

2024 Legal Affairs Conference

May 21 - 24, 2024 // Chicago, IL
LondonHouse Chicago, Curio Collection by Hilton



Network: Hilton Honors Meeting
Password: ChiLH (non case sensitive)

TUESDAY, MAY 21, 2024

All conference general sessions will be in the Juliette Grand Ballroom.

11:00 AM – 4:00 PM

Registration (Grand Ballroom Foyer)

8:00 AM – 12:30 PM

Legal Steering Group Meeting (Steering Group members only| Tracy & Henry Rooms)

1:00 PM – 2:00 PM

Conference Opening Remarks & Introductions (All Attendees| Juliette Grand Ballroom)

Commissioner Jamie Rhee will welcome conference attendees to Chicago. With an impressive and varied background, including as an airport attorney, today Commissioner Rhee runs one of the world's busiest airport systems in the world. Hear about O'Hare and Midway airports, the big issues in aviation's future, and more. From her vantage point as ACI-NA's Vice-Chair and member of the organization's Executive Committee, Commissioner Rhee also will provide an overview of what ACI-NA does for its members and the industry.

Jamie Rhee, *Commissioner, Chicago Department of Aviation*

Introduced by Erin Locklear, General Counsel, Raleigh-Durham Airport Authority

- 2:00 PM – 3:15 PM **TSA Update**
 Transportation Security Administration senior legal staff will discuss legal aspects of security at our nations' airports. The presentation will provide timely updates on TSA's latest programs and policies and will address issues raised by members.

Francine Kerner, Chief Counsel, Transportation Security Administration (TSA)
Susan Prosnitz, Deputy Chief Counsel for Regulations and Security Standards, TSA

 Introduced by **Peter Pierotti**, Associate Director, City of Albuquerque Aviation Dept.
- 3:15 PM – 3:45 PM **Networking Break** (Grand Ballroom Foyer)
- 3:45 PM – 5:00 PM **Airport Use and Lease Agreements**
 This panel will explore the fundamentals of the airport sponsor's agreement with the airlines. While airports may approach key issues differently, airlines' access to and use of airports is foundational to all. Speakers will address rate setting, space utilization, competitive access, environmental considerations, and the airports' role as public use facilities.

Mort Ames, Senior Counsel, City of Chicago Department of Law
Rhona DiCamillo, Principal, DKMG Consulting LLC
Ted Kaplan, Chief Business & Innovation Officer, Charlotte Douglas International Airport
TJ Roskelley, Partner, Anderson & Kreiger LLP

 Moderated by **Jami Blocker**, Assistant Municipal Counselor, Oklahoma City Airport Trust
- 5:30 PM – 7:00 PM **Welcome Reception** Sponsored by SSP America
 (Rooftop of The Royal Sonesta Chicago Downtown Hotel)

WEDNESDAY, MAY 22, 2024

- 7:30 AM – Noon **Registration** (Grand Ballroom Foyer)
- 7:30 AM – 8:30 AM **Networking Breakfast** (Tracy & Henry Rooms)
- 8:30 AM – 8:50 AM **Airport Cooperative Research Program (ACRP)**
 Authorized by Congress and managed by the FAA, the Airport Cooperative Research Program (ACRP) is an invaluable resource for airport professionals. Learn how ACRP seeks to help research the problems of the day, how to locate existing papers, how attorneys can (and should!) submit ideas for topics for future papers, and what papers are in the works now.

Jordan Christensen, ACRP Senior Program Officer, Transportation Research Board, The National Academies of Sciences, Engineering, and Medicine

 Introduced by **Elizabeth Smithers**, Lead Counsel, Charlotte Douglas International Airport
- 8:50 AM – 10:00 AM **Featured Speaker | First Amendment – The Establishment and Free Exercise Clauses**
Sheldon H. Nahmod, Professor Emeritus, Chicago-Kent College of Law
 An expert on the First Amendment and constitutional law, University Distinguished Professor Emeritus and Professor of Law Emeritus Sheldon H. Nahmod will serve as our conference's featured speaker. In this session, he will refresh and deepen our understanding of the establishment and free exercise clauses of the First Amendment and explore recent developments in the relevant caselaw. Professor Nahmod will also

apply those legal principles to the practical issues airports face such as putting up holiday displays, providing prayer rooms, etc. With questions encouraged, the session will be a unique opportunity to take a scholarly dive into establishing a practical framework for making on the ground decisions.

