



Retail and Hospitality Litigation



Presentations geared toward in-house and industry professionals



Best strategies for claims management and defense of retail and hospitality claims



Industry insights on emerging issues in trade secrets, food safety, franchising, and ADA compliance

Expert presentations on witness preparation and trial techniques



May 4-5, 2017

Loews Chicago Hotel

Chicago, Illinois

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delivers
resources
to build
your practice ■

DRI's 2017 Retail and Hospitality Litigation Seminar is a cutting-edge program for defense attorneys, corporate counsel, risk managers, and claims professionals who focus on the retail and hospitality industries. Join industry thought leaders, colleagues, and friends in one of America's most vibrant cities for two days of engaging and informative presentations and discussions, covering the spectrum of legal issues facing the retail and hospitality sectors. Not only will attendees experience a one-of-a-kind educational opportunity, the seminar also provides excellent networking opportunities.



Paul E. White
Program Chair



Stephanie Gaston Poley
Committee Chair



Richard J. Keating, Jr.
Program Vice Chair



Sara M. Turner
Committee Vice Chair



Jennifer Snyder Heis
Law Institute



See what others have to say about DRI seminars

PRESENTED BY **DRI's Retail and Hospitality Committee**



What You Will Learn

- You will learn the most current state of the law regarding liquor liability from one of the most respected liquor lawyers in the country.
- You will get a unique look at how one of the most recognizable hospitality companies in the world deals with claims before they become lawsuits.
- You will learn strategies for preventing and defending common hospitality and retail industry claims, including claims related to escalator injuries, aquatic injuries, and active shooter situations.
- You will interact with in-house counsel, outside lawyers, and industry experts to learn the current trends in the retail and hospitality industries, making you a more effective resource for your clients.



Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 Download the DRI App   and make use of its features to get the most out of this program
- 5 Share on social media   

Maximize Your DRI Seminar Experience

No one gets you connected like DRI.

- Use the DRI App to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Retail and Hospitality Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house registrants and speakers.

PROGRAM SCHEDULE

WEDNESDAY, MAY 3

6:00 p.m. **Registration**6:00 p.m. **Networking Reception**SPONSORED BY **McVey & Parsky LLC**

THURSDAY, MAY 4

7:00 a.m. **Registration**7:00 a.m. **Continental Breakfast**SPONSORED BY **Cranfill Sumner & Hartzog LLP**7:00 a.m. **First-Time Attendees Breakfast****Stephanie Gaston Poley**, *Cranfill Sumner & Hartzog LLP*, Raleigh, NC8:00 a.m. **Welcome and Introduction****Jennifer Snyder Heis**, *Ulmer & Berne LLP*, Cincinnati, OH**Paul E. White**, *Sugarman Rogers Barshak & Cohen PC*, Boston, MA8:15 a.m. **Powerful Witness Preparation:
Practice and Ethics**

A former federal prosecutor and author of the ABA's seminal treatise on "Preparing Witnesses" will explain how to navigate your clients through the dangerous and unnatural world of witness testimony. He will identify the key "gaps" between witness and counsel, the ethical conflicts they create, and how to bridge them.

Daniel I. Small, *Holland & Knight LLP*, Boston, MA9:15 a.m. **It Takes More than Pixie Dust: Claims
Management at the Happiest Place on Earth**

With tens of millions of annual visitors to Walt Disney World Resort, the prevention and management of claims is a complex process. Learn new claims management techniques and processes from the Director of Claims Management for Walt Disney World Resort.

 **Barry Dillard**, *Walt Disney World Resort*, Lake Buena Vista, FL10:05 a.m. **Refreshment Break** Denotes **THE DRI CLIENT CONNECTION**: In-house and claims professional speakers

Click on any speaker name to view bio.

10:20 a.m. **Team of Rivals: Navigating Coverage Issues
While Defending a Catastrophic Claim**

Hear the different perspectives of defense counsel, the insured's risk manager, and excess insurers, as well as practical advice for how defense counsel can communicate with these constituents and employ strategies to minimize friction and maximize cooperation.

MODERATOR | **Michael F. Aylward**, *Morrison Mahoney LLP*, Boston, MA

PANEL

 **Kenna Plangemann**, *Suffolk Construction Company Inc.*, Boston, MA **Robert F. Ulrich**, *AIG*, New York, NY11:10 a.m. **Keynote Address**

A restaurant industry veteran, and a leader and advocate for the correlation between a successful franchisor–franchisee relationship and a successful brand, Don Fox, will discuss the effect of the evolving joint employer standard on that relationship and other challenges facing the restaurant industry.

