

InterConnect

For the fifth time, Benesch has been named **Law Firm of the Year** in Transportation Law by Best Law Firms/U.S. News & World Report.

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A publication of Benesch Friedlander Coplan & Aronoff LLP's Transportation & Logistics Group

Emerging Trends for Ocean Service Contract Bid Season

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Jonathan R. Todd



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Beneficial cargo owners have faced well-reported challenges in recent bid seasons. Two plus years of global pandemic unleashed supply and capacity interruption, carrier lane divergence, and an explosion in rates as well as

inland dwell fee and demurrage costs. The bookend for those early headwinds is now a kinetic war in Europe with yet-unforeseen boundaries and consequence. Change remains in the air as shippers and their carriers alike grapple with this new reality. Fortunately, identifiable trends are emerging that can help professionals on both sides of the table manage planning and execution this year and beyond.

The Historic Approach to Ocean Carriage Bid Seasons

The exercise and approach of each bid season was always a carefully planned, high-dollar, intense, and heavily negotiated affair. Ocean transportation procurement teams historically spent great efforts in the winter and early spring to understand and anticipate the challenges facing lanes, volumes, and specialized service requirements for the forthcoming bid season. Those enterprises that go to market with bespoke service contract templates would dust them off during this period and update them for any changes in law or operational requirements, and in response to lessons learned from the prior season. Steamship lines would likewise issue lane and service-specific quotes based upon the shipper's required lanes and services. Negotiating rates and legal terms would pick up in the second quarter with interest in wrapping up the new season's contracts in May or June, when the prior contracts would often expire. If new terms were not negotiated in time, then amendments to extend prior terms, or signing the prior terms for the new season with only commercial updates, would be required in order to avoid service under spot market rates.

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Emerging Trends for Ocean Service Contract Bid Season

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The Present-State Bid Season Influences and Challenges

The present bid season is showing hallmarks of wear and tear from current events. Volatility was once the principal enemy, with eastbound PRC-USA traffic escalating 1,000% in year-over-year spot rates followed by refused containers and blank sailings. In many ways, complexity has only grown. This year, shippers and carriers have contended with backlogged ports and significant delays that have yielded exponential increases in drayage costs, detention, demurrage, port congestion fees, and the like. As the West Coast ports prepare for dockworker negotiations, which have caused slowdowns and strikes as in years past, shippers importing and exporting through the West Coast are increasingly unsettled as the market is experiencing a demand for carriage that is overwhelming the available carrier capacity. West Coast ports

are also reeling from the imposition of Marine Terminal Operator dwell fees directly on importers of record rather than carriers, some of which were launched with little notice to change inbound cargo flows. Challenges extend well beyond North America; for example, those shippers who sought other methods of traffic, such as PRC-EU rail service for hub out of Western Europe, are now back to the drawing board due to the Ukraine invasion.

This bid season is also different because of continued winds of oversight in the United States. Should President Biden sign the Ocean Shipping Reform Act (OSRA) into law, U.S. importing and exporting shippers will have additional protections of the Federal Maritime Commission (FMC). For example, OSRA would prohibit carriers from unreasonably declining U.S. exports (with a reasonableness standard that is determined by the FMC), which the

FMC would control by requiring carriers to file quarterly reports with the agency detailing the total import/export tonnage and 20-foot equivalent units (FEU) per vessel that have made port in the U.S. Further and for the first time, OSRA would also establish minimum service standards for carriers and shift the burden of proof regarding “reasonableness” of detention and demurrage charges from the beneficial cargo owners to the carriers. The FMC would have broader authority under OSRA through its Bureau of Enforcement (BOE) to investigate potential Shipping Act violations and initiate formal proceedings, which include carriers’ operational practices and related charges. Finally, carriers and marine terminal operators would need to certify that detention and demurrage charges comply with FMC regulations or risk incurring penalties.

Ocean Carriage Service Contract Trends

In the face of increasing uncertainty in this ever-changing bid season, shippers and carriers alike will look to reexamine their expectations and approaches for contracting and negotiating their ocean contracts. Four of the trends that appear to be emerging from our vantage point are: (1) focusing on visibility and collaboration, (2) close examination of the inland leg, (3) new takes on common contract terms, and (4) repackaged service offerings. Each of these early trends is outlined below.

1) Focus on Visibility and Collaboration.

