

35<sup>TH</sup> ANNUAL

# National CLE Conference<sup>®</sup>



**IT'S BACK IN VAIL!**

**January 3-7, 2018**

Vail Marriott Resort  
715 West Lionshead Circle  
Vail, CO

**DISCOUNTED  
LIFT TICKETS  
& LODGING!**

Convenient  
Early Morning  
and Late Afternoon  
CLE Schedule!

## **THE VERY BEST LEGAL EDUCATION:**

- Top-notch speakers - among the best lawyers, judges and experts in the country
- Cutting-edge topics
- Opportunities for open discussions
- Outstanding resort location

## **9 AREAS OF SUBSTANTIVE LAW TO CHOOSE FROM:**

- Bankruptcy
- Business and Tax Law Strategic Planning
- Civil Litigation
- Employee Benefits
- Environmental Law, Land Use, Energy and Litigation
- Family
- Health
- Intellectual Property
- Labor & Employment

**PLUS,** a complete Law Practice Management program is back again this year by popular demand!

**EARN CLE  
WHILE YOU  
RIDE OR SKI!**

**16-19 CLE CREDITS  
INCLUDING ETHICS!**

Accredited in Most MCLE States

**REGISTER NOW!**

Visit [www.nationalcleconference.com](http://www.nationalcleconference.com)  
or call toll-free 888.860.2531

**GENERAL INFORMATION:**

**Top-Notch Legal Education – 9 Substantive Areas of the Law Plus Law Practice Management Sessions**

All presentations are live, and feature some of the best lawyers, judges and experts from throughout the country. Our early morning and late afternoon schedule provides 16-19 hours of continuing legal education credit per program while at the same time allowing you ample time to enjoy this world-class resort.

**Network with Other Lawyers**

Breakfast and après ski are more than just meals. They provide you an opportunity to meet and network with outstanding lawyers from across the country. Make new contacts and new friends!

**Savings**

We expect to bring over 400 participants to Vail, including lawyers, spouses, children and guests. The result is a significant savings for you on rooms, transportation, ski lift tickets, equipment rentals, and more.

**ABOUT THE LAW EDUCATION INSTITUTE:**

The Law Education Institute was established in 1980 by Attorneys James J. Podell and Peggy L. Podell for the purpose of presenting outstanding continuing legal education programs. Long active in Bar activities, Jim and Peggy developed the National CLE Conference® into one of the preeminent programs in the country.



Their insistence on high quality speakers and programming has resulted in ABA sections and numerous State Bar and other associations co-sponsoring the programs. It is in the memory of Jim Podell that Colorado Bar Association CLE continues the tradition of this Conference.

– TABLE OF CONTENTS –	
Bankruptcy Program .....	1-3
Business and Tax Law Strategic Planning Program .....	3-4
Civil Litigation Program .....	4-5
Employee Benefits Program .....	6-7
Environmental Law, Land Use, Energy & Litigation .....	7-8
Family Law Program .....	9-10
Health Law Program .....	10-11
Intellectual Property Program .....	12-13
Labor and Employment Law Program .....	14-15
Law Practice Management .....	16-17
Lift Ticket Registration Form .....	18
Conference Registration Form .....	Inside Back Cover



**HEADQUARTER HOTEL INFORMATION:**

**The Vail Marriott Resort**

715 West Lionshead Circle, Vail, CO 81657

*The Vail Marriott resort offers excellent facilities and a variety of shopping, dining and nightlife options.*

**Online room reservations are now just a click away!**

Discount lodging at the Marriott Resort is available for conference attendees ranging from \$319 - \$379/night plus taxes. To make your reservation with the Marriott (or to modify or cancel your reservation) go to: <https://aws.passkey.com/go/NationalCLEConference2018>

Or, call the Marriott directly at (970) 476-4444.

**Please book your room by December 12, 2017.** All reservations require a credit card. Reservations made after December 12 will be at the hotel's current rate available.

**The National CLE Conference's official group rates are valid January 3-6, 2018. Rooms at the Marriott on January 2, 7 and 8 are very limited, with rates starting at \$699.**

**ABOUT VAIL:**

Coveted as one of the largest ski resorts in the world with more than 5,200 acres of developed ski and snowboard terrain, seven legendary Back Bowls spanning seven miles, and the most groomed terrain on the planet, Vail has been an extraordinary winter vacation destination for passionate skiers and snowboarders for more than 50 years.

Founders Pete Seibert and Earl Eaton set out to create a world-class ski resort from Vail's earliest days. When Vail started running lifts in 1962, opening 7 legendary Back Bowls and Blue Sky Basin were still just blueprints and a dream. Decades later, Vail is now one of the largest ski areas in the world and continues to push the limits on improving lifts, gondolas, on-mountain facilities, events, and helping to foster a dynamic town experience.

Nestled up to the base of the ski mountain, the village experience is at once timeless and vibrant. Vail might be a small town in the Rocky Mountains, but you'll find dining options to rival the world's most vibrant cities. You can start your gourmet experience with a sit-down lunch on mountain at The 10th, complete with fuzzy slippers to replace your ski boots and incredible views. Once back in the Village, your options are seemingly endless. Options include Nobu Matsuhisa's Japanese dishes, Sweet Basil's exciting creations, traditional fare from classics like Lancelot, and more!

Vail isn't just a place to check off your list, it's a place you'll want to come back to again and again. Friends and families reconnect and celebrate here from year to year and generation to generation. Vail is a tradition.



**ADDITIONAL LODGING:**

■ **Lion Square Lodge** (next door to the Marriott)

Unit Type	Mountain View	North Building	Valley View
Hotel Room .....	\$525.00	N/A	\$478.00
One Bedroom Condominium .....	\$775.00	\$704.00	\$764.00
One Bedroom + Loft Condominium .....	\$910.00	\$901.00	\$883.00
Two Bedroom Condominium .....	\$1,107.00	\$1,009.00	\$989.00
Three Bedroom Condominium .....	\$1,557.00		
Four Bedroom Condominium .....	\$1,864.00		

■ **Montaneros** (Adjacent to the Marriott)

Unit Type	Mountain View
One Bedroom Condominium .....	\$686.00
One Bedroom + Loft Condominium .....	\$886.00
Two Bedroom Condominium .....	\$973.00
Three Bedroom Condominium .....	\$1,357.00
Four Bedroom Condominium .....	\$1,764.00

Lion Square Lodge and Montaneros reservations are on a space available basis. Call 1-800-525-5788 to book your lodging. Please identify yourself as an attendee of the Colorado Bar Association to ensure that you receive the above discounted group rates. Lion Square Lodge and Montaneros cannot guarantee specific unit requests; however, they will make every reasonable effort to honor all requests. Check in time is 4:00pm and check out is 10:00am.

■ **The Arrabelle** (located in Lionshead Village – approximately 2 minutes walking distance from the Marriott)

Hotel Room - \$745/night

■ **The Ritz Residences** (Adjacent to the Marriott)

Two Bedroom Valley View .....	\$1350.00
Two Bedroom Mountain View .....	\$1620.00
Three Bedroom Valley View .....	\$1,981.00
Three Bedroom Mountain View .....	\$2,160.00

Valet parking: \$35/day

Single or double occupancy (maximum occupancy may not be exceeded and additional beds may not be requested)

Reservations at The Arrabelle and The Ritz Residences may be made at: 1-800-859-8242, Option 1. All Group attendees must identify themselves online as part of the Group by referencing the Group name, Colorado Bar Association, or the Group Code: AC3CBA. No shows, late arrivals and early departures may be charged the room rate indicated to the individual for the entire reserved stay. Individual cancellations within 30 days of arrival are subject to forfeiture of the full deposit amount. Check-in time is after 4:00 p.m. and check-out time is before 11:00 a.m.



**GETTING TO VAIL:  
Come and Enjoy the Rocky Mountains!**

*On behalf of CLE, we would like to welcome you to Vail, CO!*

Colorado Mountain Express has been selected to assist with your ground transportation needs while attending the event in Vail this January 2018. Discounted ground transportation to and from the Denver International and Eagle Airports is available to all attendees and guests for travel!\*



Colorado Mountain Express has specialized in ground transportation for over 30 years, and will coordinate your arrival and departure with reliable, door-to-door transportation to/from your lodging. With interior luggage storage and professionally trained drivers, Colorado Mountain Express offers the safest, most comfortable ride in the Rockies.

To receive your discounted rate, please call **970-754-7433** or book online at [www.coloradomountainexpress.com](http://www.coloradomountainexpress.com) in advance to make reservations and reference your group code: CLE

*\*It is worth noting that the conference concludes on a Sunday – which is typically a congested day on the eastbound I-70 corridor. Keep this potential delay in mind when scheduling your return flight. If you are departing the conference via Denver International Airport, you may want to also consider booking a connecting flight through Eagle Airport, which is located approximately 30 minutes from Vail.*

**Shuttle Transportation Rates:**

DIA to/from Vail, Beaver Creek

- Shared Ride (Shuttle Van) .....\$79
- 5 Passenger Private Vehicle (Full Size SUV).....\$497
- 10 Passenger Private Vehicle (Charter Van).....\$492
- 9 Passenger Private Vehicle (Sprinter Van) .....\$601

Eagle Airport to/from Vail, Beaver Creek

- Shared Ride (Shuttle Van) .....\$42
- 5 Passenger Private Vehicle (Full Size SUV).....\$184
- 10 Passenger Private Vehicle (Charter Van).....\$262
- 9 Passenger Private Vehicle (Sprinter Van) .....\$312

Shared Ride rate is per person, one way - Rate includes airport concession fee and any other applicable fees (gratuity not included).

# SPECIAL THANKS TO OUR 2018 SPONSORS

Colorado Bar Association CLE would like to thank the following organizations for their generous support, to date, of the **National CLE Conference®!** Their help in making this Conference a success through the years is very much appreciated.

---

## PLATINUM SPONSOR:

- **How to MANAGE a Small Law Firm**  
<http://howtomanageasmalllawfirm.com/>

---

## GOLD AND WINE TASTING SPONSOR:

- **Young Conaway Stargatt & Taylor, LLP**  
[www.youngconaway.com](http://www.youngconaway.com)

---

## SILVER SPONSORS:

- **AB Court Reporting & Video, Inc.**  
[www.agrenblando.com](http://www.agrenblando.com)
- **Lathrop Gage**  
[www.lathropgage.com](http://www.lathropgage.com)
- **Soberlink**  
[www.soberlink.com](http://www.soberlink.com)

---

## CO-SPONSORS:

- **Thomson Reuters**  
[www.thomsonreuters.com/practical-law/](http://www.thomsonreuters.com/practical-law/)
- **All Copy Products**  
[www.allcopyproducts.com](http://www.allcopyproducts.com)
- **ABA Section of Family Law**  
[www.americanbar.org/groups/family\\_law.html](http://www.americanbar.org/groups/family_law.html)
- **ABA General Practice, Solo and Small Firm Division**  
[www.americanbar.org/groups/gpsolo.html](http://www.americanbar.org/groups/gpsolo.html)
- **ABA Section of Health Law**  
[www.americanbar.org/groups/health\\_law.html](http://www.americanbar.org/groups/health_law.html)
- **ABA Section of Intellectual Property Law**  
[www.americanbar.org/groups/intellectual\\_property\\_law.html](http://www.americanbar.org/groups/intellectual_property_law.html)
- **ABA Section of Taxation**  
[www.americanbar.org/groups/taxation.html](http://www.americanbar.org/groups/taxation.html)
- **ABA Tort Trial and Insurance Practice Section**  
[www.americanbar.org/groups/tort\\_trial\\_insurance\\_practice.html](http://www.americanbar.org/groups/tort_trial_insurance_practice.html)
- **International Trademark Association**  
[www.inta.org/Pages/Home.aspx](http://www.inta.org/Pages/Home.aspx)
- **Nebraska State Bar Association**  
[www.nebar.com/](http://www.nebar.com/)
- **State Bar of Wisconsin**  
[www.wisbar.org/Pages/default.aspx](http://www.wisbar.org/Pages/default.aspx)

