

2018 BUSINESS LAW INSTITUTE

Co-sponsored by the Business Law and Taxation Law Sections of the Colorado Bar Association, and the Colorado and Denver Bar Associations

JOIN US in September to hear expert faculty on timely and relevant topics, including the TCJA, the most sweeping tax reform since 1986, and to receive annual updates, practical tips and resources to help you better advise your clients.

September 12-13, 2018

At the **RITZ-CARLTON**
1881 Curtis Street, Denver, CO 80202

Submitted for 13 General CLE Credits,
Including 1.7 Ethics Credits

Don't Miss the Rocky Mountain Region's Premier Business Law CLE Event!

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BUSINESS LAW INSTITUTE

Co-sponsored by the Business Law and Taxation Law Sections of the Colorado Bar Association, and the Colorado and Denver Bar Associations

The Business Law Institute is a great resource for busy attorneys. Attend this excellent event to learn, polish your skills, keep current with the law, and to network with your colleagues. And, there's more!

You get to choose the most relevant sessions for your particular practice area from 18 breakout options. Drafting, LLC, finance, deal making, blockchain, tax, and marijuana sessions are just a few of your options.



PLUS, back by popular demand – featured presenter **Dr. Richard Wobbekind!** For 30 years, he has developed an annual consensus forecast of the Colorado economy. He will share with you his assessment of Colorado's economic sectors, his economic forecast for the months and year ahead, economic developments since last year's Institute, and more.

HERE IS WHAT YOUR COLLEAGUES SAY ABOUT INSTITUTE PRESENTATIONS:

... Fabulous presentation. Informed, succinct and engaging.

... Very interesting and full of good tips. Engaging, well prepared, with good tempo.

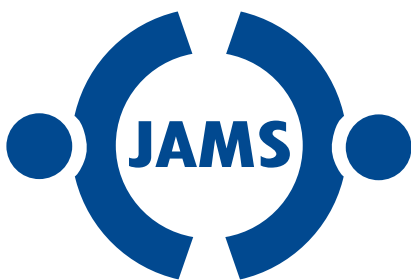
... Great update with relevant content.

... Very helpful practical tips

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Sponsorship opportunities are still available! For more information, please contact Melissa Higham at mhigham@cobar.org

September 12-13, 2018

At the **RITZ-CARLTON**
1881 Curtis Street, Denver, CO

Submitted for 13 General CLE Credits,
Including 1.7 Ethics Credits

PLENARY SESSIONS INCLUDE:

- The December 2017 Tax Cuts and Jobs Act (TCJA): Overview of the Most Consequential Tax Reform Since 1986
- Ethics: Best Practices and Common Ethical Issues Facing Business Lawyers
- Where is Colorado's Economy Headed? What Was Expected and What Actually Happened This Past Year? Impact on You, Your Clients and Potential Clients
- Tax Cuts and Jobs Act of 2017: Choice of Entity and Planning Considerations After Tax Reform
- Essential Updates for the Business Lawyer
 - Case Law Update
 - 2018 Business Law Legislative Update
 - Colorado Secretary of State 2018 Update

PLUS, CHOOSE FROM THE FOLLOWING BREAKOUT SESSION TOPICS:

- Advanced Transactional Document Drafting
- Antitrust Law: Winning? This Year's Winners (and losers) in Competition Matters
- Blockchain and Business
- Business Valuation Basics
- Contract Damages from Drafting to Litigating: What's Available When, How to Protect Client Goals, and the Reality of Enforcement
- Drafting Early-Stage Financing Documents
- Employment Law Legal Update
- Franchise Nuts & Bolts for Growing Enterprises
- Help Your Business Clients Reduce Risk from Social Media Posts and Other Communications
- Investing in Privately Held Cannabis Businesses: Colorado, National and International Legal Aspects
- IP Issues for Small Businesses
- Legal Implications of Doing Business with the Marijuana Industry
- Negotiating Your Next M&A Deal
- Sales and Use Taxes for Start-Ups
- Small Business Administration (SBA) Loans and Small Business Transactions
- Social Enterprises, including Public Benefit Corporations, Cooperatives, and LLCs as Social Enterprises, and B Corp Certification: What Are They, Why They Matter, and Why They Likely Are Sticking Around
- Winding Down Business Entities and Transitioning Ownership
- Your Top Ten List of Things Done Wrong Regarding LLCs



