OVERVIEW

Each year, the Forum for Motor Carrier General Counsel offers practical information and approaches to handling the most pressing legal and compliance issues facing fleet operations. Forum topics are specifically tailored to address the trucking industry’s most critical legal issues and its presenters are experienced industry experts and practitioners. Sessions cover compliance, litigation, employment, and business law strategies aimed at reducing and avoiding risk both in and out of court. Motor carrier counsel, C-level executives and directors of risk, safety, and HR all will have ample opportunity to learn from and network with respected legal and technical experts, colleagues, policy makers, insurers, and industry leaders.

The packed schedule also includes plenty of opportunities to network including several meal functions, a Golf Outing, a Tour of Santa Fe, and an Albuquerque Food Tour! The conference offers continuing legal education credit, including ethics. Dress is business casual; average high of 90° and low 67°F.

CLE credits available! ATA applied for 16 CLE credits which are contingent upon bar acceptance.

Symposium on Highway Accident Litigation - Issues

Of particular value to many Forum attendees will be the five sessions that make up the annual Symposium on Highway Accident Litigation:

- Computer and Digital Device Forensics: What’s There, How to Read It, What You Can and Cannot Use
- Effective vs. Disastrous Depositions: Lessons Learned in the MC Industry
- A Look into Trial Bar Strategy
- Marijuana: Strategies to Stay Legal and Operational
- Outrageous Verdicts, Trends, and What They Could Mean for Trucking

Registration Information

Online registration opened on April 9, 2018. To register go to: ATAforum.trucking.org. If you are registering online and have attended before and/or your company is a member of American Trucking Associations, consider logging-in to save time and possibly money. Registration includes all sessions, materials, and Forum meals (as indicated in the Schedule of Events). Additional registrants from the same company will receive a $100 discount once one individual has paid the full registration fee. To ensure that your name appears on the list of attendees and that all Forum and CLE materials are ready for you on-site, please register by June 22, 2018.

Cancellation Policy: If you need to cancel your Forum registration, please send written notification to be received by ATA via mail at: ATA Registrations, P.O. Box 101360, Arlington VA 22210, or via email at registrations@trucking.org on or before June 22, 2018. You will receive a refund, less a $100 per person administration fee for the conference registration; and if applicable, less a cancellation fee of $25 per person for the Santa Fe Tour or $50 per person for the Golf Outing, and/or $50 per person for the Albuquerque Food Tour. After June 22, refund requests for the conference registration will be considered on a case-by-case basis and may be granted under special circumstances at ATA’s sole discretion; however, after June 22, no refunds will be granted for the Optional Activities (Golf Outing, Santa Fe Tour or Albuquerque Food Tour).

Hotel Accommodations – Hyatt Regency Tamaya Resort & Spa

- Group Rate: $209 single/double + tax (currently 10.99%) + $15 daily resort fee
- Complimentary Wi-Fi in guest rooms (included in resort fee)
- Check-in: 4:00 p.m. Check-out: 11:00 a.m.
- Hotel is 26 mi./46 min. northeast of Albuquerque International Sunport Airport (ABQ); and 43 mi./50 min. southwest of Santa Fe Regional Airport (SAF)
- Parking: Self-Parking – Included in resort fee; Valet – $10/event day; $18/overnight with in/out privileges (subject to change)
- All hotel reservations must be made by June 22, 2018 through the hotel reservation link (link to be provided in your Forum registration confirmation email). A hotel confirmation email will be sent to you directly from the hotel. The hotel requires 72 hours’ notice prior to your arrival to cancel without penalty.

Transportation

Shuttle: RoadRunner Shuttle & Charter runs shuttles door-to-door from the Albuquerque International Airport @ $150 for up to 3 people to Santa Ana Pueblo (14 passenger vans, suburban SUVs, sedans and 28-passenger charter buses). To make a reservation, please visit http://www.rideroadrunner.com.

Taxi/Uber: 1-way taxi fares average $73+ or Uber 1-way fares average $40+

Rental Car: ABQ and SAF both have a number of on-site (and off-site) rental companies.
### SCHEDULE OF EVENTS

#### SUNDAY, JULY 15

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>1:00 p.m. – 5:30 p.m.</td>
<td>Conference Registration</td>
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<tr>
<td>3:30 p.m. – 5:30 p.m.</td>
<td><strong>Ethics for Motor Carrier In-house Counsel (MCLE)</strong>&lt;br&gt;Covered in this session will be the most important developments in legal ethics, the law of lawyering, and attorney-client privilege, as well as the day-to-day ethical considerations faced by corporate counsel. During this two hour segment, attendees will receive practical guidance from ethics opinions and case law nationwide, that in-house counsel should know about to protect their employer and themselves and to practice more effectively.</td>
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<tr>
<td>5:30 p.m. – 7:00 p.m.</td>
<td>Cocktail Reception</td>
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#### MONDAY, JULY 16

