

# 2023 Legal Affairs Seminar

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## About this Seminar

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The Legal Affairs Seminar provides up-to-date information on regulatory/legislative developments, industry-related litigation, and other legal issues affecting the transit industry. Many of the sessions will provide continuing legal education credits.

We expect to hear from the Federal Transit Administration on issues for the coming year.

**Who Should Attend:** attorneys representing all APTA members

**Dress Code:** business casual



## Registration

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## Hotel & Travel

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## Program

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## Meet Safely.

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## Code of Conduct

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## Sponsorship Opportunities

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## **2023 Legal Affairs Seminar - Program**

**This page is an overview of the conference schedule  
and subject to change.**

Go to:

Sunday, April 2   Monday, April 3   Tuesday, April 4

## Sunday, April 2

### Registration

8 a.m. - 5 p.m.

### Welcome Remarks and Introductions

1 - 1:30 p.m.

#### Welcomes

- **Dorval R. Carter, Jr.**, President, Chicago Transit Authority, Chicago, IL
- **Samuel M. Desue, Jr.**, General Manager, Tri-County Metropolitan Transportation District of Oregon (TriMet), Portland, OR
- **Karen Landers**, Chair, Legal Affairs Committee; General Counsel, San Diego Metropolitan Transit System (MTS), San Diego, CA

### Equity

1:30 - 2:30 p.m.

### Be the Leader You Would Follow in a Post-Pandemic World

2:30 - 3:45 p.m.

Hear from the “Best of the Best” lawyer leaders on how they lead through a global crisis and a world significantly more challenging than four years ago. In a question and answer format, panelists will share their learnings, strategies, and tips on a broad range of topics, from being the leader *and* the lawyer at the table, to the gift of failure, to what is now possible in this new landscape.

## **Moderator**

- **Shelley Devine**, General Counsel, Tri-County Metropolitan Transportation District of Oregon (TriMet), Portland, OR

## **Panelists**

- **Peter Bragdon**, Executive Vice President, Chief Administrative Officer, and General Counsel, Columbia Sportswear Company, Portland, OR
- **Dorval R. Carter, Jr.**, President, Chicago Transit Authority, Chicago, IL
- **Judith S. Kaleta**, Deputy General Counsel, U.S. Department of Transportation, Washington, DC
- **Eva Kripalani**, Co-Founder, Office of General Counsel Network LLC, Portland, OR

## **Break**

**3:45 - 4 p.m.**

## **Compliance Program for Federal Requirements**

**4 - 5 p.m.**

## **Legal Affairs Committee Meeting**

**5 - 5:30 p.m.**

Chair, Karen Landers

## **Welcome Reception**

**6 - 7:30 p.m.**

## **Monday, April 3**

## **Registration**

**8 a.m. - 3 p.m.**

## **FTA Chief Counsel Update**

**8:30 - 9 a.m.**

### **Presenter**

- **Subash Iyer**, Chief Counsel, Federal Transit Administration, Washington, DC

## **FRA Chief Counsel Update**

**9 - 9:30 a.m.**

### **Presenter**

- **Allison Ishihara Fultz**, Chief Counsel, Federal Railroad Administration, Washington, DC

## **No and Low Emission Vehicles, Contracting and Supply Chain Issues**

**9:45 - 10:45 a.m.**

## **Break**

**10:45 - 11 a.m.**

## **Challenging Legal Aspects of Navigating Big Transitions with Contractors**

**11 a.m. - 12 p.m.**

## **Break/Pick Up Lunch**

**12 - 12:30 p.m.**

## **Working Lunch: Transit Worker Assaults**

**12:30 - 1:15 p.m.**

## **Recent Regulatory Activity That's Affecting Passenger Rail**

**1:15 - 2:15 p.m.**

## **Build America, Buy America – What Does it Mean?**

**2:15 - 3:15 p.m.**



When the Infrastructure Investment and Jobs Act (IIJA) was enacted on November 15, 2021, the Build America Buy America Act (BABA) included in IIJA introduced a new emphasis on Buy America principles throughout the federal system. Even FTA's Buy America program, probably the most comprehensive and well-defined in any federal program, was not immune to the uncertainty introduced in BABA. The Act's discussion of construction materials and its applicability to FTA grants came into force in November 2022, even in the absence of government-wide guidance. In a conversation with Jim LaRusch and questions from the audience, FTA Deputy Chief Counsel Dana Nifosi will help us make sense of the new requirements within the context of FTA Buy America practice.

