

DC Law: Association Law Symposium

The Premier Association Legal Education Event in DC

Access Pass Points: 16

The DC Law: Association Law Symposium is the definitive legal education event addressing the most pressing issues in association and nonprofit law today. Whether you are an in-house counsel for an association, an attorney with association clients, a CEO, or a senior-level association executive, this program will give you the insider perspectives you need to keep abreast of critical legal issues. You'll hear timely and relevant updates and changes to existing laws and legal precedents, explanations of new laws and regulations, and tips and practical tools that can be implemented back at the office.

- Examine critical legal issues through powerful conversations, real-time collaboration, and high-level discussion with thought leaders.
- Cultivate your network of in-house or outside counsel and senior association executives willing to hold you accountable to your learning goals.

To register for CLE credits, please complete the CLE Registration Form in addition to completing your registration purchase.

	DC Law: Association Law Symposium Agenda
8:30 – 9:00 a.m.	Registration/Continental Breakfast
9:00 – 10:00 a.m.	<p>Welcome Remarks Eileen Morgan Johnson, CAE, Partner, Whiteford, Taylor & Preston, LLP.</p> <p>Opening Keynote: State of Affairs: What You “Need to Know” About Politics Steven Anderson, IOM, CAE, President and CEO, National Association of Chain Drug Stores</p> <p>The 2016 election campaign has been called unprecedented, unusual, ugly, and even weird. How did we arrive at this state of affairs? Anderson addresses the status of the elections and what it means for governing our nation over the next four years. The discussion includes topics such as the collapse of power structures, both here and abroad, the shattering of consensus at numerous levels; the new techniques that association executives will have to utilize in this ambiguous and chaotic environment, and why associations seem to be the only aspect of our democratic society that is working.</p>
10:00 – 10:15 a.m.	Break
10:15 – 11:15 a.m.	<p>Education Sessions:</p> <p>A Contract’s GPS: Navigating Hotel Contract Legal Issues Naomi Angel, Partner, Howe & Hutton, Ltd</p> <p>Ever feel like negotiating contracts is like taking a trip without your GPS? Worry about the wrong turns that might get you lost? Join this discussion to navigate the</p>

route of hotel contracts. Further explore issues such as rate provisions, room and food and beverage attrition, commissions, cancellation fees, force majeure provisions, construction/renovation issues, and other rights of cancellation without liability. Risk-management issues such as indemnification, insurance, and liquor liability will also be covered.

- Recognize common mistakes when it comes to contracts and risk management.
- Identify key aspects to address in all types of contracts such as lowest rates, attrition, cancellation, and force majeure.
- Describe other techniques for managing risk, such as indemnification, insurance, and releases and waivers.

Association Governance: Keeping Up to Date in Changing Times

Moderator: Thomas Stefaniak, MBA, CAE, Director, Membership, Constituency Engagement and Organizational Development, National Association for Music Education

Kenneth Alderfer, Senior Counsel, Akin, Gump, Strauss, Hauer & Feld, LLP

Ann Springer, Associate General Counsel, American Psychological Association

Achieving good association governance is never a static exercise. You can't always rely on decades-old bylaws, governing structures, patterns of interaction with the membership, and conflict-resolution methods to successfully steer your association through an increasingly complex world. It is more important than ever to look at association governance from a fresh perspective. Learn about must-have provisions for your association governing documents, the latest thoughts on improving and streamlining your leadership and decision-making structure to better meet the needs of your members, examples of protocols you should have in place for when the unexpected happens, and establishing practical and transparent procedures for dealing with intra-association conflicts, should they arise.

Intellectual Property (Current Events and Publishing)

Rhonda Lees, CAE, Legal and Nonprofit Executive

David Morales, Senior Vice President and Senior Associate General Counsel, AARP

Monica Richman, Partner, Dentons

Your association produces print magazines, journals, books, and blogs. You keep reading that print is done for, but many of your members prefer reading magazines and books. Whether your audience consists of millennials or boomers or everything in between, your association has to determine the best mix of content and the most appropriate methods of delivery. Hear panelists talk about legal issues, including intellectual property, and business trends affecting publishing today-and their vision for the future.

11:15 – 11:30 a.m.