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>7:30 a.m. – 12:45 p.m.</td>
<td>Conference Registration</td>
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<tr>
<td>7:30 a.m. – 8:00 a.m.</td>
<td>Continental Breakfast</td>
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<tr>
<td>7:50 a.m. – 8:00 a.m.</td>
<td><strong>ATA President’s Welcome</strong>&lt;br&gt;So much to do, so little time. 2018 promises to be a pivotal year for trucking. ATA President &amp; CEO Chris Spear will provide a quick welcome to kick off this 2018 Forum.</td>
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<tr>
<td>8:00 a.m. – 9:00 a.m.</td>
<td><strong>Computer &amp; Digital Device Forensics: What’s There, How to Read It, What You Can and Cannot Use</strong>&lt;br&gt;In today's electronic world, company executives and their counsel may no longer remain ignorant when it comes to technology. Having a basic understanding of what, where and how data is stored electronically and how it is retrieved, read, and preserved is essential to day-to-day operations. This session will reveal the truth about e-data, take the mystery out of data forensics, and expound on the various laws that govern the collection, storage, retrieval, use, and protection of e-data.</td>
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<tr>
<td>9:10 a.m. – 10:40 a.m.</td>
<td><strong>Effective vs. Disastrous Depositions: Lessons Learned in the MC Industry</strong>&lt;br&gt;One of the most difficult and strategic tasks in defending a motor carrier in court is the identification, preparation, and implementation of depositions. This session will cover the rules associated with and practical tips concerning the collection of sworn evidence. Observe - on film and in person - the difference between a good and bad deposition by fleet safety directors. The “bad” director and the “good” director films have been shown to a focus group, and quantitative data will be offered on the effect of both on actual jurors.</td>
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<tr>
<td>10:50 a.m. – 11:50 a.m.</td>
<td><strong>A Look into Trial Bar Strategy</strong>&lt;br&gt;“Strategy” seems almost too passive a term for the level of resources and planning being invested against trucking in litigation. There’s an entire industry dedicated to training plaintiff attorneys in theories of liability, identification, discovery and preservation of evidence, voir dire, depositions, witness examination, fear and persuasion, negotiation, and settlement, all specific to highway accidents. Listen as a plaintiff’s attorney exposes his oft successful tactics at trial, while defense counsel provides effective countermeasures.</td>
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### MONDAY, JULY 16 cont.

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>12:00 p.m. – 12:45 p.m.</td>
<td>Lunch</td>
</tr>
<tr>
<td>1:15 p.m. – 5:30 p.m.</td>
<td><strong>Afternoon Options (Additional fee. See page 7 for more info.)</strong></td>
</tr>
<tr>
<td>1:15 p.m. – 2:15 p.m.</td>
<td>1. <strong>Golf Outing</strong> Twin Warriors Golf Club (no transportation necessary)</td>
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<td>2:15 p.m. – 4:15 p.m.</td>
<td>2. <strong>Sante Fe Tour</strong> Transportation from Hotel to Santa Fe Tour</td>
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<tr>
<td>4:15 p.m. – 5:30 p.m.</td>
<td>2. <strong>Sante Fe Tour</strong> Transportation from Santa Fe to Hotel</td>
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### TUESDAY, JULY 17

<table>
<thead>
<tr>
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<tr>
<td>7:30 a.m. – 5:00 p.m.</td>
<td>Conference Registration</td>
</tr>
<tr>
<td>7:30 a.m. – 8:00 a.m.</td>
<td>Continental Breakfast</td>
</tr>
<tr>
<td>8:00 a.m. – 9:00 a.m.</td>
<td><strong>Marijuana: Legal Strategies to Stay Compliant and Operational</strong></td>
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<td>The proliferation of state laws legalizing medical and recreational marijuana poses unique and challenging legal considerations for motor carriers. It appears it’s no longer enough to simply have a zero-tolerance policy for operating under the influence. Inconsistencies in determining impairment, contradictions between state and federal law, and people’s understanding of the laws (or lack thereof) are prompting carriers to reevaluate and restate their policies, procedures and training. This session will look at the evolving law, legal risks, and preventative measures to avoid liability.</td>
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<tr>
<td>9:00 a.m. – 10:00 a.m.</td>
<td><strong>Top Workplace Legal Trends and Employment Law Developments: Probability and Preparation</strong></td>
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<td>Whether it’s new or expected requirements related to equal pay, salary history bans, minimum wage, overtime, leave, I-9 compliance, discrimination, etc., or the re-evaluation of policies and practices related to drug testing and workplace violence, this session will arm motor carrier general counsel and HR professionals with the knowledge and guidance needed to understand and tackle these critical legal issues.</td>
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<tr>
<td>10:15 a.m. – 11:30 a.m.</td>
<td><strong>Independent Contractor Update</strong></td>
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<td>The Independent Contractor model seems perpetually at risk or in flux. Staying current on state and federal laws and guidance is daunting. It’s one of the reasons this session is an attendee favorite. Presenters will provide a comprehensive summary of the most recent and influential laws and cases impacting the legality and reality of the independent contractor relationship, and will share predictions and strategies to preserve the model and avoid liability. Both motor carrier and owner operator perspectives will be represented.</td>
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**Preventing Assets from Walking Out the Door: Drafting Defensible Non-Compete & Non-Solicitation Agreements and Other Approaches**