Sheldon H. Nahmod, *Professor Emeritus, Chicago-Kent College of Law*

Introduced by **Erin Locklear**, *General Counsel, Raleigh-Durham Airport Authority*

10:00 AM – 10:30 AM

Networking Break (Grand Ballroom Foyer)

10:30 AM – 11:40 AM

First Amendment – Speech as a Disruptive Activity

In the complex operational reality of an airport, expressive activities can pose particular challenges. What happens when your First Amendment policies or procedures on paper are tested in real life? How will law enforcement and airport staff handle disruptions? Are the facts on the ground in sync with the controlling legal principles? This panel will provide insights into challenging situations airports face regarding disruptive speech and what to consider in developing policies and training staff.

John McLaughlin, *Senior Port Counsel, Seattle-Tacoma International Airport*

Steven Osit, *Partner, Kaplan Kirsch & Rockwell, LLP*

Andrew Hanson, *Attorney, Metropolitan Airports Commission*

Moderated by **Brian Werst**, *General Counsel, Spokane International Airport*

11:40 AM – Noon

So You Submitted Your Title VI Plan- Now What?

This session will offer strategies and considerations for effectively implementing Title VI and Community Participation plans into your airport's environment.

Yovannie Rodriguez, *Chief Administrative Officer, Greater Orlando Aviation Authority*

Noon -5:00 PM

Networking Time (on your own)

THURSDAY, MAY 23, 2024

7:30 AM – 4:00 PM

Registration (Grand Ballroom Foyer)

7:30 AM – 8:30 AM

Networking Breakfast (Tracy & Henry Rooms)

8:30 AM – 8:45 AM

Chair's Welcome

Dan Reimer, *Chair, ACI-NA Legal Committee and General Counsel, Jackson Hole Airport*

8:45 AM – 10:00 AM

Construction I - Before

This panel will address issues lawyers work on at the front end of a project: planning, procurement, and contracting. What should you consider when evaluating project delivery methods? What contract provisions are most critical to the airport as owner? How does the funding source impact your options and what are differences in local and federal solicitation and contract requirements? And what happens if you switch funding gears in the middle of a project?

Construction I - Before (continued from previous page)

Tracy Davis, Assistant General Counsel, Denver International Airport
Amy Gonzalez, General Counsel, San Diego County Regional Airport Authority
Jessie DiGregory, Senior Attorney, Airports and Environmental Law Division,
 FAA Office of the Chief Counsel

Moderated by **Joe Huber**, Chief Legal Officer, Cincinnati/Northern Kentucky
 International Airport

10 AM – 10:30 AM

Networking Break (Grand Ballroom Foyer)

10:30 AM – 11:45 AM

Construction II- During and After

This panel will cover legal concerns as a project proceeds: managing the contracts, documenting changes in the field, dealing with insurance and sureties, negotiating claims, managing litigation, etc.

Jonathan Elder, Partner, Anderson & Kreiger LLP
Jude Starrett, Senior Assistant City Attorney, Charlotte Douglas International Airport
Theresa Yoffie, St. Louis Lambert International Airport Associate City Counselor

Moderated by **Joe Huber**, Chief Legal Officer, Cincinnati/Northern Kentucky
 International Airport

11:45 AM – 1:00 PM

Networking Lunch Sponsored by WhiteBird LLP (Tracy & Henry Rooms)

1:00 PM – 1:30 PM

Legal Aspects of Transition to F3

As airports move away from PFAS-containing Aqueous film forming foam (AFFF) to fluorine-free foam (F3) for firefighting, questions abound. How do we clean trucks that contained AFFF before filling them with F3? How clean is clean? What if we cannot get hold of enough F3? With no shortage of questions, this session will discuss legal risk and point you to available guidance.