Break

11:30 – 12:30 p.m.	<p>Education Sessions:</p> <p>Data Security S. Keith Mouldsdale, Partner and Co-chair, Cyber Security, Data Management, and Privacy Group, Whiteford, Taylor & Preston, LLP Scott Godes, Partner, Barnes & Thornburg April Doss, Partner and Chair, Cybersecurity and Privacy, Saul Ewing, LLP</p> <p>Data security is of concern to every association. The experts say it’s not <i>if</i> you will be hacked, but <i>when</i>. This session will provide updates in the law this past year and crucial advice to protect your association’s data and develop and implement a Written Information Security Plan. Topics will include ransomware (which has been labeled as an “epidemic” in 2016), how to protect your organization through well-drafted vendor contracts, the purchase of cyber insurance, and compliance in the event of a breach.</p> <p>Hot Topics in Employment Law Karen Doner, Founding Partner, Roth, Doner, Jackson, PLC Mike Fortunato, Shareholder, Rubin Fortunato Robin Maril, Senior Policy Counsel, Human Rights Campaign</p> <p>One of the central roles associations fulfill is that of employer. Association administration and counsel must keep apprised of the ever-changing employment laws at the state and federal level. Topics will include the new Fair Labor Standards Act wage-and-hour regulations that go into effect on December 1, 2016, the perceived federal and state crackdown on non-competition agreements, the new federal Defend Trade Secrets Act, and the rapidly evolving law regarding transgender inclusion.</p> <p>Negotiation Skills and Technique: You Can’t Always Get What You Want—But if You Try Sometime, You Might Find You Get What You Need Jed Mandel, Founding Member, Chicago Law Partners, LLC James Wilson Jr., Partner, Webster, Chamberlain & Bean, LLP</p> <p>Come hear two experienced association lawyers talk about key negotiation strategies that work. This session will help you build your negotiation skills and help you develop your confidence when you negotiate. Learn how to make difficult conversations productive and turn challenging issues into successes. You will take away practical tips and tools that will be helpful in any negotiation setting.</p> <p>In addition, the discussion will include key contract provisions for association executives and lawyers to consider as top priorities.</p>
12:30 – 2:00 p.m.	<p>Lunch</p> <p>Introduction of Legal Section Council and Keynote Rhonda Lees, CAE, Legal and Nonprofit Executive</p>

	<p>Luncheon Keynote: Current Messages from Exempt Organizations Margaret Von Lienen, director, exempt organizations examination, IRS Tax Exempt and Government Entities</p> <p>Learn about priorities for FY2017 at IRS Exempt Organizations. Topics will include priorities for 2017 and other exempt-organization news and current updates.</p>
2:00 – 2:15 p.m.	Break
2:15 – 3:15 p.m.	<p>Education Sessions:</p> <p>Ethics in Action Kimberly Pendo, Founding Member, Chicago Law Partners, LLC Isham R. Jones III, General Counsel, American Veterinary Medical Association</p> <p>This session will use an interactive roundtable and presentation format to identify, analyze, and facilitate participant discussion on various real-world conflicts and ethical dilemmas faced by attorneys who represent associations, either as in-house or outside counsel. Panelists will present scenarios that highlight potential conflict or ethical considerations (and the applicable ethics rules) that association counsel, staff and members face on a regular basis. This session will allow you to collectively identify applicable ethical issues, share individual perspectives, and work through the appropriate resolutions.</p> <p>Protecting Associations From Themselves: Antitrust Do’s and Don’ts Andrew Bigart, Partner, Venable, LLP</p> <p>Members often work through their associations to promote practices that benefit consumers and increase competition. However, several federal courts have ruled that some of those practices may have anti-competitive consequences, resulting in the violation of antitrust laws. Learn from an expert antitrust practitioner why antitrust matters continue to shape association conduct. You’ll gain insights into recent developments and walk away with the tools and knowledge you need to sharpen your organization’s compliance program before the next board meeting.</p>
3:15– 3:30 p.m.	Break
3:30- 4:30 p.m.	<p>Education Sessions:</p> <p>Trends in Executive Compensation and Legal Developments for Non-Qualified Deferred Compensation James Wynn, Principal/Consultant, Quatt Associates, Inc. Dan Brandenburg, Partner, Saul Ewing, LLP</p> <p>Are you responsible for establishing and monitoring both current and deferred compensation for your association’s executives, or are you about to enter into a negotiation or renegotiation of your compensation package? Have you heard that the IRS has issued proposed guidance with regard to deferred compensation for association executives and employees? This session will provide you with necessary information, data, and tools to better understand and implement executive compensation for yourself and your association’s employees.</p>

- How are executive compensation arrangements being implemented?
- Recommendations for consideration in reviewing and implementing new or updated arrangements.
- Legal issues and overview of the proposed regulations under IRC Sec. 457(f).

Global Legal Hotspots: New China Nonprofit Law and the State of EU Privacy Rules

Moderator: Jefferson Glassie, FASAE, Partner, Whiteford, Taylor & Preston, LLP
 Dorothy Deng, Partner, Whiteford, Taylor & Preston, LLP
 Mark Gleeson, Partner (Barrister), Browne Jacobson, LLP

Associations are expanding their reach internationally, with many strategic, practical, and legal considerations. In this session, we will focus on a few critical hotspots. The new law in China will significantly impact the activities of many foreign nonprofit organizations, but will it also adversely affect associations trying to penetrate the Chinese market? Applicability and enforcement of the European Union Privacy Directive has always been somewhat of mystery to U.S. associations, and now the courts have disabled the safe harbor. Are any U.S. associations taking advantage of that, and what do you do now to comply with these broad privacy rules? Lawyers with experience in each of these areas will provide insights on this panel addressing these legal hotspots.

4:30 – 5:30 p.m.

Closing remarks

Eileen Morgan Johnson, CAE, Partner, Whiteford, Taylor & Preston, LLP

Networking Reception Sponsored by Ronald Reagan Building