Summer 2020

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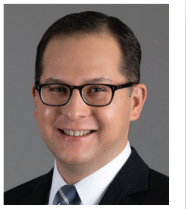
A publication of Benesch Friedlander Coplan & Aronoff LLP's Transportation & Logistics Group

USMCA: Welcome Trade Reform in an Uneasy Economic Climate

In this issue:



Jonathan R. Todd

Kristopher J. Chandler

July 1, 2020, will mark the official start of the long-heralded United State-Mexico-Canada Agreement (USMCA) as it replaces the 1994 North American Free Trade Agreement (NAFTA). The USMCA will modernize free trade between United States, Canada, and Mexico, beyond the legacy 26-year-old pact. It is viewed as a necessary and timely update to the incumbent agreement that reflects the changing environment of trade across the three member countries.

Shared Victories. Every member country can claim a win for some aspect of the USMCA. Particular areas of focus included the automotive and dairy sectors, dispute settlement mechanisms, labor and environmental concerns, intellectual property rights, and customs facilitation. A report from the International Trade Commission predicts that the USMCA will have a positive impact on all three member countries. U.S. Real GDP is expected to increase by $68.2 billion. U.S. employment is expected to increase by 176,000 jobs. Exports to Canada are expected to increase by 5.9%. Exports to Mexico are expected to increase by 6.7%. These are welcome numbers in an economic climate that has been as volatile as it has uncertain in recent months.

NAFTA Status Quo. The USMCA maintains the status quo of NAFTA for most issues and operations. There remains tariff-free trade between the three member countries. The agreement leaves Section 232 tariffs for steel and aluminum largely untouched. Those impacted by Section 301 tariffs for goods from China will have no direct relief, but may continue to explore the financial advantages to moving supply chains to the USMCA countries. Certain key issues for the transportation sector also remain largely the same, including: the Mexican Truck program, immigration (specifically the B-1 Visa Program), cabotage, and the movement of empties.

USMCA Advancements. Relative improvements under the USMCA range from broad-based change in processes and systems to narrow

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USMCA: Welcome Trade Reform in an Uneasy Economic Climate

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sector- or issue-specific updates. Collectively, these elements of the USMCA represent the most tangible evidence of modernization under the agreement.

- **Customs Facilitation.** The provisions of USMCA are designed to facilitate trade by: (1) establishing higher *de minimis* levels for low-value shipments; strengthening the transparency and predictability of customs rules and regulations, especially for small and medium-sized enterprises; and (3) encouraging the use of "best practices" to speed the flow of goods through customs checkpoints.
- **Technological Change.** Technology and collaboration drive many of the structural benefits under USMCA, for example: countries will permit the electronic submission of filings; data points will be harmonized; a "single window" will be developed by each country for use with all governmental agencies in that country; self-filers will have greater access to make entries without customs brokers; and advanced rulings will be free and publicly available.
- **Rules of Origin.** The USMCA made several significant changes to NAFTA's rules of origin, the most notable being for automotive products, textiles, chemicals, pharmaceuticals, electronics, and energy. Most significantly, rules of origin for automotive products are more stringent. To receive preferential treatment under the USMCA, three specific rules of origin must be met by the automotive product: (1) an increased overall regional value content must be satisfied; (2) a part-specific regional value content must be satisfied; and (3) a newly created labor value content rule must be satisfied (a certain percentage of vehicle content must be made by workers earning at least USD $16 per hour). Further, automakers must annually certify that 70 percent of the steel and aluminum used in their vehicles originates from one of the three member countries.
- **Certificates of Origin**. Like NAFTA, the USMCA will require that for goods to claim preferential treatment in the United States for products from Canada and Mexico, a certificate of origin must be provided. However, the process for obtaining the certificate of origin is administratively less burdensome. Previously, under NAFTA, only exporters or producers were permitted to complete certificates of origin. However, under the USMCA, an importer will now also be able to complete the certificate of origin. Further, there is no longer a prescribed form that is required to be satisfied by the certificate of origin. Instead, the USMCA lists out specific information to be included but does not require a set form.
- **Marking Rules.** Imports into the United States must identify non-U.S.-origin goods with their country of origin. Historically, the rules for marking goods from Canada and Mexico under Part 102 of the Customs Regulations have sometimes differed from the NAFTA rules of origin. An importer was required to satisfy both requirements in order to qualify for preferential treatment. The USMCA, however, eliminates the legal authority for Part 102's NAFTA marking rules. This creates at least the opportunity for uniform determinations of origin and marking and thereby eliminating scenarios where an imported good may qualify as "originating" while being "marked" differently.
- **Intellectual Property.** The USMCA provides a significant expansion of the intellectual property protections compared to those provided under NAFTA. Parties can no longer limit the term of protection for trade secrets and must adopt criminal penalties for misappropriation. The USMCA requires new notification systems and procedures for asserting patent rights and challenging patent validity. Trademarks are provided with a renewable, 10-year period of protection (as in U.S. law), and the Agreement removes certain administrative requirements to enable easier protection and enforcement. Implementing these intellectual property protections supports technological innovation to benefit both producers and users, while promoting a balance of rights and obligations.

