USLAW NETWORK EXCHANGE SERIES

OCTOBER 14-15, 2019
HOTEL MONTELEONE • NEW ORLEANS, LOUISIANA

RETAIL AND HOSPITALITY LAW EXCHANGE
HOSTED IN CONJUNCTION WITH THE
EMPLOYMENT AND LABOR LAW PRACTICE GROUP

Register online at http://web.uslaw.org/2019-retail-exchange/
The 2019 USLAW NETWORK Retail and Hospitality Law Exchange, hosted in conjunction with the Employment and Labor Law Practice Group, brings together risk, claims, litigation and in-house counsel decision-makers from the retail, hospitality, and insurance industries to engage in an open dialogue regarding emerging and complex legal issues facing their companies.

In a rapidly changing world, there are no simple claims. Investigating incidents and managing risk requires preparation, development and implementation of sound claim handling procedures, and documentation of evidence and potential third-party involvement. Knowledge of emerging trends in the law and potential liabilities is essential to corporate survival. This program will prepare general counsel, risk managers and claims personnel to meet the challenges of complex litigation and share best practices with other professionals including outside counsel provided through USLAW NETWORK.

New in 2019, the USLAW Employment and Labor Law practice group will play an integral role in the Exchange by offering additional timely content for legal decision-makers focused on employment-related issues within the retail and hospitality arenas.

The 2019 USLAW NETWORK Retail and Hospitality Law Exchange, hosted in conjunction with the Employment and Labor Law Practice Group, brings together risk, claims, litigation and in-house counsel decision-makers from the retail, hospitality, and insurance industries to engage in an open dialogue regarding emerging and complex legal issues facing their companies.

In a rapidly changing world, there are no simple claims. Investigating incidents and managing risk requires preparation, development and implementation of sound claim handling procedures, and documentation of evidence and potential third-party involvement. Knowledge of emerging trends in the law and potential liabilities is essential to corporate survival. This program will prepare general counsel, risk managers and claims personnel to meet the challenges of complex litigation and share best practices with other professionals including outside counsel provided through USLAW NETWORK.

New in 2019, the USLAW Employment and Labor Law practice group will play an integral role in the Exchange by offering additional timely content for legal decision-makers focused on employment-related issues within the retail and hospitality arenas.

The afternoon of DAY ONE (October 14), all attendees will join together to discuss issues of mutual importance. These topics will include:

- Employers on the Hook: Liability for Acts of Others
- ADA Compliance in the Retail and Hospitality Industry
- Big Brother as Referee: Don’t Strike Out With Fair Pay

DAY TWO (October 15), attendees will separate into two tracks with focused topics to include the following:

EMPLOYMENT AND LABOR LAW
- When, If Ever, Are Non-Compete and Non-Solicitation Agreements Effective?
- Catastrophe in the Courtroom
- Transgender and LGBTQIA Rights and the Trump Administration
- Hot Topics in the Labor and Employment Industry

RETAIL AND HOSPITALITY LAW
- Combatting National Discovery Requests in the Retail and Hospitality Industry
- Anatomy of Catastrophic Verdict
- Risk Management Brainstorm
- Getting it Right After an Accident: Ways to Protect Against Premises Liability Claims

The USLAW Exchange is highly unique. Attendees and industry stakeholders participate in roundtables, coming together for topic-specific discussions to learn more about the critical legal issues. We hope you will join us in this unique forum to exchange ideas, insights and experiences in this important dialogue.