# TOP 10 REASONS

## For You to Go to the National CLE Conference®!

- 10 35 Years of outstanding CLE in a world-class destination!
- 9 Learning from top practitioners from around the country!
- 8 Networking with lawyers from throughout the U.S. and internationally
- 7 More than 16 CLE credits in only 5 days
- 6 Great for firm team building
- 5 Vail mountain is the 3rd largest ski mountain in North American and the 2nd largest in the U.S., with almost 200 trails, and 31 lifts
- 4 Discount lodging and lift tickets!
- 3 Skiing, snowboarding, snowmobile tours, snowshoe tours, dog sled rides, sleigh rides, ice skating, ski tubing, luxury bowling, ice climbing, hot tubs, spas, shopping, restaurants, relaxing ... And a convenient conference schedule so you can do as much, or as little as you like!
- 2 Some of the top restaurants in the region featuring casual comfort food to specialty foods to fine dining
- 1 **YOU EARNED IT! Reward yourself and start the year off right!**

## HERE'S WHAT PAST ATTENDEES HAVE TO SAY ABOUT THE NATIONAL CLE CONFERENCE®

- “ *First Time Attendee. Excellent Program. Great Schedule. Great Venue. Great Program!*
- Excellent quality of information in a great location.*
- ... The conference brings together the best speakers and industry leaders from across the nation in a variety of fields. I walked away with both valuable insights from my colleagues as well as numerous new professional contacts ...*
- This is the best CLE available. Thanks for doing such a great job with this conference.*
- The interactive component is fantastic. Love the amount of experience the speakers bring to this conference.*
- Good overall subject matter; timely topics ... plus skiing!!* ”

35th Annual National CLE Conference®  
**Bankruptcy Program Agenda**

**PROGRAM CHAIR:**

- **Paul G. Swanson**, Steinhilber Swanson, LLP, Oshkosh, WI, Past President – National Association of Bankruptcy Trustees; Past Chair, Bankruptcy Section and President, State Bar of Wisconsin

The Bankruptcy Program for the Law Education Institute is presented in a unique format. The expert panels have a depth of knowledge unsurpassed on the topics that they address. The presentation is in small groups and is very interactive, with many, if not most, of the speakers attending all of the sessions and interacting with panels. Participants are encouraged to join in the discussion, which provides for an educational experience unique to the Law Education Institute.

**WEDNESDAY, JANUARY 3, 2018**

**3:00 - 7:00 p.m.**  
**Registration**

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

Whether you represent debtors or creditors, you need to understand the intricacies and strategies involved in exemptions and exemption planning. The panel will discuss developments in the law since *Law v. Siegal* and other oddities in exemptions.

- **Ronald R. Peterson**, Jenner & Block, Chicago, IL; Director and Past Vice President – National Association of Bankruptcy Trustees
- **Paul G. Swanson**, Steinhilber Swanson, LLP, Oshkosh, WI, Past President – National Association of Bankruptcy Trustees; Past Chair, Bankruptcy Section and President, State Bar of Wisconsin
- **Neil C. Gordon**, Arnall Golden Gregory, LLP, Atlanta, GA; Past President – National Association of Bankruptcy Trustees

**5:30 - 6:30 p.m.**  
**Student Loan Crisis**

Student loan debt has now eclipsed credit card debt in the United States. A record number of defaults are occurring, much of which are not dischargeable in bankruptcy. The panel will discuss strategies related to discharging student loans and administration remedies available to tapped out borrowers.

- **Paul G. Swanson**, Steinhilber Swanson, LLP, Oshkosh, WI, Past President - National Association of Bankruptcy Trustees; Past Chair, Bankruptcy Section and President, State Bar of Wisconsin
- **Ted Gavin, IV, CTP**, Gavin/Solmonese LLC, Wilmington, DE; President-Elect, American Bankruptcy Institute
- **Shelly DeRousse**, Freeborn & Peters, LLP, Chicago, IL; President, Women's Bar Foundation of Illinois

**THURSDAY, JANUARY 4, 2018**

7:00 - 8:00 a.m.

**Third Party Injunctions Under Section 105**

Do courts have the authority to craft remedies out of whole cloth, or are there some limits to the "equitable" powers of the Bankruptcy Code under Section 105? What are the limits to these powers and when is the exercise of them appropriate?

- **David K. Welch**, Crane, Heyman, Simon, Welch & Clar, Chicago, IL; Former Chair - Chicago Bar Association Committee on Bankruptcy and Reorganization
- **David M. Neff**, Perkins Coie LLP, Chicago, IL; Past Chair-Chicago Bar Association, Bankruptcies and Reorganization Committee
- **James T. Markus**, Markus Williams Young & Zimmermann LLC, Denver, CO; Past President – American Bankruptcy Institute

8:00 - 9:00 a.m.

**Substantive Consolidation of Multi-Entity Chapter 11 Debtors**

Frequently, debtors have inter-related business entities, all of which are in financial distress. What are strategies to accomplish or defeat such consolidations (depending on your point of view)?

- **Michael P. Richman**, Hunton & Williams LLP, New York, NY; Past President, American Bankruptcy Institute; Past Co-Chair, Section 363 Subcommittee of ABI Chapter 11 Reform Commission; annual Bankruptcy law practice recognition by *Super Lawyers*
- **David K. Welch**, Crane, Heyman, Simon, Welch & Clar, Chicago, IL; Former Chair - Chicago Bar Association Committee on Bankruptcy and Reorganization
- **Robert Fishman**, Shaw Fishman Glantz & Towbin, LLC, Chicago, IL, and Wilmington, DE; Past President – American Bankruptcy Institute

4:30 - 6:30 p.m.

**PLENARY SESSION – More Fun With Ethics at the Movies**



- **Larry J. Cohen, Ph.D., J.D.**, Cohen's Counsel, Bethel, VT

6:30 p.m.

**Wine Tasting Reception**

*Sponsored by Young Conaway Stargatt & Taylor, LLP*

**FRIDAY, JANUARY 5, 2018**

7:00 - 8:00 a.m.

**Oil and Gas Insolvencies**

First, the oil price fell into the cellar. Then, Hurricane Harvey descends on the oil patch. What will the landscape look like in the immediate future and is this a growth area for Bankruptcy professionals?

- **Jason S. Brookner**, Gray, Reed & McGraw LLP, Dallas, TX; Former Chair - Dallas Bar Association, Bankruptcy and Commercial Law Section
- **James T. Markus**, Markus Williams Young & Zimmermann LLC, Denver, CO; Past President – American Bankruptcy Institute
- **F. Robert Tiddens**, Managing Director, Leaf River Resources Holdings LLC, Denver, CO

8:00 - 9:00 a.m.

### Effective Litigation Skills

Bankruptcy Courts are not the same friendly, informal forums they were 20 years ago. Any practitioner doing trial work must have the skill to qualify experts and effectively use their testimony in a bankruptcy trial.

- **Melanie K. Sharp**, Young Conaway Stargatt & Taylor, LLP, Wilmington, DE
- **Michael P. Richman**, Hunton & Williams LLP, New York, NY; Past President, American Bankruptcy Institute; Past Co-Chair, Section 363 Subcommittee of ABI Chapter 11 Reform Commission; annual Bankruptcy law practice recognition by *Super Lawyers*
- **Brian Shaw**, Shaw Fishman Glantz & Towbin LLC, Chicago, IL; Past President - American Bankruptcy Institute, Fellow of the American College of Bankruptcy and Past Chair, Chicago Bar Association Bankruptcy and Reorganization Section
- **David K. Welch**, Crane, Heyman, Simon, Welch & Clar, Chicago, IL; Former Chair - Chicago Bar Association Committee on Bankruptcy and Reorganization

4:30 - 5:30 p.m.

### Case Law Updates – Consumer Track

Cases of interest over the last year to keep you up to date and developments in the law in your jurisdiction.

- **Neil C. Gordon**, Arnall Golden Gregory, LLP, Atlanta, GA; Past President – National Association of Bankruptcy Trustees
- **Claire Ann Resop**, Steinhilber Swanson LLP, Madison, WI; Former Board Member – ABI; Past Chair – State Bar of Wisconsin, Bankruptcy Section

5:30 - 6:30 p.m.

### Case Law Updates – Business Track

Cases of interest over the last year to keep you up to date and developments in the law in your jurisdiction.

- **Neil C. Gordon**, Arnall Golden Gregory, LLP, Atlanta, GA; Past President – National Association of Bankruptcy Trustees
- **Shelly DeRousse**, Freeborn & Peters, LLP, Chicago, IL; President, Women’s Bar Foundation of Illinois
- **Brian Shaw**, Shaw Fishman Glantz & Towbin LLC, Chicago, IL; Past President – American Bankruptcy Institute, Fellow of the American College of Bankruptcy and Past Chair, Chicago Bar Association Bankruptcy and Reorganization Section

**SATURDAY, JANUARY 6, 2018**

7:00 - 8:00 a.m.

### The Current Status of Section 363

Courts continue to examine the limits of sales under the Bankruptcy Code. You need to be aware of current developments in bidding strategies/loan to own/credit bidding.

- **Jason S. Brookner**, Gray, Reed & McGraw LLP, Dallas, TX; Former Chair - Dallas Bar Association, Bankruptcy and Commercial Law Section
- **David M. Neff**, Perkins Coie LLP, Chicago, IL; Past Chair-Chicago Bar Association, Bankruptcies and Reorganization Committee
- **James T. Markus**, Markus Williams Young & Zimmermann LLC, Denver, CO; Past President – American Bankruptcy Institute

8:00 - 9:00 a.m.

### What is the Office of the United States Trustee Up To?

With case filings at an all-time low, and an apparent excess of capacity, the United States Trustee is taking a more active role in more areas of the practice. The panel will discuss Chapter 7 Trustee election issues as well as strategies in the defense of Section 727 Objections to Discharge frequently brought by the United States Trustee.

- **Shelly DeRousse**, Freeborn & Peters, LLP, Chicago, IL; President, Women’s Bar Foundation of Illinois
- **Ted Gavin, IV, CTP**, Gavin/Solmonese LLC, Wilmington, DE; President-Elect, American Bankruptcy Institute
- **Paul G. Swanson**, Steinhilber Swanson, LLP, Oshkosh, WI, Past President - National Association of Bankruptcy Trustees; Past Chair, Bankruptcy Section and President, State Bar of Wisconsin

4:30 - 5:30 p.m.

### The Effective Use of Claims Objections in Consumer and Business Cases

Frequently, claims are filed that are unenforceable, invalid or otherwise improper. The panel will discuss strategies and basis for the objections to claims in both business and consumer cases.

- **Brian Shaw**, Shaw Fishman Glantz & Towbin LLC, Chicago, IL; Past President - American Bankruptcy Institute, Fellow of the American College of Bankruptcy and Past Chair, Chicago Bar Association Bankruptcy and Reorganization Section
- **Claire Ann Resop**, Steinhilber Swanson LLP, Madison, WI; Former Board Member – ABI; Past Chair – State Bar of Wisconsin, Bankruptcy Section

5:30 - 6:30 p.m.

### Asset Protection Trusts – Benefits and Pitfalls

Is it appropriate and defensible to engage in pre-Bankruptcy planning through asset protection trusts? The panel will examine the pitfalls and benefits of engaging in such strategies.

