

2013 Spring Meeting

and

**8th Annual State & Local
Procurement Symposium**

May 2 – 5, 2013

Hilton, Nashville, TN

Thursday, May 2, 2013

3:00 p.m. – 4:00 p.m.

Executive Committee Meeting – McKissack I

Conference: 888-396-7955; passcode - 797687#

4:00 p.m. – 5:30 p.m. - Bredesen

**Practicum: *Basics in Government Contracts Law—
What State & Local Practitioners Should Know***

Sponsor: Public Contract Law

This year's practicum will use hands-on, interactive exercises to address fundamentals of state and local procurement, including *contracting authority* and *fiscal law* -- legal cornerstones to effective contracting. The practicum will be led by two senior members of the Section, a highly experienced state procurement attorney and a professor from George Washington University's government procurement law program.

Participants will be using materials excerpted from Professor Danielle Conway's text, *State and Local Government Procurement*; the full text is available from the ABA bookstore. Additional background from Volume I of the Government Accountability Office's authoritative *Red Book* on fiscal law is available through <http://www.gao.gov/legal/redbook/redbook.html>.

**Keith McCook, Deputy General Counsel,
State of South Carolina, Office of General Counsel,
State Budget & Control Board**

**Chris Yukins, Professor of Government
Contracts Law, Co-Director of the Government
Procurement Law Program, George Washington
University**

**Recommended text: Danielle M. Conway, *State and
Local Government Procurement (ABA 2012)*,
available at**

<http://apps.americanbar.org/abastore/index.cfm>.

5:30 p.m. – 7:00 p.m.

Networking Reception

Baker Donelson Center

Suite 800

211 Commerce Street

Remarks: Karl Dean, Mayor of Nashville (invited)

Karl Dean is the sixth mayor of the Metropolitan Government of Nashville and Davidson County. He was

elected on Sept. 11, 2007 in a runoff election, following a general election where he also received the most votes.

**Book signings: *Development by Agreement*;
Social Media; *Greening Local Government*;
*Town and Gown***

7:15 p.m. – 9:45 p.m.

**No Host Dine-Around – Dinner with your colleagues
at a local restaurant:**

Capital Grille

Southern

BB King's

Puckett's

Friday, May 3, 2013

7:00 a.m. – 5:00 p.m.

Section Registration & Hospitality

7:00 a.m. to 8:00 a.m. – McKissack Tea Room

Continental Breakfast

8:00 a.m. – 9:00 a.m. - Bredesen

Panel Discussion:

State & Local Government/Procurement Hot Topics

Sponsors: Government Operations/Public Contract Law

Panelists will keep your practice current, addressing some of the cutting edge issues in government operations and procurement.

**Moderator: David Yarkin, President, Government
Sourcing Solutions; former Deputy Secretary for
Procurement, Pennsylvania Department of General
Services**

**Dianne Lancaster, Chief Procurement Officer,
State of Oregon, Salem, OR**

**Mark Leach, Stites & Harbison PLLC,
Louisville, KY**

**Dugan Petty, Chief Information Officer, and
former Chief Procurement Officer, State of Oregon;
Chair of National Association of State Chief
Information Officers (NASCIO)**

Friday, May 3, 2013

9:15 a.m. – 10:45 a.m. - Bredeesen

Panel Discussion: *Legal Compliance/Law Enforcement*

Sponsors: Government Operations/Public Contract Law

Significant responsibility comes with the receipt of state and local government dollars. Enforcement authorities are closely scrutinizing the procurement and utilization of government dollars to make sure awards are appropriately generated, managed, and free from price fixing, bribery, corruption, and fraud. This panel provides an overview of these enforcement trends—taking a close look at the enforcement theories utilized relating to the Criminal False Claims Act and Civil False Claims Act. Panelists will also provide key insight into designing an effective compliance program that will help protect organizations.

