consumer protection

CONFFERENCE

february 5, 2019
nashville, tn

CO-CHAIRS
victor j. domen jr.
paula c. martucci
kevin j. o’connor

VISIT
ambar.org/atconsumer
Dear Colleagues:

We are delighted to announce the ABA Section of Antitrust Law, 2019 Consumer Protection Conference to be held for the first time in Nashville, Tennessee, at the Ole Red down on musical Broadway on Tuesday, February 5, 2019. Marketing and media continue to innovate and become more global in dimension. Disruptive technologies continue to evolve. These new technologies and business models do not always fit neatly within existing regulatory and enforcement schemes, and raise important issues. What is the appropriate role for consumer protection enforcement and regulation in a borderless digital world? What cutting-edge issues face enforcers and in-house counsel on the consumer protection, privacy and data security fronts? And, what could and should businesses do to identify and manage these new risks from a corporate compliance perspective?

Join us to hear from leading consumer protection enforcement officials from the FTC, DOJ, FCC, state attorneys general, as well as experienced consumer protection practitioners, and in-house counsel. Held bi-annually, the conference is a “must attend” event.

This one-day conference will give you the information and tools you need to bring you up to date regarding some the most important issues in consumer protection. Network with colleagues from the corporate world, private practice, and the government at both the conference and at our Welcome Reception the night before. We hope that you and others in your organization will join us at this very special event.

We look forward to seeing you in Nashville!

Deborah A. Garza
Chair ABA Section of Antitrust Law

Victor J. Domen, Conference Co-Chair

Kevin J. O’Connor, Conference Co-Chair

Paula C. Martucci, Conference Co-Chair
MONDAY, FEBRUARY 4, 2019

6:30 – 9:00 PM  REGISTRATION

6:30 – 9:00 PM  OPENING RECEPTION

TUESDAY, FEBRUARY 5, 2019

7:30 AM – 5:00 PM  REGISTRATION

8:00 – 8:15 AM  WELCOME REMARKS
Deborah A. GARZA, Antitrust Section Chair, Covington & Burling LLP, Washington, DC
The Honorable Herbert H. SLATTERY III, Attorney General, Tennessee Office of the Attorney General, Nashville, TN

8:15 – 8:30 AM  INTRODUCTORY KEYNOTE
The Honorable Joseph J. SIMONS, Chairman, Federal Trade Commission, Washington DC

8:30 – 9:30 AM  THE GOVERNMENT PERSPECTIVE: CONSUMER PROTECTION AND ENFORCEMENT IN EVOLVING MARKETS
Hear directly from the federal and state consumer protection enforcers, as well as from a Canadian perspective, likely enforcement agendas, trends and what issues to be on the lookout for now and in the months to come. What do recent enforcement decisions and/or guidelines mean for businesses?

Moderator:
Patricia A. CONNERS, Chief Deputy Attorney General, Florida Office of the Attorney General, Tallahassee, FL

Speakers:
Matthew BOSWELL, Interim Commissioner of Competition, Competition Bureau Canada, Gatineau
The Honorable Joseph J. SIMONS, Chairman, Federal Trade Commission, Washington, DC
9:30 – 10:30 AM  MAJOR CHALLENGES ON THE PRIVACY AND DATA PROTECTION FRONT

The EU’s GDPR has significantly altered the privacy regulation landscape and now states like California are joining the push for greater accountability on the privacy front. Many American companies are really “global” companies and are faced with privacy and data security regulatory regimes that vary by country as well as, within the U.S., by state. Although most U.S. attorneys are familiar with the broad principles of GDPR, a few key issues have emerged that demand in-depth analysis. What are the issues that present the greatest exposure to U.S. companies? What are the priorities of the federal and state enforcers? We’ll discuss the latest learning from recent enforcement actions and hear from enforcers and companies what their key enforcement and compliance concerns are. We will also discuss whether it is desirable to seek international “convergence” on privacy and data security standards. Would convergence in this area enhance consumer welfare or does it matter?

Moderator:
Dana B. ROSENFELD, Kelley Drye & Warren LLP, Washington, DC

Speakers:
Ilunga KALALA, Privacy Counsel, Turner Broadcasting System Inc, Washington, DC

Abigail STEMPSON, Director, Center for Consumer Protection, National Association of Attorneys General Training & Research Institute, Washington, DC

Thomas F. ZYCH, Thompson Hine, Cleveland, OH

10:30 – 10:45 AM  BREAK
10:45 – 11:45 AM  CORPORATE COMPLIANCE: IS IT A “GOTCHA” WORLD OR ARE THERE GOOD ROADMAPS TO CP COMPLIANCE?

