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Legalized Marijuana and Insurance Law

By Timothy M. Thornton, Jr. and Erin K. Tenner, *Gray•Duffy, LLP*



Thornton



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Background

In 1996 California voters approved Proposition 215, legalizing use of marijuana for medical purposes. Many states followed that lead. Yet, federal criminal law continued to classify marijuana as a Class 1 controlled substance. Under the Federal Controlled Substances Act, [21 U.S.C. section 841](#), it is illegal to manufacture, distribute or dispense marijuana. A Class 1 substance is defined as one having has no medical value and posing a high risk of abuse. [21 U.S.C. section 812](#).

The US Supreme Court held in 2005 that federal agencies could continue under federal law to prosecute individuals who possess or use marijuana for medical purposes, even if legal under a state law. In 2012 Colorado and Washington became the first states to vote to legalize marijuana for recreational purposes. Six more states have legalized recreational use of marijuana. Washington, D.C. voted to allow possession, growing, and gifting; but sales for recreational use are not allowed.

In 2013 the U.S. Department of Justice ("USDOJ") issued a memorandum stating its general policy not to interfere with the medical use of marijuana pursuant to state laws, provided the state tightly regulates and controls the medical marijuana market. *See* Memorandum from James M. Cole, Deputy Attorney General, to All United States Attorneys, Guidance Regarding Marijuana Enforcement (August 29, 2013) ("Cole Memorandum"). The Cole Memorandum does not override federal law enacted by Congress or grant immunity to individuals or businesses from federal prosecution.

On January 4, 2018, Attorney General Jefferson B. Sessions III found this memo unnecessary and rescinded it. The Attorney General directed prosecutors to follow the well-established principles that govern all federal prosecutions in deciding which marijuana activities to prosecute given the Department's finite resources. These principles require federal prosecutors "to weigh all relevant considerations, including federal law enforcement priorities set by the Attorney General, the seriousness of the crime, the deterrent effect of criminal prosecution, and the cumulative impact of particular crimes on the community." [January 4, 2018 Memorandum For All United States Attorneys from Jefferson B. Sessions, III, Attorney General, Subject: Marijuana](#)

Disclaimer: The *Defender* articles do not constitute legal advice and are not independently verified. Any opinions or statements contained in articles do not reflect the views of NADC. Cases cited in articles should be researched and analyzed before use.

Enforcement; see U.S. Attorneys' Manual, Chapter 9-27.000.

According to the A.G. summary of Proposition 64, the DOJ chooses not to prosecute most marijuana users and businesses that follow state and local laws if those laws are consistent with federal priorities. Those priorities include preventing minors from using marijuana and preventing marijuana from being taken to other states.

In 2016 California voters approved Proposition 64. Prop 64 makes it legal under California law for individuals 21 years of age or older to use marijuana for recreational purposes starting in 2017. This proposition also allows commercial manufacture and sale starting in 2018. It imposes state taxes on sales and cultivation, provides for licensing the industry, and establishes standards for marijuana products.

However, under Federal Controlled Substances Act, 21 U.S.C. section 841, it is illegal to manufacture, distribute, or dispense marijuana. Marijuana is classified as a Class 1 substance – meaning it has no medical value and poses a high risk of abuse. 21 U.S.C. section 812.

Confidentiality

A San Francisco Bar opinion offers this important warning to lawyers who counsel their clients regarding marijuana:

The lawyer should counsel the client about limitations on confidentiality. One of the duties of a California lawyer is

to “maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.” Bus. & Prof. Code § 6068(e)(1). The lawyer should warn the client that their communications may not be privileged in the event of litigation. The “crime fraud” exception to the attorney-client privilege applies if the lawyer’s services are obtained to help the client to plan or to commit a crime. Evid. Code § 956. The client’s mere disclosure of his or her intent to commit a crime is privileged. *People v. Clark* (1990) 50 Cal.3d 583, 621-23. But where the client seeks legal assistance to plan or to perpetrate a crime, the privilege is eviscerated. *Id.* Thus, the lawyer should warn the client that, if the client becomes involved in civil or criminal litigation, there is a risk that the communications between them will not be held to be privileged and thus be subject to disclosure in testimony.

Third parties face legal issues as well, and their lawyers, landlords who lease property, banks who lend to or provide banking services to, security companies and armored car companies who provide such services to marijuana-related businesses, have to consider the impact of this conflict in federal and state law.