The pandemic years laid bare the risk to shipper and carrier alike from inflexibility when confronting dramatic change in cargoes, lanes, and cost. The theme we are seeing take hold is a continued and growing interest in working together to better communicate about forecasted volumes and capacity. This can involve a regular cadence of reporting, defined “meet and confer” periods to align on each party’s needs, or even close attention to the sequence of events if and when a container is refused for any reason. On the purely financial side of the equation, we are seeing increased interest in index-linked rates here as well as with other modalities. Most reasonable parties appear to understand that inflationary pressures are here to stay, together with higher operating costs, and, as a result, recognize the value in aligning on whether and to what extent future adjustments in price will be managed.

2) Examination of the Inland Leg. Some enterprise shippers are executing on strategies for essentially sole source procurement on the entirety of door-to-door traffic. In our experience others are taking the exact opposite approach of fragmenting throughput in the interest of gaining greater visibility and service on the inland leg. The value of doing so is a potential for a response to the gridlock at ports and container yards through direct contracting with dray operators and sources for intermodal equipment. The designation of “nominated truckers” often impacts service contract terms as well, since

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there is joint interest in understanding how steamship lines will interact with inland carriers for maximum throughput and shipper benefit.

3) New Takes on Common Terms. Certain terms that were not all that interesting a few years ago are now front and center for strategic analysis. The terms themselves, which were historically often only one year, are now frequently much lengthier, and extending them to three or more years not uncommon. Doing so necessitates serious consideration of future rating, which lends itself to the topic of indexing to address inflationary pressures on input costs and the like. Extended terms can also yield a long-term shift in bid season itself, with many large enterprise shippers having gone to market as early as fourth quarter in an effort to gain early clarity on their capacity needs. Another point of interest is MQC, where at least a few approaches conceptually migrate from traditional MQC and liquidated damages structures, although much of the leniency under these approaches is arguably for carrier benefit. Some shippers have preferred instead to focus on the concept of dead freight. The new takes on common terms are attempts at what amount to essentially dynamic pricing and capacity terms, which is an interesting approach to find middle ground between the hard-coded world of historic contracting and the volatility of the spot market.

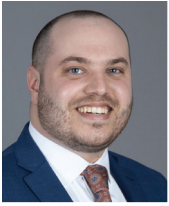
4) Repackaged Service Offerings. Finally, we have seen certain novel takes on traditional service contracts. The apparent increase in interest for at least considering the technology intermediary operating, such as the New York Shipping Exchange (NYSHEX), is one such example. This private party provides connectivity between shipper and carrier, contract and

tender management, and a mandatory dispute resolution council. We have also encountered new ideas in bilateral shipper-carrier contracting (without involvement of a third-party enterprise such as NYSHEX). Those often involve the unique features described in Section 3 above together with a new sales-oriented pitch construing the package as unified and beneficial to all parties.

The future of global influences on ocean trade, and industry reactions to the same, of course remains to be seen. We nonetheless remain optimistic, observing that shipper and carrier alike are endeavoring to navigate uncertainty so that end-to-end supply chains remain moving as best as possible. If there is a silver lining, it is perhaps that once-hypothetical events are no longer academic, and we all have benefit from the experience. We have had at least two once-in-a-lifetime black swan events within the past two years. The net effect is sure to be improvements in the supply chain, including ocean carrier procurement practices, commercial models, contract terms, and day-to-day interactions between shippers and carriers.

JONATHAN TODD is a partner in Benesch’s Transportation & Logistics Practice Group. He may be reached at (216) 363-4658 and jtodd@beneschlaw.com. **PHIL NESTER** is an associate in the Transportation & Logistics Practice Group who may be reached at (216) 363-6240 and jpvester@beneschlaw.com. **MEG MACCALLUM** is an associate in the Transportation & Logistics Practice Group who may be reached at (216) 363-4185 and mmacallum@beneschlaw.com.

Transporting Alcohol – Staying Above the Influence



Christopher C. Razek

One of the first questions we ask of new for-hire motor carrier clients is: “What are you hauling?” The typical trigger words that cause lawyers and trucking consultants to perk up should not come as

a surprise: hazardous materials, foodstuffs, firearms, waste, pharmaceuticals, and so on. While such commodities are highly regulated and therefore demand attention, at least part of the regulatory burden for such commodities exists at the federal level, which can lend itself to a more streamlined approach to become or stay compliant. One regulated commodity that tends to be obscured in such discussions is alcohol and alcoholic beverages. Outside of alcohol import/export issues, the regulation of alcohol transportation is governed and therefore segmented largely at the state level. Often overlooked, motor carriers transporting alcohol may need to obtain a specific alcohol transportation license or permit on a state-by-state basis.