THE BUSINESS OF CANNABIS



THE COLORADO ECONOMY



TECH AND START-UP BUSINESS ISSUES



INSTITUTE AGENDA

WEDNESDAY, **SEPTEMBER 12** • DAY ONE

8:30 am Registration and Continental Breakfast – *Please Visit Our Sponsors!*

9:00 am Introductions and Welcome
Todd Olinger, Esq., *Todd M. Olinger, P.C., Chair, Colorado Business Law Section and Maureen (Mo) Watson, President, Denver Bar Association, and Vice President and General Counsel, CQG, Inc.*

9:10 am **PLENARY SESSIONS**

The December 2017 Tax Cuts and Jobs Act (TCJA): Overview of the Most Consequential Tax Reform Since 1986

- Tax Reform Affecting C Corporations and Individual Taxpayers
- Creation of a 20% Qualified Business Income Deduction for Owners of Pass-through Entities
- Introduction of a 3-year Holding Requirement for “Carried Interests”
- Limitations on Use of Net Operating Losses (NOLs)
- Immediate Capital Expensing
- Impact of TCJA on Enterprise Value
- Impact on Dissolution of Marriage Proceedings
- Limitation on Interest Expense Deduction
- Change to IRC 1031 Like-kind Exchange Rules
- Accounting Method Changes
- New Deferral Rules Applicable to Qualified Equity Grants
- Limitations on Marketing Expenses/Business Deductions

*Presented by **Scott P. Greiner, Esq.**, and **Ronald L. Seigneur, CPA/ABV, ASA, CFF, CGMA***

10:40 am Morning Networking Break – *Please Visit Our Sponsors!*

10:55 am **Ethics: Best Practices and Common Ethical Issues Facing Business Lawyers**


1.5 ETHICS CREDITS

- Maintaining Client Confidences and Technology
- Disclosing Publicly Available Client Information About the Client (Opinion 130)
- Use of the Cloud – What to Look for in Cloud Computing Services and More
- Who’s Your Client? Closely Held Businesses
- Who Holds the Attorney Client Privilege After a Sale, Merger or Bankruptcy?
- Transactional/Drafting Ethical Pitfalls

*Presented by **Heather Kelly, Esq.**, Assistant Attorney General, **Jared Ellis, Esq.**, and **Lance J. Ream, Esq.***

12:10 - 1:20 pm Lunch on Your Own

Breakout Session A Begins (Please indicate on registration form which session you plan to attend)

1:20 - 2:10 pm	OPTION 1 <i>Track Moderated by Herrick K. Lidstone, Jr., Esq.</i>	OPTION 2 <i>Track Moderated by Victoria Bantz, Esq.</i>	OPTION 3 <i>Track Moderated by Holly R. Shilliday, Esq.</i>
	Advanced Transactional Document Drafting: Best Practices <i>Presented by Amy Bauer, Esq., Legal Writing Professor, University of Colorado Law School</i>	Help Your Business Clients Reduce Risk from Social Media Posts and Other Communications <ul style="list-style-type: none"> • Primer on the Legal Issues Arising from Companies’ Published Content • Issues Unique to Online Content • Practical Tips for Keeping Your Clients out of Trouble <i>Presented by Ashley I. Kissinger, Esq.</i>	Small Business Administration (SBA) Loans and Small Business Transactions <ul style="list-style-type: none"> • How SBA Loans Work • How SBA Loans Impact Small Business Transactions • Practice Tips in Regards to Transactions Funded by SBA Loans <i>Panelists: Kevin Doyle, Vice President, Wells Fargo SBA Lending, and Renee Wood, SBA Business Development Officer, Wells Fargo SBA Lending</i> <i>Moderated by Julian Izbiky, Esq.</i>

WEDNESDAY, **SEPTEMBER 12** • DAY ONE *continued*

Breakout Session B Begins (Please indicate on registration form which session you plan to attend)