Key Efficiencies. A common thread throughout all the major provisions in the USMCA is the move toward a more efficient importation and exportation of goods throughout the member countries. Uniformity of rules, self-filing, and increased ability to utilize electronic data submissions all provide a more efficient process to facilitate trade. The net effect is intended to be lower costs for market participants, thus lower barriers to entry for those seeking to participate in trade. Further, efficient processes are intended to remove governmental bottlenecks in order to streamline the entry of goods and accommodate the modern characteristic of cargoes (such as e-commerce).

Impact Across the USMCA Region. Industry at large stands to see great opportunity through the implementation of the USMCA. Uncertainty over NAFTA's future is gone, as is the guessing as to what will happen once NAFTA is no longer in force. All industries in member countries can confidently plan North American operations based on the provisions of the USMCA. It is apparent that this particular time in world history can benefit from needed and timely change. On the heels of the COVID-19 pandemnic, there is at least the potential that valuable cross-border trade will grow in both activity and ease at this moment when economic improvement is greatly needed.

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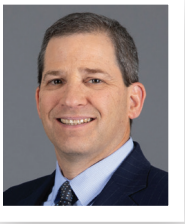
Bipartisan Bill Seeks to Regulate COVID-19 Exposure Notification Apps

CLIENT ALERT



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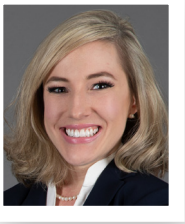

Katherine E. Smith

On June 1, 2020, U.S. Senators Maria Cantwell (D-WA) and Bill Cassidy (R-LA) introduced bipartisan legislation known as the Exposure Notification Privacy Act (Act), in the Senate.[1,2] The Act would regulate the coronavirus contact-tracing and exposure-notification applications that different states have been developing as part of efforts to track the spread of the virus and to notify individuals who may have been exposed to the virus. Apple and Google have also released software that allows governments to build such applications using Bluetooth technology on smartphones.

The Act would require virus-tracking applications to either be created in collaboration with or operated by public health authorities. Additionally, it would put in place robust privacy safeguards to protect privacy, prevent data misuse, and promote public health. The proposed law would achieve these safeguards by mandating, among other things, that individuals be able to consent to their information being collected and being deleted at any time. Further, any data collected could not be "for any commercial purpose" and would be the "minimum amount necessary to implement an automated exposure notification service for public health purposes." Applications would also be required to inform users and the Federal Trade Commission (FTC) about data breaches "in the most expedient time possible, consistent with the legitimate needs of law enforcement."

The FTC would be tasked with enforcement of this proposed law and would be able to issue civil penalties for first-time violators, a power that the consumer protection agency currently does not have for most privacy matters that do not affect children under the age of 13. State Attorneys General would also be able to enforce the Act.

The Act makes clear that it would not preempt, displace, or supplant any state law, rule, regulation, or requirement as well as any federal or state common law right or remedy, or any statute.

Awareness of this legislation is particularly important for providers or commercial users of transportation, logistics, or warehousing services. Companies in these industries generally have a significant number of employees and contractors that they are actively tracking. To the extent that companies in these industries are adding or are considering contact-tracing and exposure-notification apps, they will need to make an assessment as to its usage and potentially its impact on their current practices.

A more detailed summary of the role of public health authorities, individual rights, data restrictions, and enforcement in the Act follows.

