

2020 Retail Law Conference

CONFERENCE PROGRAM

Tuesday, October 20

12:00 PM – 12:15 PM

General Session

Opening Remarks

Welcome to the Retail Law Conference! Rhonda Taylor, Executive Vice President & General Counsel of Dollar General Corporation, as well as Chair of the Retail Litigation Center Board of Directors, and Deborah White, RILA's General Counsel and the RLC's President will welcome attendees to the reimagined Retail Law Conference.

Speaker(s):

Deborah White, Senior Executive Vice President & General Counsel, RILA

Rhonda Taylor, Executive Vice President & General Counsel, Dollar General Corporation

12:15 PM – 1:15 PM

General Session

Life & Leadership in the Time of COVID

What was originally a crisis became a "moment" that is defining history, our lives, and our industry. With new facts and legal curveballs each day, it is like taking exams as a 1-L with never-ending and changing hypotheticals. During this time, we have observed extraordinary leadership and resilience, seen acts of humanity that renew the spirit, and watched retailers come together to elevate the industry. Explore what legal leadership in the time of COVID-19 has encompassed and discover new lessons on moving your company and team forward. Expert General Counsel will present a humanized perspective on managing in-house legal departments under the heavy weight and workload of COVID-era complications. They will address the challenges they have faced and how they navigated them, their collaboration with and responsiveness to the needs of the C-suite, and the direction they will take in the future. Perhaps most importantly, they will address how teams have come together to lift each other up and to take care of one another during a time when teamwork is paramount.

Speaker(s):

Jodi Caro, General Counsel, Chief Compliance Officer & Corporate Secretary, Ulta Beauty, Inc.

Lacey Bundy, Senior Vice President, General Counsel & Corporate Secretary, PetSmart, Inc.

Rankin Gasaway, Senior Vice President, General Counsel & Secretary, 7-Eleven, Inc.

Teresa Wynn Roseborough, Executive Vice President, General Counsel & Corporate Secretary, The Home Depot, Inc.

Moderator: Meredith Slawe, Co-Chair of Class Actions Practice Group; Co-Chair of Retail Industry Group, Cozen O'Connor

1:30 PM – 2:20 PM

Breakout Session

Guns & Weapons in the Retail Workplace

Workplace violence by customers and employees involving weapons continues to be a hot topic that impacts retailers causing human, social and economic losses. During this session, you will:

- Learn how to balance individual rights to carry firearms against the rights of retail business and property owners to restrict or allow weapons on their premises;
- Discuss how public opinion with respect to gun rights, laws, and prohibitions affects public relations for retail establishments; and
- Receive an update on the legal limitations and signage requirements related to weapons in public spaces and parking lots. Panelists will also discuss best practices (e.g., risk assessment and policy and procedure development, emergency planning, and employee trainings) companies can use to proactively address workplace violence. You will explore case studies and examples of compliant policies and trainings, and hypotheticals.

Speaker(s):

Christina Hackler, Vice President, Asset Protection, Signet Jewelers

Carin Burford, Shareholder, Ogletree, Deakins, Nash, Smoak & Stewart

1:30 PM – 2:20 PM

Breakout Session

The Changing Composition of the 9th Circuit

Gain insights into the robust history of the U.S. Court of Appeals for the Ninth Circuit. We will discuss how the 10 judges confirmed during the current presidency may be characterized as conservative and whether this dramatic change in the Court's composition may affect the Court's resolution of constitutional and business issues. You will gain insights into:

- New factors in the Court's predisposition to class actions, including its willingness to accept Rule 23(f) review of orders granting class certification;
- Potential changes in the Court's approach to California wage-and-hour issues—including the Court's current trend of certifying issues to the California Supreme Court; and
- Increased scrutiny of state laws targeting business in areas such as commercial speech, preemption, and religious freedom.

Speaker(s):

Amy Lally, Partner, Sidley Austin

David Carpenter, Partner, Sidley Austin

Arthur Hellman, Professor of Law Emeritus, School of Law, University of Pittsburgh

1:30 PM – 2:20 PM

Discussion Session

Ask a GC: Teresa Wynn Roseborough, The Home Depot [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

The retail industry's legal departments are led by general counsel who are as varied in their journeys as they are smart at what they do. RLAW's "Ask a GC" sessions are unique opportunities for a small group of in-house counsel (limited to 15) to ask questions of and to get to know one of the retail industry's leading GCs. Each GC will be asked to weigh in on a common set of a few questions on things like their journey to becoming a GC, what they look for in rising stars, and how they've navigated difficult issues. Then attendees will get to ask their own questions in this special "open door" session.