2:15 - 3:05 pm	<p>OPTION 1 Track Moderated by <i>Herrick K. Lidstone, Jr., Esq.</i></p>	<p>OPTION 2 Track Moderated by <i>Victoria Bantz, Esq.</i></p>	<p>OPTION 3 Track Moderated by <i>Holly R. Shilliday, Esq.</i></p>
<p>BREAKOUT SESSION B</p>	<p>Your Top Ten List of Things Done Wrong Regarding LLCs <i>Presented by Herrick K. Lidstone, Jr., Esq., and Amy Fliam, Esq.</i></p>	<p>IP Issues for Small Businesses • Trademarks • Trade Secrets • Trade/Domain Names <i>Presented by Dana Jozefczyk, Esq.</i></p>	<p>Contract Damages from Drafting to Litigating: What's Available When, How to Protect Client Goals, and the Reality of Enforcement We will explore the various forms of contract damages that are available, when they are available, issues that impact whether certain forms of relief survive motions practice once in litigation and what issues influence the finder of fact. These are presented to provide guidance and consideration of things to consider at the drafting stage, during negotiations, realistic business considerations, evaluation of risk factors in the event of breach, as well as addressing damage claims head-on in litigation. <i>Presented by Shannon Bell, Esq.</i></p>

3:05 - 3:20 pm Afternoon Networking Break and Transition to Plenary Session Meeting Room

3:20 - 4:20 pm **PLENARY SESSION**
Special thanks to the Colorado and Denver Bar Associations for their Co-sponsorship of this Institute and Helping to Make our Featured Presentation Possible!
Where is Colorado's Economy Headed? What Was Expected and What Actually Happened This Past Year? Impact on You, Your Clients and Potential Clients
• National Economic Context and Monetary Policy
• How is Colorado Faring?
• Growth Industries
• Economic Growth or Loss in Different Geographical Areas
• International/Overseas Investment
• Impact on Entity Filings/Dissolutions, Legal Skills, Knowledge Needed and more!
Presented by Richard L. Wobbekind, Ph.D., Senior Associate Dean for Academic Programs, and Executive Director of the Business Research Division, Leeds School of Business, University of Colorado, Boulder

4:20 pm **Presentation of the Cathy Stricklin Krendl Business Lawyer Lifetime Achievement Award**

4:30 pm **Adjourn to Networking Reception – *Sponsored by JAMS***
All Institute Participants and Members of the Business Law Section and Its Subsections are Invited! (No need to register for the Institute to attend the reception.)

THURSDAY, **SEPTEMBER 13** • DAY TWO

8:30 am Continental Breakfast

8:50 am Welcome Back
Todd Olinger, Esq., Todd M. Olinger, P.C., Chair, Colorado Business Law Section

THURSDAY, **SEPTEMBER 13** • DAY TWO *continued*

PLENARY SESSIONS

9:00 am **Tax Cuts and Jobs Act of 2017: Choice of Entity and Planning Considerations After Tax Reform**
 • Revisiting the Choice-of-entity Decision in Light of Changes to the Taxation of Corporations and Pass-through Entities
Presented by Christopher Levkulich, Esq., and Fred J. Diss, Esq.

10:00 am Morning Networking Break

10:15 am **Essential Updates for the Business Lawyer**

Case Law

Presented by Gil B. Rosenthal, Esq.

2018 Business Law Legislative Update – Learn About New Legislation Affecting:

- Privacy and Cybersecurity
- Physician Non-Compete Agreements
- Market Sourcing for Business Income Tax Apportionment
- Delaware Business Legislation and More

Presented by Trevor Crow, Esq.


Colorado Secretary of State 2018 Update

- Introduction to the Colorado Secretary of State’s Office
- Overview of Business and Licensing Programs
- 2018 Business and Licensing Legislative Update
- Business and Licensing Projects Update
- Business and Licensing Ongoing and Future Projects

Presented by Carla Hoke, Legal Analyst, Business and Licensing Division, Colorado Secretary of State’s Office

11:30 - 11:35 am Transition to Breakout Sessions

Breakout Session C Begins (Please indicate on registration form which session you plan to attend)