Moderator: Chris Myers, Partner, Holland & Knight, Corporate Compliance Team, White Collar Defense and Investigations Team, McLean, VA

David Dugas, Partner, McGlinchey Stafford; former United States Attorney for the Middle District of Louisiana

Angela Hinton, Chief Counsel, City of Atlanta - Law Department, Fayetteville, GA

9:15 a.m. – 10:15 a.m. – McKissack I

State Attorneys General and Department of Justice Issues Committee Meeting

Conference: 888-396-7955; passcode - 797687#

11:00 a.m. – 12:30 p.m. - Bredeesen

Panel Discussion: *Emergency Management/Emergency Contracting*

Sponsors: Emergency Management/Homeland Security and Public Contract Law

Tennessee has had its share of flooding in the past few years, putting to the test local emergency management plans. This panel will address the recent major flooding that occurred in Nashville and Memphis, how those cities responded, how they handled emergency contracting issues, and what lessons were learned.

Moderator: Anita P. Miller, Assistant City Attorney, City of Albuquerque, Albuquerque, NM

Tom Cross, Associate Director, Legal Division, City of Nashville, Nashville, TN

Chief Alvin D. Benson, Director of fire Services City of Memphis, Memphis, TN

Ranie Thompson, Managing Attorney, Southeast Louisiana Legal Services (New Orleans Legal Assistance), New Orleans, LA

12:30 p.m. – 2:00 p.m. - Crockett

Hot Topics in Land Use Law Lunch

Sponsor: Land Use Planning and Zoning

Panelists will keep your practice current, detailing the most cutting edge legal issues in land use planning and zoning.

Moderator: Nikelle Meade, Brown McCarroll, Austin, TX

Christopher B. Bradford, Coats Rose Yale Ryman & Lee, Austin, TX

Jennifer Bragar, Garvey, Schubert, Barer, Portland, OR

Daniel P Dalton, Dalton & Tomich PLC, Bloomfield Hills, MI

W. Andy Gowder, Pratt, Thomas, Walker, Charleston, SC

Michael Thomas Kamprath, Thresher PA, Tampa, FL

Robert H. Thomas, Damon, Key, et al, Honolulu, HI

12:30 p.m. – 2:00 p.m. (check this option on the registration form if attending this session)

Public Contract Law Luncheon – Armstrong

Luncheon Speaker:

Mike Perry, Deputy Chief Procurement Officer for Tennessee

2:15 p.m. – 3:15 p.m. - Bredeesen

Panel Discussion: *Government Outsourcing/ Public-Private Partnerships*

Sponsors: Public Finance and Public Contract Law

Nashville is a leader in public-private partnerships, including the public-private partnership with Omni Hotels over the new convention center. This panel will address, from the perspective of government officials, the private entities, and outside counsel the development of various public private partnerships and the issues raised by public private partnerships.

Moderator: W. Andrew Gowder, Pratt, Thomas, Walker, Charleston, SC

Charles R. Bone, Bone McAllester, Nashville, TN

Robert R. Campbell, Jr., Waller Lansden Dortch & Davis, LLP, Nashville, TN

Michael Garcia, CFO/SVP of Development and Acquisitions, Omni Hotels, Irving, TX

**3:30 p.m. – 4:30 p.m. - Bredesen
Government Outsourcing and Its Ethical
Implications**

Sponsors: Ethics/Public Contract Law

In recent decades, federal, state and local governments have increasingly turned to private companies to provide public services. This panel presentation will discuss the ethical implications of government outsourcing for lawyers who work for and advise both government clients and those private company clients who may perform these outsourced government functions.

**Moderator: Michael Donaldson, Carlton Fields,
Tallahassee, FL**

**Katherine Clark, Professor, Washington
University, St. Louis, MO**

**Junaid A. Odubeko, Butler, Snow, O'Mara,
Stevens & Cannada, PLLC, Nashville, TN**

**Martha H. Chumbler, Carlton Fields,
Tallahassee, FL**

Dinner – Bluebird Café, 4104 Hillsboro Pike

5:00 p.m. – 8:00 p.m.

Bus departs promptly from the hotel at 4:45 pm.

Saturday, May 4, 2013

7:00 a.m. – 5:00 p.m.

Section Registration & Hospitality

7:00 a.m. to 8:00 a.m.

