

ACI-NA SPRING LEGAL ISSUES CONFERENCE
April 14-17, 2010
Crowne Plaza
San Antonio, Texas
(as of March 30, 2010; subject to revision)

AGENDA

Legal Implications and Aspects of Airport Security Issues (8.5 hours – Wednesday/Thursday)

Wednesday, April 14, 2010

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| REGISTRATION | 7:30 a.m. – 6:00 p.m. |
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| I. Introductions and Welcome
Frank Miller, San Antonio Airport Director and 1 st Vice-Chair, ACI-NA Board of Directors
Raul Regalado, ACI-NA Board Liaison to Legal Affairs Committee
David Mackey, ACI-NA Legal Steering Group Chair
Tim Karaskiewicz, ACI-NA Legal Steering Group Vice-Chair
Conference Attendees | 1:00 p.m. – 1:30 p.m. |
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| II. Setting the stage: 3 cases that provide real world examples of security breaches and the resulting legal liability

Detroit XMAS Incident (Emily Neuberger, Senior V.P. and General Counsel, Wayne County Airport Authority)
Boston 9/11 Terror Attack and Behavior Pattern
Recognition Litigation (David Mackey, Chief Legal Counsel, Massachusetts Port Authority)
MSP Imam Litigation (Pamela Rasmussen, Deputy General Counsel, Minneapolis – St. Paul Airport Commission)
Moderator (Carlene McIntyre, Assistant General Counsel, Port Authority of New York and New Jersey Legal Department) | 1:30 p.m. – 2:15 p.m. |
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| <i>What happened in Detroit, Boston or MSP could happen to you. What do you do to prevent it? What do you do if it happens? Throughout the next two days, speakers will refer to facts presented in these three cases.</i> | |
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| III. Legal Context:
1. 49 C.F.R. §§1540 et seq. The security regime | 2:15 p.m. – 3:15 p.m. |

imposed on airports by Federal law and how security responsibilities are allocated between airports, TSA, local law enforcement and others

- Ira Wallach, Associate Chief Legal Counsel, Massachusetts Port Authority
- Mardi Thompson, Deputy Chief Counsel, Regulations, Transportation Security Administration
- Lisa E. Zolidis, Attorney, American Airlines
- Moderator, John Steiner, Senior Assistant Attorney General, State of Alaska, Department of Law

REFRESHMENT BREAK 3:15 p.m. – 3:30 p.m.

2. SSI/FOIA ---What information is available to whom? 3:30 p.m. – 4:15 p.m.

- Victoria Newhouse, Deputy Chief Counsel, General Law, Transportation Security Administration
- Metro Editor Jamie Stockwell, San Antonio Express News
- Lisa E. Zolidis, Attorney, American Airlines
- Ira Wallach, Associate Chief Legal Counsel, Massachusetts Port Authority
- (Moderator, Joseph Messina, Divisional Deputy City Solicitor, City of Philadelphia Law Department, Philadelphia International Airport)

3. Basics of Sec. 1983 Liability (Alan L. Farkas, Madsen, Farkas & Powen, LLC, Chicago, Illinois) 4:15 p.m. – 5:00 p.m.

- What can provide basis for constitutional claim
- Race, religion, speech, search, arrest
- Immunities
- State action
- Moderator, Tim Karasciewicz

NETWORKING RECEPTION WITH ENVIRONMENTAL AND HUMAN RESOURCES COMMITTEE MEMBERS 5:30 p.m. – 7:30 p.m.

Thursday, April 15, 2010

REGISTRATION 7:30 a.m. – 5:00 p.m.