- **Ronald R. Peterson**, Jenner & Block, Chicago, IL; Director and Past Vice President – National Association of Bankruptcy Trustees
- **Robert Fishman**, Shaw Fishman Glantz & Towbin, LLC, Chicago, IL, and Wilmington, DE; Past President – American Bankruptcy Institute

**SUNDAY, JANUARY 7, 2018**

7:00 - 8:00 a.m.

### PLENARY SESSION – The Ethical Boundaries of Adversary Investigations



- Addressing the Need for Information About Your Adversaries, Including in Intellectual Property Disputes
- Investigative Techniques Generally, and Use of Private Investigators
- Applicable Law and Rules, Including Rules 4.1 (a), 4.2, 4.3, 4.4(a), 8.4(c), and 5.3 of the ABA Model Rules of Professional Conduct
- Potential Penalties and Consequences for Violations
- Case Analyses and Hypotheticals
- **Michael Chiappetta**, Senior Legal Editor, Intellectual Property & Technology, *Practical Law*, New York, NY. *Your speaker will share with you his experiences in the intellectual property practice area along with how such ethical considerations may apply in other practice areas and other practice area examples.*

8:00 - 9:00 a.m.

**PLENARY SESSION – Ethical Considerations  
Regarding Collection and Admission of Social  
Media Evidence**



What was once a thought or a spoken word is now memorialized as tangible evidence. A running journal of an individual's activities, thoughts, and movements is a potential treasure trove of evidence not to be ignored. Improper collection can lead to spoliation and/or preclusion of evidence. Your presenter will discuss the case law (state & federal), FRCP, Rules of Evidence (801, 901, & 902), ABA Model Rules (401 & 804), and bar opinions surrounding preservation of evidence, best practices for collection, rules of evidence and how to lay a proper foundation for admission of this evidence. These winning strategies will lower the cost of litigation and improve work product.

- **Gregory MacFarlane, JD**, Legal Consultant | E-Discovery Specialist, Thomson Reuters, New York, NY

35th Annual National CLE Conference®

**Business and Tax Law  
Strategic Planning  
Program Agenda**

*Co-sponsored by the ABA Section of Taxation*

**PROGRAM CO-CHAIRS:**

- **Richard A. Shapack**, Shapack Gurrola, PLC, and RSM Development LLC, Bloomfield Hills, MI
- **Daniel S. Welytok**, von Briesen & Roper, s.c., Milwaukee, WI

- Hear Experts from Around the Country Address a Range of Tax and Legal Planning Issues That Arise When Advising Business Clients
- Attend and Gain Insights on Drafting Real Estate Joint Venture Agreements, Expert Testimony in Business Cases, 2017 Tax Reform, Recent Developments in Labor and Employment Law, Partnership Compensation, Business Aspects of Entrepreneurship, Employee Equity Incentives for Closely Held Businesses, Business Financing/Capital Formation, New Partnership Audit Procedures, Dissolution Issues for LLCs/LPs, Drafting Considerations for LLC/LP Agreements, and Series LLCs and the Uniform Protected Series LLC Act
- Polish Your Skills and Update Your Knowledge to Better Represent Your Business Clients in a Unique Educational Environment

**WEDNESDAY, JANUARY 3, 2018**

3:00 - 7:00 p.m.

**Registration**

4:30 - 5:30 p.m.

**Drafting Real Estate Joint Venture Agreements**

- **Trevor A. Crow**, Otten Johnson Robinson Neff + Ragonetti, Denver, CO

5:30 - 6:30 p.m.

**Drafting Considerations of Limited Liability Companies  
(LLCs)/Limited Partnerships (LP) Agreements**

- **Melissa Stubenberg**, Richards Layton & Finger, PA, Wilmington, DE
- **Joshua J. Novak**, Richards Layton & Finger, PA, Wilmington, DE

**THURSDAY, JANUARY 4, 2018**

7:00 - 8:00 a.m.

**2017 Tax Reform for Business Lawyers**

- **John "Jack" C. Sawyer**, Alston & Bird LLP, Atlanta, GA

8:00 - 9:00 a.m.

**2017 Labor and Employment Law Update for Business Lawyers**

- **Steven W. Sufilas**, Ballard Spahr, Denver, CO, and Cherry Hill, New Jersey

4:30 - 6:30 p.m.

**PLENARY SESSION – More Fun With Ethics at  
the Movies**



- **Larry J. Cohen, Ph.D., J.D.**, Cohen's Counsel, Bethel, VT

6:30 p.m.

**Wine Tasting Reception**

*Sponsored by Young Conaway Stargatt & Taylor, LLP*

**FRIDAY, JANUARY 5, 2018**

7:00 - 8:00 a.m.

**Partnership Compensation**

- **Robert R. Keatinge**, Holland & Hart LLP, Denver, CO

8:00 - 9:00 a.m.

**Business Aspects of Entrepreneurship: Planning, Financing,  
and More**

- **Richard A. Shapack**, Shapack Gurrola, PLC, and RSM Development LLC, Bloomfield Hills, MI
- **Andrew Shapack**, Mohawk Medical Properties REIT, Toronto, Canada
- **Daniel S. Welytok**, von Briesen & Roper, s.c., Milwaukee, WI

4:30 - 5:30 p.m.

**Employee Equity Incentives for Closely Held Businesses**

- **Stephen W. Donelson**, Ballard Spahr, Denver, CO
- **Shawn L. McIntire**, Ballard Spahr, Denver, CO
- **Nathan E. Seiler**, Ballard Spahr, Denver, CO

Moderated by **Melissa Stubenberg**, Richards Layton & Finger, PA, Wilmington, DE

5:30 - 6:30 p.m.

**Business Financing/Capital Formation**

- **Stephen W. Donelson**, Ballard Spahr, Denver, CO
- **Shawn L. McIntire**, Ballard Spahr, Denver, CO
- **Nathan E. Seiler**, Ballard Spahr, Denver, CO

Moderated by **Melissa Stubenberg**, Richards Layton & Finger, PA, Wilmington, DE

## SATURDAY, JANUARY 6, 2018

7:00 - 8:00 a.m.

### Preparing for the New Partnership Audit Procedures

- Sarah Ritchey Haradon, Holland & Hart LLP, Denver, CO
- Monisha Santamaria, Ernst & Young LLP, Los Angeles, CA

8:00 - 9:00 a.m.

### Dissolution Issues for Limited Liability Companies (LLCs)/Limited Partnerships (LPs)

- Melissa Stubenberg, Richards Layton & Finger, PA, Wilmington, DE
- Joshua J. Novak, Richards Layton & Finger, PA, Wilmington, DE

4:30 - 5:30 p.m.

### Business Law Vignettes (From the Perspective of Occasional Witnesses, and a Trial Lawyer Who Uses Them)

- J. William Callison, Faegre Baker Daniels LLP, Denver, CO
- Herrick K. Lidstone, Jr., Burns Figa & Will, P.C., Greenwood Village, CO

5:30 - 6:30 p.m.

### Series Limited Liability Companies (LLCs) and the Uniform Protected Series LLC Act

- Lou T.M. Conti, Holland & Knight LLP, Tampa, FL

## SUNDAY, JANUARY 7, 2018

7:00 - 8:00 a.m.

### PLENARY SESSION – The Ethical Boundaries of Adversary Investigations



- Addressing the Need for Information About Your Adversaries, Including in Intellectual Property Disputes
- Investigative Techniques Generally, and Use of Private Investigators, Specifically
- Applicable Law and Rules, Including Rules 4.1 (a), 4.2, 4.3, 4.4(a), 8.4(c), and 5.3 of the ABA Model Rules of Professional Conduct
- Potential Penalties and Consequences for Violations
- Case Analyses and Hypotheticals
- Michael Chiappetta, Senior Legal Editor, Intellectual Property & Technology, *Practical Law*, New York, NY. *Your speaker will share with you his experiences in the intellectual property practice area along with how such ethical considerations may apply in other practice areas and other practice area examples.*

8:00 - 9:00 a.m.

### PLENARY SESSION – Ethical Considerations Regarding Collection and Admission of Social Media Evidence



What was once a thought or a spoken word is now memorialized as tangible evidence. A running journal of an individual's activities, thoughts, and movements is a potential treasure trove of evidence not to be ignored. Improper collection can lead to spoliation and/or preclusion of evidence. Your presenter will discuss the case law (state & federal), FRCP, Rules of Evidence (801, 901, & 902), ABA Model Rules (401 & 804), and bar opinions surrounding preservation of evidence,

best practices for collection, rules of evidence and how to lay a proper foundation for admission of this evidence. These winning strategies will lower the cost of litigation and improve work product.

- Gregory MacFarlane, JD, Legal Consultant | E-Discovery Specialist, Thomson Reuters, New York, NY

## 35th Annual National CLE Conference® Civil Litigation Program Agenda

Co-sponsored by the ABA Tort Trial and Insurance  
Practice Section

### PROGRAM CHAIR:

- Jennifer (Ginger) Busby, Burr & Forman LLP, Birmingham, AL
- Polish Your Litigation, Presentation and Courtroom Skills and Techniques in a Unique Educational Environment
- Interact With and Hear Experts Address Insurance, Arbitration, Workplace, Technology, and Expert Witness Issues Litigators Should Know
- Gain Insights on the Latest Regarding Recreational Accident, Public Entity, and Talc Litigation

## WEDNESDAY, JANUARY 3, 2018

3:00 - 7:00 p.m.

### Registration

4:30 - 5:30 p.m.

### Is Cooperation a Privilege? What You Need to Know About Preserving Privilege and Your Client's Insurance Coverage

- Andrea L. DeField, Hunton & Williams LLP, Miami, FL
- Michael Levine, Hunton & Williams LLP, McLean, VA and New York, NY

5:30 - 6:30 p.m.

### The Top Five Rules for the Key Parts of Trial: Voir Dire, Open, Direct, Cross and Close – Decluttering the Theories and Focusing on Key Skills that Drive a Winning Approach to Trial

- Stephan C. Kremer, Reminger, Attorneys at Law, Akron and Cleveland, OH
- Pat Kasson, Reminger, Attorneys at Law, Akron and Cleveland, OH

## THURSDAY, JANUARY 4, 2018

7:00 - 9:00 a.m.

### What Were Those Judges, Jurors and Mediators Thinking? How to Better Tell Your Story

- Jennifer "Ginger" Busby, Burr & Forman LLP, Birmingham, AL
- John R. Tarpley, Lewis Thomason, Nashville, TN

4:30 - 6:30 p.m.

### PLENARY SESSION – More Fun With Ethics at the Movies



- Larry J. Cohen, Ph.D., J.D., Cohen's Counsel, Bethel, VT



6:30 p.m.

### Wine Tasting Reception

Sponsored by Young Conaway Stargatt & Taylor, LLP

## FRIDAY, JANUARY 5, 2018

7:00 - 8:00 a.m.

### Arbitration – An Ever-changing Landscape

- Laurence Z. (Larry) Shiekman, Pepper Hamilton LLP, Philadelphia, PA

8:00 - 9:00 a.m.

### God, Guns and Other Interesting Stuff

- What Exactly is a Religion that Qualifies for Constitutional Protections?
- Accommodating Religion in the Workplace
- "Religious Freedom" Laws
- Employers and the Growing Armed Workforce
- J. Randall (Randy) Patterson, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Jackson, MS

4:30 - 5:30 p.m.

### Making Presentations More Effective with Today's Clients, Mediators, Judges or Jurors

- Marygrace Schaeffer, Senior Vice President, DecisionQuest, Minneapolis, MN

5:30 - 6:30 p.m.

### Winning and Working with Technology: Creating Impact at Trials, Motions and Mediation

- Justin S. Kahn, Kahn Law Firm LLP, Charleston, SC

## SATURDAY, JANUARY 6, 2018

7:00 - 8:00 a.m.