CLE AND CE ACCREDITATION
USLAW NETWORK will be offering national CLE credit for attorneys and CE credit for TX and FL adjusters (reciprocal with other states). All states are currently pending. We have partnered with CEU Institute as our CE/CLE provider to manage all credits: www.ceuinstitute.net. Should you have questions, please contact accreditation@ceuinstitute.net.
ABOUT THE 2019 USLAW NETWORK RETAIL AND HOSPITALITY LAW EXCHANGE
HOSTED IN CONJUNCTION WITH THE EMPLOYMENT AND LABOR LAW PRACTICE GROUP

SCHEDULE OF EVENTS

MONDAY • OCT 14

8:00 A.M. - 5:00 P.M.
Registration

9:00 A.M. - 12:00 P.M.
Annual Meeting for Retail and Hospitality Law and Employment and Labor Law Practice Groups (USLAW Member Attorneys and Corporate Partners Only)

12:00 P.M. – 1:30 P.M.
Lunch for all Attendees

1:30 P.M. - 4:00 P.M.
Day One: Exchange Sessions

4:00 P.M. - 5:30 P.M.
Invited Client/Member Attorney/Corporate Partner One-on-One Meetings

6:00 P.M. - 9:00 P.M.
Reception and Dinner at Broussard’s

TUESDAY • OCT 15

7:00 A.M. – 8:00 A.M.
Breakfast and Registration

8:00 A.M. – 12:00 P.M.
Day Two: Exchange Sessions

12:00 P.M.
Close of Program and Take-Away Lunch

PROGRAM CHAIRS

Retail and Hospitality Law Practice Group
Lisa Rolle
Traub Lieberman
Hawthorne, NY

Elizabeth G. Stouder
Richardson, Whitman, Large & Badger
Portland, ME

Employment and Labor Law Practice Group
Jessica Farley
Snyder Burnett Egerer, LLP
Santa Barbara, CA

Elizabeth R. Sharrock
Pierce Couch Hendrickson
Baysinger & Green, L.L.P.
Oklahoma City, OK
EMPLOYERS ON THE HOOK: LIABILITY FOR ACTS OF OTHERS
It is becoming increasingly common for plaintiffs to try to hold employers liable for acts of their employees which are outside the scope of the employees’ work responsibilities. What conduct and whose actions are employers and retailers liable for? These acts can include violent or bad behavior, but also more innocuous acts of employees. In addition, recent verdicts suggest an increasing trend to hold retailers liable for the acts of others beyond their control, including vendors, criminals and independent contractors. This discussion will examine recent verdicts and explore ways in which retailers can best limit their exposure in those areas.

ADA COMPLIANCE IN THE RETAIL AND HOSPITALITY INDUSTRY
Whether it comes from an employee accommodation perspective or a public services perspective, proprietors in the retail and hospitality industry must be vigilant in complying with the ADA. Failure to do so exposes employers to various penalties, fines, and treble damages, oftentimes regardless of discriminatory intent. During this session, attendees will learn about more recent duties under the ADA, including the provision of accommodations such as accessible communication devices and web interfaces for employees and the public, alike.

BIG BROTHER AS REFEREE: DON’T STRIKE OUT WITH FAIR PAY
In cities around the country, city councils have passed or are considering Fair Workweek legislation that requires retail employers to provide certain advance notice of schedules and prevents them from canceling shifts at the last minute, among other things. This legislation frequently is linked to efforts to raise the minimum wage. This interactive panel will explore the effect that this legislation has on the industry and will discuss what can be done to by the employer to prepare itself in advance.
EMPLOYMENT AND LABOR LAW TRACK

WHEN, IF EVER, ARE NON-COMPETE AND NON-SOLICITATION AGREEMENTS EFFECTIVE?
Business owners face a constant challenge of retaining quality employees and customers and guarding company secrets. Unfortunately, employers can be relatively limited in protecting their competitive edge through the use of contractual non-competes and non-solicitation agreements. This session will be a chance to explore the extent to which these tools can effectively be used and to brainstorm and share potentially more effective alternatives.

CATASTROPHE IN THE COURTROOM
This informative and engaging panel discussion will highlight recent catastrophic verdicts with an eye toward understanding whether jury consultants and other third-party vendors could have helped to minimize exposure. Participants also will discuss and evaluate lessons learned arising out of available procedural avenues that were not taken advantage of by defense counsel (i.e. limine motions, trial briefs and/or discovery motions).

TRANSgendEr AND LGBTQIA RIGHTS AND THE TRUMP ADMINISTRATION
This panel discussion will present an interactive assessment of the current presidential administration’s influence upon the mission of the EEOC. Participants will discuss the makeup of the federal bench and recent judicial appointments and likely trends that will result. Participants also will roundtable thoughts and concerns over the current political climate’s influence on jurors’ perceptions of these issues.