Innovation is trucking’s present and future. Customized e-tools, specialized management software, and creative policies and practices are all being employed by fleets to operate more efficiently and safely. Now more than ever, these and other trade secrets need to be protected to stay competitive. For many that means using traditional non-compete and non-solicitation agreements. The question is, “Are these contracts enough?” If so, are they being applied to everyone with access to those trade secrets? And, are these contracts ironclad and enforceable? This session will include an overview of the state of the law related to such contracts and the approaches and language proven most effective.

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**Lunch**

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**EEOC in 2018**


With the #MeToo movement in full swing, what better time to hear from the Equal Employment Opportunity Commission (EEOC) directly – an agency that has singled out trucking as an industry to watch? You need only read the current EEOC acting chair’s bio to know she is someone who takes action. Learn about the Administration’s position on equal opportunity, recommendations for compliance, and plans for the future.

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**The Reverberating Ethical Challenges & Responses to Sexual Harassment Claims**

It’s on everyone’s mind. Are there potential victims of sexual harassment who were once silent and are now empowered to speak? Are there others who merely see this as an opportunity to capitalize on the moment? Will recent verdicts place the spotlight on trucking? This session will examine the real vulnerabilities and actions a carrier can take to identify, correct and protect itself against true and false claims of harassment based on actual events, case law and enforcement actions.

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**Taking Control: Critical Provisions in Technology Contracts - From Licensing Agreements to SaaS and Beyond**

General Counsels know the economic power of a well-drafted contract, and conversely, the consequences of a poorly executed one. This has become more apparent with companies’ ever-increasing reliance on technology products and services. Experienced motor carrier attorneys will discuss the types of technology agreements (software licensing, software-as-a-service, etc.) used throughout trucking (from billing to driver management) and highlight key provisions therein. They will share practical considerations for assessing and minimizing risk and negotiating terms that support the enterprise by ensuring it gets the product and/or service it expects.
TUESDAY, JULY 17 cont.

4:25 p.m. – 5:25 p.m. **Outrageous Verdicts, Trends, and What They Could Mean for Trucking**

Across the country verdict trends are emerging, both positive and negative, and these trends are exposing both effective and ineffective trial strategies. This session will provide an overview and analysis of the most alarming nuclear verdicts, predictions on how these cases may impact current and future trucking cases, and helpful tips on mitigating the risk in the courtroom and at the negotiating table.

5:30 p.m. – 6:15 p.m. **Cocktail Reception**

6:30 p.m. – 7:00 p.m. **Evening Excursion (Additional fee. See page 7 for info.)**

Transportation from Hotel to Albuquerque

7:00 p.m. – 10:00 p.m. **Albuquerque Food Tour**

10:00 p.m. – 10:30 p.m. **Transportation from Albuquerque to Hotel**

WEDNESDAY, JULY 18

7:30 a.m. – 10:30 a.m. **Conference Registration / Retrieve MCLE Certificates of Attendance (Attorneys only)**

7:30 a.m. – 8:00 a.m. **Continental Breakfast**

8:00 a.m. – 9:00 a.m. **Merger & Acquisition in the Trucking Industry – Law and Practice**

In 2017 there was a proliferation of mergers and acquisitions (M&A) in the trucking industry. Still more are predicted in 2018. This session will address M&A factors such as changes in the law and the unique considerations influencing the success of such transactions, as well as the relevant legal issues (e.g., contract, tax, antitrust, employee benefit, etc.) and effective legal and risk management strategies to achieve the company’s business goals.