Speaker(s):

Featuring: Teresa Wynn Roseborough, Executive Vice President, General Counsel & Corporate Secretary, The Home Depot

Moderated by: Purvi Patel, Partner, Morrison & Foerster LLP

1:30 PM – 2:20 PM
Discussion Session

Retail Roundtable: Being in the "Foxhole" with the C-Suite [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

*Corporate crises are unquestionably stressful, but they are also unique opportunities for retail general and corporate counsel to demonstrate value and get to know their c-suite peers in an important way. Discuss ways to make the best of a difficult situation – for your company and professionally. Retail Roundtables are your chance to explore this challenging issue with your colleagues across the retail industry. Roundtables will be conducted under the Chatham House Rule, co-moderated by leading corporate and outside counsel (**see below**), and limited to 15 in-house counsel to facilitate a meaningful conversation on this important topic.*

Speaker(s):

Co-Moderator: Tim Cheatham, Executive Vice President, General Counsel, Corporate Secretary and Chief Compliance Officer, The Michaels Companies, Inc.

Co-Moderator: Lillian Hardy, Partner, Hogan Lovells US LLP

2:30 PM – 3:20 PM
Discussion Session

Retail Roundtable: "Care & Feeding" of Remote Teams [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

*Remote work was a relatively 'niche' concept until COVID hit; now, lots of corporate legal departments are 'working from home' or other locations outside of the office and legal leaders are looking for new ideas for how to care for their teams remotely. What ideas can you share? Retail Roundtables are your chance to explore this challenging issue with your colleagues across the retail industry. Roundtables will be conducted under the Chatham House Rule, co-moderated by leading corporate and outside counsel (**see below**), and limited to 15 in-house counsel to facilitate a meaningful conversation on this important topic.*

Speaker(s):

Co-Moderator: Laura Meagher, Vice President, General Counsel & Secretary, VF Corporation

Co-Moderator: Ann Bevitt, Partner, Cooley LLP

2:30 PM – 3:20 PM
Discussion Session

Ask a GC: Ben Parrish, Tractor Supply [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

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Speaker(s):

Featuring: Ben Parrish, Executive Vice President, General Counsel & Corporate Secretary, Tractor Supply Company

Moderated by: Laura McNally, Partner; Co-Chair, Retail and Consumer Brands, Loeb & Loeb LLP

2:30 PM – 3:20 PM
Breakout Session

Aggressively* Defending Class (& Other Mass) Actions Against Retailers in 2020

There has been an increase in class action activity during the COVID-19 pandemic. The latest class actions implicate privacy, advertising/marketing/pricing practices, product labeling, customer communications, and ADA issues. The plaintiffs' class actions bar is coordinated, creative, and keenly focused on the retail industry. This session will cover how retailers can combat these suits using effective strategies for a successful outcome. Presenters will discuss strategies to:

- Proactively deter threatened litigation;
- Effectively deal with pre-suit demand letters;
- Aggressively defend against class actions; and
- Thoughtfully address settlements and agreements without inviting copycat claims.

Speaker(s):

Michelle Krall, Senior Vice President, General Counsel & Corporate Secretary, Designer Brands Inc. - DSW

Meredith Slawe, Co-Chair, Class Actions Practice Group; Co-Chair, Retail Industry Group, Cozen O'Connor

Mike McTigue, Co-Chair, Class Actions Practice Group, Cozen O'Connor

2:30 PM – 3:20 PM
Breakout Session

Cannabis Conundrums

Thirty-three states and the District of Columbia now allow recreational and/or medical marijuana, and that number is likely to increase. Hemp production has been legalized nationwide and CBD oil products are everywhere, yet marijuana use and possession remain illegal under federal law. This dichotomy between what state law permits and what federal law prohibits means retailers' workplace policies must consider increased litigation risks and a growing number of potential plaintiffs. Navigate through the haze of marijuana legalization and the myriad issues retailers face when asked to accommodate marijuana using applicants and employees—including non-discrimination, reasonable accommodation, off-duty use, and drug testing.