In the antitrust compliance world, there are fairly well-worn paths to compliance: antitrust compliance guidelines, antitrust training programs, and reasonably well-defined procedures for acquiring input from antitrust enforcers. Can the same be said of consumer protection compliance, broadly construed? Or do consumer protection issues comprise too great a collection of disparate regulatory regimes? How can in-house counsel provide comprehensive compliance to their business clients?

**Moderator:**
Paula C. MARTUCCI, Associate General Counsel, Walmart Stores Inc, Bentonville, AR

**Speakers:**
Laura BRETT, Director, National Advertising Division, Council of Better Business Bureaus Inc, New York, NY

Christopher A. COLE, Crowell & Moring LLP, Washington, DC

Pamela JONES-HARBOUR, Senior Vice President, Global Member Compliance & Privacy, Herbalife Nutrition, Los Angeles, CA

Scott SCHOOLS, Chief Compliance and Ethics Officer, Uber Technologies Inc, San Francisco, CA

11:45 – 12:45 AM  NETWORKING LUNCH
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<tr>
<th>Time</th>
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<th>Moderator</th>
<th>Speakers</th>
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| 12:45 – 1:45PM | **MOBILE MARKETING: CAN LAW KEEP UP?**     | There are more mobile devices than there are people in the world, with more ways for businesses to stay in touch with their customer base and to make new contacts. But while personal contact with consumers on their mobile devices has the potential for huge benefits, it also can be fraught with risk. Companies need to understand their calling technology and the laws implicated by such technology. Have the laws become too complicated, and are they preventing innovation? What are government enforcers doing to protect against illegal robocalls, and does this approach leave a viable path for lawful mobile marketing? And is mobile marketing law flexible enough for auto dialers, manual dialers, instant messaging, SMS, push notifications, and other forms of mobile outreach? | Daniel S. BLYNN, Venable LLP, Washington, DC | Michele A. SHUSTER, Mac Murray & Shuster LLP, New Albany, OH  
Kristi THORNTON, Associate Division Chief, Federal Communications Commission, Washington, DC |
| 1:45 – 2:45PM | **MULTISTATE CONSUMER PROTECTION ENFORCEMENT BY STATE ATTORNEYS GENERAL: THE OPIOID EPIDEMIC, A CASE IN POINT** | The nation is facing an unprecedented challenge with the opioid epidemic. In the past, state enforcers have collaborated on significant matters. In general, how are the states organized on the consumer front? How closely have they collaborated and what results have they achieved? Using the opioid crisis as a case in point, panelists will explore the advantages and limitations of such collaboration. | Jennifer E. PEACOCK, Senior Assistant Attorney General, Tennessee Office of the Attorney General, Nashville, TN | Richard P. LAWSON, Manatt Phelps & Phillips LLP, New York, NY  
Milton A. MARQUIS, Cozen O’Connor, Washington, DC  
Paul SINGER, Chief, Consumer Protection Division, Texas Office of the Attorney General, Austin, TX |
| 2:45 – 3:00PM | **BREAK**                                  |                                                                         |                                                                          |                                                                         |
LIVING IN THE MODERN WORLD: WHAT TO EXPECT FOLLOWING THE FTC’S HEARINGS ON COMPETITION AND CONSUMER PROTECTION IN THE 21ST CENTURY

In January 2019, the FTC will conclude its historic public hearings on whether broad-based changes in the economy, evolving business practices, new technologies, and international developments require adjustments to consumer protection law, enforcement priorities, and policy. The written submissions and testimony received by the Commission have contributed critical thinking that is expected to trigger a level of agency self-examination last seen following the 1995 Global Competition and Innovation Hearings conducted at the direction of then-Chairman Robert Pitofsky. What big ideas were born during these multi-day, multi-part hearings and which ones have traction? How will the FTC keep pace with technologies on the move?

Moderator:
Alysa Z. HUTNIK, Kelley Drye & Warren LLP, Washington DC

Speakers:
Edith RAMIREZ, Hogan Lovells US LLP, Washington, DC
Katharine R. SAUNDERS, Managing Associate General Counsel, Verizon Communication Inc., Arlington, VA
Bilal SAYYED, Director, Office of Policy Planning, Federal Trade Commission, Washington, DC

CONSUMER INJURY: IS TANGIBLE HARM NEEDED TO EVEN OPEN A CASE?

