

7th ANNUAL

Hotel and Lodging Legal Summit

OCTOBER 24–26, 2018

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Agenda

Wednesday, October 24

5:15–6:45 pm

Welcome Reception

Sponsored by Sheppard, Mullin, Richter & Hampton LLP

Thursday, October 25

7:30–9:00 am

Registration & Continental Breakfast

Sponsored by Holland & Knight

8:00–9:00 am

Primer on Hotel Economics for Attorneys New to the Hotel Industry

Moderator

Mary Fitzsimons McQuinn, Goodwin Procter LLP, Boston, MA

Rori H. Malech, Hunton Andrews Kurth LLP, Washington, DC

Victoria S. Richman, Chief Operating Officer & Chief Financial Officer, HVS Asset Management, Newport, RI

» Obtain an overview of the contracts that define the relationships among the major players in the hotel industry (owners, brands, management companies) as well as their lenders

» Learn how these players earn money, and how their financial interests are protected in their contracts with one another

9:00–9:10 am

Welcome & Overview

Erica H. Hageman, Program Co-Chair

Robert W. Lannan, Program Co-Chair

Jill C. Castleman, Executive Director, Georgetown Law CLE

Alisha M. Avril, Program Attorney, Georgetown Law CLE

New this year!

Attend the Summit and then network year-round with an invitation-only LinkedIn group.

9:10–10:10 am

New Risks, New Responses 

Moderator

David M. Klein, Senior Vice President & General Counsel, Sunstone Hotel Investors, Aliso Viejo, CA

Panelists

Gary E. Axelrod, Latham & Watkins LLP, Chicago, IL

Banks Brown, McDermott Will & Emery; General Counsel, American Hotel & Lodging Association, New York, NY

Hector Mastrapa, Vice President, Insurance/Global Safety & Security-Americas, Marriott International, Inc., Bethesda, MD

» Explore new risks confronting the hotel and lodging industry from recent developments including:

- New technologies (e.g., self check-in)
- New laws (e.g., legalized marijuana)
- Cyber attacks
- Terrorism risks

» Learn how industry leaders are responding to minimize businesses' potential liabilities

10:10–10:40 am

Networking Break

Sponsored by Eckert Seamans

10:40–11:40 am

2018 Hotel Industry General Counsel's Panel

Moderator:

Simon Turner, Managing Director, Alpha Lodging Partners, LLC, New York, NY

Panelists:

Margaret Egan, Executive Vice President, General Counsel and Secretary, Hyatt Hotels Corporation, Chicago, IL

Bret A. Maidman, General Counsel, Virtua International Holdings, LLC, San Diego, CA

Greg Moundas, Executive Vice President & General Counsel, Aimbridge Hospitality, Plano, TX

Joseph B. Pereles, Vice President of Development & General Counsel, Drury Hotels Company, LLC, St. Louis, MO

- » Explore current and pressing legal issues confronting the hotel and lodging industry
- » Gain insights from chief legal officers representing hotel owners, brand companies and management companies

Risk Allocation and Response

This year, explore allocation of risk among three major communities within the hotel and lodging industry: owners, brand companies and management companies, as well as lenders and insurance companies that serve these communities. The conference will begin with a primer for attorneys new to the industry, which will provide an overview of these industry players, their financial incentives and their contractual relationships. A later panel will take a deeper dive into these contracts to consider how they can allocate various business risks among these players. Another will consider new risks that have emerged in recent years. Two more panels will consider, respectively, how business risks are addressed in contracts with lenders and insurance carriers. Finally, as always, a panel of industry general counsel will touch on these concepts within the context of the most pressing legal issues confronting the hotel and lodging industry this year.



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11:40 am–1:10 pm

Luncheon & Keynote Address

Sponsored by First American Title Insurance Company

Speaker

Sheila C. Johnson, Founder & CEO, Salamander Hotels & Resorts, Middleburg VA

1:10–2:10 pm

Toe-to-Toe with Labor: Update on Current CBA Negotiations

Moderator

David Sherwyn, Director of the Cornell Institute for Hospitality Labor and Employment Relations, The Hotel School, Cornell University SC Johnson College of Business, Ithaca, NY

Panelists

Keith Grossman, Hirschfeld Kraemer, Los Angeles, CA

Jay P. Krupin, Baker & Hostetler LLP, Washington, DC

Anna Washburn, Senior Manager of Labor Relations, Hilton, McLean, VA

- » Explore challenges raised by collective bargaining agreements currently underway in several major hotel markets in the United States