The transportation of alcoholic beverages takes varied forms—from middle mile bulk transportation to last mile residential delivery of individual bottles. We customarily treat residential delivery of alcohol in a separate category than traditional truckload services, because states and cities customarily have separate permitting/licensing requirements for residential delivery, similar to retailing. Although truckload and less-than-truckload shipments of alcohol are typically engaged in interstate commerce, motor carriers should stay attuned to the regulations of each particular state in which they will stop or even pass through during the route.

Approximately half of the lower 48 states require a permit or license to transport alcohol into, through, or out of the state. The scope of such a permit and license varies. Some states only require a license or permit to transport certain types of alcohol (i.e., spirits) as opposed to beer and wine, and others may only require a permit or license in order to stop and deliver alcohol within the state, not necessarily to travel through the state carrying a load of alcohol. Not surprisingly, each state’s application for a license or permit takes a similarly unique

approach. Some states require a motor carrier to be registered with the state’s secretary of state, obtain intrastate operating authority (if required), and potentially even submit a penal or surety bond in order to be properly licensed to transport certain types of alcohol. Simply, there is no one-size-fits-all approach when seeking and obtaining a transportation license or permit for alcohol, and particular attention should be paid to each specific state’s regulations and guidance to avoid roadside surprises.

In addition to the regulatory labyrinth required for day-to-day operations, state alcohol transportation permits and licenses are often a labor-intensive aspect of due diligence when motor carriers are purchased. Our approach is always to avoid surprises during diligence, so we focus on all state licenses and permits that are held or should be held by the target motor carrier, including for the transportation of alcohol. If such licenses and permits are held, the answer to questions regarding pre-close and post-close notices and the effect of the surviving entity’s structure on such licenses or permits is often not clear from the face of a state’s regulations. Staying ahead of the regulations often requires consistent contact with the target motor carrier, with deal counsel to assess the structure of the transaction, and most importantly with the regulators to mitigate any risk of post-close operational pauses.

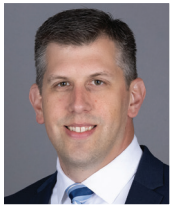
Benesch has extensive experience in obtaining alcohol transportation licenses or permits in each state that requires one, and communicates consistently with each state agency to navigate all aspects of the application procedures and notice requirements in different types of transactions.

CHRIS RAZEK is an associate in the Transportation & Logistics Practice Group. His experience includes advising motor carriers and freight forwarders on commodity-specific regulations and assisting in obtaining a variety of motor carrier licenses, permits, and operating authorities at the federal and state level. He may be reached at (216) 363-4413 and crazek@beneschlaw.com.





Navigating the Perils of General Average



J. Philip Nester

Ocean transportation procurement teams and vessel owners alike would do well to pay close attention to the effects of recent notable maritime perils that have triggered claims for general

average. The running aground of both the Ever Given in the Suez Canal in March 2021 and the Ever Forward in the Chesapeake Bay in March 2022 are the latest losses to have made these issues headline news. Despite that the principle of general average dates back to the ancient Greeks, these perils have breathed new life into what were recently boilerplate general average provisions. Shippers and their carriers are seeking clarity about how to grapple with these revitalized terms and ways to prepare for the impact that general average claims may have on their legal and commercial interests.

The Law of General Average

The York Antwerp Rules set forth the rights and obligations of both vessel owners and cargo owners when any extraordinary sacrifice or expenditure is intentionally and reasonably made to preserve from peril the vessel, the crew, or the cargo involved in a common maritime venture. For a particular occurrence to constitute a general average

loss, the following elements must exist: (1) a common danger to the ship, the cargo, or the crew, which is imminent and apparently inevitable unless there is a voluntary loss of some cargo to save the remainder of the cargo; (2) a voluntary jettison or casting away of part or all of the cargo to avoid the imminent peril to the vessel; and (3) any attempt to avoid the imminent peril of the vessel must be rendered successful. Under such circumstances, if the vessel is damaged or some cargo is lost or jettisoned, the loss or damage must be shared by all of the parties involved in the voyage in proportion to the value of each party's interest. Importantly, carriers can declare general average even where their own negligent navigational errors give rise to the circumstances that triggered the loss, as was the case with both the Ever Given and the Ever Forward.

The Declaration of General Average

The vessel owner may declare general average at any time after the vessel experiences extraordinary expenditures to save the vessel, the crew, or the cargo from peril, including expenses of common safety to complete the voyage, which would include ports of refuge costs, port dues, salvage, maintenance, and emergency repairs. After a declaration for general average is made, the right of a party's interest in the proceeds of the general average fund accrues and becomes enforceable once

the voyage is complete, which is when the vessel arrives at its port of destination or calls upon a port of refuge. After the declaration is made, the vessel owner operates as a trustee of the general average fund, and the adjustment of the general average claims is determined pursuant to the York Antwerp Rules, which is carried out by an appointed general average adjuster.