Mort Ames, Senior Counsel, City of Chicago Department of Law

1:30PM – 3:00 PM

Land Use

Airports develop their land for many purposes. When and how is the FAA involved? When are NEPA requirements triggered? How does the ALP factor into this? How can airports manage the very different timetables of commercial development and government regulation? This session will revisit the basics and walk through an airport's options and the steps it must follow in putting its property to productive use.

Mina Makarios, Partner, Anderson & Kreiger LLP
Dan Reimer, General Counsel, Jackson Hole Airport
Catherine "Katie" van Heuven, Partner, Kaplan Kirsch & Rockwell, LLP

Moderated by **Erin Locklear**, General Counsel, Raleigh-Durham Airport Authority

3:00 PM – 3:30 PM

Networking Break (Grand Ballroom Foyer)

3:30 PM – 5:00 PM

Roundtable Discussion

Interactive audience discussion focused on current issues of interest to airport lawyers.

Moderated by **Cynji Lee**, Assistant County Attorney, Miami Dade County

5:30 PM – 7:00 PM

Reception Sponsored by Anderson Kreiger (Grand Ballroom Foyer)

FRIDAY, MAY 24, 2024

7:30 AM – Noon

Registration (Grand Ballroom Foyer)

7:30 AM – 8:30 AM

Networking Breakfast (Tracy & Henry Rooms)

8:30 AM – 10:00 AM

Litigation Update

The panel will discuss current and recent cases of importance to airports, specifically:

Chevron Deference | *Relentless Inc. v. U.S. Department of Commerce*, No. 22-1219 (S. Ct. pending) & *Loper Bright Enterprises v. Raimondo*, No. 22-451 (S. Ct. pending)

DBE and SBA business diversity programs | *Mid-America Milling Company v. United States Department of Transportation*, Case No. 3:23-cv-00072 (E.D. Ky. 2023) & *Ultima Servs. Corp. v. U.S. Dep't of Agric.*, 2:20-CV-00041-DCLC-CRW (E.D. Tenn. 2023)

Exceeding aviation easements | *Town of Superior v. Jefferson County*, 2024cv00711 (Boulder County D. Ct. pending)

NEPA | *Lowman v. FAA*, No. 21-14476 (11th Cir. 2023), *Trenton Threatened Skies, Inc. v. FAA*, No. 22-1965 (3rd Cir. 2024), and *City of Warwick v. FAA*, No. 23-12-13 (D.C. Cir. pending)

Aviation Worker Screening | *City of Billings, et al. v. TSA*, Nos. 23-1290 consolidated with No. 23-1328 (D.C. Cir. pending)

PFAS MDL | *AFPP Products Liability Litigation*, Multi-District Litigation No. 2873 (SCD)

Ameristar Jet Charter v. Melbourne Airport Authority, 6:24-cv-00549 (M.D. Fl. Pending)

Closed Session: no one representing interests adverse to airports on topics being discussed may attend this session.

Melissa Allison, Partner, Anderson & Kreiger, LLP

Tim Filer, Principal, Foster Garvey, PC

Amber Floyd, General Counsel, Memphis-Shelby County Airport Authority

Jeff Longworth, Partner, Earth & Water Law, LLC

Steven Osit, Partner, Kaplan Kirsch & Rockwell, LLP

Catherine "Katie" van Heuven, Partner, Kaplan Kirsch & Rockwell

Moderated by **Adam Bird**, Partner, WhiteBird PLLC

10:00 AM – 10:30 AM

Networking Break (Grand Ballroom Foyer)

10:30 AM – 12:30 PM

Ethics

This interactive session will explore appropriate responses to ethical questions, examining the Model Rules of Professional Conduct, caselaw, advisory opinions, current events, and practical considerations.

Peter Pierotti, Associate Director, City of Albuquerque Aviation Department

Dave Mackey, Partner, Anderson & Kreiger LLP

Moderated by **Don Long**, Attorney, Flora Pettit PC & Chairman, Charlottesville -Albermarle Airport Authority

12:30 PM

To-Go Box Lunches (Grand Ballroom Foyer)

This conference is made possible in part by our generous Sponsors:

