

ADAS & AV

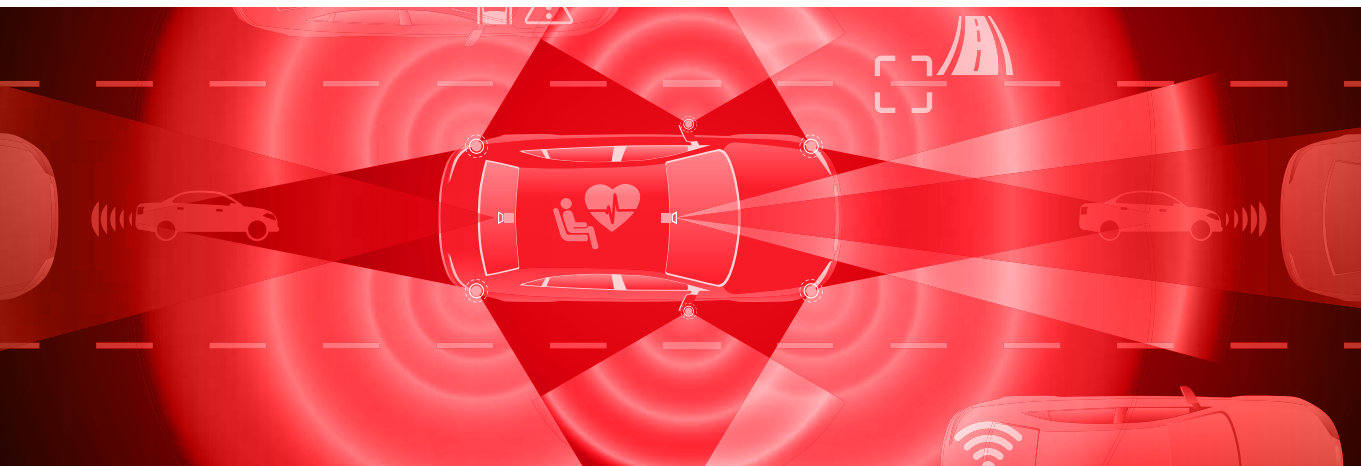
Legal Issues & Liabilities

WORLD CONGRESS

THE LEGAL ISSUES, IMPLICATIONS AND LIABILITIES ARISING FROM ADAS AND FUTURE AUTONOMOUS VEHICLES

OCTOBER 22 & 23, 2019

THE SUBURBAN COLLECTION SHOWPLACE, NOVI, MICHIGAN



FEATURING SPEAKERS FROM:



PROGRAM

Held alongside:

Autonomous Vehicle
TECHNOLOGY
EXPO 2019
Novi - Michigan

Autonomous Vehicle
TEST & DEVELOPMENT
Symposium

www.adaslegal-issuesandliabilities.com

Discussing the legal issues, implications and liabilities arising from ADAS and future autonomous vehicles

Welcome to The Suburban Collection Showplace in Novi and the first-ever ADAS & AV Legal Issues & Liabilities World Congress. For this launch event we have assembled an exciting two-day program covering issues arising from ADAS and AV technology, regulations, product liability, ethics, class action, privacy/cybersecurity and insurance. Special thanks to our program advisor and conference chair Nicholas Wittner for helping us put together a distinguished team of speakers and panelists.

If required, additional conference passes for your colleagues can be purchased at the registration area in the main entrance foyer. All conference proceedings will be made available exclusively to delegates and speakers after the event, through our online web portal. This is a password-protected system, so please look out for your login details, which will be sent to you via email. Proceedings should be available by the beginning of next week.

The team and I are available to answer any of your questions regarding this year's congress. You will find us and our technician in the speaker room, which is adjacent to the conference room. If you are interested in speaking at next year's event, do feel free to discuss this with me.

In the meantime, please sit back and enjoy the conference. We very much hope to see you back here again in 2020, from October 27-28.

Tim Sandford, conference director

Message from the conference chair

Welcome to what promises to be a program of extraordinary breadth and depth with a superb faculty that includes highly experienced corporate counsel from the largest auto makers and suppliers of ADAS and AV technologies in the world. Those attending this program should leave with a solid understanding of the technologies; the government regulations, legislation and policies that apply; as well as every major area of law involving these vehicles. What sets this program apart is its detailed look at real-world incidents, what can cause liability and, most importantly, what can be done to promote safety and reduce or avoid legal liabilities.



Nicholas Wittner, professor of law in residence, Michigan State University College of Law

NETWORKING PARTY!

WEDNESDAY, OCTOBER 23, 2019

Line-up will include
Stand-up from Jim Tavare,
drinks party, three simultaneous aerial acts,
PLUS dinner followed by a quiz
and live-fun casino!

CLE

Register your attendance at the desk outside the conference room

slido – be part of the conversation!

We want to make sure we address your most burning questions. Therefore, we'll be using a simple audience interaction platform called Slido

It's really easy to take part:

- 1) Take out your smartphone and open the web browser
- 2) Go to www.slido.com and enter the event code: #ADAS
- 3) Freely submit questions throughout the session



Day 1 Tuesday, October 22

7:45am - Networking Breakfast

8:25am - 8:30am Welcome and Introduction

8:25am - Opening remarks from the conference chair

Prof Nicholas Wittner, professor of law in residence, Michigan State University College of Law, USA

8:30am - 10am A Primer – ADAS and AV Explained

8:30am - Overview of the technologies – levels of automation – federal policies and regulations

Ryan Harrington, principal, Exponent Inc, USA

This session will provide an overview of ADAS and AV technologies and the current state of the industry and the regulatory environment. The session will focus on SAE levels of automation, federal activities, technology development and deployment considerations, and industry standards and best practices.

9:15am - Federal and state policies, testing, legislation and regulation to introduce ADAS and AV into the marketplace

Kelly Bartlett, senior policy advisor/connected and automated vehicle specialist, Michigan Department of Transportation, USA

Elise Feldpausch, connected vehicle specialist, Michigan Department of Transportation, USA

This session will present the context and philosophy surrounding automated vehicles in Michigan. It will look at setting a regulatory standard and tone regarding connected and automated vehicle testing and deployment. It will also address partnering between a state transportation agency and private developers to address real-world questions and move technology forward.

10am - 11am The Fundamentals of Product Liability Law

10am - Theories of product liability and application to real-world incidents

Jacqueline Glassman, partner, King & Spalding, USA

Prof Nicholas Wittner, professor of law in residence, Michigan State University College of Law, USA

The presentation will explain the fundamentals of product liability law and allegations that may be and have been asserted in litigation involving ADAS and AV. The session examines real-world incidents and the results of investigations by NHTSA and NTSB critiquing the representations and designs by manufacturers.

11am - Break

11:30am - 1pm Litigating ADAS and AV Cases

11:30am - Product liability issues related to ADAS on the road today

Thomas Branigan, managing partner, Bowman and Brooke LLP, USA

As ADAS technologies continue to roll out and as the march toward Level 3 autonomy and above accelerates, litigation about these technologies is predictably following in lock step. What are the claims in litigation today? Is product design or product marketing under legal attack today? Are there valid defenses? How are these technologies changing the traditional allocation of legal liability between product manufacturer and product user? Is the absence of federal and industry standards hampering a product manufacturer's ability to defend its design in litigation today?

12pm - Panel Discussion - Litigating ADAS and AV cases

John Gersch, managing counsel, Toyota Legal One, USA



Jennifer White, corporate counsel, automotive product liability and litigation, Volkswagen Group of America Inc, USA



Randall Haimovici, director litigation, Uber, USA



In this session, Jennifer, John and Randall will present and discuss complex design-defect and failure-to-warn cases, sophisticated discovery management and confidentiality of source codes. They will also discuss defenses asserted in recent cases and claims, the role of NHTSA and NTSB investigations, plus cooperation and potential conflicts among manufacturers, suppliers and ride-hailing providers.

Moderator: Thomas Branigan, managing partner, Bowman and Brooke LLP

1pm - Lunch

2pm - 3:30pm Product Liability Prevention

2pm - ADAS and AVs project significant future benefits – legal considerations have a role in the outcome

Jerry Johnson, vice president and deputy general counsel, Robert Bosch North America, USA

ADAS and AVs have the potential for significant benefits not just for those utilizing motor vehicles but for society as a whole. The experts delivering the technology are the force behind achieving the benefits. However, the legal community has an important role in helping the development and release of the technology. The presentation will discuss the role of the lawyer, reasonable expectations engineers have of their lawyers and methods for a lawyer to provide value.

2:30pm - Panel Discussion - Product liability prevention

Erinn DePorre, assistant general counsel, product litigation and AV, General Motors LLC, USA



Jason Menges, director/assistant general counsel, Nissan North America, USA



Tony Gioutsos, director portfolio development autonomous Americas, Siemens, USA



Michael Kidney, partner, Hogan Lovells US LLP, USA



The panel will discuss the role of legal counsel in the development of ADAS and AV systems and technology, the importance of the legal relationship between vehicle manufacturers and suppliers in realizing the projected societal benefits, and legal considerations surrounding different levels of automation.

Moderator: Jerry Johnson, vice president and deputy general counsel, Robert Bosch North America, USA

3:30pm - Break 

4pm - 5pm Ethics in Design

4pm - Ethical considerations in autonomous vehicle and emerging technology design

Jennifer Dukarski, shareholder, Butzel Long, USA

The ethical quandaries of the autonomous vehicle space are reasonably well known and often simplified into one example: the Trolley Problem. But this hypothetical only scratches the surface of the true ethical dilemmas that lawyers face when guiding engineers and program teams in the design of emerging automotive technology. This is especially true following the August 2012 amendments to the Comments to Model Rule of Professional Ethics 1.1, which emphasized a lawyer's responsibility to stay informed and understand the impact of technology on a client's activities. This session will address what level of knowledge is needed to adequately advise on AVs, and how counsel can meet their duties of ethical conduct in areas of emerging automotive technology.

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American Center for Mobility
CONNECTED. AUTOMATED. VALIDATED.

LIVE AUTONOMOUS VEHICLE TEST AND DEMONSTRATION DAY

Demonstrating the latest innovations in autonomous vehicle testing technology and product development

**FRIDAY,
OCTOBER 25, 2019**

**9AM - 4PM
WILLOW RUN, YPSILANTI,
MICHIGAN**

In association with

**Autonomous Vehicle
TEST & DEVELOPMENT
Symposium**

Visit www.autonomousvehiclesymposium.com/detroit to register to attend the live demo!

Day 2 Wednesday, October 23

8:30am - 10am Regulations and Regulators in the Autonomous and Self-Driving Vehicle Arena

8:30am - Autonomous vehicles: regulatory and pre-regulatory topics

Anthony Cooke, deputy general counsel and vice president for policy and regulation, Luminar Technologies Inc, USA

The presentation will cover automated mobility topics in the regulatory and legislative arenas and set up the panel discussion to follow. Issues will include news from NHTSA, state-level matters, developments in Europe and the status of legislation on Capitol Hill.

9am - Panel Discussion - Regulations and regulators in the autonomous and self-driving vehicle arena

Jacqueline Glassman, partner, King & Spalding, USA



KING & SPALDING

Elizabeth Mykytiuk, assistant general counsel automotive product, regulatory and litigation, Volkswagen Group of America Inc, USA



Joshua Wilkenfeld, senior counsel emerging technologies, regulatory, Uber, USA



In this session the panel will discuss the guidance, regulations, authorities and current activities of NHTSA. Jacqueline, Elizabeth and Joshua will explore other sources of standards and rules to watch, plus implications for manufacturers and suppliers.

Moderator: Anthony Cooke, deputy general counsel and vice president for policy and regulation, Luminar Technologies Inc

10am - Break



10:30am - 12pm Privacy and Cybersecurity

10:30am - Privacy and cybersecurity considerations concerning the collection, use and sharing of vehicle data

Steven Wernikoff, partner, Honigman Miller, USA

This presentation will consider the best practices and legal requirements concerning data collected and stored by innovative vehicle technologies and services.

11am - Panel Discussion - Privacy and cybersecurity

Ryan Bowers, counsel, global privacy and product cybersecurity, General Motors, USA



Todd Benoff, partner, Alston & Bird, USA



ALSTON & BIRD

Timothy Tobin, partner, Hogan Lovells US LLP, USA



In this session, Ryan, Todd and Timothy will present and discuss existing regulations and regulatory guidelines, plus the common challenges, including industry voluntary guidelines and federal legislation.

Moderator: Steven Wernikoff, partner, Honigman Miller

12pm - 1pm Class Action

12pm - The class action implications of autonomous, electric and connected motor vehicle technologies

Neal Walters, product liability group leader, Ballard Spahr LLP, USA

The ever-present race to mass-produce and deploy the first roadworthy, self-driving vehicle raises issues with respect to the marketing of increasingly autonomous and electric vehicle features. An inherent tension between such boastful characterizations of a vehicle's capabilities, and the vehicle occupants' continuing responsibility to remain prepared to regain control, particularly in the ongoing transition from L3 to L4, will likely give rise to class action litigation. Please join Neal Walters for an entertaining look at present, near-present and future expectations for these quickly evolving issues.

