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# Wine, Beer & Spirits Law

A Year of Change

September 22-23, 2005 • Hotel Monteleone • New Orleans

## Featuring Speakers From:

- Alcohol and Tobacco Tax and Trade Bureau (TTB)
- California Department of Alcoholic Beverage Control
- Indiana University School of Law
- Institute for Justice
- Iowa Alcoholic Beverages Division
- Louisiana Office of Alcohol and Tobacco Control
- Florida Division of Alcoholic Beverages and Tobacco
- St. Supéry Vineyards and Winery
- Texas Alcoholic Beverage Commission

... and some of the top practitioners in the alcohol beverage industry!



Destination: New Orleans. For over 118 years in the French Quarter, Hotel Monteleone has witnessed many newsworthy events and has long been a favorite of writers. Ernest Hemingway mentioned The Hotel Monteleone in his short story *Night Before Battle*. Tennessee Williams first visited the Hotel Monteleone as a young child, and always claimed it was his favorite hotel. Throughout his life, Truman Capote was fond of telling interviewers that he was born at the Hotel Monteleone. Actually, his mother stayed at the hotel leading up to his birth and the hotel staff transported her to the infirmary where the birth took place.

The Hotel Monteleone has also received numerous prestigious awards. In June 2004, *National Geographic Traveler*, the world's most widely read travel magazine, announced that the famous Carousel Piano Bar and Lounge at the Hotel Monteleone had been awarded a "Best of City" designation. The Hotel earned the American Automobile Association's Four Diamond award for 2004, 2005 and 2006, and has received the J.D. Power & Associates Award for Outstanding Customer Service three times.

The Hotel Monteleone is the essence of a memorable travel experience. It's the heart and soul of hospitality. And, when you're there, you're right where you want to be: in New Orleans, in the French Quarter, in the hotel with an identity all its own.

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Conference Schedule and Speaker Biographies Inside



**Thursday, September 22****Friday, September 23**

8:30 Registration and Continental Breakfast

9:00 **Welcome to New Orleans****Murphy J. Painter, Commissioner***Louisiana Office of Alcohol and Tobacco Control, Baton Rouge, LA***James M. Seff, Esq., Program Co-Chair***Pillsbury Winthrop Shaw Pittman, San Francisco, CA*9:15 **Regulators Panel****Renee Alsobrook, Esq., Chief Attorney***Florida Division of Alcoholic Beverages and Tobacco, Tallahassee, FL***Lou Bright, Esq., General Counsel***Texas Alcoholic Beverage Commission, Austin, TX***John Peirce, Esq., Chief Counsel***California Department of Alcoholic Beverage Control**Sacramento, CA***Lynn Walding, Esq., Administrator***Iowa Alcoholic Beverages Division, Ankeny, IA***Murphy J. Painter, Commissioner**

10:45 Morning Break

11:00 **AVAs***Dispatches from the Viticultural Area Wars***James M. Seff, Esq., Program Co-Chair**

## 11:45 Q&amp;A Panel

*Members of the Faculty*

12:00 Lunch Break

1:15 **Customs Law***Focusing on the Alcohol Industry***Heather Litman, Esq.***Stein Shostak Shostak & O'Hara, Los Angeles, CA*2:00 **The Three-Tier System***Buying and Selling in a New Environment***Marc E. Sorini, Esq.***McDermott, Will & Emery, Washington, DC*

3:00 Afternoon Break

3:15 **Trademarks in the Alcoholic Beverage Industry***Latest Developments and Disputes***Robert B. Burlingame, Esq.***Pillsbury Winthrop Shaw Pittman, San Francisco, CA*4:00 **Inside the Wine Business: The Romance Versus the Reality***It Appears Romantic, But What Does It Really Take to Run a Vineyard and Winery? What Are the Potential Financial and Emotional Rewards? Why Are There so Few Women in the Business?***Michaela Rodeno, CEO***St. Supéry Vineyards & Winery, Rutherford, CA*4:45 **Cautionary Tales from the U.K. Wine Market***Key Legal Issues for American Wine Producers Exporting to the U.K.; Distribution Do's and Don'ts; Impact of the EU Commercial Agents Directive***Andrew Park, Solicitor***APP Law, Norley, Cheshire, England*

5:30 Adjourn to Private Networking Reception

9:00 **Overview of Day Two****J. Daniel Davis, Esq., Program Co-Chair***Pillsbury Winthrop Shaw Pittman, San Francisco, CA*9:15 **Keynote Panel Presentation***The U.S. Supreme Court Arguments***Clint Bolick, Esq., Strategic Litigation Counsel***Institute for Justice, Phoenix, AZ***J. Alexander Tanford, Esq., Professor of Law***Indiana University School of Law, Bloomington, IN***Louis R. Cohen, Esq.***Wilmer Cutler Pickering Hale and Dorr, Washington, DC*

10:45 Morning Break

11:00 **The TTB's Initiatives***TTB's Investigation into Small Brewery Permit Users; Wine Varietal Identification Program; Other Hot Issues***William Foster, Chief****Regulations and Procedures Division***Alcohol and Tobacco Tax and Trade Bureau, Washington, DC*

12:00 Lunch Break

1:30 **Box Store Box Score: Successes and Failures in Deregulation by Lawsuit***The Costco Suits; Implications of Granholm for Regulation of Market Structure; Showdown on Hybrid Restraints of Trade***R. Corbin Houchins, Esq.***Graham & Dunn, Seattle, WA*2:15 **Update: Bronco Wine Company. v. California ABC and Napa Valley Vintners Association***The Use of Geographic Names on Wine Labels***Richard Mendelson, Esq.***Dickenson Peatman & Fogarty, Napa, CA*

3:00 Afternoon Break

3:15 **Trade Practice Laws***Brief Overview of Federal and State Trade Practice Law; Detailed Analysis and Discussion of Specific Marketing Promotions; Business Risks vs. Legal Risks***J. Daniel Davis, Esq., Program Co-Chair**4:00 **Ethics***Considerations for the Alcohol Beverage Lawyer***Kenneth B. Skelly, Esq., Vice President****Regulatory and Compliance Counsel***Diageo North America, Stamford, CT*

5:00 Evaluations and Adjourn

**Interstate Direct Shipping of Wine  
August 29 • Fairmont Hotel • San Francisco**

On May 16, 2005, the U.S. Supreme Court overturned laws in New York and Michigan, which either nominally permitted or prohibited direct shipment of wine from out-of-state wineries. How does this decision change the landscape of interstate wine sales? Find out at this Seminar.

Sign up for both San Francisco and New Orleans and receive a \$200 discount! Register Today!

**Program Co-Chairs**

**J. Daniel Davis** is a former Assistant General Counsel of Schieffelin & Somerset, a joint venture between Guinness and Moet Hennessy Louis Vuitton. He has the legal and business experience that comes from advising a major licensed beverage supplier on a variety of issues, including the consolidation of nationwide distributor networks, and the implementation of national and local sales and marketing programs tailored to the legal and business needs of specific states.

**James M. Seff** is the Partner-in-Charge of his firm's Wine, Beer & Spirits Practice. He is a former Chief Counsel of the Wine Institute, an expert in licensed beverage law and regulation and a professional member of the American Society for Enology and Viticulture. He represents wineries, distilleries, importers and breweries, as well as beverage wholesalers and retailers on a limited basis. He is a contributing author to the *University of California/Sotheby Book of California Wine*.

**Renee Alsbrook** supervises the prosecution of licenses for violations of law and provides legal advice to the Division Director and staff, including the law enforcement officers employed by the Division. She was previously General Counsel to the Florida Department of Health. Before that, she was in private practice.

**Clint Bolick** is president and general counsel of the Alliance for School Choice. Previously, he co-founded and served as vice president of the Institute for Justice, where he led the charge that overturned bans on direct interstate wine shipment, and argued before the U.S. Supreme Court on this issue.

