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Including One Hour of Ethics**

A Timely New Seminar!

Interstate Direct Shipping of Wine

Heald, Swedenburg and Beyond

August 29, 2005 • The Fairmont Hotel • San Francisco

Did you know?

- As of November 2004, the number of wineries in the United States has increased to over 4,700
- At least one winery exists in all 50 states and the District of Columbia
- From June 2003 to November 2004, over 450 new bonded winery permits were issued by the TTB

All information taken from *Wine Business Monthly*, February 15, 2005, Volume XII, Number 2

The U.S. Supreme Court has spoken! Now what?

On May 16, 2005, in a 5-4 decision, 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. In his majority opinion, Justice Kennedy said both New York and Michigan were engaging in a kind of protectionism that the Commerce Clause forbids. Now the issue of interstate wine sales returns to the states in that direct shipments may be regulated, but only if out-of-state wineries are treated the same as in-state wineries.

How does this decision change the landscape of interstate wine sales?

Find out at this Seminar. Hear from a lawyer who argued before the Supreme Court on behalf of the wineries, and find out what she and other nationally known experts think the decision means for the future of the American wine industry.



Visit our website at [cle.com](http://www.cle.com) for a complete listing of MCLE requirements in all states. You will also find a schedule of our upcoming conferences and a listing of available homestudy courses.

Register Online at www.cle.com or Call (800) 873-7130
Seminar Schedule and Speaker Biographies Inside



Morning Session

Afternoon Session

8:30 Registration and Continental Breakfast

9:00 **Introduction and Welcome**
James M. Seff, Esq., Program Chair
Pillsbury Winthrop Shaw Pittman, San Francisco, CA

9:15 **Putting Together the Supreme Court Team**
Creating Synergy
Tracy K. Genesen, Esq., Chief Legal Officer
Coalition for Free Trade, San Francisco, CA

10:00 Morning Break

10:15 **Regulators' Views on the Impacts of the U.S. Supreme Court Decision**
A Panel Presentation
Moderator: James M. Seff, Esq., Program Chair
Lou Bright, Esq., General Counsel
Texas Alcoholic Beverage Commission, Austin, TX
W. Curtis Coleburn, III, Esq.
Chief Operating Officer
Virginia Department of Alcoholic Beverage Control, Richmond, VA
John Peirce, Esq., Chief Counsel
California Department of Alcoholic Beverage Control
Sacramento, CA
James Goldberg, Esq., General Counsel
National Alcohol Beverage Control Association
Alexandria, VA

11:45 Q&A Panel
Members of the Faculty

12:00 Lunch Break

1:30 **What's Next? How the Supreme Court Decision Might Impact Other State Alcoholic Beverage Laws**
Interstate Wholesale and Retail Sales; Interstate Alcoholic Beverage Marketing Laws; Interstate Ownership of Alcoholic Beverage Wholesalers and Retailers
J. Daniel Davis, Esq.
Pillsbury Winthrop Shaw Pittman, San Francisco, CA

2:15 **The State Legislatures**
What May Happen as a Result of the Decision?
Steve Gross, State Relations Manager
Wine Institute, San Francisco, CA

3:00 Afternoon Break

3:15 **Interstate Wine Shipment and the Commerce Clause: Why Wine Is Like Milk and Honey After All**
The Nondiscrimination Principle of the Dormant Commerce Clause; the Limits of the 21st Amendment; Implications for the Future of Interstate Wine Shipment
Kathleen M. Sullivan, Esq.
Stanley Morrison Professor of Law and Former Dean
Stanford Law School, Stanford, CA, and
Of Counsel
Quinn Emanuel Urquhart Oliver & Hedges, Redwood Shores, CA

4:15 **Ethics**
Multijurisdictional Practice
Mark L. Tuft, Esq.
Cooper, White & Cooper, San Francisco, CA

5:15 Evaluations and Adjourn

10th Annual Wine, Beer & Spirits Law SuperConference
Hotel Monteleone • New Orleans • September 22-23, 2005

For the past nine years, CLE International and Program Co-Chairs Jim Seff and Dan Davis have brought you up-to-the-minute coverage and analysis of the hottest topics in the alcohol beverage industry, and the professionals who are dealing with those issues on the front lines.

This year is no different. Attend to enjoy the program in the company of over 100 of your colleagues at the historic Hotel Monteleone in the French Quarter.

San Francisco and New Orleans

Sign up for both events and receive a \$200 discount! (\$100 discount off each full tuition price)

Register Today!

meet your **instructors**

Program Chair

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, and serves as counsel to the Society of Medical Friends of Wine. 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."