Best Practices for General Average

General average claims must be submitted by the vessel owner's underwriters in writing to the general average adjuster within 12 months from the date of termination of the venture. Since the claims handling process and the complexities of recovering under a general average declaration can be long and costly, Shippers and carriers alike will be well served to implement best practices and pragmatic processes to prepare for a general average declaration by: (1) engaging in arms-length negotiations around the legal and commercial terms concerning general average; (2) procuring and maintaining adequate bonds or levels of cargo, property, and general average disbursements insurance; and (3) maintaining and preserving documents and records related to each movement, which will be needed to support a claim for general average.

While major supply chain disruptions have become ever-present with the effects of COVID-19 and the eruption of war in Ukraine, the recent maritime perils and disruptions in the headlines involve well-established principles where shippers and carriers alike look to navigate these losses as best as possible. The team at Benesch is well versed in all aspects of the ocean transportation market and global supply chains, including the impact of recent disruptions in these spaces, and is available to assist in developing pragmatic approaches to address these challenges.

PHIL NESTER is an associate in the Transportation & Logistics Practice Group who may be reached at (216) 363-6240 and jpvester@beneschlaw.com.

NHTSA Manufacturer Identification Registration Process: A Quick Guide



Jonathan R. Todd



John N. Dagon

“The importance of registration with NHTSA—and designation of domestic agents for foreign manufacturers looking to enter the domestic United States market—has significant public safety implications as well as material risk implications for manufacturers.”

The automotive supply chain bears complexity in its production and its regulation. Automotive manufacturers, their original equipment manufacturers (OEMs), and aftermarket parts producers are required to comply with the Federal Motor Vehicle Safety Standards (FMVSS) in the production of vehicles and equipment. The FMVSS are promulgated and enforced by the National Highway Traffic Safety Administration (NHTSA) pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 at 49 USC Chapter 301 (the Vehicle Safety Act). Implementing regulations are found at 49 CFR Parts 500-599.

Production of regulated vehicles and equipment requires observance of a “self-certification” process by manufacturers. In essence, the Vehicle Safety Act requires manufacturers to certify that motor vehicles and regulated component parts offered for sale in the United States comply with all applicable FMVSS. [See 49 USC 30115.] NHTSA provides oversight in part by requiring manufacturers to engage in a registration process. However, the Administration does not otherwise issue approval certifications on vehicles or equipment guaranteeing compliance with the applicable FMVSS. Registrations submitted under Part 566 (described below in Section I) are published on the NHTSA website under its list of manufacturers.

Before offering a motor vehicle or motor vehicle equipment item for sale in the United States, the

fabricating manufacturer must: (1) designate a permanent resident of the United States as its agent for service of process if the fabricating manufacturer is not located in the United States [49 CFR Part 551, Subpart D *Service of Process on Foreign Manufacturers and Importers*] and (2) submit to NHTSA identifying information on itself and on the products it manufactures to the FMVSS, not later than 30 days after the manufacturing process begins [49 CFR Part 566 *Manufacturer Identification*]. NHTSA maintains on its web site a list of manufacturers that have made Part 566 submissions.

The importance of registration with NHTSA—and designation of domestic agents for foreign manufacturers looking to enter the domestic United States market—has significant public safety implications as well as material risk implications for manufacturers. These compliance activities carry substantial civil penalties for noncompliance, as shown at 49 CFR 578.6. Key elements of the registration and agent designation process are outlined below.

Manufacturer Registration

NHTSA requires manufacturers of motor vehicles and equipment to which the FMVSS apply to submit identifying information and a description of those items they produce. [See 49 CFR 566.1, 566.3.] Successful registration yields a numbered identification code for the tracking and regulation of manufacturers and their equipment. [49 CFR 566.2.] This code is generally required to appear on all regulated

vehicles and equipment sold in the United States. Any material changes to registration information on file must be submitted to NHTSA within 30 days. [49 CFR 566.6.]

The registration process involves submission of a Part 566 application no later than 30 days after manufacturing begins. The application requires typical demographic information as well as detailed descriptions of the motor vehicle or covered equipment produced by the manufacturer. [49 CFR 566.5.] NHTSA’s vPIC Manufacturer Portal is intended to be used as the platform for submission. In practice, submission often includes a cover letter describing whether it is a new submission or an update and requesting written confirmation of receipt. Certain products require specialized submissions for plant codes, including for production of brake hoses, glazing materials, new tires, retreaded tires, and adapted vehicles. Manufacturers can search the Manufacturer’s Information Database (MID) after the registration process is complete in order to confirm information submitted.

