2021, automotive dealerships have adapted to a changed new landscape shaped by the pandemic and its manufacturing repercussions, a labor drought, and new laws and regulations from the Biden Administration. Ari Karen and Katharine Batista will provide a comprehensive guide on properly paying employees in response to increased wages, and new rules regarding classification and proper minimum wage and overtime payments. Mr. Karen and Ms. Batista will also discuss balancing competitive pay with adherence to wage and hour laws, including bonus structures and employee agreements, modified job positions adapted to new consumer demands and generally how to incentivize employees while proactively protecting your dealership from legal exposure.

5:00 to 6:30 pm • Lakeside

Reception

TUESDAY, OCTOBER 26

7:30 to 8:30 am • St. Clair Ballroom

Breakfast

7:30 to 8:30 am • The Ritz-Carlton Ballroom, Salon BC

Tax Breakout Session

Allen Magee, *Dixon Hughes Goodman LLP*
John Gee, *Dixon Hughes Goodman LLP*

2021 Tax Update

This presentation will cover important accounting and tax planning topics for dealerships and their owners. It will also provide information on the tax impacts of PPP and other stimulus packages as well as keeping you up-to-date on the latest tax developments and how changes in Washington may affect dealerships.

8:30 to 10:00 am • The Ritz-Carlton Ballroom

Session 6: NADA Update

Andy Koblenz, *NADA*
Paul Metrey, *NADA*

During this session, NADA executives Andy Koblenz and Paul Metrey will highlight salient and breaking federal regulatory and other developments affecting dealers on a range of topics including the ongoing Presidential transition, the advent of EVs, vehicle emissions, so-called "Right-to-Repair," LIFO recapture, proposed amendments to the FTC Safeguards Rule, proposed CFPB small business credit application requirements, and the ongoing assault on dealer participation and voluntary protection products.

10:00 to 10:15 am • The Grand Foyer

Break

10:15 to 11:15 am • The Ritz-Carlton Ballroom

Session 7: The EV Transition: Threats and Opportunities for Automotive Dealerships

Patrick Anderson, *Anderson Economic Group*
Sara Bowers, *Anderson Economic Group*

The Rocky Road to the Adoption of Electric Vehicles: Threats and Opportunities for Automotive Dealerships
Between manufacturer promises and government targets, electric vehicle (EV) news is seemingly everywhere these days. General Motors committed to introducing 30 EV models by 2025 and making Cadillac an all-EV brand. Ford, Honda, Volkswagen, and other brands are similarly aggressive, and the Biden administration has announced a regulatory target for EVs to make up 50% of all new vehicle sales in 2030. However, as Anderson Economic Group noted in the April 2021 issue of the *The Defender*, the reality is that US consumers have not bought many electric vehicles. As of the second quarter of 2021, EVs represented about 2.6 percent of the overall US light vehicle market.

Anderson Economic Group has identified several serious issues this transition poses for auto dealerships and for vehicle sales. This program will discuss the following:

- a. Actual EV sales for luxury, mid-priced, and entry level segments, along with likely future penetration of electric vehicles.
- b. A short overview of manufacturer and government programs for EVs.
- c. Differences in EV adoption by market (e.g., urban, rural, Midwest, coastal, affluent, and working class).
- d. Mismatch risk for dealers, including risks related to equipment and inventory. What happens to dealers if their customers don't want to buy EVs in large numbers?
- e. Preparing the EV customer: real-life costs and risks of driving and charging an EV.

Anderson Economic Group will include in this presentation results from our recently released study focusing on the real-world cost of driving both EV and ICE vehicles 100 miles. The analysis is unique (and may be surprising to many) since it incorporates EV costs that are often overlooked, such as those for chargers, additional taxes, and commercial charging fees. This study is the first in a series of analyses examining the transition from ICE vehicles to electric vehicles.

11:15 to 11:30 am • The Grand Foyer

Break

11:30 am to 12:30 pm • The Ritz-Carlton Ballroom

Session 8: Dealer Digital Issues Update: Privacy and Data Security Issues Facing Dealers

Brad Miller, *NADA*

- A. Overview of legal and regulatory issues facing dealers in privacy and data security, and an update of recent federal and state activity.
- B. OEM Data Agreement update and overview
- C. Market Update – Dealer Vendors, Cybersecurity, and other updates

12:30 to 12:45 pm • The Ritz-Carlton Ballroom

Closing Remarks



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

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

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

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



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

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

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