



# 2017 Legal Conference Agenda

Omni Austin Hotel Downtown  
Austin, Texas – April 2-4, 2017

## Sunday, April 2, 2017

### Registration

5:00 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, April 3, 2017

### Registration

7:00 a.m. – 4:30 p.m.

### Breakfast

7:30 a.m. – 8:10 a.m.

### Welcome and Opening Remarks

8:15 a.m. – 8:30 a.m.

### Conference Chairman:

Bryan Granger, Senior Vice President, Compliance and Administration, C&S Wholesale Grocers, Inc.

### 3-2-1...Is Your FSMA Program Ready for Liftoff?

8:30 a.m. - 9:30 a.m.

It's go time for FSMA! 2017 is the first year that FDA will be enforcing both the Preventive Controls and Foreign Supplier Verification Program (FSVP) rules under FSMA. In this informative session, industry experts Erik Lieberman and Maile Hermida will provide an update on Preventive Controls inspections and discuss practical considerations for FSVP implementation, including contractual updates. They will focus on providing actionable information, and on addressing questions and concerns from attendees.

### Speakers:

Maile Gradison Hermida, Partner, Hogan Lovells

Erik Lieberman, Principal, Lieberman PLLC

## **Post-Election Employment and Labor Update – What can we expect from the Trump Administration?**

9:35 a.m.- 10:35 a.m.

This presentation by Littler Mendelson will review and discuss the labor and employment challenges facing your companies during the transition from the Obama Administration and at the NLRB, EEOC, and DOL. We will attempt to give you a “crystal ball” of what we can expect to see from the Trump Administration and its new appointments.

### **Speakers:**

Mark Schneider, Co-Chair, Traditional Labor Practice Group, Littler Mendelson, P.C.

Jacqueline Kalk, Shareholder, Littler Mendelson, P.C.

Alexis Knapp, Shareholder, Littler Mendelson, P.C.

## **Networking Break**

*Sponsored by: Hogan Lovells*

10:35 a.m. – 10:50 a.m.

## **More than Credit Cards: Payments Issues in a Changing Regulatory and Retail Environment**

*Sponsored by: Alston & Bird LLP*

10:50 a.m. – 11:35 a.m.

For all businesses, the cost of making and accepting payments has become an ever more significant area of concern. This session begins with a survey of major developments in payments in 2016, from the long-running antitrust litigation against card networks to the ongoing impact of EMV migration and the increasing use of alternative payment methods (such as mobile payments). We will then move to a discussion of the 2017 landscape, including the potential for modifications to Regulation II, developments in the co-brand and rewards market and their impact on retailers, and the growth of competitors to the traditional payment card networks.

### **Speaker:**

Lauren Giles, Partner, Alston & Bird LLP

## **#Help! Finding the right #messages and tone in a #crisis**

11:40 a.m. – 12:25 p.m.

Your company is blowing up on social media . . . but not for the reasons your communications team had hoped. Views are soaring for a Facebook Live video of one of your employees doing something inappropriate at your store, or re-Tweets are flying of a customer’s photo of the “unwelcome foreign object” she claims she found inside your product packaging. Don’t panic! This panel will provide practical tips and best practices for responding in times of digital crisis.

### **Speakers:**

Lindsey Tonsager, Partner, Covington & Burling LLP

Sally Squires, Senior Vice President -Management Supervisor & Director, Food, Nutrition and Wellness Communications at Powell Tate/Weber Shandwick

## **Luncheon with Table Topics**

12:30 p.m. – 1:30 p.m.

Table Topics Include: Employment Law, Payments, Washington Update, Recalls, Food Labeling &Litigation.

## **Forecasting Food Policy in the New Administration**

*Sponsored by: Polsinelli*

1:40 p.m. – 2:50 p.m.

A new Administration always brings a new group of cabinet secretaries, new priorities and new constituencies. Learn from a panel of leading former FDA, USDA and Hill staff what to expect from this new team on the regulatory side and on the legislative agenda impacting food policy. How will FDA and USDA engage with each other and how will their priorities be set? Will the Trump White House want to have a role in food and nutrition policy and what will it be? Will NFP, GMO, FSMA, NOSB, PHOs, sodium, sugar, allergens, SNAP, WIC, and menu labeling still be the buzz words of food policy? What role will the Farm Bill and the House and Senate Agriculture Committees play in the development of the Trump Team Ag/Farm/Food Policy or vice versa?

### **Speakers:**

Jennifer Hatcher, Chief Public Policy Officer and Senior Vice President, Government and Public Affairs, Food Marketing Institute

Stuart Pape, Shareholder, Head of FDA Practice, Polsinelli

Randy Russell, President and Partner, The Russell Group

## **Networking Break**

*Sponsored by: Hogan Lovells*

2:50 p.m. – 3:10 p.m.