 **Don Fox**, *Firehouse of America LLC*, Jacksonville, FL12:00 p.m. **Lunch (on your own)**1:00 p.m. **Active Shooter Situation: Why
"Run, Hide, Fight" Doesn't Work for
Retail and Hospitality Venues**

Since most people, when facing mortal danger for the first time, are slow to translate their recognition of danger into constructive action, hear about a different approach and what companies can do in the face of this new risk.

Steven A. Adelman, *Adelman Law Group PLLC*, Scottsdale, AZ2:00 p.m. **Young Lawyers Breakout Session** (see p. 3 for details)2:00 p.m. **Litigating Swimming Pool and
Aquatic Attractions Claims: Make
It Safe to Go in the Water**

Learn the best practices to avoid claims, steps to take immediately following a serious pool acci-

dent, and how to position the client to defend a drowning claim from the moment it occurs.

Maria Bella, *Robson Forensic Inc.*, Lancaster, PA

 **Joseph B. Pereles**, *Drury Hotels Company LLC*, Saint Louis, MO

Jerome C. Simon, *Pitzer Snodgrass PC*, Saint Louis, MO

3:00 p.m. **Refreshment Break**

SPONSORED BY **Robson Forensic Inc.**

3:15 p.m. **In-House Counsel Breakout** (see p. 4 for details)

3:15 p.m. **Alcohol Beverage Liability: Legal Update and Best Practices**

Hear a review of recent dram shop cases and other premises liability cases arising from the sale and service of alcoholic beverages, as well as best practices for restaurants, hotels, and other outlets.

Elizabeth A. DeConti, *GrayRobinson PA*, Tampa, FL

4:05 p.m. **More than Pretty Pictures: Effective Tools of Visual Persuasion**

Learn how, why, and when different types of visual images can be used in your case and how messages can not only be persuasively conveyed through demonstrative evidence

at trial, but how visual tools can be used and refined during the discovery process.

Brian Carney, *WIN Interactive*, Rockland, MA

Samantha (Sam) D. Holmes, PhD, *EDGE Litigation Consulting LLC*, Memphis, TN

5:00 p.m. **Adjourn**

5:05 p.m. **Retail and Hospitality Committee Meeting** (*open to all*)

6:00 p.m. **Networking Reception**

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

FRIDAY, MAY 5

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

8:00 a.m. **Places of Public Accommodation: Restaurants, Hotels, and... Your Website?!**

The presenters will address the legal requirements the ADA imposes on web merchants and will offer practical tips on how to make your internet presence more accessible to web visitors with visual and other disabilities.

Hallie Kennedy, *New Media Campaigns*, Carrboro, NC

Amy E. Richardson, *Harris Wiltshire & Grannis LLP*, Raleigh, NC

YOUNG LAWYER BREAKOUT

Thursday, May 4, 2:00 p.m.–5:00 p.m.

2:00 p.m. **The Evolution of Traumatic Brain Injury Litigation**

Explore ways to identify cases that involve or may lead to traumatic brain injury claims, and how to prepare an appropriate defense for settlement and trial purposes.

Frederick M. Heiser, *Selman Breitman LLP*, Santa Ana, CA

Grant D. Waterkotte, *Pettit Kohn*, Los Angeles, CA

3:00 p.m. **Refreshment Break**

3:15 p.m. **Building a Strong Reputation**

Join our discussion to learn and synthesize for yourself the best ways to develop your reputa-

tion and create lasting and positive impressions on your colleagues, adversaries, and the court.

Allison M. Auer, *Kaufman Borgeest & Ryan LLP*, Valhalla, NY

4:00 p.m. **Corporate Counsel Corner**

Participate in an informal discussion with an in-house lawyer, formerly a defense attorney, on her perspectives on the practice of law and the path that led to her practice today.

 **Kelly Hassenfelt**, *Walgreen Co.*, Deerfield, IL

5:00 p.m. **Adjourn**

9:00 a.m. **Escalator Claims: Best Practices for Prevention and Defense**

Learn about preventive measures and methods to manage risk before an escalator injury ever occurs, as well as the critical first steps in assisting an injured customer, while protecting and defending the premises owner.

