AGENDA | CONSUMER PROTECTION CONFERENCE
OLE RED, NASHVILLE, TN | TUESDAY, FEBRUARY 5, 2019

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. SLATERY 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. ROSENFIELD, Kelley Drye & Warren LLP, Washington, DC

Speakers:
Ilunga KALALA, Privacy Counsel, Turner Broadcasting System Inc, Atlanta, GA
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 a 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 PM  NETWORKING LUNCH
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?

**Moderator:**
Daniel S. BLYNN, Venable LLP, Washington, DC

**Speakers:**
Michele A SHUSTER, Mac Murray & Shuster LLP, New Albany, OH
Kristi THORNTON, Associate Division Chief, Federal Communications Commission, Washington, DC
Krista WITANOWSKI, Assistant Vice President, Regulatory Affairs, CTIA, Washington, DC

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.

**Moderator:**
Jennifer E. PEACOCK, Senior Assistant Attorney General, Tennessee Office of the Attorney General, Nashville, TN

**Speakers:**
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

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 Communications Inc, Arlington, VA
Bilal SAYYED, Director, Office of Policy Planning, Federal Trade Commission, Washington, DC

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, NY
Lydia B. PARNES, Wilson Sonsini et al, Washington, DC
CONFERENCE INFORMATION

Scholarship:
Financial scholarship applications are available for this conference. To request an application or receive additional information, contact: at-registrar@americanbar.org

Continuing Legal Education (CLE)
Sign in for MCLE (U.S. CLE)

All Attendees: Sign-in for CLE upon Arrival

DE/IL Attendees: Your states require you to sign into each session

NY Attendees: You are required by your state to sign in and out each session.

States typically decide whether a program qualifies for CLE credit in their jurisdiction 4-8 weeks after the program application is submitted. For many live events, credit approval is not received prior to the program.

The ABA directly applies for and ordinarily receives credit for live, in-person programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MO, MT, NC, ND, NH, NM, NY, OH, OK, OR, PA, PR, SC, TN, TX, UT, VA, VI, VT, WA, WI, and WV. The ABA will seek 6.25 hours of CLE credit for this program in 60-minute states, and 7.50 hours of CLE credit for this program in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. View accreditation information for your state. Special rules apply to lawyers from the following states:

The ABA will report your attendance to states which allow us to do so on your behalf based on your completion of the ABA CLE Attendance Reporting Request Form which you may access via this link http://ambar.org/CLEattendreport
the ABA will report to the following states: AL, DE, GA, HI, IN, KS, LA, ME, MS, MT, NC, NM, NV, OH, OK, OR, PA, RI, SC, TN, TX, UT, WA
• NM Attorneys: Only complete this form for in-person programs held in New Mexico.
• KS Attorneys: Only complete this form for webinars only and in-person programs held in Kansas. Please report directly to KS for in-person programs not held in Kansas.
The ABA will report your attendance within 6 weeks of the completion of this form or within the jurisdiction’s required time frame.
If you have any questions, please email mcle@americanbar.org

Arizona: The State Bar of Arizona does not certify MCLE courses or providers. You must independently review Arizona MCLE regulations and make your own determination as to whether a program qualifies for credit towards your MCLE requirements.

Florida: You are eligible to receive credit for this program through Florida’s reciprocity provision. ABA programs are approved in New York and many other states. To have credit for this program posted to your CLE total, email or fax the Uniform Certificate of Attendance and the program agenda to the Florida Bar. View contact information for the Florida Bar. There is no fee for you to use the reciprocity provision.

Idaho: You may self-submit this program for CLE approval by sending the Application for CLE credit to the Idaho State Bar with the required attachments. You can download a copy of the program brochure/agenda from an ABA program’s website, or print a copy of the program web page if no separate brochure available for submission with your application. There is no fee for this submission.

Maine: You are eligible to receive credit for this program through Maine’s reciprocity provision that allows credit hours for courses or activities approved by another MCLE state and certified by that state’s CLE regulatory authority
to be accepted for identical credit by the Maine Board of Overseers of the Bar upon the board’s receipt of evidence of such certification as issued by that state, or the ABA Uniform Certificate of Attendance. ABA programs are approved in New York and many other states.

Nebraska: You may self-submit this program for CLE approval after attending the program by logging into your personal MCLE account with the Nebraska MCLE Commission. There is no fee for this submission and a response is generally received within 3-5 days.

New Hampshire: The New Hampshire MCLE Board does not certify MCLE courses or providers. You must self-determine whether a program is eligible for credit, and self-report your attendance online at www.nhbar.org/NHMCLE.

New Jersey: You are eligible for credit for this program under New Jersey reciprocity provision if another state grants credit for it. ABA programs are approved in New York and many other states.

New York: This transitional CLE program is approved for all New York-licensed attorneys in accordance with the requirements of the New York State CLE Board for transitional MCLE credits. Both experienced and newly admitted attorneys may earn New York credit with this program.

Rhode Island: You may self-submit this program for CLE approval online, under Course Accreditation (Appendix D), at the time of attendance reporting. There is no fee for self-submission.

Wyoming: You may self-submit this program for CLE approval within a reasonable time after attending the program by completing Application for CLE credit. This is the same form that is currently required for attendance reporting. There is no fee for self-submission.

All attorneys may click here to view additional MCLE information for your jurisdiction.

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