11:35 - 12:25 pm	OPTION 1 <i>Track Moderated by Stacey L. Bowers, JD, PhD, Associate Professor of the Practice</i>	OPTION 2 <i>Track Moderated by Victoria Bantz, Esq.</i>	OPTION 3 <i>Track Moderated by Todd Olinger, Esq.</i>
	<p>Drafting Early-Stage Financing Documents</p> <ul style="list-style-type: none"> • Commonly-used Documents in Early-Stage Financing Transactions • Similarities and Differences in Documents • Legal and Business Considerations in Determining Which Agreement to Use • Major Practice Points for Drafting and Reviewing Such Documents • Impact of Provisions <p><i>Presented by Mystery Murphy, Esq., and Mike Nelson, Ph.D., Esq.</i></p>	<p>Antitrust Law: Winning? This Year’s Winners (and losers) in Competition Matters</p> <ul style="list-style-type: none"> • Merger Enforcement, Telecomm and Other Industries • Perils of Non-Solicitation Agreements • Conducting Business Internationally • Pricing Algorithms and Price Scraping <p><i>Presented by Christopher H. Wood, Esq., and Robin Alexander, Esq.</i></p>	<p>Blockchain and Business</p> <ul style="list-style-type: none"> • Initial Coin Offerings (ICO) • “Smart” Contracts • Permissioned Blockchains • Proof of Work • Proof of Stake • Blockchain LLCs <p><i>Presented by Donald D. Allen, Esq., Jeffrey B. George, CPA, ABV, and Joshua McDougall, CBP, RCA</i></p>

THURSDAY, **SEPTEMBER 13** • DAY TWO *continued*

12:25 - 1:30 pm Lunch on your own

Breakout Session D Begins (Please indicate on registration form which session you plan to attend)

<p>1:30 - 2:20 pm</p>	<p>OPTION 1 Track Moderated by <i>Stacey L. Bowers, JD, PhD,</i> <i>Associate Professor of the Practice</i></p>	<p>OPTION 2 Track Moderated by <i>Victoria Bantz, Esq.</i></p>	<p>OPTION 3 Track Moderated by <i>Todd Olinger, Esq.</i></p>
<p>BREAKOUT SESSION D</p>	<p>Winding Down Business Entities and Transitioning Ownership <i>Presented by Michael (Mike) R. Stiff, Esq.</i></p>	<p>Employment Law Legal Update U.S. and Colorado Supreme Court decisions on wage claims, conflicting state laws addressing employee cannabis use, pay equity initiatives nationwide, taxation of sexual harassment settlements, and the evolving understanding of an employer's obligations under federal medical leave and disability laws <i>Presented by Christopher L. Otele, Esq.</i></p>	<p>Negotiating Your Next M&A Deal: An Interactive Discussion</p> <ul style="list-style-type: none"> • Update on Market Terms and Trends • Commonly Disputed Issues, Including Working Capital Adjustments and Earnouts • Avoiding Common Pitfalls <i>Presented by Julie Herzog, Esq., and Eric Martin, Managing Director, Institutional Client Relations, SRS Acquiom Inc.</i>

Breakout Session E Begins (Please indicate on registration form which session you plan to attend)

<p>2:25 - 3:15 pm</p>	<p>OPTION 1</p>	<p>OPTION 2</p>	<p>OPTION 3</p>
<p>BREAKOUT SESSION E</p>	<p>Social Enterprises, including Public Benefit Corporations, Cooperatives, and LLCs as Social Enterprises, and B Corp Certification: What Are They, Why They Matter, and Why They Likely Are Sticking Around Owner value and return is an important concept, but there are other social issues (liberal, conservative, religious or not) that can be important. Does a social enterprise need to make money or increase ownership value? Find out how younger generations are championing these interests and business models. <i>Presented by Victoria L. Donovan, Esq., and Tonya Price, Esq.</i> <i>Moderated by Herrick K. Lidstone, Jr., Esq.</i></p>	<p>Sales and Use Taxes for Start-Ups</p> <ul style="list-style-type: none"> • Overview of State and Local Sales and Use Taxes • Nexus • Exemptions from Sales and Use Taxes • Sales and Use Tax Application on the Acquisition and Sale of Business Assets • Internet Taxes <i>Presented by Eric J. Zinn, J.D., LL.M., M.B.A., M.S.I.S., M.S.F., Director, Graduate Tax Program, University of Colorado Denver / Business School and Of Counsel, Kutak Rock LLP</i> 	<p>Legal Implications of Doing Business with the Marijuana Industry</p> <ul style="list-style-type: none"> • Overview of Legal Issues Affecting the Marijuana Industry <ul style="list-style-type: none"> - Top legal issues affecting the marijuana industry - Considerations for clients that do business with the marijuana industry - Key contract issues to consider - Banking overview • Overview of Ethical Challenges for Lawyers Advising Marijuana Related Business Clients <i>Presented by Zane Gilmer, Esq.</i> <p>.2 ETHICS CREDIT</p>

THURSDAY, **SEPTEMBER 13** • DAY TWO *continued*

Breakout Session F Begins (Please indicate on registration form which session you plan to attend)

