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11th Annual Conference!

# Wine, Beer & Spirits Law

New Trends Mean New Challenges

September 11-12 • Hyatt Regency Resort & Spa at Gainey Ranch • Scottsdale

## Featuring Speakers From:

- Wine Institute
  - Alcohol and Tobacco Tax and Trade Bureau
  - Bonny Doon Vineyard
  - Indiana University School of Law
  - Wine and Spirits Wholesalers of America
  - Texas Alcoholic Beverage Commission
  - Illinois Department of Liquor, License and Control
- .... and some of the top practitioners in the alcohol beverage industry!

## Three Keynote Presentations!



### The Costco Case

**David J. Burman, Esq.**  
Perkins Coie, Seattle, WA



### What's Going on at the TTB?

**William Foster, Chief, Regulations and Procedure Division**  
Alcohol and Tobacco Tax and Trade Bureau, Washington, DC



### The Bonny Doon Vineyard: A Case Study

**Randall Graham, Owner**  
Bonny Doon Vineyard, Santa Cruz, CA



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Conference Schedule and Speaker Biographies Inside



**Monday, September 11****Tuesday, September 12**

8:30 Registration and Continental Breakfast

**9:00 Introduction and Welcome****James M. Seff, Esq., Program Co-Chair***Pillsbury Winthrop Shaw Pittman, San Francisco, CA***Leesa Berens Morrison, Esq., Director***Arizona Department of Liquor License and Control, Phoenix, AZ***H. J. Lewkowitz, Esq.***Lewkowitz Law Offices, Phoenix, AZ***9:20 State Actions Post Granholm**

A Summary of Recent Legislative and Regulatory Actions on Direct-to-Consumer Wine Shipments and Winery Self-Distribution to Retailers

**Steve Gross, State Relations Manager***Wine Institute, San Francisco, CA*

10:00 Morning Break

**10:15 Keynote Presentation**

What's Going on at the TTB?

**William Foster****Chief, Regulations and Procedures Division***Alcohol and Tobacco Tax and Trade Bureau, Washington, DC***11:00 The Bioterrorism Act**

Its Effects on the Industry

**Wendell Lee, Esq.***Wine Institute, San Francisco, CA*

11:45 Lunch Break

**1:00 Keynote Presentation**

The Bonny Doon Vineyard: A Case Study

**Randall Graham, Owner***Bonny Doon Vineyard, Santa Cruz, CA***1:45 Trademarks in the Alcoholic Beverage Industry**

Latest Developments and Disputes

**Robert B. Burlingame, Esq.***Pillsbury Winthrop Shaw Pittman, San Francisco, CA*

2:30 Afternoon Break

**2:45 Keynote Presentation**

The Costco Case

**David Burman, Esq.***Perkins Coie, Seattle, WA***3:30 Retailer Direct Shipping**

Point/Counterpoint

**J. Alexander Tanford, Esq., Professor of Law***Indiana University School of Law, Bloomington, IN***Craig Wolf, Esq., General Counsel***Wine and Spirits Wholesalers of America, Washington, DC***4:15 The Changing Face of Franchise Law**

Explore New Trends in Brand Introductions, Supplier and Wholesaler Ownership, Constitutional Challenges and Beer vs. Wine and Spirits Franchise Legislation

**Marc E. Sorini, Esq.***McDermott, Will & Emery, Washington, DC*

5:00 Adjourn to Private Reception

8:30 Continental Breakfast

**9:00 Overview of Day Two****J. Daniel Davis, Esq., Program Co-Chair***Pillsbury Winthrop Shaw Pittman, San Francisco, CA***9:15 Section 42 USC 1983 and Alcoholic Beverage Laws: Past, Present and Future**

Franchise Laws, Direct Shipments, Advertising and More

**J. Daniel Davis, Esq., Program Co-Chair**

10:00 Morning Break

**10:15 The Wholesaler's Perspective**

What's Going on Behind the Vines?

**John L. Taylor, Jr., Esq.***Chorey, Taylor & Feil, Atlanta, GA***11:00 Ethics**

Considerations for the Alcohol Beverage Industry Practitioner

**Kenneth B. Skelly, Esq., Vice President****Regulatory and Compliance Counsel***Diageo North America, Stamford, CT*

12:00 Lunch Break

**1:30 Internet Advertising**

What Are the Rules Governing Alcohol Beverage Advertising in Cyberspace?

**Charles E. Smarr, Esq.***Brydon Swearngen & England, Jefferson City, MO***2:15 Geographic Indications**

Bronco Wine Co. v. California ABC, U.S. Appellation Update, U.S.—EU Wine Accords

**Richard Mendelson, Esq.***Dickenson Peatman & Fogarty, Napa, CA*

3:00 Afternoon Break

**3:15 Regulators' Panel****Moderator: James M. Seff, Esq., Program Co-Chair****Lou Bright, Esq., General Counsel***Texas Alcoholic Beverage Commission, Austin, TX***Leesa Berens Morrison, Esq., Director***Arizona Department of Liquor License and Control, Phoenix, AZ***William O'Donoghue, Esq., Chief Counsel***Illinois Liquor Control Commission, Chicago, IL***John Peirce, Esq., Chief Counsel***California Department of Alcoholic Beverage Commission, Sacramento, CA***4:15 Customs Law**

An Analysis of the Newest Trends

**Heather Litman, Esq.***Stein Shostak Shostak Pollack & O'Hara, Los Angeles, CA*

5:00 Evaluations and Adjourn

## Wine, Beer & Spirits Law

# meet your faculty

### Program Co-Chairs

**J. Daniel Davis** is a recognized legal expert of alcohol beverage trade practices. His vast experience derives from advising major licensed beverage suppliers on consolidating nationwide distributor networks and implementing sales and marketing programs.

