



# 2015 Legal Conference Agenda

The Westin Savannah Harbor Golf Resort & Spa  
Savannah, Georgia – March 22-24, 2015

## Sunday, March 22, 2015

### Registration

4:30 p.m. – 6:30 p.m.

### Welcome Reception

5:30 p.m. – 7:00 p.m.

*Renew friendships and meet new colleagues at the opening reception.*

## Monday, March 23, 2015

### Registration

7:30 a.m. – 4:30 p.m.

### Breakfast

7:45 a.m. – 8:15 a.m.

### Welcome and Opening Remarks

8:15 a.m. – 8:30 a.m.

## **Food Safety Modernization Act Overview- Key Provisions**

8:30 a.m. - 10:30 a.m.

The Food Safety Modernization Act (FSMA), signed into law in January, 2011, marks one of the most significant changes to U.S. food safety laws since 1938. Implementation of FSMA requires a culture change for retailers that process foods, have distribution centers, and/or import food, as well as takes corporate criminal liability to a new level. One key component of FSMA that is already in place is the expansion of FDA's increased records requirements and access to records, including the requirement that food safety records be provided within 24 hours. Other provisions in place now include administrative detention of foods, mandatory recall authority of FDA, and facility registration and withdrawal of registration. FDA is currently finalizing regulations on seven major FSMA requirements including produce safety, preventive controls for human and animal foods, foreign supplier verification, and sanitary transportation. Attendees will have the opportunity to engage in a lively discussion and ask questions on how FSMA will impact their company including tips on how to start preparing for final regulations.

In this session, speakers will:

- Provide an overview of the food safety landscape
- Review key components of the Food Safety Modernization Act; and
- Discuss key implications and new liabilities under FSMA.

### **Speakers:**

Edgar Asebey, Jones Day

Elizabeth Fawell, Hogan Lovells LLP

Leslie Krasny, Keller and Heckman LLP

## **Networking Break**

10:30 a.m. – 10:45 a.m.

## **Data Breach Preparedness: What You Should Be Doing Before the Next Breach Happens**

10:45 a.m. – 11:45 a.m.

As we have seen, any company can suffer a data breach. What truly makes the difference for your company is how prepared you are in the event that a security incident does occur. Data breaches are a growing concern and how to best respond to such an event is a constantly evolving topic. Companies across all industries are vulnerable to attack, and the time to fortify your infrastructure, test your processes and gain confidence in your ability to respond is now. When a breach occurs, regulators generally first turn to the company's incident response policy, but many companies often fail to adequately follow the plans they have in place. How much of this responsibility lies with your chief information security officer and technology staff, and what can lawyers and other non-technical staff within your company be doing to protect your organization and make it more resilient to cyber-attacks?

During this session, you will gain insights into how to be best prepared for a security incident.

### **Speakers:**

Christopher Cwalina, Holland & Knight

Greg Schaffer, First72 Cyber LLC

## **FDA Final Menu Labeling Regulation: What Food Retailers Need to Know**

11:45 a.m. – 12:15 p.m.

On November 25, 2014, the U.S. Food and Drug Administration (FDA) released the final Menu Labeling Rule which requires restaurants, supermarkets, convenience stores and other establishments to post calorie information and provide additional written nutrition information to consumers for foods on display, self-service items and items that appear on menus and menu boards. During this session, speakers will discuss the details of FDA's Final Regulation to ensure companies are prepared to comply with the new requirements by December 1, 2015.

### **Speakers:**

Stephanie Barnes, Food Marketing Institute

Michelle Daubert, Wegmans Food Markets, Inc.

Kathleen Mahoney, SpartanNash Company

Don Wiseman, Wal-Mart Stores, Inc.

## **Luncheon with Table Topics**

12:15 p.m. – 1:45 p.m.

Table Topics Include: Food Imports, Data Security, Food Safety, Employment Law, Social Media, Transportation, and Managing Litigation.

### **Three Labor Topics Employers Cannot Ignore In 2015**

2:00 p.m. – 3:15 p.m.

There are several major labor issues that will impact retailers this year. Attend this session to get an update and learn the implications on the following topics:

•**Employer Email Policies and the Role of Email in Union Organizing:** With the NLRB recently opening up employer e-mail systems to employees for union organizing purposes, how should grocery employers balance the benefits of electronic communication against the risk that their own e-mail systems could be used to generate support for a labor organization? And does this have implications for already unionized employers?

