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5TH ANNUAL

Hotel & Lodging Legal Summit

October 27-28, 2016 ■ Georgetown University Law Center, Washington, DC



CLE

Up to **10.75** CLE credit hours (based on a 60-minute credit hour), including 2.0 hours of ethics
Up to **12.9** CLE credit hours (based on a 50-minute credit hour), including 2.4 hours of ethics

Summit Schedule

Thursday, October 27

8:30 – 9:00 am

Registration & Continental Breakfast

Sponsored by Sheppard Mullin Richter & Hampton LLP

9:00 - 9:15 am

Welcome & Overview

J. Weili Cheng, Program Co-Chair
Robert W. Lannan, Program Co-Chair
Alisha Avril, Program Attorney

9:15 – 10:45 am

📶 Changing the Hospitality Frontier: Hotel Business Update

INTRODUCTIONS BY:

Andrea M. Mattei, Ballard Spahr LLP

MODERATOR:

Laura E. Paugh, Senior Vice President, Investor Relations, Marriott International, Inc.

PANELISTS:

Jay H. Shah, Chief Executive Officer, Hersha Hospitality Trust

Audrey L. Sokoloff, Skadden, Arps, Slate, Meagher & Flom LLP

Patrick Volz, Principal, Real Estate, The Blackstone Group

- Examine the consistent industry strategies that evolved significantly in 2016: distribution, investment and consolidation
- Obtain a snapshot of the industry as now positioned, how it is poised for change, and the implications of change
- Hear perspectives of leaders in brand investor relations, capital investment and strategic growth
- Learn how the structure and execution of transactions is evolving with the industry

10:45 – 11:15 am

Networking Break

11:15 am - 12:45 pm

Hotel Industry General Counsels' Panel

MODERATOR:

William J. Tennis, Executive Vice President, General Counsel & Corporate Secretary, DiamondRock Hospitality Company

PANELISTS:

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

Pierre Donahue, Executive Vice President & General Counsel, Crestline Hotels & Resorts, LLC

Taylor Kessel, Senior Vice President, General Counsel & Secretary, Xenia Hotels & Resorts, Inc.

Rena Hozore Reiss, Executive Vice President, General Counsel & Secretary, Hyatt Hotels Corporation

Edward A. Ryan, Executive Vice President and General Counsel, Marriott International, Inc.

- Learn about the most pressing legal issues from a panel of General Counsels representing owners, brand companies and independent management companies
- Examine how the general counsel's job continues to evolve
- Explore the legal challenges of assuming the role of a company's chief legal officer

12:45 - 2:15 pm

Luncheon & Address

Sponsored by First American Title NCS

SPEAKER:

David P. Berg, Chief Executive Officer, Carlson Hospitality Group

2:15 - 3:15 pm

📶 Administrative Agencies Doing What Congress Will Not – Labor & Employment Law Reform

MODERATOR:

David Sherwyn, Director of the Cornell Institute for Hospitality Labor & Employment Relations, Cornell University School of Hotel Administration

PANELISTS:

Harry I. Johnson, III, Morgan Lewis & Bockius LLP; Former Member, National Labor Relations Board

Denise M. Keyser, Ballard Spahr LLP

Christian White, Associate General Counsel, Litigation, Labor and Employment, North America, AccorHotels

- Identify the changes the labor and employment agencies have made to the employment landscape
- Examine the effects from the NLRB, EEOC, and DOL litigating cases and issuing decisions, opinion letters, and regulations covering topics such as joint-employer, independent contractors, transgender policies, privacy, persuader rules, quick elections, and social media policies
- Assess how employers should react to these changes
- Discuss the future under a new administration

3:15 - 3:45 pm

Networking Break

3:45 - 4:45 pm

📶 Permission or Forgiveness: Dealing with Brands and Brand Standards

MODERATOR:

Harris J. Chernow, Reger Rizzo Darnall LLP

PANELISTS:

Christine Haight Farley, Professor of Law, American University Washington College of Law

San San Lee, Law Offices of San San Lee

Victoria S. Richman, Chief Financial Officer, HVS Asset Management-Newport

Karen B. Satterlee, Vice President and Senior Counsel, Global Franchise Development, Hilton Worldwide, Inc.; Chair, ABA Forum on Franchising



Select sessions will be available via live webcast (subject to change).

