

# 2023 NADC FALL CONFERENCE

OCTOBER 22-24, 2023  
THE RITZ-CARLTON, CHICAGO  
CHICAGO, IL

**REGISTER TODAY!**

**Hotel Deadline is Wednesday, September 20, 2023**

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## CONFERENCE REGISTRATION

The registration fee is \$695 per attendee and includes sessions and meal functions. To register, go to the "Upcoming Events" tab on the NADC website, [www.dealercounsel.com](http://www.dealercounsel.com), and look for "2023 NADC Fall Conference." **Registration is open to NADC members only.** Payment may be made through the website using a credit card or by mailing NADC a check. Make check payable to NADC and send to: NADC, 1800 M Street NW, Suite 400 South, Washington, DC 20036

Contact Cari Grulke ([cgrulke@dealercounsel.com](mailto:cgrulke@dealercounsel.com)) with registration questions.

## CANCELLATION POLICY

Cancellation(s) of the 2023 NADC Annual Member Conference can be accommodated by NADC up to Wednesday, September 20, 2023 less a \$25.00 processing fee. After September 20, we are not able to process refunds.

## CLE CREDIT

CLE Credit may be available for up to 750 minutes (this includes the Dealer 101 and In-House Roundtable sessions) of educational program pending approval in your state (12.5 general credits for states that calculate 60 minutes per credit; 15 general credits for states that use 50 minutes per credit). One (1) ethics credit may be available for members. Contact Kira Forster at [kforster@dealercounsel.com](mailto:kforster@dealercounsel.com) for more information. Please make sure to indicate on your online registration form what states you would like to receive CLE credit in.

## TRAVEL PLANS

Please join us for our opening cocktail reception at 6:00 pm on Sunday, October 22. The conference will conclude on Tuesday, October 24 at 12:30 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.

## NEW MEMBER AND FIRST-TIME ATTENDEE

### WELCOME RECEPTION

New members and first-time conference attendees are invited to join the NADC Board of Directors at welcome reception immediately prior to the conference opening cocktail reception on Sunday, October 22. New members and first-time conference attendees will receive an invitation email after registering for the event.

## HOTEL RESERVATIONS

The conference will be held at the Ritz-Carlton, Chicago. NADC members may reserve rooms under the NADC group using the link [here](#). The room rate for NADC members is \$309 per night plus taxes for a Deluxe City View, Guest room, 1 King or \$349 per night plus taxes for a Guest room, 2 Doubles. Note that there are a limited number of rooms for Friday, Saturday and Tuesday at our member rate.

All reservation requests will require a credit card, a deposit for one (1) room night. Deposits will be refunded for rooms cancelled more than seventy-two (72) hours prior to arrival. Name changes to room reservations may be made up to the day of arrival at no charge.



## HOTEL ADDRESS

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

## HOTEL CANCELLATION POLICY

Cancellation is 72 hours 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.

## 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.

## SUGGESTED DRESS

Dress for all conference events is business casual.

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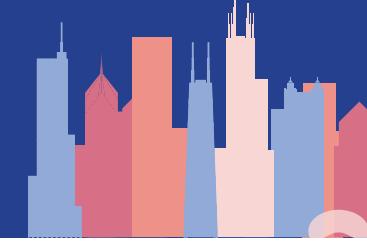


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## CONFERENCE SCHEDULE

### SUNDAY, OCTOBER 22

12:00 to 2:30 PM

#### Dealer 101: Buy-Sell Transaction Basics

Speakers:

Johnnie Brown, Pullin, Fowler, Flanagan, Brown & Poe, PLLC

Shari Patish, MileOne Autogroup

Lance Kinchen, Breazeale, Sachse & Wilson, LLP

This program is an introduction to the dealership environment and the legal and regulatory issues dealership principals and managers are likely to encounter. It is designed for those attorneys relatively new to dealership operations and issues, or those more experienced attorneys who may be very knowledgeable about one legal area and wish to gain knowledge of other legal exposures faced by motor vehicle dealers. This session of Dealer 101 will include a discussion of the steps and issues involved when buying or selling your dealership.

3:00 to 5:00 PM

#### Board Meeting

5:30 PM

#### New Member Reception

6:00 to 7:30 PM

#### Reception

### MONDAY, OCTOBER 23

7:30 to 8:30 AM

#### Breakfast

8:30 to 9:00 AM

#### Opening Remarks and General Meeting of Members

9:00 to 10:30 AM

#### Session 1: NADA Update

Speakers:

Andy Koblenz, NADA

Paul Metrey, NADA

During this session, NADA Executives Andy Koblenz and Paul Metrey will highlight salient and breaking federal regulatory developments affecting dealers on a range of topics including the FTC's Proposed Vehicle Shopping Rule and other significant rulemakings, enforcement actions, and related compliance issues, challenges to the CFPB's funding structure, EV tax credits, greenhouse gas and fuel economy standards, and more.

10:30 to 11:00 AM

#### Break

11:00 AM to 12:00 PM

#### Session 2: Digital Facilities and OEM Platform Control

Speakers:

Lauren Bailey, NADA

Greg Kirkpatrick, Arkansas Automobile Dealers Association

Michael McMahan, ArentFox Schiff LLP

Kate Uding, Luther Automotive Group

In the ever-evolving OEM/dealer data stratosphere, this presentation summarizes various OEM programs to structure online platforms, websites, programs, and customer data, and walks through current and proposed state law solutions to combat the death by 1,000 cuts for dealers.