Speaker(s):

David Campbell, Director, Litigation, Big Lots Stores, Inc.

Mark Knueve, Partner, Vorys, Sater, Seymour and Pease LLP

3:30 PM – 4:20 PM
Discussion Session

Ask a GC: Mike Eckhardt, Wawa [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

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Speaker(s):

Featuring: Mike Eckhardt, Vice President, Chief Risk Officer, General Counsel & Secretary, Wawa, Inc.

Moderated by: Mira Baylson, Partner, Cozen O'Connor

3:30 PM – 4:20 PM
Discussion Session

Retail Roundtable: COVID Response Planning [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

*Crisis planning for a unique event is nothing new, but COVID required concentrated, constantly evolving response planning to an unprecedented event that affected the entire industry as well as every individual employee at the same time. Share what you have learned from the experience and learn what others are building for their companies. Retail Roundtables are your chance to explore this challenging issue with your colleagues across the retail industry. Roundtables will be conducted under the Chatham House Rule, co-moderated by leading corporate and outside counsel (**see below**), and limited to 15 in-house counsel to facilitate a meaningful conversation on this important topic.*

Speaker(s):

Co-Moderator: Brittany Adams, Senior Employment Attorney, Dollar General Corporation

Co-Moderator: Kevin White, Partner, Hunton Andrews Kurth

3:30 PM – 4:20 PM
Breakout Session

Retail Lease Strategies Amid COVID-19

As the COVID-19 pandemic continues to linger, a growing number of retailers are facing lease-related issues concerning their brick and mortar stores operations and their rights and obligations under their leases. While some landlord disputes have been resolved and several are in active litigation, many others remain unresolved with litigation not yet filed. During this presentation, we will discuss key lease provisions including force majeure clauses, abatement and termination rights, co-tenancy clauses, and casualty provisions, among others. We will also provide an update on the latest court decisions, litigation strategies and legislative developments with an eye towards possible approaches you can consider. You will leave with:

- An understanding of how the language of retail leases can provide tenants with options regarding payment and operation obligations while COVID-19 is impacting stores;
- Examples of what actions retail tenants have taken and should consider taking; and
- Awareness of COVID-related laws and the current litigation landscape.

Speaker(s):

Randy Brodwin, Vice President, Associate General Counsel, Foot Locker, Inc.

Greg Call, Partner, Crowell & Moring LLP

Allyson McKinstry, Counsel, Crowell & Moring LLP

Tracy Reichmuth, Counsel, Crowell & Moring LLP

3:30 PM – 4:20 PM
Breakout Session

Combating Counterfeits

Learn about protecting your company's brands and combating counterfeits through enforcement actions. Hear from a panel of experts as they discuss cease and desist letters, litigation in district courts and before the U.S. International Trade Commission, Customs and Border Protection enforcement, and working with online marketplace platforms such as Amazon and eBay. We will also discuss risks related to counterfeiting—including loss of revenue, servicing customer requests from faulty counterfeits, and damage to reputation, and recommend best practices to protect brands against counterfeiting.

Speaker(s):

Shannon King, Director & Associate General Counsel, Intellectual Property, Williams-Sonoma, Inc.

Roy Diaz, Associate Vice President & Patent Attorney, L'Oreal USA, Inc.

Robert Masters, Partner, Sheppard, Mullin, Richter & Hampton LLP

Lisa Martens, Partner, Sheppard, Mullin, Richter & Hampton LLP

4:30 PM – 5:30 PM

General Session

SCOTUS Term 2020

Three expert appellate litigators will lead a lively and informative discussion about the Court's key decisions from the last term and what we can expect in the upcoming term.

Speaker(s):

Moderator: Amy Howe, Co-Founder, SCOTUSblog

Eric Citron, Partner, Goldstein & Russell, P.C.

Sarah Harrington, Partner, Goldstein & Russell, P.C.

Thomas Goldstein, Partner & SCOTUSblog Publisher, Goldstein & Russell, P.C.