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Bipartisan Bill Seeks to Regulate COVID-19 Exposure Notification Apps

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Role of Public Health Authorities

- The Act will require that public health officials be involved with the deployment of any exposure notification systems. The Act will prohibit any automated exposure notification service not operated by or in collaboration with a public health authority. This would give users confidence that the technologies they are using are legitimate and not created by unqualified actors.
- The Act will allow only medically authorized diagnoses of infectious diseases to be submitted to exposure notification systems. This will guard against false reports.

Individuals' Rights

- The Act will require that participation be voluntary and based on affirmative, express consent. Further, consent could be withdrawn at any time.
- The Act will allow participants to delete their data from an exposure notification system at any time.
- The Act will make it unlawful to discriminate against, or otherwise make unavailable to an individual, any place of public accommodation based on data collected or processed through an automated exposure notification service. This will bar people from being prevented from entering a public place if they chose not to sign up for a coronavirus exposure notification app.

Data Restrictions to Preserve Privacy

- The Act will limit the collection and use of data to that which is necessary for the purpose of the system and prohibit any commercial use of data.
- The Act will prohibit operators of automated exposure notification services from collecting or using data beyond what is necessary to implement such services for public health purposes. Operators would be prohibited from collecting or processing data for any commercial purpose.
- The Act will create strong cybersecurity and breach notification safeguards. In order to protect user data, the legislation creates comprehensive data security requirements and obligations to immediately notify individuals in the event of a security incident.
- The Act will require recurring and ongoing data deletion obligations.
- The Act will make allowances for public health research.

Enforcement

- The Act will empower the FTC and state Attorneys General to pursue violators.
- The Act will allow the FTC to pursue civil penalties for first-time violations.
- The Act will protect state privacy rights, ensuring that consumer privacy and health laws remain in place.

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[1] U.S. Senator Amy Klobuchar (D-MN) cosponsored the bill.

[2] Senate Bill No. 3861.

Customs Broker Regulations—Big Changes Coming Through Modernization

Jonathan R. Todd

U.S. Customs and Border Protection (CBP) modernization has arrived with a proposed list of changes that restructure certain fundamentals of the business. CBP issued its Notice of Proposed Rulemaking on June 5, 2020. The most noteworthy proposed changes to the broker regulations found at 19 CFR Part 111 include: (1) transitioning all brokers to national permits and elimination of broker districts and district permits; (2) updates to the "responsible supervision and control" requirements for management of broker operations; (3) efforts to ensure that all "customs business" is conducted within the United States; and (4) requirements that customs brokers have direct communication with the respective importers.

"CBP's proposals have the net effect of both modernizing and clarifying foundational requirements at the heart of customs broker operations."

National Permits - The proposed rules will fully expand the activities allowed under a national permit so that holders may conduct any type of customs business within the customs territory of the United States. In order to do so, CBP proposes eliminating the need of a district permit, which was historically the official document that allows a licensed customs broker to conduct customs business on behalf of others within a particular district. If a broker wished to offer services covering multiple geographic locations, then multiple district permits were required.

Responsible Supervision and Control - The proposed rules amend the traditional factors used by CBP to determine whether brokerage employees who are not themselves licensed brokers are properly supervised. The change will move a nonexclusive list of factors that CBP considers from the definition of "responsible supervision and control" to a specific section on the subject. The proposed changes also eliminate certain of the regular reporting requirements that brokers are today required to make to CBP regarding their employees, such as former home addresses and former employers.

Customs Business in United States - The proposed rules clarify that all customs business, as the term is defined at 19 CFR 111.1, must be conducted within the customs territory of the United States. Essentially, customs brokers are not permitted to offshore or otherwise outsource the delivery of regulated activities. The changes will also clarify that each broker must designate a licensed broker or knowledgeable employee to be available to CBP to respond to issues related to the transacting of customs business. Each broker must also maintain an accurate and current point of contact in CBP-authorized EDI systems.

Broker-Importer Communications - The proposed rules also include restrictions on third-party interaction in the broker-importer relationship. Specifically, the rules will require brokers to obtain their customs Power of Attorney (POA) forms directly from the importer of record or the drawback claimant. This change will eliminate the possibility that a freight forwarder or other third-party agent also acting under a POA could engage the customs broker on behalf of the importer.