### Litigating Recreational Accidents from the Plaintiff's Perspective

- James Chalot, Chalot Hatten & Banker PC, Denver, CO

8:00 - 9:00 a.m.

### Suing Public Entities – Pitfalls and Detours

- Madeline J. Meacham, Halpern Meacham, LLC, Boulder, CO

4:30 - 5:30 p.m.

### Tic Tac Talc! What's the Next Move in Talc Litigation

- Michael W. Drumke, Swanson, Martin & Bell, LLP, Chicago, IL
- Adam H. Doeringer, Swanson, Martin & Bell, LLP, Chicago, IL

5:30 - 6:30 p.m.

### The Dirt on Experts: What to Look For, How to Find Them, and How to Investigate Them

- Michael S. Beaver, Holland & Hart LLP, Greenwood Village, CO
- Daniel M. Rubin, Business Development Executive, Thomson Reuters, Expert Witness Services, Boca Raton, FL

## SUNDAY, JANUARY 7, 2018

7:00 - 8:00 a.m.

### PLENARY SESSION – The Ethical Boundaries of Adversary Investigations

ETHICS

- Addressing the Need for Information About Your Adversaries, Including in Intellectual Property Disputes
- Investigative Techniques Generally, and Use of Private Investigators, Specifically
- Applicable Law and Rules, Including Rules 4.1 (a), 4.2, 4.3, 4.4(a), 8.4(c), and 5.3 of the ABA Model Rules of Professional Conduct
- Potential Penalties and Consequences for Violations
- Case Analyses and Hypotheticals
- Michael Chiappetta, Senior Legal Editor, Intellectual Property & Technology, *Practical Law*, New York, NY. *Your speaker will share with you his experiences in the intellectual property practice area along with how such ethical considerations may apply in other practice areas and other practice area examples.*

8:00 - 9:00 a.m.

### PLENARY SESSION – Ethical Considerations Regarding Collection and Admission of Social Media Evidence

ETHICS

What was once a thought or a spoken word is now memorialized as tangible evidence. A running journal of an individual's activities, thoughts, and movements is a potential treasure trove of evidence not to be ignored. Improper collection can lead to spoliation and/or preclusion of evidence. Your presenter will discuss the case law (state & federal), FRCP, Rules of Evidence (801, 901, & 902), ABA Model Rules (401 & 804), and bar opinions surrounding preservation of evidence, best practices for collection, rules of evidence and how to lay a proper foundation for admission of this evidence. These winning strategies will lower the cost of litigation and improve work product.

- Gregory MacFarlane, JD, Legal Consultant | E-Discovery Specialist, Thomson Reuters, New York, NY

35th Annual National CLE Conference®  
**Employee Benefits Program Agenda**

**PROGRAM CO-CHAIRS:**

- **Rory Judd Albert**, Senior Partner, Employee Benefits, Executive Compensation & ERISA Litigation Group, Proskauer LLP, New York, NY
- **Thomas Gerard Schendt**, Partner, Compensation, Benefits & ERISA Litigation Group; Legislative & Public Policy Group, Alston & Bird LLP, Washington, DC

- Learn About Trends, Recent Developments and Hot Issues in the Employee Benefits Arena
- Attend this Program to Better Understand Employee Benefits Compliance, Administration, Design and Policy
- Hear Private Firm Practitioners, In-house Counsel, Advisors, and Actuaries Discuss "OCIO" versus "Traditional" Models, In-house Counsel Concerns, New Ideas for Avoiding Cliffs in the Multiemployer Pension Landscapes, Statute of Limitations Defenses to 401(k) Litigations, Validity of the Successor Liability Doctrine, Select Issues Concerning Provider Claims, Mitigating Litigation Risk of Fiduciary Liability, Multiemployer Plan Issues, Ransomware, DOL's Fiduciary Rule, Health Care Reform, Saving Underfunded Pension Plans and More

**WEDNESDAY, JANUARY 3, 2018**

3:00 - 7:00 p.m.

**Registration**

4:30 - 5:30 p.m.

**"OCIO" versus "Traditional" Models for Pension Investment Decision-making – The View from the Legal and Investment Advisory Perspectives**

- **Rory Judd Albert**, Senior Partner, Employee Benefits, Executive Compensation & ERISA Litigation Group, Proskauer LLP, New York, NY

5:30 - 6:30 p.m.

**In House Counsel: Expectations; Frustrations; and Demands**

- **Tobi Lebowitz**, Senior Corporate Counsel, KLX Inc, West Palm Beach, FL
- **Joan M. Brown**, Associate General Counsel, CenturyLink, Denver, CO
- **Thomas G. Schendt**, Partner, Alston & Bird, LLP, Washington, DC

**THURSDAY, JANUARY 4, 2018**

7:00 - 8:00 a.m.

**Skiing Off-Piste: New Ideas for Avoiding Cliffs in the Multiemployer Pension Landscapes**

- **Neal S. Schelberg**, Partner, Proskauer LLP, New York, NY
- **Christopher J.G. Brockmeyer**, Director of Employee Benefit Funds, The Broadway League, New York, NY
- **Gwen J. Lourie**, Proskauer LLP, New York, NY

8:00 - 9:00 a.m.

**Statute of Limitations Defenses to 401(k) Litigations**

- **Myron D. Rumeld**, Partner, Proskauer LLP, New York, NY

4:30 - 6:30 p.m.

**PLENARY SESSION – More Fun With Ethics at the Movies**



- **Larry J. Cohen, Ph.D., J.D.**, Cohen's Counsel, Bethel, VT

6:30 p.m.

**Wine Tasting Reception**

*Sponsored by Young Conaway Stargatt & Taylor, LLP*

**FRIDAY, JANUARY 5, 2018**

7:00 - 8:00 a.m.

**The Validity of the Successor Liability Doctrine in Withdrawal Liability Claims**

- **Evan Miller**, Partner, Jones Day, Washington, DC

8:00 - 9:00 a.m.

**Select Issues Concerning Provider Claims**

- **Jeffrey Stein**, General Counsel, 1199 National Benefit Fund, New York, NY
- **Suzanne Metzger**, Assistant General Counsel, 1199 National Benefit Fund, New York NY

4:30 - 5:30 p.m.

**Mitigating Litigation Risk of Fiduciary Liability on Investment and Administrative Oversight Responsibilities**

- **Jonathan Rose**, Partner, Alston & Bird, LLP, Washington, DC
- **Lou Ann Hutchison**, Managing Director, People & Culture Operations, Grant Thornton LLP, Charlotte, NC

5:30 - 6:30 p.m.

**A Potpourri of Multiemployer Plan Issues**

- **Ronald Richman**, Partner, Schulte Roth & Zabel, New York, NY
- **Jay Egelberg**, Director and Consulting Actuary, First Actuarial Consulting, Inc., (FACT), New York, NY
- **Stuart Olthick**, President, Stuart Portfolio Consultants, LP, New York, NY

**SATURDAY, JANUARY 6, 2018**

7:00 - 8:00 a.m.

**The Perils of Ransomware ... Makes You Wanna Cry**

- **Michael Balboni**, President/Managing Director, Redland Strategies, Inc., New York, NY

8:00 - 9:00 a.m.

**The Happy Task of Reducing Pension Benefits to Save Underfunded Pension Plans or How About Legislation to Avoid the Pain?**

- **Bernard T. King**, Blitman & King LLP, Syracuse, NY

4:30 - 5:30 p.m

**Surviving the Health Care Reform Blizzard: The Latest Legislative and Regulatory Changes and Their Impact on Your Plans and Exchanges**

- **John Hickman**, Partner, Compensation, Benefits & ERISA Litigation, Alston & Bird, LLP, Atlanta, GA
- **Bryan Brum**, Attorney – Employee Benefits, United Parcel Service, Atlanta, GA

5:30 - 6:30 p.m.

**DOL's Fiduciary Rule: Dead or Alive**

- **Kelly Driscoll**, Senior Managing Director, State Street Global Advisors, Boston, MA

**SUNDAY, JANUARY 7, 2018**

7:00 - 8:00 a.m.

**PLENARY SESSION – The Ethical Boundaries of Adversary Investigations**



- Addressing the Need for Information About Your Adversaries, Including in Intellectual Property Disputes
- Investigative Techniques Generally, and Use of Private Investigators, Specifically
- Applicable Law and Rules, Including Rules 4.1 (a), 4.2, 4.3, 4.4(a), 8.4(c), and 5.3 of the ABA Model Rules of Professional Conduct
- Potential Penalties and Consequences for Violations
- Case Analyses and Hypotheticals
- **Michael Chiappetta**, Senior Legal Editor, Intellectual Property & Technology, *Practical Law*, New York, NY. *Your speaker will share with you his experiences in the intellectual property practice area along with how such ethical considerations may apply in other practice areas and other practice area examples.*

8:00 - 9:00 a.m.

**PLENARY SESSION – Ethical Considerations Regarding Collection and Admission of Social Media Evidence**



- What was once a thought or a spoken word is now memorialized as tangible evidence. A running journal of an individual's activities, thoughts, and movements is a potential treasure trove of evidence not to be ignored. Improper collection can lead to spoliation and/or preclusion of evidence. Your presenter will discuss the case law (state & federal), FRCP, Rules of Evidence (801, 901, & 902), ABA Model Rules (401 & 804), and bar opinions surrounding preservation of evidence, best practices for collection, rules of evidence and how to lay a proper foundation for admission of this evidence. These winning strategies will lower the cost of litigation and improve work product.
- **Gregory MacFarlane, JD**, Legal Consultant | E-Discovery Specialist, Thomson Reuters, New York, NY

**35th Annual National CLE Conference®**  
**Environmental Law, Land Use,  
Energy and Litigation  
Program Agenda**

**PROGRAM CO-CHAIRS:**

- **Gregor I. McGregor**, McGregor & Legere, PC, Boston, MA
- **Timothy R. Henderson**, Rich & Henderson PC, Annapolis, MD
- **Brian J. Connolly**, Otten Johnson Robinson Neff + Ragonetti PC, Denver, CO

- Gain Insights from Experts on Important Environmental, Land Use and Energy Issues in a Fun Learning Environment
- Network with Program Faculty Comprised of National Experts from Across the Country
- Take Advantage of this Unique Opportunity to Catch Up on Current Environmental, Land Use and Energy Issues, Including Citizen Suits, Changing Perspectives on Federalism, Local, State, and Regional Climate Policies and Actions, HOA Governance and Land Use/Environmental Matters, Past, Present and Future Aesthetic Land Use Regulation, Land Use Case Law, Conservation Easements, Tax Tips, Real Estate Development Prospects Under the Trump Administration, Development Agreements, Chemical Releases to the Environment and Implications, and Regulatory Taking Law Developments

**WEDNESDAY, JANUARY 3, 2018**

3:00 - 7:00 p.m.

**Registration**

4:30 - 6:30 p.m.

**CITIZEN SUITS UNDER THE FEDERAL ENVIRONMENTAL LAWS**

**Citizen Suits, Injunctions and Legal Fees: Plaintiff Perspective**

- **Christopher M. Kilian**, Vice President, Vermont Director, Program Director, Clean Water and Healthy Forests Program, Conservation Law Foundation, Montpelier, VT

**Lessons for Defendants in RCRA Citizen Suits Against Recyclers and Landowners – Beneficial Use Versus Sham Recycling and the Permit Shield**

- **Timothy R. Henderson**, Rich & Henderson PC, Annapolis, MD

**THURSDAY, JANUARY 4, 2018**

7:00 - 9:00 a.m.