Wednesday, October 21

12:00 PM – 12:15 PM

Opening Day 2

General Session

Speaker(s):

Brian Dodge, President, RILA

12:15 PM – 1:15 PM

General Session

Diversity & the Legal Profession

Join us for this unique opportunity to hear from three key leaders in the legal profession on diversity issues they have faced and initiatives that they are using to enhance diversity in their programs. Two top retail general counsel, as well as the chair of an AmLaw50 law firm, will provide their perspectives on and experience with raising the bar for inclusion and representation in their practices. Featuring both corporate and law firm perspectives, attendees will be able to compare approaches and learn new ideas for ensuring diverse talent pools and working together across the legal profession to grow diversity.

Speaker(s):

Don Liu, Executive Vice President and Chief Legal & Risk Officer, Target Corporation

Julie Gruber, Executive Vice President, Chief Legal and Compliance and Sustainability Officer, Corporate Secretary, Gap Inc.

Jonathan P. Harmon, Chairman, McGuireWoods LLP

Moderator: Sabrina Beldner, Department Chair, Labor & Employment, McGuireWoods LLP

1:30 PM – 2:20 PM

Breakout Session

California Employment Litigation Trends

California employers are being hit with an unprecedented volume of costly lawsuits related to the state's complex, evolving employment regulations. Learn how to navigate California's litigation landscape to manage and defeat frivolous employment claims. Panelists will discuss recent California cases, such as *Amanda Frlekin* and *Dean Pelle v. Apple Inc.*, involving security checks as compensable time; *Kim v. Reins* and its impact on settling PAGA claims; and new developments like the *Dynamex* decision and compliance with the ABC Test for classifying independent contractors. Plus, you will learn about the status of California's AB5 and how it affects retailers and compliance strategies for limiting potential litigation. This is one loaded session you will not want to miss.

Speaker(s):

Karen Austin, Vice President Legal & Licensing, Tractor Supply Company

Julie Trotter, Managing Shareholder, Call & Jensen, APC

1:30 PM – 2:20 PM

Breakout Session

Minimizing Securities Litigation Risk

We will address techniques and tips for minimizing securities litigation risk. This panel will discuss practical issues with a focus on operations challenges that drive event-driven litigation, as well as how forecasting and guidance practices can become center stage in securities class actions.

Speaker(s):

Dawn Rausch, Senior Corporate Counsel, Best Buy Co., Inc.

Mark Foster, Partner, Morrison & Foerster LLP

1:30 PM – 2:20 PM

Discussion Session

Ask a GC: Bill McCanless, Lowe's [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

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Speaker(s):

Featuring: Bill McCanless, Executive Vice President, General Counsel & Corporate Secretary, Lowe's Companies, Inc.

Moderated By: Selena Linde, Partner, Perkins Coie LLP

1:30 PM – 2:20 PM

Discussion Session

Retail Roundtable: Strategies for Mitigating Bias and Enhancing Diversity in Legal [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

*Mitigating bias and enhancing diversity in the legal profession have long been goals of many corporate legal departments and their outside counsel partners; but true change has been difficult to achieve. Build off of the day's opening keynote and discuss what you learned from the session and the ideas that you have in a small group of your peers. Retail Roundtables are your chance to explore this challenging issue with your colleagues across the retail industry. Roundtables will be conducted under the Chatham House Rule, co-moderated by leading corporate and outside counsel (**see below**), and limited to 15 in-house counsel to facilitate a meaningful conversation on this important topic.*

Speaker(s):

Co-Moderator: Beth Henke, Deputy General Counsel & Chief Compliance Officer, American Eagle Outfitters, Inc.

Co-Moderator: Samantha Grant, Partner, Sheppard, Mullin, Richter & Hampton LLP

2:30 PM – 3:20 PM
Discussion Session

Retail Roundtable: Agile Contracts & Legal Operations [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

*The current crisis has crystallized the need for many retail legal departments to incorporate new tools to deal with massive workload increases, especially around contracts. This is a unique small group opportunity to discuss your ideas with and get feedback from your in-house peers, as well as with counsel for a major legal ops company who is using these tools. Retail Roundtables are your chance to explore this challenging issue with your colleagues across the retail industry. Roundtables will be conducted under the Chatham House Rule, co-moderated by leading corporate and outside counsel (**see below**), and limited to 15 in-house counsel to facilitate a meaningful conversation on this important topic.*

Speaker(s):

Co-Moderator: Paul Adams, Senior Vice President, General Counsel, Gap Inc.