CBP's proposals have the net effect of both modernizing and clarifying foundational requirements at the heart of customs broker operations. These changes are intended to coincide with other trade initiatives within the agency, namely, the Centers of Excellence and Expertise and the Automated Commercial Environment (ACE). One effect of those initiatives is the transition of operational trade functions that traditionally resided with the Ports of Entry and Port Directors to the Centers and Center Directors. The Center structure is based on subject matter expertise rather than geographic location, which no longer aligns with the legacy district system. Similarly, the development of ACE allows brokers the technical functionality to file entry information outside of the Port of Entry, let alone the respective district.

The deadline for public comments is August 4, 2020. In addition to comments from the broker community, CBP is also interested to receive comments that relate to the economic, environmental, or federalism effects that might result from this regulatory change. Comments that will provide the most assistance to CBP will reference a specific portion of the rule, explain the reason for any recommended change, and include data, information, or authority that supports such recommended change.

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Trade Compliance for Transportation & Logistics Providers

Jonathan R. Todd

Trade compliance has long been an area of risk and uncertainty for the transportation and logistics sector. It is difficult for many providers to conceptualize, in practical terms, their duties and obligations when asked to perform global services. Service providers hold a vulnerable place in the supply chain by virtue of being other than the sellers and buyers who have direct tangible contact with cargoes, their sources, and their end uses. The risk associated with this role occasionally arises in the form of highly publicized prosecutions and industry guidance from which few parties are immune, whether domestic U.S. or foreign, whether air or ocean providers, or even cross-border motor carriers, and whether large global conglomerates or smaller niche players.

Very recently the international trade compliance risks for the transportation and logistics business yet again drew attention. The U.S. Department of the Treasury (among other agencies) issued a "Sanctions Advisory" as stark reminder of the economic sanctions risk exposure that exists for the global industry. On May 14, the agencies published "Guidance to Address Illicit Shipping and Sanctions Evasion Practices" with particular focus on illicit shipping in the maritime segment. In short, the United States continues in its concerns over global threats to national security and its willingness to extraterritorially enforce restrictions.

The key takeaway from this advisory is that transportation and logistics providers should develop risk-based sanctions (and other) compliance programs emphasizing due diligence and adherence to policy. Specifically, Treasury recommends that industry "continually adopt business practices to address red flags and other anomalies that may indicate illicit or sanctionable behavior." Certainly the stakes could not be higher with criminal and civil penalties looming for domestic and foreign operators, and yet piloting a reasonable path forward is complex and time consuming. In times like these a simple level-set on the fundamental risks for industry and basic best practices can serve well to plot that course. The paragraphs that follow outline the high-level considerations for three principal compliance regimes as well as high-impact compliance considerations.

Treasury Enforcement of OFAC Sanctions. The Treasury Department's Office of Foreign Asset Controls (OFAC) administers approximately 30 different sanctions programs against countries and persons. Those programs generally prohibit the transfer of property or funds, including participating in or facilitating such transfer, to restricted parties. All U.S. persons must comply, including any non-U.S. entities owned or controlled by a U.S. person as determined under the country-specific sanction (see 31 CFR 535.329). A service provider's mere participation in a restricted transaction has been an area for exposure in recent years. Traffic involving Cuba and Iran have been a unique area of difficulty for industry due to the swift evolution of U.S. policy over the last decade.

State Enforcement of the ITAR. The Department of State's Defense Directorate of Trade Controls (DDTC) enforces the International Traffic in Arms Regulations (ITAR) found at 22 CFR Parts 120 to 130. Those export controls restrict the import, export, and temporary import or export of defense articles, technical data, and defense services. The ITAR applies to any items designated on the United States Munitions List (USML) found at 22 CFR 121.1 including firearms, ammunition, missiles, explosives, training equipment, military electronics,

optics, and spacecraft systems. The DDTC requires registration of certain actors involved in the trade of arms, including, from time to time, service providers, particularly where their activities may be considered brokering of defense articles and services. Unlawful brokering and participation with knowledge of violations have been areas of exposure for service providers in recent years.

Commerce Enforcement of the EAR. The Department of Commerce's Bureau of Industry and Security (BIS) enforces the Export Administration Regulations (EAR) found at 15 CFR Parts 730 to 780. Those export controls principally restrict the export and reexport of items and technology, including participating in or facilitating such export, based on item, country-specific embargoes, and end users. Items under control include any nonmilitary goods, software, or technology that are physically located in the U.S. or of U.S. origin, of foreign origin but containing more than de minimis U.S. content, or of foreign origin but a direct product of U.S. technology or software. The EAR applies to U.S. persons, but also foreign subsidiaries that are controlled, directly or indirectly, by a domestic entity (15 CFR 760.1). Importantly for transportation and logistics providers, one of the Ten General Prohibitions found in the EAR makes it unlawful to proceed with transactions with the knowledge that a violation has occurred or is about to occur (General Prohibition Ten, found at 15 CFR 736.2). General Prohibition Ten has appeared as a specific area of enforcement against service providers in recent years.

