

President's Message

I have to confess that this President's Message was difficult to write. Due to copy deadlines, the President's Message, along with all the other officer reports and articles, needs to be finalized and turned into the Editor at least a couple of months prior to publication. Given this, I am writing the December message in early October, a week or so before the publication of the October edition of *The Transportation Lawyer*.

Typically, writing the President's Message two months in advance does not pose much of a problem. The TLA is a stable organization. Its calendar is consistent. We all know that there will be a Transportation Law Institute, a Chicago Regional Conference and Boot Camp and an Annual Conference. As such, the next opportunity to see old friends, and to make new ones, is always right around the corner. Well-deserved awards will be handed out at the Annual Conference. *The Transportation Lawyer* will be published in July, October, December, February and April. Interspersed throughout the year will be a number of webinars. Given this, there is always a recently concluded event to commemorate and a future conference to promote. In most years, there is at least some degree of consistency and certainty.

The train wreck that has been 2020 has been stark reminder that things are not always consistent or certain. In just the two-week period prior to this message being written, Supreme Court Justice Ruth Bader Ginsburg died, throwing Washington into a huge confirmation battle just weeks before the election. The U.S death toll due to the coronavirus exceeded 200,000. We were then all treated to the first of three scheduled presidential food fights (a/k/a debates). Finally, it was announced that President Trump and the First Lady have contracted coronavirus, with the President being transferred to the Walter Reed National Military Medical Center.

Given this craziness and lack of certainty, it is more difficult than ever to predict the future, and much of this message may be outdated when it is published in December. The first TLA event of 2021 is the Chicago Regional Seminar and Boot Camp, which is currently scheduled for January 21-22 at the Radisson Blu Aqua Hotel. At the time of this writing, we are hoping that an in-person meeting will be possible, but we are preparing to transition the event to Zoom. Either way, the conference will be excellent. Program Chairs **Bill Pentecost** and **John Lane** will lead the Boot Camp entitled "Transportation Law in a Multi-Modal World," which will discuss legal regimes and issues involving admiralty and maritime, railroad, motor carrier, and intermodal transportation. **Dustin Paul** will speak about the uniqueness of admiralty law, marine casualties,

personal injuries, and cargo claims under COGSA. **Greg Summy** and **John Fiorilla** will provide an exciting view of railroad law. Greg will emphasize cargo claims under the Carmack Amendment. John will give us a presentation on the preemptive qualities of the federal regulatory process, leaving states little ruling authority. Bill Pentecost and **Steve Kennedy** will discuss the role of FMCSA regulations on the motor carrier industry, emphasizing the individual role of state law in casualty litigation. They will also discuss current theories of liability being used by plaintiffs' attorneys. John Lane will discuss motor carrier cargo claims under Carmack, paralleling the discussion for railroads. John will also discuss the role of the intermodal industry, the laws that govern its operations, and the contracts and statutes, such as the Graves Amendment, which protect the industry. The program will use specific scenarios from actual cases to help illustrate the various legal issues.



John Wilcox

is Magistrate Judge Sheila Finnegan of the United States District Court for the Northern District of Illinois. Her discussion regarding the current climate of civil practice should be particularly informative given the fact that many of us have not set foot in an actual courtroom since March.

I continue to keep my fingers crossed and hope that we will all be able to get together in person at the 2021 TLA Annual Conference and CTLA Midyear Meeting. The conference is scheduled for May 19-22 in beautiful Olympic Valley, California. The resort is at the base of Squaw Valley,¹ which was the site of the 1960 Winter Olympics and is just minutes away from North Lake Tahoe. Program chairs **Bridgette Blitch** and **Jeff Pincus** have put together a top-notch program that will cover everything from food safety to strategies on preventing nuclear verdicts. Between Lake Tahoe and the Sierra Nevada mountains, the scenery and outdoor activities will be incredible.

As we near the end of 2020, I would like to note that the TLA has been able to accomplish a good deal over the last several months and is working hard to continue to provide value to its members. In the spirit of the season, many thanks are in order. On September 23, 2020, a Special Executive Committee Meeting was held via Zoom. The primary purpose of the meeting was to consider the

negotiated extension of the management agreement between TLA and Kellen. I am happy to report that the extension was approved by the Executive Committee. The relationship between TLA and Kellen has been extended at least through July 31, 2022. In addition, the new agreement provides TLA with some price relief for 2020-21 and 2021-22. I would like to thank **Michelle Miller** of Kellen and the management contract committee, consisting of **Greg Summy**, **Marc Blubaugh**, **Hillary Booth**, **Bill Taylor**, **Jeff Simmons** and **Dick Westley**, for all of their hard work and assistance.

On October 8, 2020, the Webinar Committee put on the first of what will be five webinars. Moderator **Jeremy Handschuh** and panelists **Greg Summy**, **Jeffrey Cox** and **William Pugh** will present *Goldfinger: The Business of Pricing*. This presentation had originally been scheduled for the 2020 Annual Conference. I am sure that the webinar will be excellent and well-attended. Thank you to everyone involved. Future webinars are preliminarily scheduled for this December, February, April and June.

The 2020 Transportation Law Institute, originally scheduled to take place at the Hotel Monteleone in New Orleans, had to be transitioned to a virtual event. The Zoom conference was held during the afternoons of November 12 and 13, 2020. I would like to thank all of the speakers, moderators, and particularly the program chairs, **Charlie Riley** and **Clark Monroe**, for their flexibility and effort in putting on an excellent program under difficult circumstance. I am pleased that Immediate Past President **Jeff Simmons** had the

opportunity to present the 2020 Distinguished Service Awards and the Lifetime Achievement Award, with the help of **Gordon Hearn**, **Eric Benton** and **Eric Zalud**. I would like to extend my congratulations to **Heather Devine**, **Stephen Uthoff** and **Martha Payne**. Over the years, Heather, Steve and Martha have done great work and the TLA is better for it. Heather has been a member of TLA since 2011. During that time, she has been a frequent speaker and contributor to the TTL. She has served on the Executive Committee, chaired program committees and is completing her term as President of the CTLA. Steve joined TLA in 2006. He likewise served on the Executive Committee and was the longtime chair of the ADR Committee. Steve has also played a crucial role in the growth and development of the Transportation ADR Council. Martha has been a member of the TLA since 1989 and has been a trailblazer and role model for women in the transportation industry. In addition to the TLA and CTLA, Martha belongs to numerous transportation organizations and is a founding board member of the Transportation Loss Prevention & Security Association.²

To conclude, I would like to thank all of the members of TLA, particularly those who attended our conferences and webinars, volunteered their time to chair committees, recruited and mentored new members, wrote articles for TTL, and spoke at one of our various programs. May you and your families find good health, love and joy this Holiday Season and throughout 2021.

Endnotes

¹ It is my understanding that Squaw Valley is in the process of being renamed. The announcement of the new name is scheduled for early 2021.

² Kathleen Jeffries reports that she likes the Bullshipper Award so much that she is going to keep it for another year.



TLA Mission Statement

The Transportation Lawyers Association ("TLA") is an independent bar association, comprised of in-house, government and private practice attorneys. Its members assist providers and commercial users of domestic and international logistics and transportation services, in all modes. TLA is dedicated to keeping its members ahead of the constant changes in the specialized legal environment governing all aspects of the supply chain and passenger travel. With commitment to excellence in continuing legal education, and a long tradition of collegiality and exchange of ideas, TLA is a collaborative resource for lawyers seeking to maximize the quality of the legal services they provide and enhance their professional lives.