HOT TOPICS IN THE LABOR AND EMPLOYMENT INDUSTRY
Based upon a pre-conference survey to clients of USLAW members, this engaging discussion will address the top labor and employment-related concerns of employers, human resources professionals and risk managers.

RETAIL AND HOSPITALITY LAW TRACK

COMBATTING NATIONAL DISCOVERY REQUESTS IN THE RETAIL AND HOSPITALITY INDUSTRY
The plaintiff’s bar is becoming more aggressive in its requests for disclosure of similar type incidences, with ever-expanding requests as to geographical and temporal scope of discovery. During this session, attendees will learn of strategies to combat the efforts of the plaintiff’s bar, how to prepare to mitigate the impact of such discovery at trial, as well as what impact there is upon the store location.

ANATOMY OF CATASTROPHIC VERDICT
How does a retailer get hit with a $70 million verdict in a seemingly defensible case? What are the types of facts and issues that lead to runaway verdicts? This session will discuss some of the big verdicts in retail and what we can tell about how they became so big. In addition, we will discuss how to identify these factors and best practices for dealing with them.

RISK MANAGEMENT BRAINSTORM
This session will bring together risk managers from different aspects of the retail and hospitality world to discuss the issues that are on their desk right now and keeping them up at night. With the participation of the group, we tackle these hard-hitting issues together.

GETTING IT RIGHT AFTER AN ACCIDENT: WAYS TO PROTECT AGAINST PREMISES LIABILITY CLAIMS
What can we do after the accident happens, but before the lawsuit is filed, to protect ourselves later? This panel will discuss the importance of proper incident reports pre- and post-litigation, the information these documents should contain and go over some typically bad examples versus good examples. We will discuss “what has gone wrong” and how collection led to victories at trial or summary judgment.
RECEPTION AND DINNER AT BROUSSARD’S

MONDAY, OCTOBER 14
6:00 P.M. – 9:00 P.M.

As one of New Orleans’ most important landmarks, Broussard’s has always provided unsurpassed cuisine in an atmosphere of understated elegance and historical significance. Located in the heart of the French Quarter, this venue is only a .2 mile walk from Hotel Monteleone. After dinner, guests can take a stroll down Bourbon Street on their way back to Hotel Monteleone.
ABOUT THE HOTEL

It’s been said that the French Quarter begins in the lobby of Hotel Monteleone. This venerable New Orleans hotel sits majestically at the foot of Royal Street and offers valet parking with two garages. Our 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 our New Orleans hotel, including Jackson Square, Bourbon Street, the French Market, and the Riverwalk, where you can watch the steamboats along the Mississippi River.
2019 USLAW NETWORK RETAIL AND HOSPITALITY LAW EXCHANGE
HOSTED IN CONJUNCTION WITH THE
EMPLOYMENT AND LABOR LAW PRACTICE GROUP

WHY USLAW NETWORK

In today’s global marketplace, legal needs often transcend geographic boundaries. To operate globally, you need to have an edge locally. This requires an in-depth understanding of local cultures, economies, laws, governments, trends and business climates. This kind of edge not only enhances your competitive position, but also allows you to anticipate – and even influence – changes in the market, and to react quickly and effectively.

Clients with these types of complex needs turn to USLAW NETWORK (USLAW) member firms to represent them in the courtroom and the boardroom, next door and across the United States and around the world. USLAW member firms are some of the most highly respected law firms in their respective jurisdictions. Each member firm is admitted only after substantial due diligence and is rigorously reviewed to ensure they meet USLAW quality service standards.