**James M. Seff** is the Partner-in-Charge of his firm's Wine, Beer & Spirits practice. He is an expert in licensed beverage law and regulation. He is a contributing author to the University of California/Sotheby Book of California Wine, in which he co-authored an article on "The Legal and Political History of California Wine."

### Keynote Speakers

**William Foster** oversees the Regulations and Procedures Division of the TTB. This Division encompasses advertising, labeling, regulations and rulings, as well as international trade.

**Randall Graham** produces beautiful wines, which fall in the node of a great wave of interest in Mediterranean varieties in California. In the late 1980's, he began the Italianate plantings in Bonny Doon's Ca' del Solo vineyard, and he has many projects in France, southern Italy and Germany.

**David J. Burman** practices antitrust and trade regulation, intellectual property, class action and other complex litigation. He was listed in The Best Lawyer's in America and in the top litigation tier in America's Leading Lawyers for Business.

**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** concentrates on trademark protection, internet, copyright and complex transactional matters, with a focus on trademark issues in the alcohol beverage industry. He also has a background in corporate law and civil litigation.

**Steve Gross** advises state governments of public policy positions relating to the alcohol beverage industry. The Wine Institute brings together the resources of the industry to support legislative and regulatory advocacy in the California wine industry.

**Wendell Lee** has been San Francisco Counsel for the Wine Institute since 1980. He previously served as an Assistant District Attorney for San Francisco.

**Heather Litman** has been practicing law for 15 years, focusing on customs law and international trade. She is a licensed customs broker and has been the Chair of the LA Bar Association's Customs Law Committee.

**H. J. Lewkowitz** focuses his practice on alcoholic beverage law, administrative law and zoning law. He has been a prominent fixture in the Arizona legal community since 1954.

**Richard Mendelson** specializes in alcohol beverage law and land use planning for wineries and vineyards. He has played a large part in the formation of Napa Valley's wine-growing appellations.

**Leesa Berens Morrison** was appointed to her present position in 2003. Previously, she spent 17 years as an Arizona Assistant Attorney General.

**William O'Donoghue** has been Chief Legal Counsel with the Commission since January 2004. He oversees the application and regulation process of alcohol beverages in the State of Illinois.

**John Peirce** has 36 years of experience in the alcoholic beverage industry. His career has included serving as Legal Counsel to the Wine Institute to his current position as the Chief Counsel to California's Department of Alcoholic Beverage Commission.

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

**Charles E. Smarr** practices alcoholic beverage control, licensing, administrative and gaming law. He is a past President of the NCSLA and a past Supervisor of Liquor Control in Missouri.

**Marc E. Sorini** focuses on alcohol beverage law, including distribution, licensing, advertising, trade practices and import-export. He represents suppliers before federal and state courts, the TTB, the FTC, and state beverage control agencies.

**J. Alexander Tanford** is a leading authority on trial practice and procedure. He has written and spoken extensively on these issues, and has received several awards and fellowships for his teaching, research and service.

**John L. Taylor, Jr.**, focuses on alcoholic beverage regulation, sports and entertainment law, among other areas. He previously served three years as a Captain in the Marine Corps.

**Craig Wolf** handles a wide range of legal matters, including litigation on the Twenty-First Amendment, First Amendment, and the Commerce Clause, and acting as an advocate for the wholesale tier of the alcohol beverage industry.

# conference information

### Continuing Education Credit (MCLE)

**Arizona:** The State of Arizona does not approve or accredit CLE activities for the Mandatory Legal Education Requirement. This activity may qualify for up to 12 hours towards your annual CLE requirement for the State Bar of Arizona.

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**California:** This course has been approved for Continuing Legal Education Credit by the State Bar of California in the amount of 12 hours, which includes one hour of legal ethics.

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**New York:** This course meets the requirements for up to 14 hours of credit, including one hour of ethics.

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For accreditation information in other jurisdictions or disciplines, please contact Shauna Kraczek at (303) 377-6600 or shauna@cle.com.

### Registration

Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or homestudy order to (800) 873-7130, fax the registration form to (303) 321-6320, register online at www.cle.com, or email your registration to registrar@cle.com. Full payment is due at time of registration. Walk-in registrations will be subject to space availability. Please call **CLE INTERNATIONAL** at (800) 873-7130 if you require any special accommodations.

### Tuition: \$895

The tuition fee of \$895 per person (\$795 for 501(c)(3) organizations, full-time judges, law students, and paralegals) includes attendance at all sessions, course materials, continental breakfasts, coffee breaks, and Monday evening's reception.

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**CLE INTERNATIONAL Program Coordinator:**  
Kristyn Schenderlein, kristy@cle.com.

### Course Materials

Each registrant will receive a set of materials prepared by the speakers especially for this Conference, which will serve as a valuable future reference. The course materials alone are available for \$95 plus \$10 shipping and handling.

### Home Study Package

**CLE INTERNATIONAL** also offers a complete audio transcript of the Conference (including all course materials) for \$895 plus \$10 shipping and handling. This package may qualify for home study credit.

### Cancellation

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Monday preceding the Conference. Substitutions may be made at any time.

### Sponsorship Information

Sponsorship and exhibition opportunities are still available. For more information, please contact Shauna Kraczek at (800) 873-7130 or shauna@cle.com.

### About CLE International

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11th Annual Conference!

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The Changing Face of the Industry

September 11-12 • Hyatt Regency Resort & Spa at Gainey Ranch • Scottsdale



Hyatt Regency Resort & Spa at Gainey Ranch

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