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- Discuss legal challenges related to brand standards throughout their life cycle
- Analyze the dynamics among franchisors, owners and management companies in the creation, implementation and enforcement of brand standards.
- Obtain new insights about implementation and changes of brand standards in franchise and management agreements
- Understand which aspects of design and signage are protectable intellectual property
- Consider the challenges of refreshing a mature system
- Explore legal challenges related to de-identification of a property leaving a system, including how to deal with unique structural trade dress

4:45 - 6:15 pm

Networking Reception

Sponsored by Locke Lorde LLP

Friday, October 28

7:30 - 8:00 am

Continental Breakfast

Sponsored by Holland & Knight

8:00 – 10:00 am

Tech Tock, Tech Tock: Social Media and the Countdown to Your Ethical Demise

SPEAKER:

Stuart I. Teicher, Member, New Jersey District Ethics Committee and Adjunct Professor, Georgetown University Law Center and Rutgers University Law School

- Receive an in-depth explanation about the expanding ethical pitfalls and the evolving ethical duties that lawyers face when using LinkedIn, other social media platforms, and related new technologies like texting and the cloud
- Learn the potential ways that lawyers might breach Rule 1.6 (confidentiality)
- Understand how LinkedIn profiles and other social media posts might trigger the rules governing attorney advertising
- Understand how using social media to investigate could lead to deceptive practices in violation of Rule 8.4
- Examine the ethical concerns about related technologies like texting (communication issues, Rule 1.4) and use of the cloud (Rule 1.15)

10:00 - 10:30 am

Networking Break

10:30 – 11:30 am

“They’re Heeerre! . . .” Legal Challenges of a Landscape Changed by the Short-Term Rental Industry

MODERATOR:

Carren B. Shulman, Sheppard, Mullin, Richter & Hamilton LLP

PANELISTS:

Troy Flanagan, Vice President, State and Local Government Affairs, American Hotel & Lodging Association

Mitchell A. Imanaka, Imanaka Asato LLLC

Harvey Kellman, Vice President & Assistant General Counsel, Marriott International, Inc.

Stephen Shur, President, Travel Technology Association

- Examine how the development of short-term rental companies has changed the landscape of and created legal challenges for traditional hotel companies, timeshare companies, on-line travel agencies, and short-term vacation rental companies
- Explore how the Internet has driven these industries into one another’s territories
- Learn how short-term rental companies operate differently from one another within this field
- Explore occupancy tax issues confronting short-term rental companies and on-line travel agencies
- Consider how zoning laws are challenging the development of vacation properties marketed by short-term rental companies
- Discuss whether short-term rental companies can be held liable for incidents that occur in individual properties

11:30 - 11:45 am

Boxed Lunch Distribution

Sponsored by Venable LLP

11:45 am- 1:15 pm

CONCURRENT SESSIONS

Session A: Current Challenges in Negotiation of Hotel Management Agreements and Franchise Agreements

MODERATOR:

Lynn Cadwalader, DLA Piper LLP (US)

PANELISTS:

Mario Di Fiore, Goodmans LLP

Dorothy Ingalls, Vice President and Assistant General Counsel, Marriott International, Inc.

Lisa Strauss, Director, Legal, Thayer Lodging, Brookfield Hotel Properties

Don Urgo, Jr., Managing Partner, Urgo Hotels & Resorts

- Discuss current legal issues and business challenges with joint employment, including from independent contractor relationships
- Analyze the legal issues around data ownership, data breaches, and cyber insurance
- Consider the legal responsibility for compliance with the ADA and TCPA
- Survey current states of law and relevant HMA provisions, including liquidated damages, specific performance, re-flagging, brand issues and SDNA issues with terminations
- Examine M&A and consolidation issues and increased internal brand development including territorial rights
- Explore the legal issues with technology system upgrades

Session B: Cross-Border Transactions in the Hotel and Lodging Industry

MODERATOR:

Tim Jenkins, General Counsel, Jumeirah Group

PANELISTS:

Martin Arauz, General Counsel, Latin America Division, Starwood Hotels & Resorts Worldwide, Inc.