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| | CONTINENTAL BREAKFAST | 8:00 a.m. – 9:00 a.m. |
| 4. | <p>Fourth Amendment: Search and Seizure in Airport Context: Terry Stop, Probable Cause, Administrative Searches</p> <ul style="list-style-type: none"> - Professor Jeffrey F. Addicott, Director, Center for Terrorism Law, St. Mary's University School of Law - Moderator, Bret Lobner, General Counsel, San Diego County Regional Airport Authority | 8:45 a.m. – 9:30 a.m. |
| 5. | <p>Negligent Security Claims</p> <ul style="list-style-type: none"> - (TBA) - Moderator, David Mackey | 9:30 a.m. – 10:00 a.m. |
| | REFRESHMENT BREAK | 10:00 a.m. – 10:15 a.m. |
| IV. | <p>Practical Tips for Protecting Your Airport: Insurance and Other Liability Protection</p> <ul style="list-style-type: none"> - Insurance coverage – terrorism coverage/ §1983 coverage (Bill Hoyt, Insurance Risk Manager, Metropolitan Airports Commission, MSP) - Safety Act/Airport Security Plans (Ray Biagini, McKenna, Long & Aldrich) - Moderator, Matt Wilde, Assistant City Attorney, City of Boise | 10:15 a.m. – 11:00 a.m. |
| V. | <p>What does all of this mean for the traveling public? Do passengers lose their rights when they enter the airport?</p> <ul style="list-style-type: none"> - What kinds of searches are travelers likely to encounter when they reach the airport terminal, garage, baggage, vehicle searches, screening protocols (ETD swabs, body scanners)?; - From a customer service perspective, what can airports do for their customers without creating liability for themselves? - First Amendment rights of labor unions, solicitors/free exercise of religious beliefs | 11:00 a.m. – 12:00 p.m. |

- Open carry laws: can you carry a weapon through an airport?
- What about passengers traveling between US and Canadian destinations?
- James Briggs, ACI-NA Vice-President, Legal Affairs
- Robert P. Vente, Assistant Chief Counsel for Field Operations, Office of Chief Counsel, TSA
- Scott Lewis, Anderson & Krieger
- Professor Jeffrey F. Addicott, Director, Center for Terrorism Law, St. Mary's University School of Law
- Anil Mohan, General Counsel, Halifax International Airport Authority
- Moderator, Jennifer Tetrick, Deputy City Attorney, City of Atlanta Department of Aviation

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| VI. | Greetings from ACI-NA President, Greg Principato Luncheon Speaker, Robert Rivkin (DOT General Counsel) (Introduction by Monica Kemp, ACI-NA General Counsel) | 12:00 p.m. – 1:15 p.m. |
| VII. | Federal Response to Security Challenges | |
| | ACI Government Affairs Security Legislation Update, Jane Calderwood, Vice President, Government and Political Affairs, ACI-NA | 1:45 p.m. – 2:10 p.m. |
| | Francine Kerner, Chief Counsel, Transportation Security Administration | 2:10 p.m. – 2:35 p.m. |
| | Gregory Morse, Airport Liaison Agent Coordinator for the San Antonio Division, FBI | 2:35 p.m. – 3:00 p.m. |
| | Questions and Discussion | 3:00 p.m. – 3:15 p.m. |
| | Moderator, Molly Stump, Airport General Counsel, San Francisco International Airport | |
| | REFRESHMENT BREAK | 3:15 p.m. – 3:30 p.m. |
| VIII. | Breakout Sessions for Attorneys | 3:30 p.m. – 5:00 p.m. |
| | <u>Session I:</u> Networking for New Airport Lawyers: Questions You Would Like to Ask About Being a New Airport Lawyer
(Moderators: Louisa Goldstein, Baltimore International Airport and Gigi Rechel, Tampa International Airport) | |
| | <u>Session II:</u> Networking for Airport Lawyers with Dual Roles: How to Organize and Handle Other Functional Areas and Take Care of Airport Legal Affairs | |

(Moderators: Joe Messina, Philadelphia International Airport, and Harvey Levin, Quad City International Airport [invited])

Session III: Water Quality Issues Updates

3:15 – 5:00 p.m.

(Joint Session with Environmental Conference attendees)

Moderators: Bryan Wagoner, Environmental Administrator, Detroit Metropolitan Wayne County Airport
John Lengel, Executive Vice President, Gresham, Smith and Partners

- **Industry Comments on EPA's Proposed Deicing Effluent Limitation Guidelines and Next Steps**

John Lengel, Executive Vice President, Gresham, Smith and Partners

Jeffrey Longworth, Partner, Barnes & Thornburg

Dean Mericas, Principal Aviation Water Resources Specialist, CH2M HILL

Tim Pohle, Managing Director - U.S. Environmental Affairs & Asst. General Counsel, Air Transport Association

Jessica Steinhilber, Senior Director, Environmental Affairs, ACI-NA

- **Construction & Development Industry Effluent Limitation Guideline**

- **Post Construction Stormwater Rule**

- **Pesticide Regulations**

Jeffrey Longworth, Partner, Barnes & Thornburg

Session IV: Working With Your Local TSA FSD

George (Pat) Henderson, Assistant Federal Security Director-Inspections at George Bush Intercontinental Airport in Houston;

Leo Vasquez, Federal Security Director, San Antonio Airport;

Thomas Lehrich, Assistant Chief Counsel, Department of Homeland Security, TSA;

(Moderator, Sarah Hall, Vice-President and General Counsel, Memphis-Shelby County airport Authority

Friday, April 16, 2010

REGISTRATION

7:30 a.m. – 3:00 p.m.