Co-Moderator: Tom Orrison, Director, Legal Operations – Operations & Contracting Group, Microsoft Corporation

2:30 PM – 3:20 PM
Discussion Session

Ask a GC: Sheilagh Clarke, Foot Locker [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

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Speaker(s):

Featuring: Sheilagh Clarke, Senior Vice President, General Counsel & Secretary, Foot Locker, Inc.

Moderated By: Cheryl Falvey, Partner, Crowell & Moring LLP

2:30 PM – 3:20 PM
Breakout Session

"Californication:" The States Vying to Be the Next California

California may soon lose its standing as the least employer-friendly jurisdiction in the country. Several states, including Washington, Colorado, and New York, which have been running close seconds to California's highly regulated environment, have pending legislation to enact their own PAGA-like laws to blunt the strength of class action waivers in arbitration agreements. And PAGA is not the only California employment law export. California has had an unmistakable influence on Colorado's new rules regulating employee wage payments as well. It has never been more important to keep track of employment legislation introduced and pending in states outside of California, which are primed to bring their statutory schemes on par with California. Learn more about what is to come and how to prepare so you can take swift action and revise employment policies, procedures, and handbooks.

Speaker(s):

Erin Borg, Associate General Counsel - Litigation, Employment & Compliance, PetSmart, Inc.

Joel Allen, Partner, McGuireWoods LLP

Matthew Kane, Partner, McGuireWoods LLP

2:30 PM – 3:20 PM

Breakout Session

The Retail Transformation Meets Global Pandemic: Bankruptcy

COVID-19 has caused significant disruption to the U.S. economy and consumers. As a result, some retailers and suppliers and service providers are facing tremendous financial challenges and are looking at various forms of legal relief. We will discuss advanced planning issues, such as how the bankruptcy code addresses lease terminations and how to prepare in advance for the bankruptcy of critical suppliers while still protecting company receivables. Panelists will discuss:

- *Alternatives to filing for bankruptcy in the event of a company's insolvency;*
- *Defensive actions you can take when customers or suppliers file against you; and*
- *Options available to companies under the bankruptcy code.*

Speaker(s):

William M. Hawkins, Partner, Loeb & Loeb LLP

Vadim J. Rubinstein, Partner, Loeb & Loeb LLP

3:30 PM – 4:20 PM

Breakout Session

Affirmative Recovery Strategies to Fund Your Legal Department

While retailers are most often the targets of litigation, strategic retail counsel can use affirmative approaches to provide significant benefit to their companies' bottom lines – not only in terms of cost offset, but in terms of better insight into business partners. Learn how retail legal leaders can fund their departments while also driving new insights for the business.

Speaker(s):

Linn Evans, Chief Legal Officer, Ahold Delhaize USA

Ryan Phair, Partner, Hunton Andrews Kurth

3:30 PM – 4:20 PM

Breakout Session

Employment Meets Antitrust

Federal and state enforcement officials are increasingly focused on employers' use of no-poach, non-compete, and non-solicitation agreements, particularly as they impact low-wage workers. At the same time, the legal analysis and risks of these agreements remains unclear. We will examine the policy statements, enforcement decisions, and court rulings that provide guidance on the use and scope of these types of agreements. Plus, we will take a practical look at the challenges of counseling business units. You will leave with:

- *An understanding of the types of no-poach agreements potentially subject to Department of Justice criminal investigation;*
- *Practical tips to advise business personnel on avoiding problematic agreements with competitors; and*
- *Insights on how to minimize risk when crafting non-compete and non-solicitation agreements.*

Speaker(s):

Suzanne Wachsstock, Chief Antitrust Counsel, Walmart Inc.

Caeli Higney, Senior Associate, Gibson, Dunn & Crutcher LLP

Kristen Limarzi, Partner, Gibson, Dunn & Crutcher LLP

Rachel Brass, Co-Chair of Antitrust and Competition Practice, Gibson, Dunn & Crutcher LLP

3:30 PM – 4:20 PM
Discussion Session

Ask a GC: Rhonda Taylor, Dollar General [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

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Speaker(s):

Featuring: Rhonda Taylor, Executive Vice President & General Counsel, Dollar General Corporation

Moderated By: Amy Turk, Partner, McGuireWoods LLP

3:30 PM – 4:20 PM
Discussion Session

Retail Roundtable: Strategies for Wage Statement Litigation [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

*The plaintiffs' bar has been particularly aggressive in alleging wage statement violations against retailers for everything from wage statement content to bonuses and final pay. Share ideas with your colleagues for ways in which retailers can work with their internal teams, outside counsel and solution providers to mitigate litigation risk in this area that has led to significant financial penalties against retail companies. Retail Roundtables are your chance to explore this challenging issue with your colleagues across the retail industry. Roundtables will be conducted under the Chatham House Rule, co-moderated by leading corporate and outside counsel (**see below**), and limited to 15 in-house counsel to facilitate a meaningful conversation on this important topic.*

Speaker(s):

Co-Moderator: Julie Trotter, Managing Shareholder, Call & Jensen

Co-Moderator: Meredith Wilkerson, Associate General Counsel, Litigation, Kohl's Corporation

4:30 PM – 5:30 PM
General Session

Practicing Ethically During & After the Pandemic

This program will address ethics issues facing lawyers practicing during and after the pandemic, including: core duties, such as communication, competence and diligence; confidentiality issues (especially involving technology use) when practicing remotely and at home; unauthorized practice of law and multijurisdictional practice issues; special ethics challenges in pandemic - driven practice areas (such as trust and estates, and bankruptcy) and processes (such as remote depositions and mediations); maintaining professionalism while serving clients.

Speaker(s):

Tom Spahn, Partner, McGuireWoods LLP

Thursday, October 22

12:00 PM – 12:15 PM
General Session

Opening Day 3

Speaker(s):

Kathleen McGuigan, Executive Vice President & Deputy General Counsel, RILA

12:15 PM – 1:15 PM

General Session

Public Policy Insights for Employers

The Chair of the Equal Employment Opportunity Commission and the Chair of the National Labor Relations Board will come together to share their views on recent public policy decisions that they have made and their goals for the future. Regardless of how the upcoming election shapes Congress and the Presidency, the terms of Chair Dhillon and Chair Ring will continue into 2022. Regulatory actions taken by the EEOC and the NLRB have a significant impact on the retail industry, which is one of the country's largest employers.

Speaker(s):

Janet Dhillon, Chair, U.S. Equal Employment Opportunity Commission

John Ring, Chairman, National Labor Relations Board

Moderator: Phil Rosen, Principal, Jackson Lewis P.C.

1:30 PM – 2:20 PM

Breakout Session

Price, Sale & Discount Advertising

Retailers and advertisers continue to face government enforcement and class action litigation challenges involving product pricing, sale and discount advertising. Compliance can be challenging, particularly in the context of multiple platforms, new technologies, and shifting markets. Learn about the recent sale and price advertising enforcement action and litigation and best practices for compliance and risk mitigation. Hot topics we will cover include automatic subscription billing, price gouging in light of COVID-19, drip pricing, dynamic pricing, and international pricing.

Speaker(s):

Lindsey Buckner, Counsel – Marketing, Digital & IT, 7-Eleven, Inc.

Maureen Kats, Associate General Counsel, PetSmart, Inc.

Jason Howell, Partner, Perkins Coie LLP

1:30 PM – 2:20 PM

Breakout Session

International Compliance and Recall Trends for Consumer Products

The sale of consumer products is becoming increasingly more regulated and complex, especially for companies operating in multiple countries. These complexities are compounded by recent compliance and product recall trends developing both internationally and in the United States. Regulators across the globe are keenly focused on recall effectiveness as well as the impact of emerging technologies, e-commerce, and the COVID-19 pandemic. This session will focus on how multinational and U.S. consumer product retailers can execute single and multi-country consumer product recalls and stay on top of new compliance and enforcement trends.

Speaker(s):

Hrund Kristinsdóttir, Product Liability Leader, Product Risk & Deviation, IKEA of Sweden AB, The IKEA Group

Matt Howsare, Special Counsel, Cooley LLP

Rod Freeman, Chair, International Products Practice, Cooley LLP

1:30 PM – 2:20 PM
Discussion Session

Ask a GC: Elena Kraus, Walgreens [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

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Speaker(s):

Featuring: Elena Kraus, Senior Vice President & General Counsel, Walgreen Co.