9:10 a.m. – 10:30 a.m. **Cybersecurity: Imposing New Legal Dilemmas**

In 2016, software engineers demonstrated how hackers could remotely exploit a zero-day vulnerability to send commands through a Jeep’s entertainment system to its dashboard functions, steering, brakes, and transmission. Besides access to uploaded personal identifiable data, this type of breach may have serious implications for driver safety and compliance. A hacker targeting integral technology could disable electronics and impair both engine communication and hours-of-service compliance. Not only would a cyber-attack disable a company’s operations, but it could also impair the entire supply chain. Further, a cyber-attack to a motor carrier’s systems could lead to the loss of protected data (rates, shipper, and employee information), and could expose the carrier to liabilities. This session will focus on those cyber threats facing trucking and the basic steps of implementing policies and procedures to protect against a cyber-attack and prepare a Rapid Response Plan should one occur.
New this year, several optional activities have been added to the agenda.

**MONDAY, JULY 16**

**TWO OPTIONS – PICK ONE**

1. **GOLF OUTING – TWIN WARRIORS GOLF CLUB – 1:15 P.M. TO 5:30 P.M.**
   Awarded by *Albuquerque Magazine* readers as one of the Best of the City in 2011, 2012 and 2013 and a Top Five Best area golf course in 2014 & 2015, this prestigious 18-holes championship golf course is surrounded by breathtaking views of the Sandia Mountains. The ancient people of Santa Ana believe the Twin Warriors showed them the path to the Upper World along the banks of the Rio Grande and this spectacular golf course, designed by Gary Panks, strives to respect the cultural significance of the site, while providing a challenging and unique high-desert golf experience. NOTE: The Club offers variety of rentals to fit golfers’ personal needs. No transportation required. Fee includes green fee, cart, range, and beverages.
   
   **Fee: $225 per person**

2. **SANTA FE TOUR – 1:15 P.M. TO 5:30 P.M.**
   Enjoy a downtown tour highlighting Santa Fe’s rich history, architecture and popular attractions. Museums and churches are on the itinerary, including the Loretto Chapel, which is famous for its miraculous staircase and unique gifts. This tour includes guide and transportation from the hotel to Santa Fe and back, and provides ample time to shop and explore!
   
   **Fee: $65 per person**

**TUESDAY, JULY 17**

**ALBUQUERQUE FOOD TOUR – 6:30 P.M. TO 10:30 P.M.**
This southwestern culinary walking tour features the best hidden gems Old Town has to offer. Participants can expect generous sit-down restaurant tastings, alcoholic drink pairings, dessert and a leisurely walk highlighting the history and culture of Old Town Albuquerque. This tour includes a guide and transportation from the hotel to Albuquerque and back to the hotel.

**Fee: $140 per person**

**THINGS TO DO**

From hot air balloon rides, to Quiet Water Paddling Tours, to the J&R Vintage Auto Museum, visitors to Santa Ana Pueblo and the surrounding area will not want for adventure. While the Stables at Tamaya provide a Wild West experience as riders tour the terrain on horseback, the Coronado Historic Site and ruins of Kuaua Pueblo offer insights into prehistoric Puebloan and Spanish Colonial New Mexico, its culture, art and breathtaking vistas. If it’s air conditioning you seek, the Santa Ana Star Casino and the Village of Corrales (great variety of restaurants, shops and galleries) is just moments away. Exhausted? Come relax, renew and reconnect at the luxurious Tamaya Mist Spa & Salon.
ATA MEMBER LAW FIRMS

Adams and Reese LLP
Baker, Donelson, Berman, Cadwell & Berkowitz, PC
Benesch, Friedlander, Coplan & Aronoff LLP
Betts, Patterson & Mines, P.S.
Breazeale, Sachse & Wilson, LLP
Carlock, Copeland & Stair, LLP
Drivers Legal Plan
Fee, Smith, Sharp & Vitullo LLP
Fernandez Trial Lawyers, P.A.
Fisher & Phillips LLP
Garvey Schubert Barer
Grant Thornton LLP
Hanson Bridgett LLP
Jackson Lewis P.C.
LeClairRyan
Lewis Brisbois Bisgaard & Smith LLP
Littler Mendelson P.C.
Mayer Brown LLP
Nicklaus & Associates, P.A.
McGuireWoods LLP
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Rebman, Linhares & Beachem, P.C.
Reminger Co., LPA
Roberts Perryman, P.C.
Scopelitis, Garvin, Light, Hanson & Feary, P.C.
Smith Moore Leatherwood LLP
Strasburger & Price, LLP
The Bassett Firm
The Hunt Law Group, LLC
Theodora Oringher P.C.
Wicker, Smith, O’Hara, McCoy & Ford, P.A.
Williams Kastner
Wilson Elser Moskowitz Edelman & Dicker LLP

“The number one reason why I like to attend the General Counsel Forum is to stay up to speed on the biggest threats to our industry from a legal and regulatory standpoint, and to talk to some of my colleagues about those risks and threats.”

- TJ England
Chief Legal Officer
C.R. England, Inc.

Register at ATAforum.trucking.org