Jerry C. Popovich, *Selman Breitman LLP*, Santa Ana, CA

Eric Rupe, *Lerch Bates*, Chicago, IL

10:00 a.m. **Refreshment Break**

SPONSORED BY **Burnham Brown**

IN-HOUSE COUNSEL BREAKOUT

Thursday, May 4, 3:15 p.m.–5:00 p.m.

(for *In-House Counsel and Risk Managers*)

3:15 p.m.–4:00 p.m.

Presentations by Industry Professionals and In-House Counsel

MODERATORS

Bradford D. Box, *Rainey Kizer Reviere & Bell PLC*, Jackson, TN

Howard E. Rosenblum, *Walgreen Co.*, Deerfield, IL

A New Approach to ADR Listen to AIG's head of excess claims discuss his perspectives on the ADR process and hear about AIG's strategies for making the ADR process work more effectively.

Robert F. Ulrich, *AIG*, New York, NY

Handling Challenging Claims Theme parks, water parks, resort hotels, and a mass transportation system: What could possibly go wrong?

Barry Dillard, *Walt Disney World Resort*, Lake Buena Vista, FL

Brand Infringement It's easy to say that protecting your company's brand is of the utmost importance, but actually recognizing and addressing attacks on the brand can be more difficult.

Ari Sherwin, *The Sherwin-Williams Company*, Cleveland, OH

4:00 p.m.–5:00 p.m.

Question and Answer and Networking Session

Participate in an informal discussion about the substantive topics and enjoy networking with other in-house counsel.

10:15 a.m. **To Disclose or Not to Disclose: An Examination of the Federal Defense of Trade Secrets Act**

This presentation will discuss the added federal protections of the Defense of Trade Secrets Act and the new notice of immunity requirement, and offer recommendations to leverage and avoid abuse of the act.

Jamal M. Edwards, *Culhane Meadows PLLC*, Chicago, IL

Ari Sherwin, *The Sherwin-Williams Company*, Cleveland, OH

11:00 a.m. **Current Trends in Handling False Labeling Claims**

This panel will examine trends in supply chain safety, class actions and regulatory actions for false or misleading food labeling, and current legislative and regulatory enforcement activity relating to menu labeling by food service establishments and retailers selling ready-to-serve products.

MODERATOR | **Stephanie Gaston Poley**, *Cranfill Sumner & Hartzog LLP*, Raleigh, NC

PANEL

Jeanine Flaherty, *Legal Sea Foods LLC*, Boston, MA

Richard Heller, *Legal Sea Foods LLC*, Boston, MA

Allyson Wilcox, *Beam Suntory Inc.*, Deerfield, IL

12:00 p.m. **Walking the Franchise Tightrope**

Hear a discussion of the dynamics of the franchise relationship in a defense case where the priorities of the franchisor sometimes differ from those of the franchisee.

Bryan P. Couch, *LeClairRyan*, Newark, NJ

Marc Merriweather, *Wyndham Worldwide Corporation*, Parsippany, NJ

1:30 p.m. **Adjourn**

 Denotes **THE DRI CLIENT CONNECTION**: In-house and claims professional speakers

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **12.25** hours, including **1.0** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.



A limited number of discounted hotel rooms have been made available at **Loews Chicago Hotel, 455 North Park Drive, Chicago, IL 60603** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$279 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Retail and Hospitality Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 312.840.6600** and mention the **DRI Retail and Hospitality Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 5, 2017**, to be eligible for the group rate. Requests for reservations made after **April 5, 2017** are subject to room and rate availability.

Registration Policy

Save \$100 when you register by April 5, 2017. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **April 12, 2017** (*please allow 10 days for processing*). Registrations received after **April 12, 2017**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 12, 2017**. Cancellations received after **April 12** and on or before **April 19, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **April 19** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **April 5, 2017**. After **April 5**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Retail and Hospitality Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