The collective expertise of USLAW member firms is impressive. National and international law firms, while they may have scores of offices, do not have access to the depth of the legal resources available through USLAW. As well, our lawyers know and respect each other. Through friendship, networking and resource-sharing, USLAW attorneys develop the type of cooperation and client-focused service that corporations demand of their legal counsel.
ABOUT THE
RETAIL AND HOSPITALITY LAW
PRACTICE GROUP

The retail business environment is extremely fluid and challenging. In such an environment, we provide innovative and efficient legal counsel that emphasizes solutions. Our team has extensive depth counseling retailers engaged in disputes and helping to develop policies that minimize the ultimate cost of disputes before they arise. Our access to our worldwide resources – lawyers working inside more than 100 firms – allows us to bring our collective resources to bear on behalf of our clients. Moreover, our affiliation with USLAW and our member firms enables us to stay ahead of issues impacting retailers, exchanging best practices for both dispute resolution, as well as dispute avoidance.

WHY CHOOSE USLAW RETAIL AND HOSPITALITY LAW FIRMS?
When you choose a USLAW member firm, you put the collective experience lawyers who have represented thousands of retail clients in all facets of consumer transactions to work for you. Our NETWORK allows the USLAW Retail and Hospitality Law Practice Group to bring virtually unmatched depth and experience to our retail clients. Because of our global footprint, our members are adept at providing solutions for retailers who operate multiple stores, locations, or brands on a regional, national, or international basis.

AREAS OF PRACTICE
We work with retailers helping them address the full spectrum of legal issues, including:
- General Counseling
- Risk Management
- Premises Liability
- Transactional
- Real Estate Development
- Leasing and Landlord/Tenant Relations
- Labor and Employment
- Zoning
- Retail Red-lining
ABOUT THE EMPLOYMENT AND LABOR LAW PRACTICE GROUP

With increasing litigation and governmental involvement, the rapidly evolving workplace requires a pragmatic approach, innovative solutions, and thoughtful attention to prevent issues from arising and solve them when they do. The USLAW NETWORK Employment and Labor Law Group provides top-quality, effective, and cost-efficient legal services to private and public sector employers facing a broad spectrum of labor and employment issues.

Members of the USLAW Employment and Labor Practice Group focus on supplying real-world tailored solutions to labor and employment issues. They work collaboratively with our clients’ in-house legal and human resources professionals to ward off potential challenges with carefully planned policy formation, implementation and training.

WHY CHOOSE USLAW EMPLOYMENT AND LABOR LAW FIRMS?

With highly qualified and experienced employment and labor attorneys located throughout the country, group members are uniquely positioned to offer cutting edge legal services in a cost-effective manner. The Group’s nationwide presence and expertise permits us to respond expeditiously to clients wherever and whenever our members are needed. Through the group’s extensive collective experience representing both private and public sector clients, member attorneys have gained a deep understanding of our clients’ needs and goals in dealing with employees and labor unions.

While our members must conform to the highest standards of excellence and integrity, it is our personalized attention to our clients that sets USLAW apart. The group’s wealth of experience in a wide variety of industries and with employers ranging from small “mom and pops” to Fortune 100 companies allows them to better counsel clients on the day-to-day problems they encounter.

By working together, USLAW firms’ employment and labor law practice groups offer our clients all of the benefits of national representation without compromising our commitment to providing outstanding and timely service. Through our outreach efforts, including national seminars and local training opportunities, the members aim not only to offer premiere, cost-effective, legal representation, but also to continue to develop and strengthen relationships with our industry partners, allowing our members to better serve the business community.

Group members believe their clients are best served through preventive measures such as careful policy drafting and effective training. To that end, we are often on-site with employers, identifying ways to strengthen personnel policies and providing innovative solutions to workplace challenges. In addition, we provide training to supervisors and managers on a wide array of topics, including: sexual harassment, unlawful discrimination, workplace investigations, and violence in the workplace.

Even with the most careful planning, employers cannot entirely avoid litigation. Group members have extensive experience in all phases of litigation – from administrative agency proceedings to litigation in state and federal courts throughout the country. Member attorneys are keenly aware of the potential pitfalls in administrative investigations and regularly assist employers in responding to Department of Labor, EEOC, NLRB, OFCCP and OSHA audits and investigations at the federal, state and local levels. Should litigation arise, USLAW clients are well-positioned by having all of the benefits of a large national practice with attorneys familiar with the local rules, judges and trends for nearly every jurisdiction.