Compliance Best Practices and Red Flags. The penalties for violation of these and other U.S. regulatory regimes, including the Foreign Corrupt Practices Act (FCPA), anti-boycott restrictions, and even U.S. customs compliance, which has become an area of exposure for operators, extend well beyond negative headlines that yield harm to commercial reputations. Significant civil penalties, criminal fines, and even jail time can follow misconduct and careless acts. There is neither a one-size-fits-all approach to international trade compliance nor any real benefit in adopting compliance programs and practices that will not be followed. Rather, the task for each transportation and logistics operator is to assess risk for the operation and tailor an appropriate program together with training and process controls. The tactical elements of a strong compliance program include: developing internal leadership and subject matter expertise on trade controls; sticking to process fundamentals, such as denied parties screening; and watching for the gamesmanship among shippers that can cause liability for even the most well-meaning of operators.

Watching for gamesmanship is of course the front line of trade compliance risk mitigation for transportation and logistics providers. An awareness of weaknesses and "red flags" helps personnel to remain vigilant and to escalate issues where they arise. Perhaps the best example of this tactic is found in the "Know Your Customer Guidance" published by the Department of Commerce in Supplement No. 1 to Part 732 of the EAR. That guidance amounts to: (1) deciding whether "red flags" exist; (2) inquiring further if necessary; (3) avoiding self-blinding against bad facts; (4) training sales and operations staff; (5) reevaluating situations as new facts are learned; and (6) consulting with the respective agencies or counsel before proceeding if "red flags" or other risks cannot be resolved. A few important "red flags" for transportation and logistics providers to guard against as part of trade compliance programs include:

- The customer is reluctant to offer information about the end use of a product.
- The product's capabilities do not fit the buyer's line of business.
- The product ordered is incompatible with the technical level of the country to which the product is being shipped.
- The customer has little or no business background.
- Deliveries are planned for out-of-the-way destinations.
- A freight forwarding is listed as the product's final destination.
- The shipping route is abnormal for the product and destination.
- Packaging is inconsistent with the method of shipment or destination.

Remember, Voluntary Disclosures Are Available. The reality of international transportation and logistics is that it is a hard, fast-paced, fact-specific, multifaceted business. Real or potential violations can arise for even the most well-meaning of operators. Exposure for these and similar regimes can often extend five years in the past, which is a relatively long tail to consider when a history of violations is found. Those instances present opportunities to update compliance programs, retrain personnel, and implement meaningful corrective actions to mitigate present and forward-looking risk. They also offer a chance to consider voluntary self-disclosures to the agencies having jurisdiction, which are available for the regulatory regimes described here and others that maybe implicated. Giving notice to an agency should not be taken lightly, but it can serve as a pathway for closing out a file with mitigated financial exposure (and often little or no exposure). Self-disclosures are discretionary for most regulatory regimes, although ITAR compliance is one important exception where the remedial action is considered obligatory.

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Don't Text On Me! Avoiding TCPA Liability for Texting Drivers, Customers, and Employees in the COVID Era

Eric L. Zalud

Laura E. Kogan

Even *prior* to the COVID era, the transportation and logistics industry was seeing an increased prevalence of instantaneous technological contact, via texts, for all types of logistics protocols and practices. Transportation and logistics companies were (and still are) using text messaging to reach out to their employees, drivers, and recruits, and also to initiate other communications related to shipment status, freight matching, and load brokering. Unfortunately, many transportation and logistics companies, as they embark upon such a technological evolution, are unaware that there is a comprehensive and rigorous federal statutory regime, the Telephone Consumer Protection Act 47 U.S.C. § 227 (TCPA), that governs the methodology for such communications, and also contains significant penalties for improper texting in these contexts.

Since the outbreak of COVID-19, businesses have been sending more text messages as a means to communicate with prospective and current employees or customers. However, each "sent" text message falls within the ambit of the TCPA, which protects call and text recipients from receiving unwanted and unsolicited communications. Because text messages are regulated by the TCPA and are a normal part of business (more and more each day), logistics companies need to take the appropriate measures to comply with the law.