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Insurance Cases

There have been a few insurance cases concerning the medical and recreational marijuana industries. Most of these cases have focused on first party property losses, but there have been cases concerning use of other controlled substances, and the effect on coverage where policies contain controlled substances exclusions.

In *Am. Nat'l Prop. & Cas. Co. v. United Specialty Ins. Co.*, No. CV 11-1137 LFG/RHS, 2012 WL 12549878, at *8 (D.N.M. Sept. 24, 2012), *rev'd and remanded sub nom. Am. Nat. Prop. & Cas. Co. v. United Specialty Ins. Co.*, 592 F. App'x 730 (10th Cir. 2014), there were lessons for employers of drivers, if the employer's insurance policy contains a controlled substances exclusion.

In that case, Edward De La Paz, an employee of Endeavor Services, Inc., was driving a vehicle owned by Jimmy Cooper (Cooper financed Endeavor and was its director, and his children owned a majority of the stock) while in the course and scope of employment. He crossed the centerline and collided head-on with another vehicle. Both drivers died. De La Paz tested positive for methamphetamine. ANPAC issued a personal auto and commercial umbrella policy to Cooper, the vehicle owner. Great West issued commercial auto coverage to Endeavor, and United Specialty issued excess coverage to Endeavor. ANPAC's umbrella policy excluded "bodily injury arising out of the use, ... or possession by any person of a controlled substance." Based on this exclusion, ANPAC asserted that the controlled substance exclusion applied. The court agreed, noting that the ANPAC umbrella policy exclusion for damages "arising out of" use of controlled substances was not ambiguous as applied to the accident as De La Paz was under the influence of methamphetamine, and the police report identified "driver inattention" as a contributing factor in the accident.

There are variations on wording of controlled substances exclusions. The most typical reads:

Controlled Substance

"Bodily injury" or "property damage" arising out of the use, sale, manufacture, delivery, transfer or possession by any person of a Controlled Substance as defined by the Federal Food and Drug Law at 21 U.S.C.A. Sections 811 and 812. Controlled Substances include but are not limited to cocaine, LSD, marijuana and all narcotic drugs. However, this exclusion does not apply to the legitimate use of prescription drugs by a person following the lawful orders of a licensed health care professional.

Some policies have additional exclusions. In *Prudential Prop. & Cas. Ins. Co. v. Brenner*, 350 N.J. Super. 316, 321, 795 A.2d 286, 288 (App. Div. 2002), the exclusion added certain exceptions.

However, this exclusion does not apply to:

(2) The insured's [sic] who have no knowledge of the involvement with a controlled substance(s).

An insured's knowledge of such involvement must be shown by us by competent evidence of such knowledge.

Despite changes in the law of certain states, such as California, Colorado and Washington, marijuana continues to be a Schedule 1 drug, 21 U.S.C. section 812, and so within the exclusion.

These controlled substances exclusions have been applied to illegal drugs (*Westfield Nat'l Ins. Co. v. Long*, 811 N.E.2d 776 (2004) (methamphetamine)) and to controlled substances possessed under a prescription (*Forman v. Penn.*, 945 N.E.2d 717, 719 (Ind. App. 2011) (methadone, used by another, not the person holding the prescription)). In the latter case, language in the exclusion stated that "this exclusion does not apply to the legitimate use of prescription drugs by a person following the lawful orders of a licensed health care professional." Nonetheless, since the substance was not prescribed for the person who was injured by using it, the court held that the exclusion applied, since it applied to use by "any" person of a controlled substance. *See also Massachusetts Prop. Ins. Underwriting Ass'n v. Gallagher*, 75 Mass. App. Ct. 58, 911 N.E.2d 808 (2009) (overdose of prescribed medication negligently left in a place accessible to others, claim excluded by a controlled substances exclusion).

These exclusions, depending upon the wording, may not be limited in effect to an employee using a controlled substance. For example, in the *American National v. United Specialty* case discussed above the exclusion applied to "bodily injury arising out of the use, ... or possession by any person of a controlled substance." The use of the phrase "any insured" is most often interpreted to apply to all insureds. So here, the exclusion would apply to the driver and to his employer as well since both were insureds. A business might want a narrower exclusion that applies to "the insured" which would then apply on an insured-by-insured basis, so that the employer would not lose coverage if the employee used or possessed a controlled substance.