2:10–2:30 pm

Networking Break

Sponsored by Sheppard Mullin Richter & Hampton LLP

2:30–3:30 pm

Adding Lenders to the Mix: Everything You Wanted to Know About Three-Party Agreements But Were Afraid to Ask

Moderator

Courtney G. Capute, Venable LLP, Baltimore, MD

Panelists

Julia A. Chamyshova, Eckert Seamans Cherin & Mellott, LLC, Pittsburgh, PA

Paula Spada, Senior Vice President and General Counsel, White Lodging Services, Inc., Merrillville, IN

Michael Spiegeland, Vice President and Senior Counsel, Marriott International, Inc., Stamford, CT

- » Examine risk allocation within three-party agreements including SNDAs, cash management agreements, lockbox agreements and comfort letters
- » Explore why hotel managers want non-disturbance and why lenders may agree to it

- » Assess why hotel managers may agree to cash management controls requested by lenders

- » Consider how SNDAs and recognition agreements work in foreclosure

- » Analyze cash management agreements, including who has right to the money and who gets paid first

- » Discuss the purpose and limitations of comfort letters

3:30–3:45 pm

Networking Break

3:45–4:45 pm

If It's "Not My Problem," Then Whose Problem Is It?

Moderator

John Dent, Principal, Dent Legal Strategy LLC, Washington, DC

Panelists

Caroline George, General Counsel, Crescent Hotels & Resorts, LLC, Fairfax, VA

Carol Weld King, Morris, Manning & Martin, LLP, Washington, DC

David Peters, Senior Vice President and Counsel, Corporate Transactions, Hyatt Hotels Corporation, Chicago, IL

- » Consider how hotel owners, managers and brands identify and allocate traditional and emerging risks within management agreements, franchise agreements and other instruments

- » Receive practical insight on the allocation of risks from hotel executives and attorneys representing owners, brands and management companies

4:45–6:15 pm

Networking Reception

Sponsored by Locke Lord LLP

Friday, October 26

7:45–8:15 am

Registration & Continental Breakfast

Sponsored by Venable LLP

8:15–10:15 am

#MeToo, Unconscious/Implicit Bias, and Professional Conduct: Navigating the Model Rules and Professionalism Standard in Today's Media-Driven Culture

- » Discuss the responsibilities of lawyers to report and investigate harassment or other unprofessional conduct
- » Consider whether confidential settlements are now taboo in the post-Weinstein era

- » Explore what ethical rules are implicated by diversity and inclusion policies, and how to address biases in the workplace

- » Examine unconscious bias and the impact of the April 2018 Starbucks incident on the hospitality industry

- » Consider whether lawyers should be disciplined for displaying personal prejudices

Part I

Speaker

Stuart I. Teicher, Lead Educator, Teicher Professional Growth, LLC, East Brunswick, NJ

Part II

Moderator

Allison Martin Rhodes, Holland & Knight LLP, Portland, OR

Panelists

Carolyn Chabrow Berger, Senior Counsel, Employment and Benefits, Hilton, McLean, VA

Heidi Gunst, Counsel, Employment Practices & Compliance, Interstate Hotels & Resorts, Inc., Arlington, VA

10:15–10:45 am

Networking Break

Sponsored by Goodwin Procter LLP

10:45–11:45 am

Outsourced Operations: Not Just for Gift Shops Anymore!

Moderator

Robin Zeidel, Zeidel & Associates P.C., Rye Brook, NY

Panelists

Joshua Babbitt, Senior Vice President & General Counsel, Sydell Group, New York, NY

Ellen Brown, Executive Vice President of Investments & Asset Management, Fulcrum Hospitality LLC, Jersey City, NJ

Rob Keddie, Counsel, LDV Hospitality, New York, NY

- » Learn how and why some hotel owners outsource operations within hotels (such as restaurants, spas, fitness centers, valet operations and even a podcast studio) to service providers other than hotel management companies

- » Explore the different legal and financial structures for such outsourcing

- » Consider the legal issues raised by these relationships, current trends and risk allocations



This symbol indicates sessions that will be webcast.

Online Features

Bonus On-Demand

This add-on includes access to all recorded sessions post-program. With several breakout sessions to choose from, this is an opportunity for you to benefit from all the conference has to offer. You may receive CLE credit for new sessions online. You cannot claim credit for taking the same sessions in person and online. If you register for this option, you will receive a separate email two weeks after the program date, providing you with additional information on how to access the content online. **Registration for the live, in-person program is not transferable to the live webcast or bonus on-demand access.**

Live Webcast

If you cannot join us, watch the conference conveniently from your office.