**Energy Industry and Changing Perspectives on Federalism: A Vacuum in Washington Filled by State Momentum Toward a Carbon-Reduced Future and Regional-Focused Climate Policies**

- Jonathan D. Schneider, Stinson Leonard Street LLP, Washington, DC

**The Path Forward for Local, State, and Regional Climate Policies and Actions: Obstacles & Solutions**

- Aladdine Joroff, Clinical Instructor and Staff Attorney, Environmental Law & Policy Clinic, Harvard Law School, Boston, MA

4:30 - 6:30 p.m.

**PLENARY SESSION – More Fun With Ethics at the Movies**



- Larry J. Cohen, Ph.D., J.D., Cohen's Counsel, Bethel, VT

6:30 p.m.

**Wine Tasting Reception**

*Sponsored by Young Conaway Stargatt & Taylor, LLP*

**FRIDAY, JANUARY 5, 2018**

7:00 - 8:00 a.m.

**Homeowner Association Governance of Land Use and Environment: From Green Lawns and Lush Landscaping to Energy Efficiency and Solar Panels to Rain Barrels and Clothes Lines to Vehicle Charging Stations, and More**

- Mary Goodhue Deutsch, Deutsch & Associates, Escondido, CA

8:00 - 9:00 a.m.

**Conservation Easements and Other Tax Tips for 2018**

- John (Jack) C. Sawyer, Alston & Bird LLP, Atlanta, GA

4:30 - 5:30 p.m.

**Assessing the Past, Present, and Future of Aesthetic Land Use Regulation: Historic Preservation, Design Review, Signs, and More**

- Brian J. Connolly, Otten Johnson Robinson Neff + Ragonetti PC

5:30 - 6:30 p.m.

**Top 10 Land Use Cases of the Year**

- Dwight H. Merriam, Robinson & Cole LLP, Hartford, CT

**SATURDAY, JANUARY 6, 2018**

7:00 - 8:00 a.m.

**Real Estate Development Prospects Under the Trump Administration: The Developer in Chief**

- Fred L. Schubkegel, Varnum LLP, Kalamazoo, MI

8:00 - 9:00 a.m.

**Municipalities and Developers: The Latest on Mutually Beneficial Development Agreements**

- Sarah Rockwell, Kaplan Kirsch & Rockwell LLP, Denver, CO

4:30 - 5:30 p.m.

**Recent Developments in Assessing Chemical Releases to the Environment and Implications for Redevelopment, Land Use, and Liability**

- Michael R. Garry, Ph.D., Exponent, Bellevue, WA

5:30 - 6:30 p.m.

**Update on Regulatory Taking Law: Supreme Court Cases on the Outer Limits of Federal, State and Municipal Land Use Controls and Environmental Regulation**

- Gregor I. McGregor, McGregor & Legere, PC, Boston, MA

**SUNDAY, JANUARY 7, 2018**

7:00 - 8:00 a.m.

**PLENARY SESSION – The Ethical Boundaries of Adversary Investigations**



- Addressing the Need for Information About Your Adversaries, Including in Intellectual Property Disputes
- Investigative Techniques Generally, and Use of Private Investigators, Specifically
- Applicable Law and Rules, Including Rules 4.1 (a), 4.2, 4.3, 4.4(a), 8.4(c), and 5.3 of the ABA Model Rules of Professional Conduct
- Potential Penalties and Consequences for Violations
- Case Analyses and Hypotheticals
- **Michael Chiappetta**, Senior Legal Editor, Intellectual Property & Technology, *Practical Law*, New York, NY. *Your speaker will share with you his experiences in the intellectual property practice area along with how such ethical considerations may apply in other practice areas and other practice area examples.*

8:00 - 9:00 a.m.

**PLENARY SESSION – Ethical Considerations Regarding Collection and Admission of Social Media Evidence**



- What was once a thought or a spoken word is now memorialized as tangible evidence. A running journal of an individual's activities, thoughts, and movements is a potential treasure trove of evidence not to be ignored. Improper collection can lead to spoliation and/or preclusion of evidence. Your presenter will discuss the case law (state & federal), FRCP, Rules of Evidence (801, 901, & 902), ABA Model Rules (401 & 804), and bar opinions surrounding preservation of evidence, best practices for collection, rules of evidence and how to lay a proper foundation for admission of this evidence. These winning strategies will lower the cost of litigation and improve work product.
- **Gregory MacFarlane, JD**, Legal Consultant | E-Discovery Specialist, Thomson Reuters, New York, NY

## Family Law Program Agenda

Co-sponsored by the ABA Section of Family Law and the  
ABA General Practice, Solo and Small Firm Division

### PROGRAM CO-CHAIRS:

- James B. Preston, Certified Family Law Specialist,  
Law Offices of James B. Preston, Visalia, CA
- Bonnie Preston, Law Offices of James B. Preston, Visalia, CA

- Hear Experts on Family Law Issues You Need to Know for Your Practice
- Acquire the Latest Information on Family Law Military Cases, the Six Most Common Evidentiary and Practical Mistake Family Law Attorneys Make, Counting Income for Support and as an Asset, Deposition Tips, Interspousal Torts, Family Law Uniform Laws, Shared Parenting and Young Children
- Get Your Ethics Credits, Too! Presentations Include: Legal and Ethical Responsibilities When You Are Planning to Retire Like You Really Mean It; Creating Ethical Boundaries in Mindfulness in Family Law; Ethical Issues in Family Law; and What Every Lawyer Must Know About the Latest Developments Concerning Ethics and E-Discovery

### WEDNESDAY, JANUARY 3, 2018


3:00 - 7:00 p.m.  
**Registration**

4:30 - 5:30 p.m.  
**Keeping Up is Hard to Do: What You Need to Know Regarding Your Next Military Case**  
• Philip J. Tucker, Tucker Law Firm, Edmond, OK

5:30 - 6:30 p.m.  
**Hanging It Up: Legal and Ethical Responsibilities When Planning to Retire Like You Really Mean It**   
• Kenneth A. Winsberg, Phoenix, AZ

### THURSDAY, JANUARY 4, 2018

7:00 - 9:00 a.m.  
**The Double Dip: Counting Income for Support and as an Asset**  
• Kathleen Ann Hogan, McGuane and Hogan, P.C., Denver, CO  
• Scott Saltzman, CPA, CVA, ASA, ABV, MAFF, Saltzman LLC, Denver, CO

4:30 - 6:30 p.m.  
**PLENARY SESSION – More Fun With Ethics at the Movies**   
• Larry J. Cohen, Ph.D., J.D., Cohen's Counsel, Bethel, VT

6:30 p.m.

### Wine Tasting Reception

Sponsored by Young Conaway Stargatt & Taylor, LLP

### FRIDAY, JANUARY 5, 2018

7:00 - 8:00 a.m.

### A View from the Bench: The Six Most Common Evidentiary and Practical Mistakes of the Family Law Attorney

- Honorable James Wilson Douglas, Charleston, WV

8:00 - 9:00 a.m.

### Deposition Tips: Part 2

- Larry J. Cohen, Ph.D., J.D., Cohen's Counsel, Bethel, VT

4:30 - 5:30 p.m.

### Family Law Uniform Laws

- Livia Barndollar, Aronson, Mayefsky & Sloan, LLP, Westport, CT

5:30 - 6:30 p.m.

### When Representation Gets Personal: Creating Ethical Boundaries with Mindfulness in Family Law



- Honorable Kelley R. Southerland, Magistrate, Adams County, State of Colorado
- Leila Hock, Denver, CO

### SATURDAY, JANUARY 6, 2018

7:00 - 8:00 a.m.

### What Every Lawyer Must Know About the Latest Developments Concerning Ethics and E-Discovery

- Lino S. Lipinsky de Orlov, Dentons US LLP

8:00 - 9:00 a.m.

### Shared Parenting and Young Children: Is that an Oxymoron?

- Kate McNamara, PhD, Kathleen McNamara, Ph.D., PLLC, Fort Collins, CO

4:30 - 5:30 p.m.

### Ethical Issues in Family Law



- Peggy L. Podell, Attorney at Law, Milwaukee, WI

5:30 - 6:30 p.m.

### Interspousal Torts – Revisited

- Timothy B. Walker, Walker Wright & Associates, LLP, Centennial, CO

**SUNDAY, JANUARY 7, 2018**

7:00 - 8:00 a.m.

**PLENARY SESSION – The Ethical Boundaries of Adversary Investigations**



- Addressing the Need for Information About Your Adversaries, Including in Intellectual Property Disputes
- Investigative Techniques Generally, and Use of Private Investigators, Specifically
- Applicable Law and Rules, Including Rules 4.1 (a), 4.2, 4.3, 4.4(a), 8.4(c), and 5.3 of the ABA Model Rules of Professional Conduct
- Potential Penalties and Consequences for Violations
- Case Analyses and Hypotheticals
- **Michael Chiappetta**, Senior Legal Editor, Intellectual Property & Technology, *Practical Law*, New York, NY. *Your speaker will share with you his experiences in the intellectual property practice area along with how such ethical considerations may apply in other practice areas and other practice area examples.*

8:00 - 9:00 a.m.

**PLENARY SESSION – Ethical Considerations Regarding Collection and Admission of Social Media Evidence**



What was once a thought or a spoken word is now memorialized as tangible evidence. A running journal of an individual's activities, thoughts, and movements is a potential treasure trove of evidence not to be ignored. Improper collection can lead to spoliation and/or preclusion of evidence. Your presenter will discuss the case law (state & federal), FRCP, Rules of Evidence (801, 901, & 902), ABA Model Rules (401 & 804), and bar opinions surrounding preservation of evidence, best practices for collection, rules of evidence and how to lay a proper foundation for admission of this evidence. These winning strategies will lower the cost of litigation and improve work product.

- **Gregory MacFarlane, JD**, Legal Consultant | E-Discovery Specialist, Thomson Reuters, New York, NY

**35th Annual National CLE Conference®**  
**Health Law Program Agenda**  
*Co-sponsored by the ABA Section of Health Law*

**PROGRAM CO-CHAIRS:**

- **Andrew J. Demetriou**, Lamb & Kawakami LLP, Los Angeles, CA
  - **David W. Hilgers**, Husch Blackwell LLP, Austin, TX
  - **Denise Webb Glass**, Norton Rose Fulbright, Dallas, TX
  - **Sidney Summers Welch**, Polsinelli PC, Atlanta, GA

- Learn About Trends, Recent Developments and Hot Issues in the Health Law Arena
- Hear Transactional and Litigation Health Law Issues Addressed in a Unique Educational Format
- Gain the Insights of Experts from Across the U.S. on What Hospitals Are Doing with Their Physician Practices, Use of Statistical Sampling and Extrapolation in the Courtroom, the Hospital Deal Environment, How Physicians are Coping with New Developments, What the Government is Doing With Respect to Criminal and Civil Litigation, State Medicaid Trends, Investor Interest in Healthcare, Regulatory Versus Enforcement Policy, and the Pendulum Effect, What Payors are Doing, Privacy and Security, the Opioid Crisis and Where Enforcement is Headed

**WEDNESDAY, JANUARY 3, 2018**

3:00 - 7:00 p.m.

**Registration**

4:30 - 5:30 p.m.

**What Are Hospitals Doing with Their Physician Practices? Strategies for Improving Performance in a Value-Based Environment**

- **Andrew J. Demetriou**, Lamb & Kawakami LLP, Los Angeles, CA
- **William T. Eggbeer**, BDC Advisors, Washington, DC

5:30 - 6:30 p.m.

**What's Happening in the Courtroom? Use of Statistical Sampling and Extrapolation**

- **Gary Keilty**, FTI Consulting, Washington, DC
- **Robert T. Rhoad**, Sheppard, Mullin, Richter & Hampton, LLP, Washington, DC

**THURSDAY, JANUARY 4, 2018**

7:00 - 8:00 a.m.