**Lou Bright** has been in his current position since 1994. Previously, he worked for the Texas Attorney General's Office, concentrating on constitutional and civil rights litigation.

**Robert B. Burlingame** practices all facets of trademark protection (including counseling, clearance and prosecution/registration, licensing, due diligence, and policing and litigation) as well as Internet, copyright and complex transactional matters, with a focus on trademark issues in the alcohol beverage industry.

**Louis R. Cohen** represented Michigan Wine and Spirits Wholesalers in *Granholt v. Heald*, and has represented Wine and Spirits Wholesalers of America in a variety of matters. He was previously a U.S. Deputy Solicitor General and has argued sixteen cases before the U.S. Supreme Court.

**William Foster** has been in government service for 30 years. He was previously Deputy Chief of his Division before becoming Chief in 2003. As Chief, he directs the development of regulations, rulings and regulatory interpretations, internal orders and directives.

**R. Corbin Houchins** has been engaged in the production, distribution, marketing and sale of licensed beverages for more than 30 years. He also has experience in the contractual, intellectual property, antitrust, and regulatory aspects of marketing all brand name goods and services.

**Heather Litman** emphasizes customs law and international trade. She is a licensed customs broker. She was previously the Chair of the Los Angeles Bar Association's Customs Law Committee.

**Richard Mendelson** specializes in alcohol beverage law and land use planning for wineries and vineyards. His clients include some of the most recognized names in the California wine industry. He is lead counsel for the *Napa Valley Vintners in Bronco Wine Company v. California ABC, et al.*

**Murphy J. Painter** has served as Commissioner of Alcohol & Tobacco Control for the State of Louisiana for the past 10 years. He is a Past President of the NCSLA and also served as its Executive Director.

**Andrew Park** is a commercial lawyer with over 27 years' experience in legal practice in England as a solicitor. He specializes in agency, distribution and joint venture work. He has written for *Butterworth's New Law Journal* and for *Harpers Wine & Spirits Weekly* on wine trade issues.

**John Peirce** returned to the California Department of Alcoholic Beverage Control (ABC) after a four-year hiatus. He was previously counsel to the Wine Institute. In 1986, he became Senior Staff Counsel for ABC, and was Legislative Liaison for 14 years.

**Michaela Rodeno** has held two positions in her 30+ years in the Napa Valley, both with startup wineries: Domaine Chandon and St. Supéry. She manages all of St. Supéry's activities, from strategic planning, grape growing and wine production, to finance, product development, marketing and sales.

**Kenneth B. Skelly** has been with Diageo North America, Inc., since July 1, 2004. He previously served as Vice President, Assistant General Counsel, of Schieffelin & Somerset Co., counsel to the Pennsylvania Liquor Control Board, and Special Assistant to the Governor.

**Marc E. Sorini** focuses on all regulatory and litigation issues facing the alcohol beverage industry. He represents alcohol beverage suppliers before federal and state courts, the TTB, the FTC, and state alcohol beverage control agencies.

**J. Alexander Tanford** specializes in litigation and is a leading authority on trial practice and procedure. He has written and spoken extensively on all aspects of litigation, and has received a number of awards and fellowships. He was counsel of record in *Granholt v. Heald*.

**Lynn Walding** is the President of NABCA. He was appointed Administrator of the Iowa Alcoholic Beverages Division in February 2000. He was previously an Assistant Attorney General in the Iowa Department of Justice for 19 years.

conference **information**

**Continuing Education Credit (MCLE)**

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# Wine, Beer & Spirits Law

The Essential Guide

September 22-23, 2005 • Hotel Monteleone • New Orleans

Dispatches from the Viticultural Area Wars  
What Does It Really Take to Run a Vineyard and a Winery?  
Cautionary Tales from the U.K. Winery Market  
Keynote Panel Presentation on the  
U.S. Supreme Court Arguments  
Successes and Failures in Deregulation by Lawsuit  
Recent TTB Initiatives  
An Update on the *Bronco Wine Company Case*



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