Foreign (non-US) Designation of Agent

All foreign manufacturers, assemblers, and importers of motor vehicles or motor vehicle equipment must comply with 49 CFR Part 551 and designate a permanent United States resident as an agent for service of process before offering a motor vehicle or item of motor vehicle equipment for importation into the United

States. [49 CFR 551.46.] This submission establishes a contact within the United States for the purpose of receiving administrative or judicial notices or processes. This application under Part 551 is a condition precedent to registration under Part 566. Like the Part 566 process, it is also largely accomplished through NHTSA's vPIC Manufacturer Portal.

The online Part 551 submission requires detailed demographic information about the foreign manufacturer and its brands and product origins, and also information about the domestic United States party that will serve as agent. Upon submission the NHTSA system will immediately issue a PDF version of the

designation form for the manufacturer and agent to sign and print. Submitting information online only, without production of the written documentation, will not satisfy the destination requirements under Part 551, Subpart D.

Following Administration review, the foreign manufacturer will receive a Part 551 acceptance letter from the NHTSA Office of the Chief Counsel. This letter must be submitted together with all other required information to accomplish the Part 566 registration process described above in Section I. The letter is often presented as an enclosure to the cover letter associated with the application. The registration process for foreign manufacturers generally aligns with the

process for domestic manufacturers after the Part 551 designation is complete.

Benesch's team is experienced in accomplishing NHTSA registrations under Parts 566 and 551 for our clients in the automotive sector.

JONATHAN TODD is a partner in the Transportation & Logistics practice at Benesch. He may be reached at (216) 363-4658 or jtodd@beneschlaw.com. **JOHN DAGON** is an associate in the firm's Transportation & Logistics and Litigation practices. He may be reached at (216) 363-6124 or jdagon@beneschlaw.com.





U.S. Trade Representative Issues New Section 301 Tariff Exclusion Reinstatement



Jonathan R. Todd



Megan K. MacCallum

Valuable tariff relief is now available for goods imported to the U.S. from China. On March 23, 2022, the U.S. Trade Representative (USTR) published Federal Register Notice 87 FR 17380 retroactively reinstating certain U.S. Section 301 tariff exclusions on goods from China pursuant to the U.S. Trade Act of 1974 (19 USC 2411). The exclusions apply to a sweeping range of products, including chemicals, machinery, electrical equipment, plastics, motors and automotive products, textiles, furniture, pumps, bicycles, and myriad other consumer goods. A full list of the exclusions can be found in the Annex to the Federal Register Notice. Though

broad in scope, the reinstated exclusions are a small subset of the 549 in place since 2018.

The tariff exclusions have a different retroactive reach for non-liquidated goods and liquidated goods. For non-liquidated goods, exclusions apply to items entered for consumption or withdrawn from warehouse for consumption on or after 12:01 a.m. Eastern Daylight Time on October 12, 2021, and before 11:59 p.m. Eastern Daylight Time on December 31, 2022. For liquidated goods, exclusions apply within the 180-day protest period proscribed by the U.S. Tariff Act of 1930 (19 USC 1514).

U.S. Customs and Border Protection issued guidance stating that Harmonized Tariff Schedule of the U.S. (HTSUS) Classification 9903.88.67 can be used to claim the reinstated exclusions (CSMS #514629298). As of April 7, 2022, the functionality for the acceptance of the reinstated products is available in the Automated Commercial Environment (ACE). Importers, brokers, and filers can find instructions on

submitting entries and amending their filings in 87 FR 17380 Annex A in addition to reporting the regular chapters. Importers can request a refund of the duties paid on previous imports of products by filing a Post Summary Correction and can find additional guidance in CSMS #42566154. As a reminder, the new exclusions apply in addition to 81 other exclusions applicable to products needed to quell the COVID-19 pandemic (86 FR 63438). Those 81 additional exclusions apply through May 31, 2022.

JONATHAN TODD is a partner in Benesch's Transportation & Logistics Practice Group whose practice includes U.S. Customs matters. He may be reached at (216) 363-4658 and jtodd@beneschlaw.com. **MEGAN MACCALLUM** is an associate in the Transportation & Logistics Practice Group who may be reached at (216) 363-4185 and mmacallum@beneschlaw.com.



Ready for what's next.

BENESCH ADDS TWO ATTORNEYS TO TRANSPORTATION ROSTER.

We are pleased to announce that **Jennifer A. Wood** and **Robert Pleines, Jr.** have joined the firm.