**What Are Hospitals Doing? The Deal Environment**

- **Joseph A. Sowell, III**, HCA Healthcare, Nashville, TN
- **Howard T. Wall**, RCCH HealthCare Partners, Brentwood, TN

8:00 - 9:00 a.m.

**What's Up Doc? How Are Physicians Coping with New Developments?**

- David W. Hilgers, Husch Blackwell LLP, Austin, TX
- Sidney Summers Welch, Polsinelli PC, Atlanta, GA

4:30 - 6:30 p.m.

**PLENARY SESSION – More Fun With Ethics at the Movies**



- Larry J. Cohen, Ph.D., J.D., Cohen's Counsel, Bethel, VT

6:30 p.m.

**Wine Tasting Reception**

*Sponsored by Young Conaway Stargatt & Taylor, LLP*

**FRIDAY, JANUARY 5, 2018**

7:00 - 8:00 a.m.

**What's the Government Up To? A Criminal and Civil Litigation Survey**

- Michael K. Loucks, Skadden, Arps, Slate, Meagher & Flom LLP, Boston, MA
- Alexandra M. Gorman, Skadden, Arps, Slate, Meagher & Flom LLP, Boston, MA

8:00 - 9:00 a.m.

**What Are the States Doing? Medicaid Trends**

- Jennifer L. Evans, Polsinelli PC, Denver, CO

4:30 - 5:30 p.m.

**What is Piquing Investor Interest in Healthcare?**

- Roger D. Strode, Foley & Lardner LLP, Chicago, IL

5:30 - 6:30 p.m.

**The Pendulum Effect in Health Law: Regulatory Policy Versus Enforcement Policy**

- David L. Douglass, Sheppard, Mullin, Richter & Hampton, LLP, Washington, DC
- Donald H. Romano, Foley & Lardner LLP, Washington, DC

**SATURDAY, JANUARY 6, 2018**

7:00 - 8:00 a.m.

**What's Going on Inside the Beltway? A Traffic Report**

- Robert L. Roth, Hooper Lundy & Bookman, PC, Washington, D.C.

8:00 - 9:00 a.m.

**What Are the Payors Up To? Collaboration, Coordination, and Our Crystal Ball**

- Denise Webb Glass, Norton Rose Fulbright, Dallas, TX
- Denise E. Hanna, Locke Lord LLP, Washington, DC

4:30 - 5:30 p.m.

**What's Happening in Privacy and Security? The Daunting Data Dilemma**

- Adrienne Dresevic, The Health Law Partners, Royal Oak, MI
- Clinton Mikel, The Health Law Partners, Royal Oak, MI

5:30 - 6:30 p.m.

**Where Is the Opioid Crisis and Enforcement Headed?**

- David H. Johnson, Montgomery & Andrews, P.A., Albuquerque, NM

**SUNDAY, JANUARY 7, 2018**

7:00 - 8:00 a.m.

**PLENARY SESSION – The Ethical Boundaries of Adversary Investigations**



- Addressing the Need for Information About Your Adversaries, Including in Intellectual Property Disputes
- Investigative Techniques Generally, and Use of Private Investigators, Specifically
- Applicable Law and Rules, Including Rules 4.1 (a), 4.2, 4.3, 4.4(a), 8.4(c), and 5.3 of the ABA Model Rules of Professional Conduct
- Potential Penalties and Consequences for Violations
- Case Analyses and Hypotheticals
- Michael Chiappetta, Senior Legal Editor, Intellectual Property & Technology, *Practical Law*, New York, NY. *Your speaker will share with you his experiences in the intellectual property practice area along with how such ethical considerations may apply in other practice areas and other practice area examples.*

8:00 - 9:00 a.m.

**PLENARY SESSION – Ethical Considerations Regarding Collection and Admission of Social Media Evidence**



What was once a thought or a spoken word is now memorialized as tangible evidence. A running journal of an individual's activities, thoughts, and movements is a potential treasure trove of evidence not to be ignored. Improper collection can lead to spoliation and/or preclusion of evidence. Your presenter will discuss the case law (state & federal), FRCP, Rules of Evidence (801, 901, & 902), ABA Model Rules (401 & 804), and bar opinions surrounding preservation of evidence, best practices for collection, rules of evidence and how to lay a proper foundation for admission of this evidence. These winning strategies will lower the cost of litigation and improve work product.

- Gregory MacFarlane, JD, Legal Consultant | E-Discovery Specialist, Thomson Reuters, New York, NY

# Intellectual Property Program Agenda

Co-sponsored by the International Trademark Association  
and the ABA Section of Intellectual Property Law

## PROGRAM CO-CHAIRS:

- Scott M. Alter, Lathrop Gage, Denver, CO
- David H. Bernstein, Debevoise & Plimpton LLP, New York, NY

- Attend and Hear Patent, Copyright, Trademark and Licensing Issues Addressed at ONE Conference
- Acquire Knowledge on Topics of Interest Whether You are Corporate Counsel or a Private Firm Practitioner
- Gain Insights of Judges and Private Firm Practitioners at the Always Popular Bench and Bar Dialogue Session

## WEDNESDAY, JANUARY 3, 2018

3:00 - 7:00 p.m.  
**Registration**

4:30 - 6:30 p.m.  
**ANNUAL TRADEMARK AND COPYRIGHT UPDATES**

### SESSION ONE

#### Trademark Registration Update

- Evan M. Rothstein, Brownstein, Hyatt Farber Schreck, LLP, Denver, CO

### SESSION TWO

#### Trademark Litigation Update

- David H. Bernstein, Debevoise & Plimpton LLP, New York, NY

### SESSION THREE

#### Copyright Update

- Dale Cendali, Kirkland & Ellis LLP, New York, NY

## THURSDAY, JANUARY 4, 2018

7:00 - 9:00 a.m.  
**IN-HOUSE COUNSEL ROUNDTABLE**

#### Developments in the Pharmaceutical Industry

- Anamaria E. Cashman, Division Counsel, Trademarks, Abbott Laboratories, Chicago, IL

#### Counterfeiting and Consumer Packaged Goods

- Scott Piering, Vice President and Chief Intellectual Property Counsel, Spectrum Brands, Inc., Middleton, WI

#### Developments in Consumer Class Actions

- Gail Sharps Myers, General Counsel, Snyder's-Lance, Inc., Charlotte, N.C.

4:30 - 6:30 p.m.

#### PLENARY SESSION – More Fun With Ethics at the Movies

- Larry J. Cohen, Ph.D., J.D., Cohen's Counsel, Bethel, VT



6:30 p.m.

#### Wine Tasting Reception

Sponsored by Young Conaway Stargatt & Taylor, LLP

## FRIDAY, JANUARY 5, 2018

7:00 - 9:00 a.m.

#### INTERNET AND ONLINE UPDATES

##### SESSION ONE

#### Developments in Social Media

- Dom Perella, Deputy General Counsel and Chief Compliance Officer, Snapchat, Inc., Venice, CA

##### SESSION TWO

#### Developments in Domain Names

- Brian Beckham, Head of Internet Dispute Resolution Section, WIPO Arbitration and Mediation Center, Geneva, Switzerland

##### SESSION THREE

#### Development and Trends in Digital Enforcement

- Michael Potenza, Vice President and Intellectual Property Counsel, National Basketball Association, New York, NY

4:30 - 5:15 p.m.

#### The Top Ten Things You Need to Know About the USPTO

- Mollybeth (Molly) R. Kocalski, Director, Rocky Mountain Regional Office, US Patent and Trademark Office, Denver, CO

5:15 - 6:00 p.m.

#### Building a Strong Patent Portfolio: Views from In-House

- Heath Hoglund, Chief Patent Counsel, Dolby, San Francisco, CA
- Colm Dobbyn, Senior Vice President and Assistant General Counsel, MasterCard, Purchase, NY
- Terri McHenry, Director, Intellectual Property and Litigation, Verily Life Sciences, San Francisco, CA

6:00 - 6:45 p.m.

#### The Post-Halo Effect on Willful Infringement, Enhanced Damages and Opinions of Counsel

- Scott M. Alter, Lathrop Gage, Denver, CO
- Jon R. Trembath, Lathrop Gage, Denver, CO

## SATURDAY, JANUARY 6, 2018

7:00 - 7:30 a.m.

#### State of Extraterritorial Jurisdiction

- Shamita Etienne-Cummings, White & Case LLP, Washington, DC, and Silicon Valley, CA



7:30 - 8:00 a.m.

**Hot Topics on Patent Eligibility for Software: What You Need to Know Now**

- **Richard L. Rainey**, Covington & Burling LLP, Washington, DC

8:00 - 8:30 a.m.

**Hot Topics on European Patent Law**

**Holm Schwarze**, Guardian IP Consulting, Denmark

8:30 - 9:15 a.m.

**Patent Law Update – 2017 in Review**

- **Lisa A. Dolak**, Senior Vice President and University Secretary, Angela S. Cooney Professor of Law, Syracuse University, Syracuse, NY

4:30 - 5:30 p.m.

**Corporate Counsel Panel: What's Keeping Corporate Counsel Awake at Night**

- **Harvey Dunn**, Corporate Director-Intellectual Property, Associate General Counsel, Woodward, Inc., Loveland, CO
- **Barbara Fisher**, Assistant General Counsel, Intellectual Property, Lockheed Martin, Washington, D.C.
- **Steve Mackenzie**, Senior Counsel, Intellectual Property and Intellectual Property Litigation, Koch Companies Public Sector, LLC, Wichita, KS
- **Cynthia Mitchell**, Senior Corporate IP Counsel, Zimmer Biomet, Denver, CO
- **Ed Tempesta**, Vice President, Senior Counsel – Intellectual Property, MasterCard, New York, NY

5:30 - 6:45 p.m.

A Dialogue Between Bench and Bar

- **Honorable Barbara M. G. Lynn**, Chief Judge, United States District Court, Northern District of Texas, Dallas, TX
- **Honorable Paul Michel (ret.)**, former Chief Judge, US Court of Appeals for the Federal Circuit, Washington, DC
- **Professor Martin Adelman**, Theodore and James Pedas Family Professor of Intellectual Property and Technology Law, Co-Director of the Intellectual Property Law Program, Co-Director of the Dean Dinwoodey Center for Intellectual Property Studies, GW | Law, The George Washington University, Washington, DC
- **Seth Waxman**, WilmerHale, Washington, DC, and former Solicitor General of the United States
- **Donald R. Dunner**, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, DC

**SUNDAY, JANUARY 7, 2018**

7:00 - 8:00 a.m.

**PLENARY SESSION – The Ethical Boundaries of Adversary Investigations**



- Addressing the Need for Information About Your Adversaries, Including in Intellectual Property Disputes
- Investigative Techniques Generally, and Use of Private Investigators, Specifically

- Applicable Law and Rules, Including Rules 4.1 (a), 4.2, 4.3, 4.4(a), 8.4(c), and 5.3 of the ABA Model Rules of Professional Conduct

- Potential Penalties and Consequences for Violations

- Case Analyses and Hypotheticals

- **Michael Chiappetta**, Senior Legal Editor, Intellectual Property & Technology, *Practical Law*, New York, NY. *Your speaker will share with you his experiences in the intellectual property practice area along with how such ethical considerations may apply in other practice areas and other practice area examples.*

8:00 - 9:00 a.m.

**PLENARY SESSION – Ethical Considerations Regarding Collection and Admission of Social Media Evidence**



What was once a thought or a spoken word is now memorialized as tangible evidence. A running journal of an individual's activities, thoughts, and movements is a potential treasure trove of evidence not to be ignored. Improper collection can lead to spoliation and/or preclusion of evidence. Your presenter will discuss the case law (state & federal), FRCP, Rules of Evidence (801, 901, & 902), ABA Model Rules (401 & 804), and bar opinions surrounding preservation of evidence, best practices for collection, rules of evidence and how to lay a proper foundation for admission of this evidence. These winning strategies will lower the cost of litigation and improve work product.