Moderated by: Moderator: Kelly Hughes, Attorney, Ogletree, Deakins, Nash, Smoak & Stewart

1:30 PM – 2:20 PM
Discussion Session

Retail Roundtable: NLRB Disruptions & Risk to Business [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

*Social issues and employment practices remain at the forefront of the national conversation, and leading retailers sit at center stage due to their status as major employers. Discuss with your colleagues the changing landscape, preventive strategies to make your organization less susceptible to unwanted attention, and effective responses when faced with employee protests, demonstrations and labor organizing. Retail Roundtables are your chance to explore this challenging issue with your colleagues across the retail industry. Roundtables will be conducted under the Chatham House Rule, co-moderated by leading corporate and outside counsel (**see below**), and limited to 15 in-house counsel to facilitate a meaningful conversation on this important topic.*

Speaker(s):

Co-Moderator: Mike Mortensen, Of Counsel, Jackson Lewis P.C.

Co-Moderator: Aaron Tharpe, Senior Director, Labor and Employee Relations, Target Corporation

2:30 PM – 3:20 PM
Discussion Session

Retail Roundtable: Conducting Internal Investigations Remotely [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

*Internal investigations are a fact of life for corporate counsel, but how best to conduct them in the age of COVID? Share ideas with your colleagues about effective tools and practices to ensure the integrity of the investigation while minimizing risk to personnel and the business. Retail Roundtables are your chance to explore this challenging issue with your colleagues across the retail industry. Roundtables will be conducted under the Chatham House Rule, co-moderated by leading corporate and outside counsel (**see below**), and limited to 15 in-house counsel to facilitate a meaningful conversation on this important topic.*

Speaker(s):

Co-Moderator: David Steele, Vice President & Deputy General Counsel, The Home Depot, Inc.

Co-Moderator: Zainab Ahmad, Partner, Gibson, Dunn & Crutcher LLP

2:30 PM – 3:20 PM
Discussion Session

Ask a GC: Todd Hartman, Best Buy [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

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Speaker(s):

Featuring: Todd Hartman, Chief Risk & Compliance Officer, General Counsel, Best Buy Co., Inc.

Moderated by: Andy Smith, Partner, Vorys, Sater, Seymour and Pease LLP

2:30 PM – 3:20 PM
Breakout Session

Right-to-Know in the Digital Age

There has been a recent tsunami of new laws requiring transparency and giving consumers more control over their personal information, which create new compliance and class action litigation challenges for retailers. While the California Consumer Privacy Act is the most prominent in this recent wave right-to-know-related laws, it is not the only one you need to watch and manage. Legal developments around sponsored endorsements, bot laws, California Proposition 65, biometrics, and other privacy matters all present significant risks. Panelists will discuss:

- *The latest trends in consumer right-to-know legislation;*
- *Highlights of recent cases; and*
- *Receive practical advice on actions you can take to build a robust compliance program to protect your business in today's marketplace.*

Speaker(s):

Alon Rotem, General Counsel, ThredUp Inc.

Stephanie Sheridan, Partner, Steptoe & Johnson LLP

Meegan Brooks, Associate, Steptoe & Johnson LLP

Michael Vatis, Partner, Steptoe & Johnson LLP

2:30 PM – 3:20 PM
Breakout Session

Strategies for Using Independent Contractors In California and Elsewhere

Retailers have long depended on independent contractors in a variety of capacities; however, the legal landscape keeps shifting the line between employees and contractors. The recent decision in California v Lyft, et al. is the latest twist in this complex framework. This session will provide the high points of the latest legal decisions as well as practical ideas for how to keep on the right side of the law.

Speaker(s):

Shane Crase, Senior Counsel, Lowe's Companies, Inc.

Shannon Nakabayashi, Partner, Jackson Lewis P.C.