Jennifer A. Wood

Of Counsel

jwood@beneschlaw.com

(216) 363-4572

Jenn joins the firm as Of Counsel and has nearly 10 years of experience serving as an attorney in the transportation and logistics industry. She has been an in-house counsel for a freight broker and a freight forwarder and has also worked with shippers, carriers, and vendors in the U.S., Canada, and Mexico.

Jenn's experience includes drafting and negotiating contracts, handling dispute resolution with both carriers and shippers, managing cargo claims of all sizes and severity, and helping navigate the many risks inherent in shipping commodities of all kinds by modes of all kinds. Prior to attending law school, Jenn worked for several years in risk management for a leading rental car company, and earned a property and casualty producer's license.

Jenn received her J.D. from Saint Louis University School of Law, and her Bachelor of Arts from Truman State University.



Robert Pleines, Jr.

Associate

rpleines@beneschlaw.com

(216) 363-4572

Bob joins the firm as an associate and represents a variety of commercial shippers, motor carriers, freight brokers, manufacturers, and distributors with regulatory compliance counseling, contract and policy drafting, and business consultation.

Prior to joining Benesch, Bob practiced as a litigator at a regional insurance defense firm, where he represented commercial motor carriers and their drivers in complex pre-suit claims and lawsuits involving wrongful death, personal injury, cargo, and property damage.

Bob is a Captain in the United States Marine Corps Reserve and currently serves as a Logistics Officer. He is a commissioned officer with eight years of experience in collaborative project development and leadership-driven unit cohesion.

Bob received his J.D. from Cleveland State University, Cleveland-Marshall College of Law, and his B.A. from Ohio University.

Benesch Ranked in *Chambers* 2022



Benesch is pleased to announce that the firm has received a National (Band 1) ranking in Transportation: Road (Carriage/Logistics) by Chambers & Partners in Chambers USA 2022.

In addition, Marc S. Blubaugh, Eric L. Zalud, Jonathan R. Todd, and Kelly E. Mulrane have also received national rankings in Transportation: Road (Carriage/Logistics).

Since 1990, Chambers has published a leading guide to the legal profession and has built a reputation for in-depth, objective research. Chambers ranks lawyers and law firms on several factors and considerations, all of which are investigated by a team of more than 200 researchers. Research methodology can be found [here](#).

The full list of Benesch attorneys and practice areas selected can be found [here](#).

Recent Events

18th Annual Reverse Logistics Associations (RLA) Conference & Expo

Eric L. Zalud attended.
February 6–9, 2022 | Las Vegas, NV

National Tank Truck Carriers (NTTC) 2022 Winter Membership & Board Meeting

Eric L. Zalud attended.
February 9–11, 2022 | West Palm Beach, FL

FreightWaves Virtual Global Supply Summit

Marc S. Blubaugh presented *AB5 and General Trucking Regulations*.
February 14–18, 2022 | Virtual

International Association of Defense Counsel (IADC) Midyear Meeting 2022

Martha J. Payne attended.
February 19–24, 2022 | Scottsdale, AZ

Truckload Carriers Association (TCA) Annual Convention—Truckload 2022

Jonathan R. Todd attended.
March 19–22, 2022 | Las Vegas, NV

Transportation and Logistics Council (TLC)—48th Annual Conference

Marc S. Blubaugh was a panelist on the “Transportation Attorney Panel.” Martha J. Payne moderated the “Bills of Lading—What You Need to Know Panel.” Eric L. Zalud presented *Loss Prevention and Mitigation of Damages*.
March 21–23, 2022 | Orlando, FL

American Trucking Association (ATA) Law Review Webinar Series

Jonathan R. Todd presented *Ukraine Invasion and the U.S. Transportation Industry Response*.
March 29, 2022 | Virtual

2022 International Warehouse Logistics Association (IWLA) Warehouse Legal Practice Symposium

Marc S. Blubaugh presented *Mastering Mediations and Transportation Law Update*. Kevin M. Capuzzi presented on bankruptcy issues.
March 30–April 1, 2022 | Indianapolis, IN

Trucking Industry Defense Association’s (TIDA) Cargo & Skills Course Seminars

Eric L. Zalud presented *Hurry up and Wait: A Primer on Delay Damages*.
March 30–April 1, 2022 | Tempe, AZ

Transportation Intermediaries Association (TIA) Capital Ideas Conference

Marc S. Blubaugh presented *Innovating Your Freight Brokerage Against Potential Risk*. Eric L. Zalud presented *Where Worlds Collide: Legal Issues at the Interstices Between Brokers and Motor Carriers*. Helen M. Schweitz presented *Data Strategy in 2022*. Martha J. Payne also attended.
April 6–9, 2022 | San Diego, CA