- **Gregory MacFarlane, JD**, Legal Consultant | E-Discovery Specialist, Thomson Reuters, New York, NY

35th Annual National CLE Conference®  
**Labor & Employment Law  
Program Agenda**

**PROGRAM CO-CHAIRS:**

- Eric Iskra, Spilman Thomas & Battle, PLLC, Charleston, WV
- Arnold H. Pedowitz, Pedowitz & Meister LLP, New York, NY

- Brush Up on Over 20 Employment Law Topics with More Than 40 Speakers Representing In-house Counsel, Management, Plaintiff and Judicial Perspectives
- Hear Both the Plaintiff and Defense Side of Important Labor and Employment Issues at ONE Conference
- Learn and Network with Colleagues in Your Practice Area from Across the U.S.

**WEDNESDAY, JANUARY 3, 2018**

3:00 - 7:00 p.m.

**Registration**

4:30 - 5:30 p.m.

**2017 Year in Review – Key Employment Law Decisions**

- Steven Suflas, Ballard Spahr LLP, Cherry Hill, NJ, and Denver, CO
- Nantiya Ruan, Professor of the Practice of Law, University of Denver Sturm College of Law; Of Counsel, Outten & Golden LLP, Denver, CO

5:30 - 6:30 p.m.

**Workplace Investigations: Overcoming Difficult Issues**

- Elizabeth Rooney Rita, Investigations Law Group, LLC, Denver, CO
  - Julie Moore, Employment Practices Group, Wellesley, MA
  - Sue Ann Van Dermeyden, Van Dermeyden Maddux, Sacramento, CA
- Moderated by Jeffrey D. Patton, Spilman, Thomas & Battle, PLLC

**THURSDAY, JANUARY 4, 2018**

7:00 - 7:45 a.m.

**Sexual Orientation and Gender Discrimination: The Evolving Landscape**

- Gail Golman Holtzman, Jackson Lewis P.C., Tampa, FL
- Timothy J. Long, Orrick Herrington & Sutcliffe LLP, Sacramento, CA
- Jennifer Schwartz, Outten & Golden LLP, San Francisco, CA

7:45 - 8:30 a.m.

**The Most Pressing Issues Facing In-House Counsel**

- Caryl Flannery, Staff Vice President, Human Resources, Centene Corporation, St. Louis, MO
- Wayne J. Paschke, Staff Counsel, Labor and Employment, Verizon Wireless, Basking Ridge, NJ
- Bryan Brum, Attorney, Legal Department, United Parcel Service, Atlanta, GA
- Eric W. Iskra, Spilman Thomas & Battle, PLLC, Charleston, WV

8:30 - 9:00 a.m.

**The Trump Administration's Impact on Benefits: The Statutory and Regulatory Landscape**

- Erin M. Sweeney, Miller Chevalier, Washington, DC
- Bernard T. King, Blitman & King LLP, Syracuse, NY

4:30 - 6:30 p.m.

**PLENARY SESSION – More Fun With Ethics at the Movies**



- Larry J. Cohen, Ph.D., J.D., Cohen's Counsel, Bethel, VT

6:30 p.m.

**Wine Tasting Reception**

*Sponsored by Young Conaway Stargatt & Taylor, LLP*

**FRIDAY, JANUARY 5, 2018**

7:00 - 7:30 a.m.

**The Opioid Epidemic: The Interactive Process and Accommodations in the Workplace**

- Glenn A. Duhl, Zangari Cohn Cuthbertson Duhl & Grello P.C., New Hartford, CT
- Patrick Solomon, Thomas & Solomon LLP, Rochester, NY

7:30 - 8:00 a.m.

**Trade Secrets and Non-Competes: The Most Commonly Litigated Issues**

- Arnold H. Pedowitz, Pedowitz & Meister LLP, New York, NY
- Gary Eidelman, Saul Ewing Arnstein & Jehr LLP, Baltimore, MD

8:00 - 9:00 a.m.

**Class and Collective Actions: 2017 Updates and Best in "Class" Strategies on Prosecuting and Defending Class and Collective Claims**

- John M. Husband, Holland & Hart LLP
  - Adam T. Klein, Outten & Golden, LLP, New York, NY
- Moderated by Michael P. (Mike) Royal, Littler Mendelson, Dallas, TX

4:30 - 5:00 p.m.

**Hot Topics on Wage and Hour Issues**

- Ellen C. Kearns, Constangy Brooks Smith & Prophete LLP, Boston, MA
- Orin Kurtz, Gardy & Notis, LLP, New York, NY

5:00 - 5:30 p.m.

**Tips from Neutrals: A "Decision Tree" Analysis to Resolving Claims**

- Daniel M. Klein, Klein Dispute Resolution, Atlanta, GA
- Louis B. Kushner, Rothman Gordon, Pittsburgh, PA

5:30 - 6:00 p.m.

**Navigating Landmines During Workplace Investigations**

- Barry D. Roseman, McNamara Roseman & Kazmierski LLP, Denver, CO
- Mark Mallery, Ogletree, Deakins, Nash, Smoak & Stewart PC, New Orleans, LA

6:00 - 6:30 p.m.

### Is Your Settlement Agreement Enforceable? Key Concerns in Enforcing Settlement Provisions

- Zoë Tellman, Dickson Geesman LLP, San Francisco, CA
- Sean Gallagher, Polsinelli PC, Denver, CO

## SATURDAY, JANUARY 6, 2018

7:00 - 7:30 a.m.

### What We Know About Trump and Immigration: How It Impacts Labor and Employment Lawyers

- Jonathan A. Grode, Green & Spiegel LLC, Philadelphia, PA
- Anna F. Angel, Ogletree, Deakins, Nash, Smoak & Stewart PC, Denver, CO

Moderated by Amy Novak, Novak Law Office, Vail, CO

7:30 - 8:00 a.m.

### Telecommuting as a Reasonable Accommodation

- David A. Hughes, Jackson Lewis P.C., Atlanta, GA
- Robert A. Meister, Pedowitz & Meister LLP, New York, NY

8:00 - 8:30 a.m.

### The Impact of Technology on the Global Workplace and Labor and Employment Law

- Wendi S. Lazar, Outten & Golden LLP, New York, NY
- Dr. Gerlind Wisskirchen, CMS Hasche Sigle, Cologne, Germany

8:30 - 9:00 a.m.

### The Latest on the Social Media Impact on Labor and Employment Issues

- Stacey A. Campbell, Campbell Litigation, P.C., Denver, CO
- J. Nelson Thomas, Thomas & Solomon LLP, Rochester, NY

4:30 - 5:00 p.m.

### Trying Cases to Win: How to Theme Your Employment Case

- Laura Schnell, Eisenberg & Schnell LLP, New York, NY
- Doug Dexter, Farella Braun + Martel LLP, San Francisco, CA

5:00 - 5:45 p.m.

### How to Win Your Case During Jury Selection

- Ty Hyderally, Hyderally & Associates PC, Montclair, NJ
- Stephen E. Fox, Polsinelli PC, Dallas, TX

5:45 - 6:30 p.m.

### Employment Law Motions in Limine – Observations – What Is Trending or Successful?

- Gregory Sato, Kobayashi, Sugita & Goda, LLP, Honolulu, HI
- Honorable Michael J. Watanabe, U.S. District Court for the District of Colorado, Denver, CO

## SUNDAY, JANUARY 7, 2018

7:00 - 8:00 a.m.

### PLENARY SESSION – The Ethical Boundaries of Adversary Investigations



- Addressing the Need for Information About Your Adversaries, Including in Intellectual Property Disputes
- Investigative Techniques Generally, and Use of Private Investigators, Specifically
- Applicable Law and Rules, Including Rules 4.1 (a), 4.2, 4.3, 4.4(a), 8.4(c), and 5.3 of the ABA Model Rules of Professional Conduct
- Potential Penalties and Consequences for Violations
- Case Analyses and Hypotheticals
- Michael Chiappetta, Senior Legal Editor, Intellectual Property & Technology, *Practical Law*, New York, NY. *Your speaker will share with you his experiences in the intellectual property practice area along with how such ethical considerations may apply in other practice areas and other practice area examples.*

8:00 - 9:00 a.m.

### PLENARY SESSION – Ethical Considerations Regarding Collection and Admission of Social Media Evidence



- What was once a thought or a spoken word is now memorialized as tangible evidence. A running journal of an individual's activities, thoughts, and movements is a potential treasure trove of evidence not to be ignored. Improper collection can lead to spoliation and/or preclusion of evidence. Your presenter will discuss the case law (state & federal), FRCP, Rules of Evidence (801, 901, & 902), ABA Model Rules (401 & 804), and bar opinions surrounding preservation of evidence, best practices for collection, rules of evidence and how to lay a proper foundation for admission of this evidence. These winning strategies will lower the cost of litigation and improve work product.
- Gregory MacFarlane, JD, Legal Consultant | E-Discovery Specialist, Thomson Reuters, New York, NY

35th Annual National CLE Conference®  
**Law Practice Management  
Program Agenda**

**PROGRAM CHAIR:**

- **Christopher T. Anderson**, President and COO, How to MANAGE a Small Law Firm, Athens GA

*MCLE Accreditation is not being sought from any state for the Law Practice Management program. Attendees of the Law Practice Management program may apply on their own to any state or states for accreditation. Please be aware that each state has its own rules and regulations, including its definition of "CLE." Attorneys seeking to obtain MCLE credit in some states are required to pay state accreditation fees directly to the state.*

**WEDNESDAY, JANUARY 3, 2018**

3:00 - 7:00 p.m.

**Registration**

- **Christopher T. Anderson**, President and COO, How to MANAGE a Small Law Firm, Athens, GA (*Presenter for all sessions*)

4:30 - 5:30 p.m.

**Making Your Law Firm BUSINESS Work for You**

- "Failing to plan is planning to fail"
- The #1 reason law firm owners struggle is a failure to make three core decisions
- Why having a plain-English business plan is critical for your growth
- The purpose of EVERY successful law firm business
- Learn the 7 main parts of every successful law firm and how to get them working FOR you

5:30 - 6:30 p.m.

**The 4 Stages of Law Firm Growth: How to identify the stage you're in and push through so you don't get stuck**

- Stage 1 – Creating a Successful Practice
- Stage 2 – Upgrading to a Sustainable Business
- Stage 3 - Growing Your Business to Break 7 Figures
- Stage 4 – Becoming a CEO: Profiting From Your Purpose

**THURSDAY, JANUARY 4, 2018**

7:00 - 8:00 a.m.

**Marketing: Building a business by helping others**

- The big mistake most law firm owners make when making marketing decisions
- How to build a marketing plan that achieves the financial, personal and professional goals of the owner
- Attract more clients by solving more problems
- Make sure you're sending the right message to the right prospective clients to maximize your marketing results
- Understand the 2 main jobs of marketing and make sure they're working for you

8:00 - 9:00 a.m.

**Marketing Execution: The small law firm's guide to implementing effective marketing campaigns**

- Pay Per Click – Don't pay more than you need to
- Social Media – It's not them, it's you
- Your Website – What it is for, and what it isn't!
- Print Advertising – Luckily your competition is doing it wrong
- Workshops – Educate your market with compelling content

4:30 - 6:30 p.m.

**PLENARY SESSION – More Fun With Ethics at the Movies**



- **Larry J. Cohen, Ph.D., J.D.**, Cohen's Counsel, Bethel, VT

6:30 p.m.

**Wine Tasting Reception**

*Sponsored by Young Conaway Stargatt & Taylor, LLP*

**FRIDAY, JANUARY 5, 2018**

7:00 - 8:00 a.m.