AREAS OF PRACTICE

Our group members handle the full spectrum of employment and labor issues, including:

- Administrative law agency/tribunal matters
- Affirmative Action – Executive Order 11246
- Age Discrimination in Employment Act
- Alternative Dispute Resolution
- Americans with Disabilities Act
- Civil Rights §1983 Claims
- Class Action Defense
- COBRA
- Collective Bargaining
- Discrimination Claims – Title VII
- Drug and Alcohol Testing
- Employee Benefits
- Employment Contracts
- Employment Practices Liability Insurance
- Equal Pay Act
- ERISA
- Fair Labor Standards Act
- Family and Medical Leave Act
- Handbooks and Personnel Policies
- Immigration
- National Labor Relations Act
- Non-Competition Agreements
- Occupational Safety and Health Act
- Older Workers Benefits Protection Act
- Retaliation Claims
- Unemployment
- WARN Act
- Workers’ Compensation
- Workplace Violence
- Wrongful Discharge
REGISTRATION

RETAIL AND HOSPITALITY LAW EXCHANGE
HOSTED IN CONJUNCTION WITH THE
EMPLOYMENT AND LABOR LAW PRACTICE GROUP
OCTOBER 14-15, 2019 • HOTEL MONTELEONE

PROGRAM REGISTRATION:

FULL NAME (E.G., JOSEPH A. SMITH)  NICKNAME ON BADGE

TITLE

COMPANY NAME

ADDRESS

CITY, STATE, COUNTRY, ZIP

PHONE   FAX

EMAIL

CONTINUING LEGAL EDUCATION (CLE) LIST YOUR STATE AND BAR NUMBER

CONTINUING EDUCATION (CE) FOR INSURANCE ADJUSTORS LIST YOUR STATE AND LICENSE NUMBER

☐ YES  I WILL ATTEND THE MONDAY, OCTOBER 14 RECEPTION & DINNER AT BROUSSARD’S

HOTEL ACCOMMODATIONS:

USLAW is sensitive to Corporate Gift Policies. Please read carefully below and select the option that is appropriate per your organization’s guidelines.

☐ I request USLAW book a hotel room on my behalf. USLAW NETWORK will pay for (1) night, October 14th.

☐ I request USLAW book a hotel room on my behalf; however, I will pay for the cost of the room.

☐ I will book my own hotel room and understand that USLAW will not reimburse for this expense.

Hotel Check-In Date:   Hotel Check-Out Date:

Room Type:  ☐ Non-Smoking ☐ Smoking  Bed Type:  ☐ King ☐ Double/Double

GROUND TRANSPORTATION:

Ground transportation will be your own responsibility.
AIRLINE TRAVEL:
Please read carefully below and select the option that is appropriate per your organization’s guidelines.

☐ (1) I request USLAW purchase airline ticket(s) on my behalf.
☐ (2) I will purchase my own ticket(s) and understand that USLAW will not reimburse for this expense.

– COMPLETE THE FOLLOWING SECTION ONLY IF YOU SELECTED #1 ABOVE –

Passenger Name (as it appears on ID including First, Middle and Last name)

Date of Birth (Required – MM/DD/YYYY)  Gender (Required)  TSA Pre# (if applicable)

Home Address

City, State, Zip  Cell Phone (Day of Travel)

TRAVEL PREFERENCES (Complete Only If USLAW Purchasing Airfare)

Departure Date  Preferred Departure Time

Return Date  Preferred Return Time

Airport for Departure  Airport to Return

Seat Preference  Guest Seat Preference
☐ Aisle  ☐ Middle  ☐ Window  ☐ Aisle  ☐ Middle  ☐ Window

AIRLINE (Complete Only If USLAW Purchasing Airfare)

Preferred Airline  Frequent Flyer #

EMERGENCY CONTACT INFORMATION (REQUIRED):

Emergency Contact Name #1  Cell Number  Relationship

Emergency Contact Name #2  Cell Number  Relationship