With medical marijuana, there is a complication as to the exception for prescription drugs: "However, this exclusion does not apply to the legitimate use of prescription drugs by a person following the lawful orders of a licensed health care professional." A doctor may not prescribe marijuana because it is a Schedule I drug. *Gonzales v. Raich* (2005) 545 U.S. 1, 14-15. However, under California law, a doctor may recommend use of marijuana and discuss treatment options with patients, even though that might lead to illegal conduct. *Cal. Health & Safety Code Ann. §§ 11362.5(d), 11362.7(h)*, noted in *Gonzales v. Raich*, *supra*, 545 U.S. 1, 55. While methadone and other drugs discussed in the case law above can be prescribed for medical use under federal law, the same is not so for marijuana. Arguably then, use of medical marijuana is not a use of a "prescription drug" following "lawful orders of a licensed health care professional."

These controlled substances exclusions are typically not found in business policies. If in the future there are adverse loss developments occasioned by use of marijuana, such exclusion may become more commonplace. In the automobile context this would most likely

be at higher levels of coverage above primary, minimum financial responsibility limits levels.

Most published cases, and most claims arising from medical and recreational marijuana businesses, have related to first party coverage and not to third party coverage. Marijuana exclusions may be on the horizon. Make sure you have clear policies for dealing with marijuana use to avoid liability for prescription or non-prescription drug use.

For liability purposes, businesses seem to be protected for the time being, but personal exposure cannot be eliminated. The best bet is to treat marijuana as if you are aware of it, the same as alcohol use. ■

Timothy M. Thornton, Jr. is a Partner in the Encino office of Gray•Duffy, LLP. With more than 25 years' experience, Mr. Thornton provides legal counsel on insurance-related matters, such as mass torts, toxic torts and exposures, and environmental contamination. He may be contacted at 818-907-4000 and tthornton@grayduffylaw.com.

Erin K. Tenner is a Partner in the Encino office of Gray•Duffy, LLP. Ms. Tenner is particularly experienced in representing automotive dealers in the areas of employment law; commercial real property transactions and leases; shareholder, partnership and operating agreements; corporate, LLC and partnership formation; and mediation of business-related disputes. She may be contacted at 818-907-4000 and etenner@grayduffylaw.com.



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Executive Director's Message



Erin H. Murphy
NADC Executive Director



2018 NADC Fall Conference • October 7-9, 2018
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Our Fall Conference is fast approaching. We will be meeting at the Four Seasons Hotel Chicago, October 7-9, 2018. For the sixth year, due to popular demand, we have extended the program by a half day, making the total education program 1½ days. There are so many interesting, timely topics to cover, and it was clear that one day was not enough.

Please register now so you will not miss out on this valuable educational opportunity and get a chance to network and make new friends and connections. CLE Credit will be available for the 570 minutes of educational program pending approval in your state (9.5 credits for states that calculate 60 minutes per credit; 11.4 for states that use 50 minutes per credit).

Register Now! [Click Here.](#)

The conference schedule is as follows:

SUNDAY, OCTOBER 7

3:00 - 5:00 pm | Walton Room
Board Meeting

5:30 pm | Lakeview Room
New Member Reception

6:00 - 7:30 pm | Lakeview Room
Reception

Opening Cocktail Reception Sponsored by:



MONDAY, OCTOBER 8

7:30 am | Pre-Assembly Area
Registration

7:30 - 8:30 am | Lakeview ALL
Breakfast

Breakfast Co-Sponsored by:



7:30 - 8:30 am | State Room
In-House Counsel Session: ADR - The Good, The Bad and The Ugly, Part 1
George A. Kurisky, Jr., *Johnson DeLuca Kurisky & Gould, P.C.*
Robert A. Poklar, *Weston Hurd LLP*

8:30 - 8:45 am | Grand Ballroom
Opening Remarks

8:45 - 10:15 am | Grand Ballroom
Session 1: NADA Update
Andrew Koblenz, *NADA*
Paul Metrey, *NADA*

During this session, NADA attorneys Andy Koblenz and Paul Metrey will highlight an array of salient and breaking federal regulatory developments affecting auto dealers, including a vehicle financing resolution being considered by the American Bar Association and the state of tariff regulation in the auto industry.