Continental Breakfast – McKissack III

7:30 a.m. – 8:30 a.m. – McKissack I

***Urban Lawyer* Advisory Board**

8:30 a.m. – 10:00 a.m. – McKissack II

Membership Committee

10:00 a.m. – 11:00 a.m. – McKissack II

Diversity Outreach Committee

10:00 a.m. – 11:30 a.m. – McKissack I

Publications Oversight Board

11:00 a.m. – 12:00 p.m. – McKissack II

Land Use Committee

11:00 a.m. – 12:00 p.m. – McKissack I

Content Advisory Board

12:00 p.m. – 1:00 p.m. – McKissack III

**Substantive Committee Business Meetings:
Condemnation, Public Finance, Government
Operations, Environmental, Ethics, Public Education,
Emergency Management, Diversity Law, Model
Procurement Code**

**1:00 p.m. – 2:00 p.m. – McKissack I
Revenue Enhancement Committee**

**1:00 p.m. – 2:00 p.m. – McKissack II
Electronic Communications Committee**

Sunday, May 5, 2013

8:30 a.m. – 11:00 a.m. - Bredesen

Council Breakfast Meeting

Conference: 888-396-7955; passcode - 797687#

SPECIAL EVENTS Thursday, May 2, 2013

Evening Dine Around Options

On Thursday evening you'll have the opportunity to enjoy dinner with 8-10 colleagues. Reservations have been made for 8-10 people at the listed restaurants. Reservations will be on a first-come, first-served basis. Thursday Evening Dine Around selects: Capitol Grille, Southern, Puckett's, Merchants and BB Kings.

Friday, May 3, 2013

Dinner – Bluebird Café, 4104 Hillsboro Pike.

The Bluebird Café is one of the world's preeminent listening rooms and the venue has gained worldwide recognition as a songwriter's performance space where the "heroes behind the hits" perform their own songs; songs that have been recorded by chart-topping artists in all genres of music. Located in a small strip mall outside of downtown Nashville, the 100 seat venue is unassuming in appearance but some of the most significant songwriters and artists have performed on this stage. Our reputation as a listening room is based on the acoustic music that is our signature style. Our patrons repeatedly tell us that they are captivated by hearing songs performed by the creators themselves.

At The Bluebird, performers include up-and-coming songwriters along with those whose music is regularly on the charts, country music as well as pop, rock and Contemporary Christian hits. Kathy Mattea was the first star to be identified with The Bluebird and is still a friend and a regular guest performer today. Garth Brooks played on both our Open Mic and Sunday Songwriter's Shows before he was discovered – at The Bluebird – and signed to Capitol Records

Bus departs from the hotel at 4:30 pm.

REGISTRATION APPLICATION

The registration fee includes the CLEs and Hot Topics materials. Payment must accompany registration. Confirmations will be sent to all registrants.

Register online through the Section website <http://www.ambar.org/SLspringmeeting> (credit card only) **Or Send Via Fax** 312-988-5121 (credit card only) **Or Mail to:** Marsha Boone, ABA Section of State & Local Government Law, 321 N. Clark St. Chicago, IL 60654-7598.

Limited scholarships are available for this program. For more information, please contact Marsha Boone.

CLE CREDIT

ABA programs ordinarily receive CLE credit in AK, AL, AR, AZ, CA, CO, DE, FL, GA, GU, HI, IA, ID, IL, IN, KS, KY, LA, ME, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, VI, WA, WI, WV, and WY. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Please be aware that each state has its own rules and regulations, including its own definition of "CLE".

Certificates of attendance will be available at the program for both attendees and speakers. If you have

questions about the number of CLE credit hours granted by each state, you may call 800-285-2221 starting 2 weeks before the program.

AMERICANS WITH DISABILITIES ACT

For those individuals with disabilities who need special arrangements while attending the program, please contact Marsha Boone, at the American Bar Association, 312-988-5649.

HOTEL INFORMATION

Hilton Downtown Nashville Hotel located in the heart of Music City, where classic Southern charm was born. Downtown Nashville offers a rich music history, vibrant nightlife, and legendary culture. Named "**America's Friendliest City**" by Travel & Leisure Magazine, Nashville truly has it all.

A block of rooms have been reserved on a **priority basis for program registrants**. Room rates at the Hilton are \$189.00, Single/double. This rate is available three days prior and three days following the Section's *listed meeting dates*.

You may reserve your accommodations by calling the hotel directly at 1-615-620-1000 via online at <http://nashvillehilton.com>. Be sure to refer to the **ABA Section of State & Local Government Law's Spring Meeting**, and guarantee your reservation by credit card or deposit check. Rooms will be available for check-in no later than 3:00 p.m. with check-out time of 12:00 p.m. **Individuals with guaranteed reservations must cancel their reservations 48 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.**

Please, make your reservations NOW. The hotel will release our room block on April 1, 2013 at 5:00 p.m. (CST).