3:30 PM – 4:20 PM

Breakout Session

The SEC & ESG in the Age of COVID

Retailers and other public companies are increasingly taking into account their impact on the world and society more broadly as they operate their businesses. At the same time, investors are using environmental, societal and governance (ESG) criteria to evaluate retailers' performance. Increasingly, the Securities & Exchange Commission has been considering whether ESG would benefit from a regulatory regime, with the Commission's own Investor Advisory Committee recommending this approach earlier this year. Understand the policy implications and strategies that your company should develop to position itself for successful ESG reporting.

Speaker(s):

Mark Fischer, Executive Vice President, General Counsel, PVH Corp.

Marissa Pagnani McGowan, Senior Vice President, Corporate Responsibility, PVH Corp.

Alex Bahn, Partner, Hogan Lovells US LLP

Lillian Tsu, Partner, Hogan Lovells US LLP

3:30 PM – 4:20 PM

Breakout Session

Commercial Contracts: Management & Emerging Tech

New technology promises not only to help retail corporate counsel become more efficient but to provide insights regarding the business that can only come from a tech platform that can analyze a broad range of contracts. Transformation of legal departments requires strategic planning, investment of time and a willingness to think creatively about finding new solutions and ways of providing legal advice. This session will provide ideas from corporate counsel and a solution provider on how to leverage new technologies not only for efficiency but to enhance business insight.

Speaker(s):

Christopher Ybarra, Senior Corporate Counsel - Technology Transactions, The Home Depot, Inc.

Cary Pumphrey, Vice President, Commercial Retail and Intellectual Property Legal, Walgreen Co.

Nick Jaramillo, Attorney, Manufacturing & Retail/Consumer Packaged Goods, Microsoft Corporation

Jay Christian, Attorney, Manufacturing & Retail/Consumer Packaged, Microsoft Corporation

3:30 PM – 4:20 PM

Discussion Session

Ask a GC: Eve DeSoldo, Qurate Retail Group (QVC/HSN) [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

The retail industry's legal departments are led by general counsel who are as varied in their journeys as they are smart at what they do. RLAW's "Ask a GC" sessions are unique opportunities for a small group of in-house counsel (limited to 15) to ask questions of and to get to know one of the retail industry's leading GCs. Each GC will be asked to weigh in on a common set of a few questions on things like their journey to becoming a GC, what they look for in rising stars, and how they've navigated difficult issues. Then attendees will get to ask their own questions in this special "open door" session.

Speaker(s):

Featuring: Eve DeSoldo, Vice President & General Counsel, QxH Commerce, QVC/HSN, Qurate Retail Group

Moderated by: Stephanie Sheridan, Partner, Steptoe & Johnson LLP

3:30 PM – 4:20 PM

Discussion Session

Retail Roundtable: Working with Boards of Directors thru Change [SESSION FULL – PREREGISTERED ATTENDEES ONLY]

*In addition to securing the corporate legal health of the company, general and leading corporate counsel have a key role in helping their c-suite and boards of directors navigate crises and change. Discuss strategies for effectively working with boards thru challenging times to reach safer waters. Retail Roundtables are your chance to explore this challenging issue with your colleagues across the retail industry. Roundtables will be conducted under the Chatham House Rule, co-moderated by leading corporate and outside counsel (**see below**), and limited to 15 in-house counsel to facilitate a meaningful conversation on this important topic.*

Speaker(s):

Co-Moderator: Ron Masciantonio, Senior Vice President & General Counsel, Five Below, Inc.

Co-Moderator: Rebecca Grapsas, Counsel, Sidley Austin LLP

4:30 PM – 5:30 PM

General Session

Diversity & Corporate Boards of Directors

An historic increase in social justice activism this year has energized corporate leaders nationwide to expand their companies' responses to institutional racism and improve their Diversity, Equity, and Inclusion ("DEI") performance. Corporate Boards, which historically exercised at best moderate oversight of DEI, are getting much more involved. This panel discussion, including General Counsel/Board Secretaries from PepsiCo Inc. and Starbucks and moderated by DEI attorney-expert Weldon Latham, will focus on how companies and their boards are responding today's volatile climate.

Speaker(s):

David Yawman, Executive Vice President, General Counsel & Corporate Secretary, PepsiCo, Inc.

Rachel Gonzalez, Executive Vice President, General Counsel & Secretary, Starbucks Coffee Company

Moderator: Weldon Latham, Principal, Jackson Lewis P.C.