10:15 - 10:45 am | Pre- Assembly Area
Break

Monday Break Sponsored by:



10:45 - 11:45 am | Grand Ballroom
Session 2: Emerging Technology for Dealers – “An Update and a Look at What’s Likely to Come”
Brad Miller, *NADA*

This session will focus on the latest legal, regulatory, and related challenges facing dealers with respect to privacy, data security, data access, and vendor issues. We will discuss recent changes, what the regulators are focused on, what is likely to be coming down the road in the near term, and how dealer lawyers can best position their clients for the future.

11:45 am - 12:45 pm | Lakeview ALL
Lunch

Monday Lunch Co-Sponsored by:



1:00 - 2:00 pm | Grand Ballroom
Session 3: The Application of 20th Century Dealer and Manufacturer Licensing Requirements to 21st Century Sales Models
Jason Allen, *Bass Sox Mercer*
Shawn Mercer, *Bass Sox Mercer*

The session will address dealer licensing considerations when operating non-traditional business models that result in the dealer making sales in jurisdictions outside of its state of license or assigned market.

The session will also examine how the 20th century licensing requirements that are tied to a physical location apply to 21st century sales practices that include sales made online, through an app, via a vending machine, etc.

The session will further address additional issues that will impact the future of the industry, including direct sales, subscription services, autonomous vehicles, vehicle sharing and factory data collection.

2:00 - 2:15 pm | Pre-Assembly Area
Break

2:15 - 3:15 pm | Grand Ballroom

Session 4: Staying Compliant in the Social Media Marketplace

Anthony Cacciatore, *Mac Murray & Shuster LLP*

From texting to tweeting and everything in between, social media offers some of the most impactful branding and customer engagement tools at a business's disposal, but complex regulations have created a minefield that can make lawfully communicating with customers challenging for even the most savvy marketers. With growing scrutiny from the Federal Trade Commission (FTC) on all forms of social media, even well-intentioned businesses can find themselves on the wrong side of regulatory compliance. Participants will learn "dos and don'ts" for social media marketing campaigns and leave with an understanding of the risks they face as well as practical, implementable techniques to reduce those risks.

3:15 - 3:30 pm | Pre-Assembly Area
Break

3:30 - 5:00 pm | Grand Ballroom

Session 5: Overcoming OEM Refusals to Approve Dealer-Initiated Changes to Franchised Dealerships

Eric Baker, *Boardman Clark LLP*

Paul Norman, *Boardman Clark LLP*

Ted Stockton, *The Fontana Group Inc.*

Motor vehicle dealer agreements with Original Equipment Manufacturers ("OEMs") routinely contain provisions requiring OEM prior approval of dealer-initiated changes to the dealership, including changes in ownership or management, transfers to other persons or entities, adding another franchise to a location, or relocating franchise operations to a different location. This presentation will review the variety of state laws that regulate consideration of dealer-initiated changes; additional common law theories that may apply when a manufacturer disapproves of a proposed change; common reasons given for OEM disapproval; pre-litigation efforts to advocate for dealer proposals; and overcoming OEM disapprovals in litigation.

5:00 - 6:30 pm | Lakeview Room
Reception

Cocktail Reception Co-Sponsored by:



TUESDAY, OCTOBER 9

7:30 am | Pre-Assembly Area
Registration

7:30 - 8:30 am | Lakeview All

Breakfast

Breakfast Sponsored by:



7:30 - 8:30 am | State Room

In-House Counsel Session: ADR - The Good, The Bad and The Ugly, Part 2

George A. Kurisky, Jr., *Johnson DeLuca Kurisky & Gould, P.C.*

Robert A. Poklar, *Weston Hurd LLP*

8:30 - 10:00 am | Grand Ballroom

Session 6: Sexual Harassment Law in the #MeTooEra: What Attorneys Advising Auto Dealers Need to be Thinking About

Michelle Macdonald, *Gray Duffy, LLP*

Jack Schaedel, *Scali Rasmussen*

Erin Tenner, *Gray Duffy, LLP*

This session will touch on sexual harassment law, trends, and risks. Panelists will review case studies with detailed facts, and video snippets; lead a discussion on perceptions, biases, and stereotypes; and review best practices on policies, training, investigations, accountability (how to have fun without crossing the line).