FACULTY *Click on any name to view bio.*

Steven A. Adelman, Adelman Law Group PLLC, Scottsdale, AZ

Allison M. Auer, Kaufman Borgeest & Ryan LLP, Valhalla, NY

Michael F. Aylward, Morrison Mahoney LLP, Boston, MA

Maria Bella, Robson Forensic Inc., Lancaster, PA

Bradford D. Box, Rainey Kizer Reviere & Bell PLC, Jackson, TN

Brian Carney, WIN Interactive, Rockland, MA

Bryan P. Couch, LeClairRyan, Newark, NJ

Elizabeth A. DeConti, GrayRobinson PA, Tampa, FL

 **Barry Dillard**, Walt Disney World Resort, Lake Buena Vista, FL

Jamal M. Edwards, Culhane Meadows PLLC, Chicago, IL

Jeanine Flaherty, Legal Sea Foods LLC, Boston, MA

 **Don Fox**, Firehouse of America LLC, Jacksonville, FL

 **Kelly Hassenfelt**, Walgreen Co., Deerfield, IL

Jennifer Snyder Heis, Ulmer & Berne LLP, Cincinnati, OH

Frederick M. Heiser, Selman Breitman LLP, Santa Ana, CA

 **Richard Heller**, Legal Sea Foods LLC, Boston, MA

Samantha (Sam) D. Holmes, PhD, EDGE Litigation Consulting LLC, Memphis, TN

Richard J. Keating, Jr., Swanson Martin & Bell LLP, Chicago, IL

Hallie Kennedy, New Media Campaigns, Carrboro, NC

 **Marc Merriweather**, Wyndham Worldwide Corporation, Parsippany, NJ

 **Joseph B. Pereles**, Drury Hotels Company LLC, Saint Louis, MO

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Stephanie Gaston Poley, Cranfill Sumner & Hartzog LLP, Raleigh, NC

Jerry C. Popovich, Selman Breitman LLP, Santa Ana, CA

Amy E. Richardson, Harris Wiltshire & Grannis LLP, Raleigh, NC

 **Howard E. Rosenblum**, Walgreen Co., Deerfield, IL

Eric Rupe, Lerch Bates, Chicago, IL

 **Ari Sherwin**, The Sherwin-Williams Company, Cleveland, OH

Jerome C. Simon, Pitzer Snodgrass PC, Saint Louis, MO

Daniel I. Small, Holland & Knight LLP, Boston, MA

Sara M. Turner, Baker Donelson, Birmingham, AL

 **Robert F. Ulrich**, AIG, New York, NY

Grant D. Waterkotte, Pettit Kohn, Los Angeles, CA

Paul E. White, Sugarman Rogers Barshak & Cohen PC, Boston, MA

 **Allyson Wilcox**, Beam Suntory Inc., Deerfield, IL

View faculty bios on the Retail and Hospitality Litigation Seminar webpage; click on "View speakers" button.

FACULTY

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CLE for Your Practice

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February 1–3
Women in the Law
*Omni Scottsdale Resort
at Montelucia, Scottsdale, AZ*

February 8–10
Product Liability Conference
*The Cosmopolitan of
Las Vegas, Las Vegas, NV*

March 2–3
Construction Law
*The Cosmopolitan of
Las Vegas, Las Vegas, NV*

March 15–17
Trial Tactics
*The Venetian/Palazzo Resort,
Las Vegas, NV*

March 23–24
Toxic Torts and Environmental Law
*Sheraton New Orleans,
New Orleans, LA*

April 5–7
**Insurance Coverage and
Claims Institute**
Loews Chicago Hotel, Chicago, IL

May 11–12
Appellate Advocacy
*Sheraton New Orleans,
New Orleans, LA*

May 17–19
Employment and Labor Law
Hilton Nashville, Nashville, TN

Publications for Your Practice

Members can access committee newsletters and seminar course materials via **DRI Online** at dri.org.

Newsletter *Customer Connections* (2 times a year)

Visit the **Retail and Hospitality Committee page** on dri.org for information about the committee and related resources.

Retail and Hospitality focus in *For The Defense*

July 2017 (upcoming)

February 2016

February 2015



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

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DRI wishes to thank our sponsors for their support at this year's seminar!

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Retail and Hospitality Litigation Seminar

May 4-5, 2017

Loews Chicago Hotel | Chicago, IL

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Are you a first-time attendee at this DRI seminar? Yes No

How many attorneys _____ What is your primary
are in your firm? _____ area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking events, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Apr. 5, 2017	After Apr. 5, 2017	
<input type="checkbox"/> Member	\$875	\$975	<i>For inclusion on the preregistration list and to receive course materials in advance, register by April 12, 2017.</i>
<input type="checkbox"/> Nonmember	\$1,110	\$1,210	
<input type="checkbox"/> Government Member	\$575		
<input type="checkbox"/> Law Student Member	FREE		
<input type="checkbox"/> In-House Counsel Member*	FREE		
<input type="checkbox"/> Claims Executive Member*	FREE		
<input type="checkbox"/> Group Discount*	\$775	\$875	(*as defined on page 5)

PAYMENT METHOD

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Retail and Hospitality

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- Network using the member directory
- Learn about volunteer opportunities

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