12:30pm - Panel Discussion - Class action

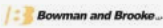
Jennifer White, corporate counsel, automotive product liability and litigation, Volkswagen Group of America Inc, USA



Michael Kidney, partner, Hogan Lovells US LLP, USA



Patrick Cleary, senior counsel, Bowman and Brooke LLP, USA



The panel will share practical perspectives on managing the changing consumer expectations in autonomous technologies; the complications and class action risks associated with increased reliance on software-driven operations and related unmanifested defect claims; and practical guidance on the impact of recalls and voluntary market actions on class actions in a high-technology environment.

Moderator: Neal Walters, product liability group leader, Ballard Spahr LLP

1pm - Lunch



2pm - 3:30pm Potential Criminal Liability Under Federal Law and State Regulations

2pm - Possible issues arising out of AV use in the United States under the Fourth and Fifth Amendments to the United States Constitution

Ronald J Hedges, senior counsel, Dentons, USA

This presentation will address the automobile exception to the Warrant Requirement and how it has evolved over the years, the Fifth Amendment privilege against self-incrimination, and how these constitutional protections might apply to ADAS and AV.

2:30pm - Panel Discussion - Potential criminal liability under federal law and state regulations

Daniel Levin, partner, White & Case, USA



Gail Gottehrer, technology lawyer and founder, Law Office of Gail Gottehrer LLC, USA



Lt Col Richard Arnold, deputy director, Michigan State Police - Field Operations Bureau, USA



In this session, the panel will discuss removing impediments to ADAS and AV in current state motor vehicle codes, plus challenges for state and local police and preparation for ADAS and AV. Gail, Daniel and Richard will also explore liability for criminal conduct of third parties and the unique constitutional issues and protections for Levels 4 and 5 AV involving search and seizure.

Moderator: Ronald J Hedges, senior counsel, Dentons

3:30pm - Break



4pm - 5:30pm Insurance

4pm - The importance of risk management in the implementation of ADAS and AVs

Kelsey Brunette Fiedler, ideation analyst, Munich Reinsurance America Inc, USA

Risk management and insurance are top of mind when discussing ADAS, AV technology and as we prepare to address all risks for the future of mobility.

4:30pm - Panel Discussion - Insurance

Thomas Karol, general counsel, National Association of Mutual Insurance Companies, USA



Fred W Reinke, partner, Dentons US LLP, USA



Thomas Alleman, member, Dykema Cox Smith, USA



Thomas, Fred and Thomas will discuss the fundamentals of insurance for automated vehicles, the real-world challenges faced by insurers and how best to mitigate risk.

Moderator: Kelsey Brunette Fiedler, ideation analyst, Munich Reinsurance America Inc

*This program may be subject to change

**Autonomous Vehicle
TECHNOLOGY
EXPO 2019
Novi - Michigan**

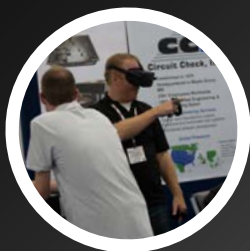
**October
22, 23, 24, 2019**
The Suburban Collection Showplace, Novi, Michigan

Discover brand-new autonomous technologies and testing partners!

ARE YOU IN SEARCH OF LEADING-EDGE INNOVATORS WHO POTENTIALLY HOLD THE BUILDING BLOCKS OF AUTONOMOUS VEHICLE ARCHITECTURE? ARE YOU LOOKING FOR TEST SYSTEMS AND TESTING PROTOCOLS FOR AUTONOMOUS VEHICLE TESTING AND VALIDATION? IF YOU ANSWER 'YES' TO ONE OR BOTH QUESTIONS, THEN STEP THIS WAY INTO THE WORLD OF AUTONOMOUS VEHICLE TECHNOLOGY EXPO, NOVI, MICHIGAN 2019.

With exhibitors showcasing test and next-generation enabling technologies specifically for your autonomous programs, you will enjoy the added benefit of being able to network with delegates attending the adjoining autonomous issues conferences covering legal issues, testing protocols and procedures, and also HMI and interior design considerations – all critical aspects of the next-stage development of semi- and fully autonomous vehicles.

FREE EXHIBITION ENTRY INCLUDED WITH YOUR DELEGATE PASS!



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ADAS & AV Legal Issues & Liabilities World Congress 2019 | Contact: Tim Sandford

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