10:00 - 10:15 am | Pre-Assembly Area
Break

Tuesday Breaks Sponsored by:



10:15 - 11:15 am | Grand Ballroom

Session 7: Navigating the Road Ahead: Inside Perspectives on Emerging Employment Issues Affecting the Automotive Dealership Industry

Chris C. Hoffman, *Fisher & Phillips*

Matthew R. Simpson, *Fisher & Phillips*

From the latest round of pay plan litigation to new strategies in litigating labor and employment lawsuits, there are several emerging employment issues that have forced automotive dealers and their in-house attorneys to adapt quickly. Given the fast-paced nature of these changes, it is paramount for dealers to know what to expect both now and in the future, and to understand the tools at their disposal to manage the changes.

Attorneys from Fisher Phillips' Dealership Practice Group will moderate this in-depth panel discussion with in-house counsel on the top labor and employment issues affecting the automotive dealership industry today, as well as relevant and significant policy changes and how employers should address these issues.

11:15 - 11:30 am | Pre-Assembly Area
Break

11:30 am - 12:30 pm | Grand Ballroom

Session 8: Putting the M Back in to M&A

Stephen Dietrich, *Holland & Knight*

Alan Haig, *Haig Partners*

Allen Magee, *DHG Dealerships*

A number of experts have predicted auto retail will consolidate more in the next ten years than in the past 100 years. We are starting to see this acceleration, and there is a growing conviction from operators, analysts, and investors that dealers need to get much larger and more efficient to address some challenges to the current business model, respond to changing consumer behavior and be prepared for industry innovation and disruption. But as groups grow through acquisitions, they require large amounts of capital and more management expertise. At some point, even the largest group begins to run into capital constraints. A merger transaction can allow growth without needing to access sizeable outside capital because the growth occurs through a combination of dealer groups.

Our presentation will explore the reasons why mergers may become a growing option for auto dealers and why their advisors need to become more knowledgeable about them

12:30 - 12:45 pm | Grand Ballroom
Closing Remarks

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NADC Website Launch

We hope that you all have had the opportunity to explore the new and improved NADC website that launched last month!

A few housekeeping items to note:

- Members will need to set a password associated with their account. Please select "Reset Your Password," in the [Login](#) section of the website. You will then need to enter the email address associated with your current website account and select "Submit." You will receive instructions via email on resetting your password. Please check your junk or clutter mailboxes if you do not see the email come through. For assistance logging into your account please contact Moira Skelley at mskelley@dealercounsel.com.
- Once logged in, please review your profile information for accuracy. You can update your profile information, add a photo, etc. under "My Account."
- Please visit "Newsletter Subscriptions" under "My Account" to update your subscription information. You will need to opt out of any subscriptions you do not want to receive. Please note that "NADC Website updates" are administrative matters / notifications from NADC staff.
- Please visit the "Edit" tab under "Basic Account Information" under "My Accounts" if you wish to opt out of the membership directory that is made available to public visitors of the site.



New Features: As a reminder, the NADC list-serve will now be catalogued and archived in the members-only section of the website under "Documents & Discussions," (*Please note that Associate Members cannot access this portion of the site*). The list-serve will still function as it always has (via email), but all discussions can now be found in one central location on the website. Event and sponsorship registration has also been integrated into the new site—providing a one-stop shop for all members. Additionally, an on-line, searchable NADC membership directory will be offered to all website visitors (*members have the ability to opt-out of this feature*).

The website will continue to offer a robust search engine that can assist our members when looking for member contact information, *Defender* articles, conference presentations, and more!

We hope that you enjoy all of the features the new website has to offer.