Alan D. Meneghetti, Locke Lord LLP

Anup Patel, President & Chief Investment Officer, Arch Street Capital Advisors, LLC

Ayaz R. Shaikh, Sidley Austin LLP

- Receive an update on anti-corruption enforcement laws that apply when doing business with foreign entities, including the FCPA, OFAC regulations and the UK Bribery Act
- Explore related challenges of doing business with state-owned enterprises and pseudo-governmental entities, and operating in high-risk markets
- Consider challenges posed by Chinese investment in U.S. hospitality markets on U.S.-based brand companies and investment vehicles
- Discuss transactional challenges of working with Middle Eastern-based capital sources, including structuring transactions in a Sharia-compliant manner
- Explore challenges of breaking into and operating in new international markets, including whether franchise and third party management models will be accepted in Cuba, the Middle East, China, and other Asian markets



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1:15 - 1:30 pm Networking Break

1:30 – 2:45 pm CONCURRENT SESSIONS

📶 Session A: Legal Challenges Posed by Unconventional Financing Structures

MODERATOR:
Vivian C. de las Cuevas-Diaz, Holland & Knight LLP

PANELISTS:
Mark S. Fawer, Arent Fox LLP
J. Shai Ingber, Assistant General Counsel, Overseas Private Investment Corporation
Brian Ostar, Director, Global Operations, EB5 Capital
Benjamin C. Tschann, Goodwin Procter LLP

- Explore legal issues related to diversified forms financing for traditional and non-traditional hospitality assets
- Consider transaction risk and cost (both at origination and exit) of alternative financing structures
- Examine operational impacts and requirements posed by regulation of non-traditional financing sources and the hunt for yield
- Hear perspectives of industry experts, both from the legal and business sides

📶 Session B: Top-of-Mind Legal Issues Facing Hotel Owners in 2016

MODERATOR:
Tara K. Gorman, Perkins Coie LLP

PANELISTS:
Andrew Bullard, Vice President and Assistant General Counsel, Host Hotels & Resorts, L.P.
David Camhi, General Counsel, Playa Hotels & Resorts
Thea Parent, Senior Corporate Counsel, Hershah Hospitality Trust

- Hear what the industry's hotel owners consider to be "top of mind" legal issues
- Examine how hotel owners' legal counsel are contributing to the pursuit of their clients' top objectives
- Discuss new strategies owners are exploring to confront long-standing legal issues
- Analyze the pros and cons of current hotel models (e.g., brand managed vs. third party managed; franchisor/franchisee relationship), where there is room for innovation, and related legal challenges
- Learn tricks and tips for keeping up with the laws in multiple jurisdictions when you own hotels across the country

2:45 pm Adjournment



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 Summit 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 providing you with additional information on how to access the content online.

Live Webcast

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

LUNCHEON SPEAKER

David P. Berg, Chief Executive Officer, Carlson Hospitality Group, Minneapolis, MN

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Cancellation and rain-check notices must be received by 5:00 pm ET on Thursday, October 20, 2016 for a refund (less \$100 administrative fee). Rain checks for a future program will be granted for cancellations received after October 20th and prior to the start of the program. Substitutions are accepted at any time prior to the program. Registration for the live, in-person program is not transferable to the live webcast or bonus on-demand access.

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Hotel & Lodging Legal Summit (October 27-28, 2016)

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October 27-28, 2016 ■ Georgetown University Law Center, Washington, DC

10 Reasons Why You Should Attend

1. **Receive** insightful analyses from an all-star panel of General Counsels
2. **Obtain** a CEO perspective on the industry from David Berg, CEO of Carlson' Hospitality Group and Jay Shah, CEO of Hersha Hospitality Trust
3. **Identify** the key changes made by the NLRB, EEOC and DOL, and explore their effects on the hospitality landscape
4. **Assess** the need to set brand standards, the need to change them and the need to enforce them
5. **Examine** how the short-term rental industry is growing and the new legal challenges it faces
6. **Learn** how to address and negotiate developing issues in hotel franchise agreements and management agreements
7. **Receive** an up-to-the-minute report on anticorruption enforcement overseas
8. **Gain** a comprehensive understanding of unconventional financing structures
9. **Review** owners' perspectives on the most current issues in a new diverse session
10. **Explore** the hottest ethics issues affecting hospitality lawyers working for law firms and companies with renowned expert Stuart Teicher