Compliance and liability depend upon a company's method of text messaging and the content of the text message. For example, businesses may contract with a third party to send text messages; send text messages through the use of campaigns; or use a mobile application to send text messages. Liability also turns upon whether a business obtained prior consent from the recipient, since the TCPA exempts text messages made with such consent.

So, one of the critical thresholds points in ensuring prevention of liability for unwanted text messages is that the transportation companies should request clear, affirmative *consent* to be contacted. A documented consent process can limit and prevent TCPA liability. Commensurately, a *failure* to have a clear consent policy can result in lengthy TCPA litigation, and statutory liability. It is also important to design and implement a compliance program, including policies and procedures regarding text contacts, message content, "do not call"/contact lists, cross-referencing of those lists, and training and enforcement relating to the TCPA itself.

The TCPA also imposes certain restrictions upon using certain specific telephonic technology. The most regulated types of calls are those with automatic telephone dialing systems (ATDSs). Those are systems that *randomly* generate sequential telephone numbers to call, with no human intervention, and no selected sequenced list of numbers. Companies wishing to use automated technology for text messages should thus be careful to ensure that they are not inadvertently using a technology that could be categorized as an ATDS in their jurisdiction. The logistics company should keep its own "do not call" list for specific requests that have been made to it for no further contact. There are also certain temporal restrictions as to *when* such texts can be sent and contact made, typically within the confines of the business day.

A potential plaintiff may assert a variety of TCPA violation theories in a lawsuit. These lawsuits can be costly. It is therefore important to understand how to best comply with the TCPA when communicating with prospective and current employees, drivers, recruits, or customers, via text message.

For more information on TCPA compliance and defenses, contact Eric L. Zalud or Laura E. Kogan.

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Recent Events

American Trucking Associations (ATA) Webinar
Marc S. Blubaugh presented *Freight Claims: Recent Lessons from the Courts.*
March 24, 2020 | Webinar

Columbus Logistics Breakfast Club (POSTPONED - TBD)
Marc S. Blubaugh was presenting *Damaged, Lost, and Stolen Freight: Tales from the Courts!*
March 27, 2020 | Columbus, OH

APICS Research Triangle Chapter Meeting
Jonathan R. Todd presented *Global Transportation & Logistics Risk.*
April 15, 2020 | Raleigh, NC

Transportation and Logistics Council (TLC) 46th Annual Conference (CANCELED)
Marc S. Blubaugh was participating on "The Transportation Attorney Panel." **Martha J. Payne** was moderating "The Transportation Insurance Panel." **Eric L. Zalud** was participating on "The Transportation Service Providers—Selection and Compliance Panel."
April 27–29, 2020 | Orlando, FL

Transportation Lawyers Association (TLA) Annual Conference (CANCELED)
Eric L. Zalud was presenting. **Marc S. Blubaugh** was attending and serving as Co-Chair of the Program. **Matthew D. Gurbach** and **Martha J. Payne** were attending.
April 29–May 3, 2020 | Amelia Island, FL

DRI 2020 Trucking Law Seminar (CANCELED)
Eric L. Zalud was attending.
April 30–May 1, 2020 | Austin, TX

2020 Supply Chain Sustainability Summit
Jonathan R. Todd presented *The Parted Veil: Combating Bribery, Corruption & Third-Party Risk in the Global Supply Chain.*
May 5, 2020 | Virtual

Intermodal Association of North America's Operations and Maintenance Business Meeting (CANCELED)
Marc S. Blubaugh was moderating the "Intermodal and the Independent Contractor Panel."
May 5–7, 2020 | Oak Brook, IL

ATA Mid-Year Management Meeting
Joseph N. Gross, Martha J. Payne, Richard A. Plewacki, and **Jonathan R. Todd** participated.
May 13–15 | Virtual

Columbus Logistics Conference
Marc S. Blubaugh presented *Notable Cases from 2019 and a Few COVID-19 Issues.*
May 20, 2020 | Virtual

APICS/ISM Akron Chapter Meeting
Jonathan R. Todd presented *Managing Contract Risks in the COVID-19 World and Beyond.*
May 27, 2020 | Virtual

TIA Lunch and Learn
Eric L. Zalud presented *New Business Issues for 3PLs in the COVID and Post COVID Era: A Legal and M&A Perspective.*
June 9, 2020 | Virtual