2022 Stifel Transportation & Logistics Private Company Forum

Peter K. Shelton presented *Transportation & Logistics Legal and Financial Update*.
April 6, 2022

Defense Research Institute (DRI) 2022 Trucking Law Seminar

Eric L. Zalud attended.
April 27, 2022 | Austin, TX

The 2022 International Warehouse Logistics Association (IWLA) Annual Convention & Expo

Christopher C. Razek and Eric L. Zalud attended.
May 2–4, 2022 | Amelia Island, FL

Intermodal Association of North America’s (IANA) Operations and Maintenance Business Meeting

Marc S. Blubaugh and Jordan J. Call presented on independent contractors.
May 2–5, 2022 | Oak Brook, IL

Jefferies 2022 Logistics & Transportation Conference

Peter K. Shelton and Eric L. Zalud attended.
May 3–4, 2022 | Coral Gables, FL

Transportation Lawyers Association (TLA) Annual Conference

Marc S. Blubaugh, Martha J. Payne, and Eric L. Zalud attended.
May 11–14, 2022 | Williamsburg, VA

American Trucking Association (ATA) Mid-Year Management Session

Jonathan R. Todd attended.
May 14–18, 2022 | Scottsdale, AZ

Columbus Logistics Conference

Marc S. Blubaugh presented *Transportation & Logistics Legal Update*.
May 18, 2022 | Columbus, OH

Supply Chain Execution 2022

Marc S. Blubaugh and Eric L. Zalud are attending.
June 1–2, 2022 | Chicago, IL

TerraLex Global Meeting

Eric L. Zalud attended.
June 7–11, 2022 | Oslo, Norway

Conference of Freight Counsel

Martha J. Payne and Deana S. Stein attended.
June 11–13, 2022 | Orlando, FL

On the Horizon

Global Supply Chain / State of the Market

Marc S. Blubaugh is presenting with the group **Bernstein**.

June 15, 2022 | Webinar

American Trucking Association (ATA)—2022 Trucking Legal Forum

Marc S. Blubaugh is presenting *You Can Walk and Chew Gum: Managing Risk When Delivering Multiple Services*. **Eric L. Zalud** is presenting *Smiting the Reptile—Extrajudicially: Using Preemptive Best Practices, Pre-discovery, Discovery, and Legislative Means to Defuse Reptilian Tactics in Casualty Litigation*. **Jonathan R. Todd** and **Kelly E. Mulrane** are presenting *Final Milestone: Lawfully Finishing the Intrastate Race*. **Martha J. Payne** is attending.

July 10–13, 2022 | Austin, TX

Ohio Trucking Association (OTA)—EmergeOTA Program

Abby Riffée and **Deana S. Stein** are presenting *How to Have a Winning Deposition Strategy*.

July 12, 2022 | Columbus, OH

Transportation Lawyers Association Executive Committee Summer Retreat

Marc S. Blubaugh will be attending as a Voting Past President.

July 15–16, 2022 | Charlotte, NC

Intermodal Association of North America (IANA) EXPO 2022

Marc S. Blubaugh is attending.

September 12–14, 2022 | Long Beach, CA

Council of Supply Chain Management Professionals (CSCMP) Edge 2022

J. Philip Nester and **Jonathan R. Todd** are presenting *Insurance Considerations for Supply Chains Amid Pandemic and War*.

September 18–21, 2022 | Nashville, TN

Transportation Intermediaries Association (TIA) 3PL Policy Forum

Marc S. Blubaugh will be attending.

September 19–21, 2022 | Washington, D.C.

The Trucking Defense Advocacy Council (TDAC)

Eric L. Zalud is attending.

September 21–22, 2022 | Fayetteville, AR

Litigation and Transportation Association of North America (LTNA)

Eric L. Zalud is attending.

October 9–11, 2022 | San Diego, CA

Trucking Industry Defense Association (TIDA)

Eric L. Zalud is attending.

October 12–14, 2022 | Orlando, FL

The Canadian Transport Lawyers Association (CTLA) Meeting

Martha J. Payne, **Eric Zalud**, and **Jennifer A. Wood** are attending. **Eric L. Zalud** is presenting on *M&A Activity in the Transportation & Logistics Sector*.

October 13–15, 2022 | Toronto, Ontario

American Trucking Associations (ATA), Management Conference and Exhibition

Marc S. Blubaugh is attending.

October 22–26, 2022 | San Diego, CA

Transportation Intermediaries Association (TIA) 3PL Technovations Conference

Martha J. Payne and **Eric L. Zalud** are attending.