## **Managing Risks, Liability, and Litigation: Employees, Customers, and Third Parties**

3:10 p.m. – 4:10 p.m.

From slip and fall cases to injuries suffered by employees in the course of employment, there are a multitude of varying risks for which food retailers can potentially be held liable. This session will feature discussions with an in-house counsel for a major retailer, as well as an outside attorney regularly representing members of the food retail industry. The focus of the session will be identifying these potential risks, and reviewing ways in which retailers can manage them utilizing both best practices and outside resources.

### **Speakers:**

Abel Martinez, Group Vice President, Partner Relations, Risk Solutions and Government Affairs, H-E-B

Bobby Perez, Senior Vice President, General Counsel & Corporate Relations, SPURS SPORTS & ENTERTAINMENT

Robert Valadez, Shareholder, Shelton & Valadez

## **General Counsel Panel: Current Trends and Issues of the Day**

4:15 p.m. – 5:15 p.m.

The food industry is continuously changing and brings new challenges for food retailers each year. During this session, a panel of general counsel will discuss the issues that keep them up at night, how they have dealt with these types of concerns in that past, and ways in which they plan to address similar issues in the future. The panel will be open to questions from attendees, and will serve as an excellent forum through which industry can share perspectives on different factors affecting ways in which regulatory challenges are handled. These might include cost, time necessary to correct a problem, staffing challenges, and publicity associated with a particular issue, among others.

### **Speakers:**

(Moderator) Stephanie Barnes, Chief Regulatory Officer, Food Marketing Institute

Bryan Granger, Senior Vice President, Compliance and Administration, C&S Wholesale Grocers, Inc.

Janet Kelley, Senior Vice President, General Counsel and Secretary, Meijer, Inc.

Don Wiseman, Senior Associate General Counsel, Wal-Mart Stores, Inc.

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

**Searsucker (415 Colorado Street Austin, TX 78701)**

*Sponsored by: Littler Mendelson*

Cocktail Reception: 6:30 p.m. – 7:00 p.m.

Dinner: 7:00 p.m. – 8:30 p.m.

## **Tuesday, April 4, 2017**

### **Registration**

7:30 a.m. – 11:30 a.m.

### **Breakfast**

7:30 a.m. – 8:25 a.m.

## **Update on Food and Beverage Labeling Class Actions**

*Sponsored by: Venable LLP*

8:30 a.m. – 9:30 a.m.

A cutting edge look at current trends in food and beverage class action litigation, including an overview of recent decisions that impact both current litigation and future strategy. What are plaintiffs' lawyers focusing on and how are courts across the country responding? We will discuss what to expect when faced with a food and beverage labeling class action and what can be done procedurally to stop one in its tracks.

### **Speaker:**

Angel Garganta, Partner, Venable, LLP

**Common Ethical Traps Facing In-House Counsel in Retail**

9:35 a.m. – 10:35 a.m.

This program will identify some of the most common ethical traps facing in-house counsel in the retail space. Topics will include how to recognize situations where separate counsel may be needed for an executive or employee named as a co-defendant in litigation, the ethical risks inherent in advising affiliates of a corporate client, the personal ethical morass that can follow the mismanagement of e-discovery, avoiding the unauthorized practice of law when outsourcing or dealing with regulatory agencies, the personal ethical implications of failing to preserve the attorney-client privilege (such as in conducting of internal investigations), and the ethical quagmire when lawyers become whistleblowers.

**Speaker:**

Thomas Murphy, Partner, Hunton & Williams

**Networking Break**

*Sponsored by: Hogan Lovells*

10:35 a.m. – 10:55 a.m.

**Speed It Up: Emerging Issues in Food Delivery and Food Safety**

*Sponsored by: Faegre Baker Daniels LLP*

10:55 a.m. – 11:55 a.m.

Whether it's "speed scratch" meal kits, online grocers or home delivery services, retailers are running to stay ahead of consumers' quest for new ways to buy it/cook it/eat it faster. Meanwhile, epidemiologists and public health experts are turning to whole genome sequencing as a more efficient and effective way to rapidly identify foodborne illness outbreaks and define who's in and who's out. This session slows things down a bit to explore some of the emerging legal issues surrounding these trending topics in food delivery and food safety.

**Speaker:**

Alyssa Rebensdorf, Counsel, Faegre Baker Daniels LLP

**Closing Remarks**

12:00 p.m. – 12:15 p.m.

**Legal Affairs Committee Luncheon Meeting**

12:30 p.m. – 2:00 p.m.