### **Presenters**

- **James P. LaRusch**, Chief Operating Officer and Corporate Counsel, Raul V. Bravo + Associates, Inc., Reston, VA
- **Dana Nifosi**, Deputy Chief Counsel, Federal Transit Administration, Washington, DC

### **Break**

**3:15 - 3:30 p.m.**

### **Affordable Housing & Workforce Housing Development Projects on Transit Property**

**3:30 - 4:30 p.m.**

### **Transit Mega-Projects**

**4:30 - 5:30 p.m.**

### **Panelists**

- **Ayelet Hirschhorn, Esq.**, Partner, Kaplan Kirsch Rockwell, New York, NY
- **Paige Graves**, General Counsel, Metropolitan Transportation Authority, New York, NY
- **Julie Sweeney**, Principal Counsel, Maryland Transit Administration, Baltimore, MD

## **Legal Affairs Reception**

**6 - 8 p.m.**

**Tuesday, April 4**

## **Personally Identifiable Information - Transit Agency Obligations & Risks**

**8:30 - 9:30 a.m.**

Efforts to modernize and improve public transit operations for the purpose of providing more efficient and effective services are in part achieved through the collection and use of personally identifiable information of transit system users. The who, what, when, where and how of transit service usage is utilized not only to support electronic tolling but also to facilitate interoperability amongst transit agencies in varying regions to streamline and enhance the user experience, among other transit agency objectives. However, the collection and use of personally identifiable information creates obligations and risks for transit agencies, which increases the importance of having robust data management protocols and privacy protection policies in place. This session will provide an overview of the obligations and risks associated with a public transit agency's collection and use of personally identifiable information, and will provide general guidance on how to manage those risks while still utilizing the data collected to improve operations.

## **Moderator**

- **Alexandra Atencio**, Partner, Hanson Bridgett LLP, San Francisco, CA

# **The Role of the Transit Attorney in Cybersecurity Incident**

**9:30 - 10:30 a.m.**

Cybersecurity threats represent a growing challenge for organizations, especially public entities. A cyber-attack may require quick action in an uncertain legal environment, making preparation and planning essential. This session will cover: (1) an update on current cybersecurity threats and threat activity, especially for local governments; (2) what lawyers should do to help their organization prepare for a cybersecurity event; (3) what is the role of the attorney and best practices if a cybersecurity event occurs.

## **Moderator**

- **Erik Van Hagen**, Director, Legal Services, Tri-County Metropolitan Transportation District of Oregon (TriMet), Portland, OR

## **Panelists**

- **Sean Hoar**, Partner - Cybersecurity & Data Privacy Chair, Constangy, Brooks, Smith & Prophete, LLP, Seattle, WA
- **Evelynn Tran**, General Counsel, Santa Clara Valley Transportation Authority, San Jose, CA

## **Break**

**10:30 - 10:45 a.m.**

## **Civility and Professional Responsibility:**

# Nice Guys (and Gals) Can Finish First

**10:45 a.m. - 12:15 p.m.**

## **(Ethics)**

For years, we have heard complaints about colleagues and opposing counsel who take the adversarial nature of the legal system to extremes. Whether it is enduring “Rambo” style litigation tactics from the other side, dealing with abusive written or oral discovery practices, or seeing litigants and court personnel (even judges) being treated with intemperance or hostility, we probably have all experienced the anxiety-inducing effects that incivility in our profession creates. The Model Rules, rules of civil procedure, and numerous court cases interpreting these rules provide guidance on how civility and professional responsibility overlap. In this way, maintaining a professional and civil demeanor in carrying out our duties as officers of the court clearly goes beyond living by the “Golden Rule.” This session will discuss how the Model Rules speak to civility. We will review the many examples of “civility codes” and oaths of admission to practice law around the country that address expected standards of conduct. We will also provide examples of how courts have increasingly implemented severe consequences in an effort to promote civility and to punish bad behavior.

Finally, we will briefly update attendees on recent actions taken by the courts and disciplinary boards stemming from the 2020 presidential election challenges.

## **Presenters**

- **Bruce M. Smith**, Member, Apperson Crump PLC, Memphis, TN
- **Fred Wagner**, Partner, Venable, LLP, Washington, DC

# Closing Remarks

12:15 - 12:30 p.m.



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