CONTINENTAL BREAKFAST

8:00 a.m. – 9:00 a.m.

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| IX. | Joint Sessions with Environmental Committee | |
| | 1. Land Use Planning
(Moderator, Monica Newhouse, Houston International Airport) | 9:00 a.m. – 10:15 a.m. |
| | REFRESHMENT BREAK | 10:15 a.m. – 10:30 a.m. |
| | 2. Environmental Provisions for Lease Agreements
-Pablo Nuesch, Spiegel & McDiarmid
-David Bannard, Foley & Lardner
-Sam Mehta, Environmental Services Manager, San Francisco International Airport
(Moderator, Phil Ralston, General Manager, Aviation Environmental and Safety, Port of Portland) | 10:30 a.m. – 11:15 a.m. |
| | 3. Environmental Litigation and Recent Updates:
<u>Crandall</u> Litigation (Norm Higley, Denver International Airport)
New CEQ NEPA Guidance (Nick Yost, Sonnenschein Nath and Rosenthal; Peter J. Kirsch, Kaplan Kirsch & Rockwell)
(Moderator, Janell Barrilleaux , Denver International Airport) | 11:15 a.m. – 12:00 p.m. |
| | LUNCH | 12:00 p.m. – 1:00 p.m. |
| X. | Litigation Update –
- DBE Investigation – Boston (David Mackey)
- Rectrix, Amended Rates and Charges Appeal (Scott Lewis)
- Security Litigation in Philadelphia and Tinicum II (Joe Messina)
- Nashville Part 16 (Robert Watson, Senior Vice President and Chief Legal Officer, Metropolitan Nashville Airport Authority)
(Moderator, Lee Thompson, Las Vegas International Airport) | 1:00 p.m. – 2:00 p.m. |
| XI. | Federal Government Updates
- DOT Office of the Inspector General, Auditor– Chuck Ward, Seattle Office | 2:15 p.m. – 3:00 p.m. |
| | REFRESHMENT BREAK | 3:00 p.m. – 3:15 p.m. |

- Daphne Fuller, Assistant Chief Counsel,
Airports & Environmental Law Division
FAA Office of Chief Counsel
- Hannah R. Laufe, Assistant General Counsel,
Office of General Counsel, U.S. Government
Accountability Office
- (Moderator, Tim Karaskiewicz, Milwaukee
International Airport)

Saturday, April 17, 2010

REGISTRATION

8:00 a.m. – 10:00 a.m.

- XII. Ethics (David Mackey, Vice Chair, Board of Bar
Overseers, Massachusetts)

9:00 a.m. – 10:15 a.m.

REFRESHMENT BREAK

10:15 a.m. – 10:30 a.m.

- XIII. Hot Topics/Roundtable

10:30 a.m. – 12:00 p.m.

- Small Community Air Service (“SCAS”) Grants
(Jack Corbett, Spiegel & McDiarmid)
- Special Facility Revenue Bonds (Linda Grant
Williams)
- Recent Initiatives Affecting Airport Disadvantaged
Business Enterprise Programs (Kirk Shaffer,
Crowell & Moring)
- Through the Fence Agreements (Peter Kirsch,
Kaplan Kirsch Rockwell)
- Centralized Distribution Facilities (Bret Lobner,
San Diego International Airport, and Monica
Kemp, ACI-NA, General Counsel)
- Handling Claims Affecting Airport Property
(Unexpected Terminal Losses) (Eric Smith,
Schnader Harrison Segal Lewis)
- Enterprise Risk Management at Airports (David
Bannard, Foley & Lardner)
(Moderator, Robert Watson, Senior V. P. and
Chief Legal Officer, Metropolitan Nashville
Airport Authority)

- XIV. Adjourn

12:00 p.m.