SPECIAL AIRLINE DISCOUNTS

Discounted airfares are available from ABA Orbitz for Business including ABA negotiated discounts on American and United. To book online, go to www.abanet.org/travel!> click under the Orbitz for Business logo at the top of the page > click on the appropriate link in the Self Paid Travel box. For assistance with online or offline reservations, call toll free 1-877-222-4185.

Discounts can also be obtained directly from the airlines. American: Call 800-433-1790 code A8913TT; United: Call 800-426-1122 Agreement Code: 937323, Z Code: ZP65, United.com Offer Code ZP65937323; Virgin America Airlines www.virginamerica.com use discount code VXABA312

CANCELLATION POLICY

Refund requests must be made in writing (via email or U.S. mail) and received in the Section of State & Local Government Law's office **on or before April 1**. All refunds will be reduced by a \$25 administrative fee. Substitutions may be made at any time. **NO refunds will be made after April 20.**

May 2-5, 2013

Hilton Nashville Downtown, Nashville, TN

REGISTRATION APPLICATION

Register online <http://www.ambar.org/SLspringmeeting> Send Via Fax 312-988-5121 (credit card only)

Or Mail Check to: Marsha Boone, ABA Section of State & Local Government Law, 321 N. Clark St. Chicago, IL 60654-7598

Early Bird Registration Fees before April 1:

- \$ 30 Law Student
- \$ 200 Government, Judges, first time Section attendees
- \$ 300 ABA & Section of State & Local Government Law or Public Contract member NASPO, NIGP, TechAm
- \$ 345 ABA & Non-Section Member - \$40 will be applied for SLG Section membership
- \$ 400 Non ABA member
- \$ 200 Speaker with CLE Credit
- N/C Speak and Leave (for speakers only)
- \$ 50 Guest/Spouse
- \$ 75 CLE and Hot Topics Course (Materials only)

Registration Fee after April 1:

- \$ 30 Law Student
- \$ 250 Government, Judges, first time Section attendees
- \$ 350 ABA & Section of State & Local Government Law or Public Contract member NASPO, NIGP, TechAm
- \$ 395 ABA & Non-Section Member \$45 will be applied for SLG Section membership
- \$ 450 Non ABA member
- \$ 200 Speaker with CLE Credit
- N/C Speak and Leave (for speakers only)
- \$ 50 Guest/Spouse
- \$ 75 CLE and Hot Topics Course (Materials only)

Thursday May 2 – 4:00 p.m. – 5:30 p.m. (optional)

- \$ 40 Public Contract Practicum

Friday May 3 – 4:00 p.m. – 5:00 p.m. (only)

- \$ 40 Ethics CLE* (Government, Academic and Non-profit Employees)
- \$110 Private Practice Attorney

Group Registration Fees for attendees from same organization:

- \$ 10 Discount for 2nd Member
 - \$ 25 Discount for 3-5 on each registration
 - \$ 50 Discount for 6+ on each registration
- *Included in general meeting registration

RSVP for Thursday Evening Dine Around at: Select only one

1. Capitol Grille 2. Southern 3. Puckett's 4. Merchants 5. BB King's

Total number attending _____ Choice: _____

RSVP Thursday Networking Reception (complimentary with Meeting Registration, including Law Students)

Total number attending _____

RSVP Friday Public Contract Law Luncheon

Total number attending _____

Friday Dinner at Blue Bird \$ 90
(includes dinner, two drinks and bus transportation)

Total number attending _____ \$ _____

I am a first time attendee.

Registrant Name: _____

Firm/Organization: _____

Address: _____

Email Address: _____

Phone Number: _____ Fax Number: _____

Guest/Spouse: _____

I require special dietary considerations or access needs (explain): _____

PAYMENT INFORMATION

___ Enclosed is my check, made payable to the **American Bar Association**, for \$ _____.

___ Government purchase order enclosed.

___ Charge \$ _____ to my Credit Card: ___ Visa ___ MasterCard ___ American Express

Number: _____ Exp. Date: _____

Signature: _____