**Automatic Referrals: How to trigger more repeat and referral business from current and former clients**

- How to cultivate consistent and reliable referral revenue
- It's all about them!
- Keeping referral sources loyal to you
- The magic words. The other magic words
- Stop NetSocializing and start NetWorking

8:00 - 9:00 a.m.

**The Key to Scalability: Building Your Production Line**

- A real business is operated by systems
- Systems are operated by people
- How to build systems that grow your business AND grow WITH your business

4:30 - 5:30 p.m.

**Building your A-Team: How to attract, hire and train A-quality people to run the systems that run your business**

- Understanding the key roles in a successful law firm and why you shouldn't be doing most (almost any) of them
- Delegating your way to profitability
- What you absolutely CANNOT delegate
- Understanding the "technician trap" as it applies to your law firm

5:30 - 6:30 p.m.

**Putting it all together: Stop guessing and start planning**

- How to use Shop Keeping Units ("SKUs") to help you plan for growth
- How, when and who to hire to keep pace with your growth
- How and when to upgrade your systems and physical space
- How to Use SKU's to understand your capacity, and maximize your time at near-full capacity

**SATURDAY, JANUARY 6, 2018**

7:00 - 8:00 a.m.

**Calendar your profit:** *Convert your time into wealth*

- Avoid the trap of limiting your profits by trading time for money
- The three mindsets around money
- The truth about multi-tasking
- Planning for success

8:00 - 9:00 a.m.

**Running your practice by the numbers:** *Money, metrics, and strategic financial management*

- Getting control of your numbers
- The key financial terms you must know to discuss your firm's metrics
- Know the 6 key reports every law firm owner should be using
- Know the difference between rear-view reporting and forward looking projections

4:30 - 5:30 p.m.

**Selling done right: Part 1** - *The most ethical thing we do for prospective clients*

- Nobody hires an attorney to solve a legal problem
- Helping your client understand value (How to sell FOR your client)
- Profit for you, profit for me
- The difference between doing business with you ... and not

5:30 - 6:30 p.m.

**Selling done right: ... continued** - *The most ethical thing we do for prospective clients*

**SUNDAY, JANUARY 7, 2018**

7:00 - 8:00 a.m.

**PLENARY SESSION – The Ethical Boundaries of Adversary Investigations**



- Addressing the Need for Information About Your Adversaries, Including in Intellectual Property Disputes
- Investigative Techniques Generally, and Use of Private Investigators, Specifically
- Applicable Law and Rules, Including Rules 4.1 (a), 4.2, 4.3, 4.4(a), 8.4(c), and 5.3 of the ABA Model Rules of Professional Conduct
- Potential Penalties and Consequences for Violations
- Case Analyses and Hypotheticals
- **Michael Chiappetta**, Senior Legal Editor, Intellectual Property & Technology, *Practical Law*, New York, NY. *Your speaker will share with you his experiences in the intellectual property practice area along with how such ethical considerations may apply in other practice areas and other practice area examples.*

8:00 - 9:00 a.m.

**PLENARY SESSION – Ethical Considerations Regarding Collection and Admission of Social Media Evidence**



What was once a thought or a spoken word is now memorialized as tangible evidence. A running journal of an individual's activities, thoughts, and movements is a potential treasure trove of evidence not to be ignored. Improper collection can lead to spoliation and/or preclusion of evidence. Your presenter will discuss the case law (state & federal), FRCP, Rules of Evidence (801, 901, & 902), ABA Model Rules (401 & 804), and bar opinions surrounding preservation of evidence, best practices for collection, rules of evidence and how to lay a proper foundation for admission of this evidence. These winning strategies will lower the cost of litigation and improve work product.

- **Gregory MacFarlane, JD**, Legal Consultant | E-Discovery Specialist, Thomson Reuters, New York, NY

# DISCOUNT SKI LIFT TICKET ORDER FORM - PRICES ARE ONLY VALID 1/2/2018 THRU 1/8/2018



**FAX form to ...** when using VISA, MC or AmEx  
**FAX to: (303) 860-0624**



**Or MAIL form to ...**  
**CBA-CLE, 1900 Grant St, Suite 300, Denver, CO 80203-4303**

Description	No. of Days	Vail Advance Purchase Online Pricing	SPECIAL LEI DISCOUNT	No. of Tickets	Total Price
<b>Adult Lift Ticket (13-64):</b>					
	<input type="checkbox"/> 1-DAY	\$164	<b>\$119</b>		
	<input type="checkbox"/> 2-DAY	\$328	<b>\$229</b>		
	<input type="checkbox"/> 3-DAY	\$463	<b>\$334</b>		
	<input type="checkbox"/> 4-DAY	\$596	<b>\$434</b>		
	<input type="checkbox"/> 5-DAY	\$715	<b>\$524</b>		
	<input type="checkbox"/> 6-DAY	\$822	<b>\$604</b>		
	<input type="checkbox"/> 7-DAY	\$924	<b>\$674</b>		

<b>Senior Lift Ticket (65 plus):</b>					
	<input type="checkbox"/> 1-DAY	\$154	<b>\$109</b>		
	<input type="checkbox"/> 2-DAY	\$308	<b>\$219</b>		
	<input type="checkbox"/> 3-DAY	\$438	<b>\$324</b>		
	<input type="checkbox"/> 4-DAY	\$556	<b>\$424</b>		
	<input type="checkbox"/> 5-DAY	\$665	<b>\$514</b>		
	<input type="checkbox"/> 6-DAY	\$570	<b>\$594</b>		
	<input type="checkbox"/> 7-DAY	\$854	<b>\$664</b>		

<b>Child Lift Ticket (5-12):</b>					
	<input type="checkbox"/> 1-DAY	\$113	<b>\$99</b>		
	<input type="checkbox"/> 2-DAY	\$226	<b>\$191</b>		
	<input type="checkbox"/> 3-DAY	\$324	<b>\$287</b>		
	<input type="checkbox"/> 4-DAY	\$412	<b>\$387</b>		
	<input type="checkbox"/> 5-DAY	\$495	<b>\$467</b>		
	<input type="checkbox"/> 6-DAY	\$762	<b>\$537</b>		
	<input type="checkbox"/> 7-DAY	\$637	<b>\$597</b>		

**THESE TICKETS ARE NOT REFUNDABLE WITHOUT A WRITTEN MEDICAL STATEMENT FROM A PHYSICIAN.  
 THERE WILL BE NO EXCEPTIONS. THEY MAY BE USED ONLY DURING THE PERIOD OF JANUARY 2 THROUGH JANUARY 8, 2018.**

Name \_\_\_\_\_ E-Mail Address \_\_\_\_\_

Firm/Organization \_\_\_\_\_

Street Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Telephone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

Program Registered for: \_\_\_\_\_

Reservations at (check one):  Marriott  Other When are you arriving? \_\_\_\_\_

**PAYMENT METHOD:**  Enclosed is my check made payable to CLE  VISA  MasterCard  AmEx


Credit Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature (Required for credit card orders) \_\_\_\_\_

**ALL ORDERS MUST INCLUDE A CHECK OR CHARGE CARD INFORMATION**

# 35TH ANNUAL NATIONAL CLE CONFERENCE® • JANUARY 3<sup>RD</sup> - 7<sup>TH</sup>, 2018 • VAIL, CO

 **Register ONLINE ...**  
when using VISA, MC or AmEx  
@ [www.nationalcleconference.com](http://www.nationalcleconference.com)

 **Or Register by PHONE ...**  
when using VISA, MC or AmEx  
**In Denver: (303) 860-0608**  
**Toll-Free: (888) 860-2531**

 **Or FAX form to ...**  
when using VISA, MC or AmEx  
**FAX to: (303) 860-0624**

 **Or MAIL form to ...**  
**CBA-CLE**  
1900 Grant St, Suite 300  
Denver, CO 80203-4303

**\*\*\*\*\* PLEASE PRINT AND FILL OUT COMPLETELY \*\*\*\*\***

Name \_\_\_\_\_

Firm/Organization \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone (            ) \_\_\_\_\_ Fax (            ) \_\_\_\_\_

How would you like your first name to appear on your name tag: \_\_\_\_\_

**PLEASE NOTE:** Participants must wear name badge at all times while in the conference center.

Were you referred by someone?  YES  NO If yes, who? \_\_\_\_\_

**REFER A NEW\* ATTENDEE AND EARN A FREE LIFT TICKET! (\*Participant has never attended the National CLE Conference)**

**YES - I'd like to earn a free lift ticket!** Name of new attendee: \_\_\_\_\_

**SELECT PROGRAM AND PAYMENT METHOD (required)**

**NOTE:** Please select **ONLY ONE** program

- Bankruptcy**
- Business and Tax Law**
- Civil Litigation**
- Employee Benefits**
- Environmental Law, Land Use, Energy and Litigation**
- Family Law**
- Health Law**
- Intellectual Property**
- Labor & Employment**
- Law Practice Management**

**CANCELLATION POLICY:** Cancellations by December 27, 2017, will receive a full refund of tuition paid. After December 27, 2017, no refunds will be issued, but substitutions are welcome.

Online registration is available for all sessions. Mailed registrations must include a check or charge card information. Mail to CBA-CLE, 1900 Grant St., Suite 300, Denver, Colorado 80203-4303. Registration can also be done via phone or fax when using MasterCard, Visa or AmEx.

**TUITION ENCLOSED:**

- REGISTRATION BEFORE DECEMBER 20<sup>TH</sup> ..... \$699.00
- REGISTRATION ON OR AFTER DECEMBER 20<sup>TH</sup> .. \$799.00
- NEW LAWYERS (in practice 5 years or less) ..... \$499.00
- ELITE CLE PASS HOLDERS:** ..... **\$499.00 (\$200 off conference tuition!)**
- NEW LAWYER EDGE PARTNER:** ..... **\$349.50 (50% off conference tuition!)**

**MATERIALS FORMAT:**

The default for course materials is digital download. All participants will receive the materials in PDF format no later than December 29, 2017.

If you wish to receive a PRINTED BOOK, please check the box below.

I will pick up my PRINTED BOOK at the seminar.

**OPTIONAL – GUEST PASSES:**

Pass for guests includes all breakfast and après ski meals: \$290

YES - I would like to purchase a pass for my guest(s) at \$290 per pass

No. of Guests: \_\_\_\_\_ X \$290 = \_\_\_\_\_

**REGISTER EARLY AND SAVE \$100!**

**TOTAL AMOUNT DUE \$** \_\_\_\_\_

*Add tuition amount and amount for guest passes and place total amount here*

**PAYMENT METHOD:**

Enclosed is my check made payable to CLE     VISA     MasterCard     AmEx

Credit Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature (Required for credit card orders) \_\_\_\_\_

35<sup>TH</sup> ANNUAL

# National CLE Conference<sup>®</sup>



The nonprofit educational arm of the Colorado and Denver Bar Associations

1900 Grant Street, Suite 300, Denver, Colorado 80203-4303

Nonprofit Org.  
U.S. Postage Paid  
Permit No. 1638  
Denver, CO

**EARN CLE WHILE YOU RIDE OR SKI!**

**January 3-7, 2018**

Vail Marriott Resort



**IT'S BACK  
IN VAIL!**

Visit us online @[www.nationalcleconference.com](http://www.nationalcleconference.com)

35<sup>TH</sup> ANNUAL

# National CLE Conference<sup>®</sup>

January 3-7, 2018 • Vail Marriott Resort



**EARN CLE WHILE  
YOU RIDE OR SKI!**

**16-19 CLE CREDITS INCLUDING ETHICS!**

Accredited in Most MCLE States

**DISCOUNTED LIFT TICKETS  
& LODGING!**

**IT'S BACK IN VAIL! • REGISTER NOW @ [www.nationalcleconference.com](http://www.nationalcleconference.com)**