Lou Bright has been the General Counsel of the Texas Alcoholic Beverage Commission since 1994. From 1988 until 1997, he was certified by the Texas Board of Legal Specialization as an expert in both Civil Trial and Appellate law. From 1981 until 1985, he was in private practice in Waco, Texas, representing the indicted and dispossessed elements of society. From 1985 until 1991, and again from 1993 until 1994, Lou worked for the Texas Attorney General's office, concentrating on constitutional and civil rights litigation. He spent the intervening years in private practice in Austin, Texas, engaged in employment litigation.

W. Curtis Coleburn, III, has served as Secretary of the Virginia Alcoholic Beverage Control Board since 1994, and was appointed Chief Operating Officer of the Virginia ABC in 1999. As COO, he manages Virginia's wholesale and retail operations, ABC's enforcement division, its financial functions, information services, real estate, planning and research. He previously served as a county prosecutor, and headed the legal services office of Virginia State Police's Bureau of Criminal Investigation.

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 many issues, including the consolidation of nationwide distributor networks, and the implementation of marketing programs tailored to the legal and business needs of specific states.

Tracy K. Genesen directs the strategy, coordination and substantive content of the six active federal lawsuits that are at the core of the interstate, direct-to-consumer wine-shipping debate. She is a frequent speaker and news source on the issue. She is also Of Counsel at the law firm of Kirkland & Ellis, specializing in complicated litigation, corporate, intellectual property, bankruptcy, and tax.

James M. Goldberg serves as General Counsel to the National Alcohol Beverage Control Association. NABCA represents 19 jurisdictions that directly control the sale of alcohol beverage through state-operated wholesale, and in some cases, retail outlets. He is also a principal in the Washington, DC, law firm of Goldberg & Associates, where he specializes in representing associations, nonprofits and other tax-exempt organizations.

Steve Gross is the State Relations Manager with the Wine Institute, the public policy advocacy association of California wineries. He serves on the Board of Directors of the California Council for Environmental and Economic Balance (CCEEB), and is co-chair of California Environmental Dialogue's Long View Committee.

John Peirce returned to the California Department of Alcoholic Beverage Control (ABC) after four years with the California Student Aid Commission. He has an extensive background involving the alcoholic beverage industry. From 1972 to 1979, he was Legal Counsel for the Wine Institute before joining the law firm of Proud, Roberts and Peirce. In 1986, he became Senior Staff Counsel for ABC, and was Legislative Liaison for the Department for 14 years before joining the California Student Aid Commission in 2000.

Kathleen M. Sullivan has taught constitutional law for over two decades as a professor at Harvard Law School, and since 1993 at Stanford Law School, where she was Dean from 1999 to 2004. She has also litigated over 30 appeals in the nation's federal courts, and made the winning argument before the U.S. Supreme Court this term on behalf of Michigan consumers and California wineries in *Granholm v. Heald*. In that case, the Court struck down laws that allowed in-state but not out-of-state wineries to ship directly to consumers.

Mark L. Tuft is principally engaged in trial practice in federal and state courts involving commercial and criminal litigation. His experience includes professional liability and legal malpractice; newspaper antitrust litigation, media, defamation and related first amendment litigation. He also has a statewide practice as ethics counsel on professional responsibility and law practice management, and is a consultant on ethics issues, professional liability, fees and client disputes.

CLE INTERNATIONAL Managing Program Attorney:
Heidi A. Ray, heidi@cle.com.

seminar **information**

Continuing Education Credit (MCLE)

California, Texas, Virginia and Washington: This course meets the requirements for up to 6 hours of credit, including one hour of ethics.

Colorado, New York, and Florida: This course meets the requirements for up to 7 hours of credit, including one hour of ethics.

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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/Order Form to (303) 321-6320, email your registration to registrar@cle.com, or register online at www.cle.com. Full payment is due at the 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.

Reserve Your Room Early

The Seminar will be held at The Fairmont Hotel, Atop Nob Hill, San Francisco, CA 94108. Make your reservation early to secure your space and get the best rate. Please contact Community World Travel at (888) 724-0500 or visit www.communityworldtravel.com.

Tuition

The tuition fee of \$495 per person includes attendance at all sessions, course materials, continental breakfasts and coffee breaks. **CLE INTERNATIONAL** offers special rates for 501(c)(3) organizations, full-time judges and law students.

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The Dormant Commerce Clause and the 21st Amendment

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