•**Understanding and Preparing for the NLRB's New Quickie Election Rules:** With the time between union election petitions and secret ballot votes expected to substantially decrease in 2015, how can employers ensure they remain prepared to communicate lawfully, persuasively, and effectively about unionization?

•**Drafting and Implementing Enforceable Handbook Policies for Unionized Employers:** The Labor Board continues to closely scrutinize employer policies to ensure they do not infringe on employee rights to unionize or engage in protected, concerted activity. Is it still possible for employers to promulgate clear, effective and worthwhile workplace policies?

#### **Speakers:**

Jack Lambremont, Littler Mendelson P.C.

Glenn Smith, Littler Mendelson P.C.

### **Networking Break**

3:15 p.m. – 3:30 p.m.

### **Social Media Marketing: Traps for the Unwary**

3:30 p.m. – 4:30 p.m.

Social Media, the law, and consumer expectations are changing at warp speed. This presentation focuses on updates and developments in the space and provides information on how to remain both legally compliant and consumer-relevant in this changing arena, without tarnishing your brand.

#### **Speaker:**

Nate Garhart, Cobalt Law, LLP

### **Off-Site Reception and Dinner**

Cocktail Reception: 6:00 p.m. – 6:30 p.m.

Dinner: 6:30 p.m. – 8:00 p.m.

## **Tuesday, March 24, 2015**

### **Registration**

7:30 a.m. – 12:00 p.m.

### **Breakfast**

7:45 a.m. – 8:30 a.m.

### **Hot Topics in Pharmacy Law: The Good, the Bad and the Ugly**

8:30 a.m. – 9:30 a.m.

This session will cover recent pharmacy law developments in areas that include a few "bad and ugly" topics such as DEA enforcement activity and fraud, waste and abuse issues (with a focus on inducements and rewards programs). However, in an effort to end on a positive note, and leave attendees with a good feeling, the speaker will also discuss more favorable developments or potential developments, including a discussion of recently proposed safe harbors for incentivizing patients to access pharmacy services, and developments in pharmacy innovation that could help you expand your business.

#### **Speaker:**

Edward Rickert, Quarles & Brady

### **Ethics 2015 – An Update**

9:30 a.m. – 10:30 a.m.

In this session Professor McGee will cover recent news in the area of rules governing the professional conduct of lawyers. This session will provide attendees with one hour of professional responsibility credit (subject to state approval).

#### **Speaker:**

Kellyn McGee, Savannah Law School

**Networking Break**

10:30 a.m. – 10:45 a.m.

**Third Party Contract Risks: How to Protect Your Company from Liability and Ensure Regulatory Compliance**

10:45 a.m. – 11:15 a.m.

Explore the basics of supply chain liability and how retailers can protect themselves – contractually and otherwise -- from liability for product defect and fraudulent labeling claims; arising from both products they sell as well as their own private label brands. Also covered will be supplier verification requirements as well as implementation of domestic supplier verification as a risk-based preventive control.

**Speaker:**

Sarah Brew, Faegre Baker Daniels LLP

**Washington Update: From the 114th Congress to the Presidential Election – What You Need to Know**

11:15 a.m. – 12:15 p.m.

Republican leaders – emboldened by their success in the recent election - have laid out an ambitious agenda that could make the 114th Congress one of the most significant legislative periods in decades. On tap for 2015 are a healthcare rewrite, tax reform, a budget deal and rolling back the President's regulatory agenda. The White House, however, isn't going to take these moves lying down. President Obama may be facing his final two years in office with a hostile Congress, but that doesn't mean he is going to give up on pushing forward with his own goals. He has shown that he is more than willing to act by using regulation and Executive Orders to achieve what he wants to get done. Will these dynamics result in shutdowns or compromises? Gridlock or legislative progress? Two of FMI's Washington representatives will take you through the 114th Congress and the president's regulatory agenda to help you know what to expect between now and the 2016 Presidential elections so that you can plan for what will get done, what cannot get done and what is likely to spark fireworks.

**Speakers:**

Andy Harig, Food Marketing Institute

Robert Rosado, Food Marketing Institute

**Closing Remarks**

12:15 p.m. – 12:20 p.m.

**Legal Affairs Committee Luncheon Meeting**

12:30 p.m. – 2:00 p.m.