12:00 to 1:30 PM

#### Lunch

12:00 to 1:30 PM

#### In-House Counsel Roundtable Working Lunch (In-House Counsel only)

1:30 to 2:30 PM

#### Session 3: Hot Topics in Legal Ethics & Professional Responsibility

Speaker: Trish Rich, Holland & Knight LLP

This presentation will focus on recent legal ethics and professional responsibility developments that have emerged over the last year. Participants will learn about current issues that have emerged related to privilege, conflicts, and in lawyer discipline, among other things.

2:30 to 3:00 PM

#### Break

3:00 to 4:00 PM

#### Session 4A: Practical Considerations for Safeguarding Privilege and Preserving Evidence

Speakers: Les Stracher, Napleton Automotive Group

This session will deal with best practices in preserving common interest privilege multiple party scenarios as well as multiple client representation. I will also cover considerations for the preservation of privilege in internal documentation. In addition, the session will touch on the challenges currently presented by ESI, events triggering preservation as well as litigation hold letters and the obligations that they create.

#### Session 4B: Terms and Conditions of Employment: How to Draft Comprehensive Dealership Pay Plans and Policies

Speakers: Matt Simpson, Fisher Phillips

Chris Hoffman, Fisher Phillips

This session gives an overview of recent developments in labor and employment and their impact on commonly used

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terms in dealership pay plans and employment policies, including the Department of Labor's anticipated salary increase for exempt employees, the FTC's proposed non-compete ban, legislative and court decisions impacting the use of arbitration agreements in employment, and the future impact of AI on employment.

4:00 to 4:15 PM

Break

4:15 to 5:15 PM

## Session 5A: Dealership Real Estate: Valuation & Image Compliance Hurdles During a Buy/Sell

Speakers:

Barrett Beatty, Mahdavi, Bacon, Halfhill & Young, PLLC

Gabe Robleto, Kerrigan Advisors

Charles Gallaer, ArentFox Schiff LLP

Rising interest rates typically have a significant impact on commercial real estate values. As interest rates rise, the cost of capital also increases, which reduces the return on investment for commercial real estate assets. This leads investors to demand higher returns on their capital in the form of higher capitalization rates in order to compensate for the increased cost of capital, putting downward pressure on commercial real estate values.

Since March of 2022, the federal funds rate has risen from 0.25% to 5.25%, most recently increasing 50 basis points in May 2023 to the highest rate since 2006. With inflation still elevated and unemployment low, the Federal Reserve could increase rates again in 2023. While the current banking turmoil may mitigate future rate increases, disruption in the financial sector may also lead to an increase in borrowing costs, resulting in higher costs of capital for investors, even if interest rates decline.

We will assess the impact of rising interest rates on dealership real estate values and how to efficiently review real estate appraisals in a rising interest rate environment.

We will also review image compliance demands and strategies for navigating through OEM facility requirements during a buy/sell, including a review of state franchise laws which may (or may not) protect dealers' interests.

The goal of our session is to provide NADC members with a clear understanding of how to think about real estate valuation, investment, and image compliance while navigating a buy/sell. This will be a fast-paced presentation packed with data, insight and analysis.

## Session 5B: How to Run a Compliant Advertising Campaign

Speakers: Mary Gardner, Venable LLP

A dizzying array of statutes and regulations govern lawful advertising and marketing. This session will be a primer for in-house lawyers responsible for their organizations'

advertising and marketing campaigns and will cover the substantive laws and offer practical suggestions for working with your business partners.

5:30 to 7:00 PM

Reception

## TUESDAY, OCTOBER 24

7:30 to 8:30 AM

Breakfast

8:30 to 9:30 AM

## Session 6: AI Friend or Foe? Exploring Implications for the Legal Profession

Speakers:

Rob Cohen, Rob Cohen, PLC

Anthony Bento, California New Car Dealers Association

Over the past 18 months, the capabilities of artificial intelligence have expanded greatly. Services like OpenAI's ChatGPT have demonstrated that AI can now perform complex tasks involving a level of reasoning and writing that would have been considered science fiction a few short years ago. These new tools have unique implications for the legal profession - they promise to greatly increase attorney efficiency, but misuse of such tools has already led to attorneys facing disciplinary actions. Join Rob Cohen and Anthony Bento for a discussion on AI's impact on your practice.

9:30 to 10:00 AM

Break

10:00 to 11:00 AM

## Session 7: Retail Automotive Industry and Successful Management of CFPB, FTC and State AG Inquiries: The What, The How and The Who

Speakers:

Stephen Dietrich, Holland & Knight LLP

Da'Morus Cohen, Holland & Knight LLP

Federal and state governmental investigations, audits, examinations, and inquiries can be disruptive for an automotive dealer and can permanently damage the reputation, brand, and operations of the business. As automotive sales and automotive financing are "hot topics" for the government, it is important to understand the dynamics of governmental investigations. During this session, the presenters will discuss governmental investigations and how to successfully manage investigations. The panel will also focus on regulatory and enforcement trends impacting the automotive space.

11:00 to 11:30 AM

Break

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11:30 am to 12:30 PM

## Session 8: Update on Ford EV Program Litigation

Speakers:

Rich Sox, Bass Sox Mercer

John Forehand, Kurkin Forehand Brandes LLP

Ira Levin, Burke, Warren, MacKay & Serritella, P.C.

Shawn Mercer, Bass Sox Mercer

This session will provide attendees with an update on the status of the various lawsuits brought against the Ford Electric Vehicle Program. Panelists are lawyers representing Ford dealers or Dealer Associations in these lawsuits and will provide insight into the fight to curtail Ford's overreach through the EV Program.

12:30 PM

## Adjourn and Closing Remarks

## 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 | [Website](#)

### 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 | [Website](#)

### 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

[Website](#)

### 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 | [Website](#)

## 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 | [Website](#)

### 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 | [Website](#)

### 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 | [Website](#)

### 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 | [Website](#)