Recent cases and emanations from the courts and FTC suggest that consumer enforcement should be driven more explicitly by demonstrable consumer injury. How would this be applied in cases where the harm is not measurable or even tangible? Are consumers “harmed” by annoying robocalls? Is a privacy breach “harmful” if the ill-gotten information is never used for illicit purposes? Is it practical to require measurable harm at the outset of an investigation? How does one litigate this issue?

Moderator:
The Honorable Jon S. TIGAR, Judge, U.S. District Court for the Northern District of California, San Francisco, CA

Speakers:
Svetlana S. GANS, Vice President & Associate General Counsel, NCTA - The Internet & Television Association, Washington, DC
Scott A. MARTIN, Hausfeld LLP, New York, New York
Lydia B. PARNES, Wilson Sonsini et al, Washington, DC

* Check our conference web page www.ambar.org/atconsumer for the most up-to-date program information.
Discounted Registration Cut-off: Monday, January 14, 2019

Those registered by the cut-off date will be included on the Attendee Roster, posted on the conference website and will have access to the course materials prior to the conference.

The ABA automatically adjusts registrations submitted at the incorrect rate. Full payment at the correct rate must be received in order to process your registration and CLE credits. The ABA does not accept wire transfers or purchase orders.

Financial scholarship applications are available for this conference. To request an application or receive additional information, contact: at-registrar@americanbar.org. Attorneys who qualify will receive at least a 50% reduction in the course fee(s). This does not include any reduction in meals, lodging, or travel costs associated with the course.

### Registration Rates

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<th>After January 14</th>
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<tr>
<td>Antitrust Section Member</td>
<td>$650.00</td>
<td>$775.00</td>
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<td>ABA Member</td>
<td>$750.00</td>
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<td>List/Non-Member</td>
<td>$950.00</td>
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<td>Academic/Government/Non-Profit/LLM Section Member</td>
<td>$175.00</td>
<td>$225.00</td>
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<tr>
<td>Academic/Government/Non-Profit/LLM ABA &amp; List Rate</td>
<td>$275.00</td>
<td>$375.00</td>
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<td>Law Students (Limited)</td>
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Your registration fee includes: admission to CLE sessions, CLE credit, course materials, continental breakfast, lunch and reception.

### TWO WAYS TO REGISTER

#### Online

| ambar.org/atconsumer | **Online registrants will receive an electronic confirmation within one day.**
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<td><strong>Online registration closes at 5:00pm CST on February 4, 2019</strong></td>
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#### On-site

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<tr>
<td>Ole Red</td>
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<td>300 Broadway Nashville, TN 37201</td>
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### DISCOUNTS

#### Early Registration

Registrations received by January 14, 2019 will be processed at the discounted registration rate.

#### ABA Antitrust Section Members

The registration rate for Antitrust Law Section is reduced for this conference as a member benefit. The discount is reflected on the registration page online.

#### ABA Members

Join the Section of Antitrust Law ($60.00) and register at the reduced rate reserved for Antitrust Law Section members.

#### Not an ABA Member

Join now and save by going to www.ambar.org/join

#### Government, Academics, LLMS, and Nonprofits

Available for those with a primary position at a government or academic institution (e.g., law firm lawyers who also are adjunct professors would pay the law firm rate) or a student who has passed a Bar, but is currently seeking a LLM, and is not working as an attorney.

#### Law Students

Discounted registration for currently enrolled law students who have not passed a Bar and/or are not licensed to practice. Availability is limited.
Cancellations
In the event of cancellation, a refund of the registration fee, less a $50.00 administrative fee, will be granted only for written requests received by ct-registrar@americanbar.org by 5:00 pm CST, on January 31, 2019. Please allow four weeks after the conference for the processing. The ABA reserves the right to cancel any conference or portion thereof and assumes no responsibility for personal expenses.

Course Materials
An e-mail containing the link to course materials will be sent out to all registered attendees one week prior to the conference.

Registrant/Attendee Image & Voice Agreement
Registration for, attendance or participation in the 2019 Consumer Protection Conference and other associated activities constitutes an agreement by the registrant to permit the ABA to use and distribute (both now and in the future) the registrant or attendee’s image or voice in photographs, videotapes, electronic reproductions, audiotapes of such events and activities.

Roster of Participants
A roster of conference participants is available online at www.ambar.org/atconsumer and is updated weekly.

Substitutions
Emailed requests for substitutions will be permitted. There is no additional cost for substitutions. Substitutions are not permitted once a registrant has registered on-site or after the conference has occurred. Only the substitute will be eligible for CLE credit. The substitute and original registrant must work out the payment between themselves.