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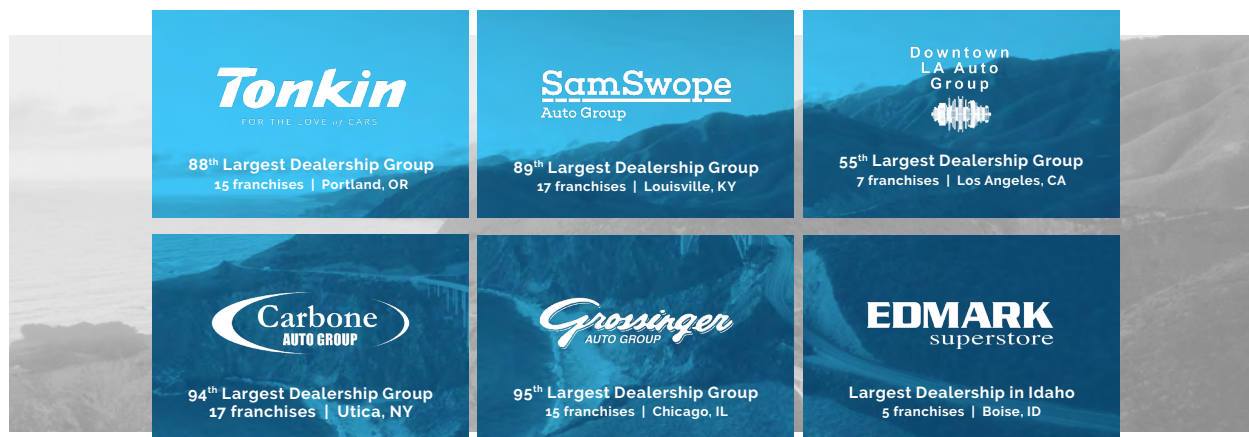
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The De Minimis Rule in California—Yes, You Need to Sweat the Small Stuff

By Oren Tasini, *Qvale Auto Group*

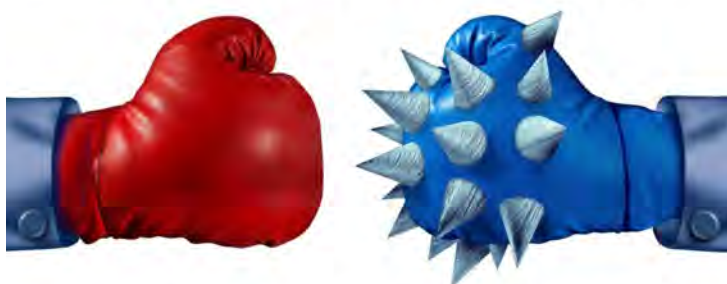
The labyrinth of wage and hour compliance in California just got another twist. In *Troester v. Starbucks Corporation*, Case No. S234969, the California Supreme Court, in answering a certified question from the United States Circuit Court for the 9th Circuit regarding the so called *de minimis* rule under the Fair Labor Standards Act, found that even minimal activities performed by an employee after clocking out could be the basis for overtime pay. The court found that the *de minimis* rule under federal law was not applicable under California's more expansive statutory framework. Accordingly, the court declined to apply the general equitable rule of *de minimis non curat lex* ('the law cares not for trifles') and held overtime pay was due.

In *Troester*, after he clocked out, the employee spent from 4 to 10 minutes per day, walking his coworkers to their cars in compliance with Starbucks's policy, occasionally reopening the store to allow employees to retrieve items they left behind, waiting with employees for their rides to arrive, or bringing in store patio furniture mistakenly left outside. The total amount of overtime pay owed to the employee was \$102, spanning seventeen months of employment.

In declining to apply the *de minimis* rule, the California Supreme Court engaged in an expansive discussion of the availability of class action lawsuits as the basis for its reluctance to apply a *de minimis* rule. The court noted that, although an individual claim might be so small as to not be worthwhile to pursue, an application of the *de minimis* rule would inhibit enforcement of the FLSA, through a class action on behalf of a group of employees who each had a relatively small FLSA claim.

In practice, dealerships in California should review their policies and practices regarding off-the-clock activities. For example, if a technician clocks out and then cleans up his work station, this activity would be the basis for overtime. The same rule would apply to a salesperson who clocks out and then completes some routine paperwork on her desk. To avoid *Troester* – type claims, dealers should clearly state the policy, in employee handbooks and elsewhere, that for hourly employees, all dealership-related activities must be conducted while the employee is on the clock. As always, it is best to inspect what you expect. ■

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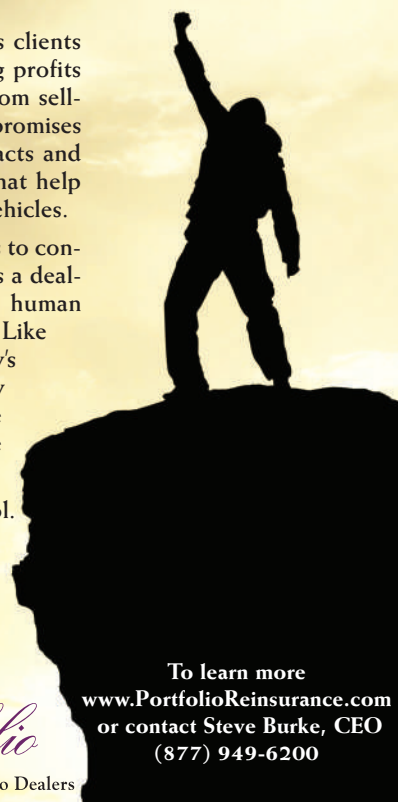
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2019 NADC Attorney Directory



SUBMISSION FORM

All members receive one basic listing in their firm's state unless otherwise indicated.