2020 TerraLex Global Meeting
Eric L. Zalud attended.
June 10–13, 2020 | Virtual

Conference of Freight Counsel (CANCELED)
Martha J. Payne and **Eric L. Zalud** were attending.
June 13–15, 2020 | Dearborn, MI

DHL 2020 Forum - (POSTPONED - TBD)
Eric L. Zalud was attending.
June 22–23, 2020 | Washington, DC

On the Horizon

Transportation Intermediaries Association (TIA) Lunch and Learn
Martha J. Payne and **Jonathan R. Todd** are presenting.
July 14, 2020 | Virtual

American Trucking Associations (ATA) Legal Forum
Marc S. Blubaugh and **Jonathan R. Todd** are presenting *Unique Issues Impacting Intermodal Operations and Specialized Motor Carriage*.
Peter N. Kirsanow, Kelly E. Mulrane and **Eric L. Zalud** are presenting *Regulatory Investigations & Audits: A Legal Guide on Preparation and Response*. **Martha J. Payne** is attending.
July 19–22, 2020 | Virtual

IWLA Convention & Expo 2020
Marc S. Blubaugh is presenting *Transportation in the COVID-19 Era*.
August 12, 2020 | Virtual

Transportation Intermediaries Association (TIA) Capital Ideas Conference 2020 (CANCELED)
Marc S. Blubaugh was co-presenting *Legal/Claims: Evaluating Business Opportunity Risk*.
Bryna Dahlin was presenting on issues related to cannabis transportation. **Martha J. Payne** was presenting *Latest Issues in Contracting*.
Eric L. Zalud was co-presenting *Hot Topics: Consolidation in the 3PL Market and Why It Is Happening*.
August 19–22 | Austin, TX

Intermodal Association of North America (IANA) Intermodal Expo 2020 (CANCELED)
Marc S. Blubaugh and **Martha J. Payne** were attending.
September 13–15, 2020 | Long Beach, CA

Association Supply Chain Management (ASCM) Summit 2020
Jonathan R. Todd is attending.
September 13–15, 2020 | New Orleans, LA

National Customs Brokers & Forwarders Association of America (NCBFAA) Annual Conference
Jonathan R. Todd is attending.
September 13–15, 2020 | Washington, D.C.

Arkansas Trucking Seminar
Eric L. Zalud is attending.
September 15–18, 2020 | Rogers, AK

Canadian Transport Lawyers Association 2020
Martha J. Payne and **Eric L. Zalud** are attending.
September 19, 2020 | Toronto, Ontario

Ohio Trucking Association Annual Convention 2020
Marc S. Blubaugh is presenting.
September 20, 2020 | Columbus, OH

Women in Trucking (WIT) Accelerate! Conference & Expo
Martha J. Payne is attending.
September 23–25, 2020 | Dallas, TX

3PL & Supply Chain Summit
Eric L. Zalud is attending.
October 7–8, 2020 | Chicago, IL

Logistics & Transportation Association of North America (LTNA) 2020 National Conference
Eric L. Zalud is attending.
October 7–9, 2020 | Savannah, GA

American Trucking Association (ATA) Management Conference & Exhibition (MCE) 2020
Marc S. Blubaugh and **Jonathan R. Todd** are attending.
October 24–28, 2020 | Denver, CO

2020 Transportation Law Institute (TLI)
Marc S. Blubaugh is presenting *The Shipment of Goods between the United States and Canada: The "Conflicts of Law" Dynamic*.
Martha J. Payne, Jonathan R. Todd, and **Eric L. Zalud** are attending.
November 13, 2020 | New Orleans, LA

Capital Roundtable: PE Investing in Transportation & Logistics Companies
Marc S. Blubaugh, Peter K. Shelton, Jonathan R. Todd, and **Eric L. Zalud** are attending.
November 16, 2020 | New York, NY

Transportation Intermediaries Association (TIA) 3PL Technovations
Martha J. Payne and **Eric L. Zalud** are attending.
November 19–20, 2020 | San Antonio, TX

Please note that some of these events may be canceled or postponed due to the COVID-19 pandemic. Check with event representatives for more information.

For further information and registration, please contact **MEGAN THOMAS**, Client Services Manager, at mthomas@beneschlaw.com or (216) 363-4639.

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