11:45 am–12:00 pm
Boxed Lunch Distribution

12:00–1:00 pm

CONCURRENT SESSIONS

Session A

Who's Covered for What? Making Sense of Insurance Provisions in Contracts 

Moderator

Brian G. Friel, Miller Friel, PLLC, Washington, DC

Panelists

Nermine Demoupolos, Vice President, Risk Management & Insurance, Marriott Vacations Worldwide Corporation, Orlando, FL

Christian Ryan, Managing Director, US Hospitality, Sports and Entertainment Leader, Marsh & McLennan Companies, Dallas, TX

- » Discuss the insurance coverages typically obtained by hotel owners and operators, including for modern risks
- » Consider how the contracting parties are covered under various policies
- » Explore the interaction between coverages and contractual indemnification provisions
- » Obtain tips for improving your insurance program and protecting against risks

Session B

OFAC Compliance: Considerations 
for the Hotel Industry

Moderator

Jared J. Garner, Vice President – Legal, Global Asset Management and Consolidated Hotel Development, Americas, Radisson Hotel Group, Minnetonka, MN

Panelists

Kara M. Bombach, Greenberg Traurig, LLP, Washington, DC

Cari N. Stinebower, Crowell & Moring LLP, Washington, DC

Matthew Tuchband, Deputy Chief Counsel, U.S. Office of Foreign Assets Control, Washington, DC (Invited)

- » Learn what the Office of Foreign Assets Control (OFAC) regulations and sanctions are and how they can impact the hotel industry
- » Explore how the OFAC regulations specifically affect transactional documents (e.g., representations and warranties)
- » Consider what ongoing OFAC compliance obligations hotel owners and operators have after the parties have completed a transaction

1:00–1:15 pm
Networking Break

1:15–2:15 pm

CONCURRENT SESSIONS

Session A

Keep Calm and GDPR On! How to Process Guests' Information After the EU General Data Protection Regulation 

Panelists

Odia Kagan, Ballard Spahr LLP, Philadelphia, PA

Thomas Elm, Data Protection Officer, AccorHotels, Paris, France

Scott T. Loughlin, Hogan Lovells, Washington, DC

The European Union has overhauled its data protection regulation with the General Data Protection Regulation (GDPR), which became effective on May 25, 2018. With far reaching changes for companies that handle personally identifying data, coupled with daunting fines and a large extraterritorial reach, the GDPR has many companies in panic mode. At this session:

- » Discuss how the GDPR applies to hotels operations
- » Examine the key legal risks to avoid
- » Receive tips for how you can remain in compliance but still use guests' data

Session B

Putting TI Risk to Bed: A Practical Guide to Avoid Liability for Tortious Interference in Hotel Transactions 

Panelists

Meghan Cocci, Dentons, Phoenix, AZ

Amy King, Vice President, Luxury, Lifestyle and Corporate Development, Hilton, McLean, VA

Kristy L. Miaman, Dady & Gardner, P.A., Minneapolis, MN

Stuart W. Price, Bryan Cave Leighton Paisner LLP, Irvine, CA

- » Explore how to identify when tortious interference exists
- » Discuss approaches to negotiations that don't interfere with existing business relationships
- » Survey the issues facing owners, franchisors and operators
- » Learn how to best counsel your business team on avoiding tortious interference
- » Examine the steps to take if your client may have already interfered
- » Explore situations that may not be crystal clear and the best approaches to avoid liability

2:15 pm
Adjournment

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OCTOBER 24–26, 2018

7th
Annual Hotel and Lodging Legal Summit



Ten Reasons Why You Should Attend

- 1. Examine** the latest risks confronting the hotel and lodging industry and how key leaders are responding
- 2. Receive** an update on current collective bargaining agreement negotiations in the U.S. hotel industry
- 3. Explore** risk allocation within three-party agreements
- 4. Consider** how hotel owners, managers and brands identify and allocate traditional and emerging risk in management agreements and other contracts
- 5. Analyze** the impact of the #MeToo movement, diversity initiatives, and inclusion policies
- 6. Learn** how and why some hotel owners choose to out-source various operations
- 7. Understand** how to make sense of insurance provisions in contracts
- 8. Obtain** an overview of the OFAC regulations and their impact on the hotel industry
- 9. Assess** the impact of the EU's General Data Protection Regulation (GDPR) on the hotel and lodging industry
- 10. Gain** advice for how to avoid liability for tortious interference in hotel developments