All Materials and Profile Updates Due:

Friday, November 9, 2018

The **2019 NADC Attorney Directory** will be handed out at the NADC booth during the NADA 2019 Convention & Expo in San Francisco, CA, January 25-27, and mailed to all NADC members after the event. **Visit us at Booth #1121S near the NADA Pavilion!**



HERE'S HOW IT WORKS:

- ☐ **1 Login & Update Profile.** Your contact and practice area information is listed in the directory as it appears on the NADC website.

NADC Profile Information Included in the Directory:

Name, Organization/Firm, Address, Phone No., Fax No., Email Address, Website, Practice Areas.

If we do not hear from you by **November 9, 2018**, you will receive the basic listing with the information on file.

- ☐ **2 Update Practice Areas.** Update your practice areas on the NADC website, go to "My Account" and select "Edit" under "My Profiles". Use the check boxes to select the special interest areas relevant to your practice.
- ☐ **3 Complete Form for Additional States, Upgrades, and Ads.** The NADC Attorney Directory lists all members alphabetically by their firm's state. If you would like to be listed in additional states (where you are licensed to practice) please complete the form on the next page.

Contact Jennifer Polo-Sherk at: jpolo-sherk@dealercounsel.com if you need assistance with your online account.

Basic Profile Info:
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Charapp, Michael, Charapp & Weiss, LLP, 8300 Greensboro Drive, Suite 200, McLean, VA 22102, Voice: 877-7-CARLAW, FAX: 703-564-0221, mike.charapp@cwattorneys.com, www.cwattorneys.com. Practice Areas: Advertising, after market issues, buy/sell agreements, employment issues, finance and regulatory complexities, franchise issues, government regulation, insurance laws, manufacturer franchise issues, rights of first refusal.

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Charapp, Michael, Charapp & Weiss, LLP, 8300 Greensboro Drive, Suite 200, McLean, VA 22102, Voice: 877-7-CARLAW or 703-564-0220, FAX: 703-564-0221, mike.charapp@cwattorneys.com, www.cwattorneys.com. Practice Areas: Advertising, after market issues, buy/sell agreements, employment issues, employment law, financing documentation, finance and regulatory complexities, franchise issues, government regulation, insurance laws, manufacturer franchise issues, rights of first refusal. Michael G. Charapp is a graduate of the University of Pittsburgh (B.A. 1971) and of the Georgetown University Law Center (J.D. Degree 1974). After ten years with a Washington, DC law firm, Mr. Charapp spent twelve years as Executive Vice President and General Counsel at a large dealer group before forming his law firm in 1996.

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Charapp, Michael, Charapp & Weiss, LLP, 8300 Greensboro Drive, Suite 200, McLean, VA 22102, Voice: 877-7-CARLAW or 703-564-0220, FAX: 703-564-0221, mike.charapp@cwattorneys.com, www.cwattorneys.com. Practice Areas: Advertising, after market issues, buy/sell agreements, employment issues, employment law, financing documentation, finance and regulatory complexities, franchise issues, government regulation, insurance laws, manufacturer franchise issues, rights of first refusal. Michael G. Charapp is a graduate of the University of Pittsburgh (B.A. 1971) and of the Georgetown University Law Center (J.D. Degree 1974). After ten years with a Washington, DC law firm, Mr. Charapp spent twelve years as Executive Vice President and General Counsel at a large dealer group before forming his law firm in 1996. Today, he specializes in representing automobile dealers and automobile dealer trade associations. Mike is a founding director of the NADC and served as its president from 2007 to 2009.

*Please do not go over the approximate word count.

2019 NADC Attorney Directory



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All members receive one basic listing in their firm's state unless otherwise indicated.

All Materials and Profile Updates Due:

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