October 26–28, 2022 | Phoenix, AZ

Women in Trucking Association (WIT) Accelerate! Conference & Expo

Jennifer A. Wood, **Martha J. Payne**, and **Megan K. MacCallum** are attending.

November 13–16, 2022 | Dallas, TX

Transportation Law Institute (TLA/TLI)

Marc S. Blubaugh and **Eric L. Zalud** are attending.

November 18, 2022 | Boston, MA

Please note that some of these events may be canceled or postponed due to the COVID-19 pandemic. Check with event representatives for more information.

For further information and registration, please contact **MEGAN THOMAS**, Client Services Manager, at mthomas@beneschlaw.com or (216) 363-4639.

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**For more information about the
Transportation & Logistics Group,
please contact any of the following:**

ERIC L. ZALUD, Co-Chair | (216) 363-4178
ezalud@beneschlaw.com

MARC S. BLUBAUGH, Co-Chair | (614) 223-9382
mblubaugh@beneschlaw.com

MICHAEL J. BARRIE | (302) 442-7068
mbarrie@beneschlaw.com

DAWN M. BEERY | (312) 212-4968
dbeery@beneschlaw.com

ALLYSON CADY | (216) 363-6214
acady@beneschlaw.com

KEVIN M. CAPUZZI | (302) 442-7063
kcapuzzi@beneschlaw.com

KRISTOPHER J. CHANDLER | (614) 223-9377
kchandler@beneschlaw.com

NORA COOK | (216) 363-4418
ncook@beneschlaw.com

JOHN N. DAGON | (216) 363-6124
jdagon@beneschlaw.com

WILLIAM E. DORAN | (312) 212-4970
wdoran@beneschlaw.com

JOHN C. GENTILE | (302) 442-7071
jgentile@beneschlaw.com

JOSEPH N. GROSS | (216) 363-4163
jgross@beneschlaw.com

JENNIFER R. HOOVER | (302) 442-7006
jhoover@beneschlaw.com

TREVOR J. ILLES | (312) 212-4945
tilles@beneschlaw.com

PETER N. KIRSANOW | (216) 363-4481
pkirsanow@beneschlaw.com

DAVID M. KRUEGER | (216) 363-4683
dkrueger@beneschlaw.com

NICOLAS P. LACEY | (614) 223.9384
nlacey@beneschlaw.com

STEVEN D. LESSER | (614) 223-9368
slesser@beneschlaw.com

CHARLES B. LEUIN | (312) 624-6344
cleuin@beneschlaw.com

MEGAN K. MACCALLUM | (216) 363-4185
mmacallum@beneschlaw.com

MICHAEL J. MOZES | (614) 223-9376
mmozes@beneschlaw.com

KELLY E. MULRANE | (614) 223-9318
kmulrane@beneschlaw.com

ROBERT NAUMOFF | (614) 223-9305
rnaumoff@beneschlaw.com

J. PHILIP NESTER | (216) 363-6240
jpnester@beneschlaw.com

MARGO WOLF O'DONNELL | (312) 212-4982
modonnell@beneschlaw.com

LIANZHONG PAN | (011-8621) 3222-0388
lpan@beneschlaw.com

MARTHA J. PAYNE | (541) 764-2859
mpayne@beneschlaw.com

JOEL R. PENTZ | (216) 363-4618
jpentz@beneschlaw.com

ROBERT PLEINES, JR. | (216) 363-4491
rpleines@beneschlaw.com

RICHARD A. PLEWACKI | (216) 363-4159
rplewacki@beneschlaw.com

JULIE M. PRICE | (216) 363-4689
jprice@beneschlaw.com

DAVID A. RAMMELT | (312) 212-4958
drammelt@beneschlaw.com

CHRISTOPHER C. RAZEK | (216) 363-4413
crazek@beneschlaw.com

ABBY RIFFEE | (614) 223-9387
ariffee@beneschlaw.com

HELEN M. SCHWEITZ | (312) 624-6395
hschweitz@beneschlaw.com

PETER K. SHELTON | (216) 363-4169
pshelton@beneschlaw.com

REED W. SIRAK | (216) 363-6256
rsirak@beneschlaw.com

DEANA S. STEIN | (216) 363-6170
dstein@beneschlaw.com

CLARE TAFT | (216) 363-4435
ctaft@beneschlaw.com

JOSEPH G. TEGREENE | (216) 363-4643
jtegreene@beneschlaw.com

JONATHAN R. TODD | (216) 363-4658
jtodd@beneschlaw.com

JENNIFER A. WOOD | (216) 363-4572
jwood@beneschlaw.com