Special Needs
Individuals should update their profile at MyABA.org with allergies or ADA needs.

Tape Recording
No audio recording or videotaping of any part of the conference will be permitted.

CONTINUING LEGAL EDUCATION
All Attendees: Sign-in for CLE upon Arrival
DE/IL Attendees: You are required by your state to sign into each session.
NY Attendees: You are required by your state to sign in and out each session.
CLE Attendance Reporting: The ABA will report your attendance to the states which allow us to do so on your behalf based on your completion of this form: www.ambar.org/CLEattendreport

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit ambar.org/atconsumer.
HOTEL RESERVATIONS CUT-OFF: Monday, January 14, 2019
Rooms will be available until the cut-off or when the block fills, whichever comes first.

Ole Red (Conference)  
3rd Floor Event Space  
300 Broadway  
Nashville, TN 37201  
615.780.0900  
olered.com/Nashville/  

Hotel Noelle (Accommodations)  
200 4th Avenue North  
Nashville, TN 37219  
Ph: 615.649.5000  

Conference Rates (Limited Block of Rooms):  
$214.00 + tax - Single/Double Run of House  

Reservation Link: starwoodmeeting.com/Book/ABA2019LawConference  
Call: 615.649.5000 or 866.912.1124 and reference "ABA Section of Antitrust Law-Consumer Protection Conference"  

- Availability is Limited  
- Individuals responsible for making their reservations.  
- Cancellations must be made 72 hours prior to scheduled day of arrival to avoid one-night cancellation charge.

AIR TRAVEL/DISTANCE TO CONFERENCE

Nashville International Airport (BNA)  
Taxi/Ride Share: Approximately 25 minutes  
Bus: Approximately 1 hour

ABA NEGOTIATED AIRFARE DISCOUNTS.

ABA discounts can also be obtained directly from the carrier:

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<td>American</td>
<td>Delta 800.328.1111</td>
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<td>United</td>
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* A Travel Profile is required when booking airline reservations with ABA Egencia, visit www.americanbar.org/travel for more information.

INTERNATIONAL TRAVEL DETAILS

- U.S. State Department site at www.state.gov/travel.  
The Section of Antitrust Law has 29 Substantive Committees.

The Consumer Protection Committee (www.ambar.org/atconsumerpro ) focuses:

- Your best source for consumer protection information
- Latest developments and critical analyses covering the law of false and deceptive advertising, unfair trade practices, and illegal marketing
- Focus on electronic and online conduct affecting consumers, such as social media marketing and promotions and online and mobile disclosures

Committee Recommended Publications:

Advertising Claim Substantiation Handbook

Consumer Protection Law Developments

Consumer Protection Law Developments Update

AVAILABLE ONLINE at shopmyaba.org.

Committee Leadership

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Patricia A. Conners

VICE CHAIRS
Lauren B. Aronson
Daniel S. Blynn
Joanna Bolton
Antonio Di Domenico
Ilunga L. Kalala
Richard P. Lawson
Daniel S. Savrin

Get Involved

JOIN A COMMITTEE
Antitrust Section Members can join any of the 29 committees at no additional cost. Meet Professionals who share your passion for a specialized area of law. Open the door to PUBLISHING, SPEAKING, AND OTHER CREDENTIAL-BUILDING COMMITTEE OPPORTUNITIES.

How to Join a Committee

1. Go the ambar.org/atjoincmte
2. Enter you ABA ID and password.
3. Check the committees you choose and click “Submit”
SEARCH & SAVE

Join the ABA in Nashville, TN
February 5, 2019
#atconsumer

Hotel Noelle
200 4th Avenue North
Nashville, TN 37219
615.649.5000
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DEADLINES

January 14, 2019       January 14, 2019       February 4, 2019
Hotel Reservations   Early Registration Bird   Online Registration

Mark your calendar for other upcoming ABA Section of Antitrust Law Conferences.
Visit americanbar.org/antitrust for details.

November 7, 2018       Regional Networking Reception | New York, NY
November 15, 2018       Fall Forum | Washington, DC
January 23-29, 2019    ABA Midyear Meeting | Las Vegas, NV
February 5, 2019       Consumer Protection Conference | Nashville, TN
March 27-29, 2019      67th Spring Meeting | Washington, DC
May 9-10, 2019         Antitrust in the Americas | Buenos Aires
June 17, 2019          Antitrust Global Private Litigation | Berlin

Consumer Protection Conference

REGISTER ONLINE AT
ambar.org/atconsumer