<p>3:20 - 4:10 pm</p>	<p>OPTION 1 Track Moderated by Stacey L. Bowers, JD, PhD, <i>Associate Professor of the Practice</i></p>	<p>OPTION 2 Track Moderated by Victoria Bantz, Esq.</p>	<p>OPTION 3 Track Moderated by Todd Olinger, Esq.</p>
<p>BREAKOUT SESSION F</p>	<p>Business Valuation Basics</p> <ul style="list-style-type: none"> • Business Valuation Contexts • Common Business Valuation Methods • Business Valuation Limitations • Business Valuation Reports <p><i>Presented by Stacey L. Bowers, JD, PhD, Associate Professor of the Practice, University of Denver Sturm College of Law</i></p>	<p>Franchise Nuts & Bolts for Growing Enterprises</p> <ul style="list-style-type: none"> • What Makes a Franchise? • Common Accidental Franchise "Traps" • IP and Corporate Considerations to Franchise Intentionally and Intelligently • Franchise Disclosure Documents – Key Points to Advise On When Clients Consider Franchising <p><i>Presented by Laura E. Liss, Esq.</i></p>	<p>Investing in Privately Held Cannabis Businesses: Colorado, National and International Legal Aspects</p> <ul style="list-style-type: none"> • Colorado, US and International Investment Landscape • Industrial Hemp Versus Medical and Retail Marijuana • "Plant-touching" Versus Ancillary Businesses • Protective Provisions for Investors • Tips for Due Diligence <p><i>Presented by Adam Foster, Esq.</i></p>

4:10 pm Adjourn



2018 BUSINESS LAW INSTITUTE HOTEL LOCATION

The Business Law Institute is being held at the **RITZ-CARLTON**
1881 Curtis Street, Denver, CO
(303) 312-3800

DATES: September 12-13, 2018

Set in the heart of downtown, The Ritz-Carlton, Denver looks out over the Mile High City while the sweeping Colorado Rockies beckon from beyond. Ease of access to Denver’s financial, theater and entertainment districts and a host of luxury amenities make the hotel appealing to both business and leisure travelers. The urban retreat offers modern accommodations, a signature steakhouse, luxury spa and 13,000 sq. ft. of hotel event space.





FEATURED PRESENTER:

Richard L. Wobbekind, Ph.D.

Senior Associate Dean for Academic Programs,
and Executive Director of the Business Research Division
Leeds School of Business, University of Colorado
Boulder, CO

As Executive Director of the Business Research Division, Dr. Wobbekind develops an annual consensus forecast of the Colorado economy, which he has done since 1988. The Business Research Division also produces a quarterly Business Leaders Confidence Index for Colorado and a quarterly new business formation and economic indicators report in conjunction with the Colorado Secretary of State. Additionally, he performs various strategic analyses and economic impact assessments of the Colorado economy.

FACULTY

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Director, Graduate Tax Program,
University of Colorado Denver,
Business School, and
Of Counsel, Kutak Rock LLP
Denver, CO

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SESSIONS**

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Andrew D. Johnson, Esq.

Onsager Fletcher Johnson
Denver, CO, and
Immediate Past Chair, Colorado Bar
Association Business Law Section

INSTITUTE ORDER FORM

Your course tuition includes: Course materials provided in one of two formats (PDF via digital download emailed 24-48 hours before the Institute or Printed Book), admission to the entire Institute, and a networking reception.

STEP 1 - REGISTRATION CATEGORIES: (BL091218L)

- CLE Elite Pass Holder:\$199
- New Lawyer Edge Partner:\$214.50
- CLE Basic Pass Holder:\$249
- CBA YLD Member:\$329
- ACC Member:\$419
- CBA Business Law Section Member:\$419
- CBA Taxation Law Section Member:\$419
- CBA Member:.....\$429
- DBA Member:.....\$429
- Non-member:\$459

STEP 2 - MATERIALS FORMAT:

- Digital Download (PDF) via EMAIL (sent approximately 24-48 hrs. prior to the Institute)
- Printed Book (pick up at Institute)

STEP 3 - WEDNESDAY NETWORKING RECEPTION:

- YES - I will attend the Networking Reception on Wednesday
- NO - I will not attend the Networking Reception on Wednesday

STEP 4 - SELECT YOUR BREAKOUT SESSIONS:

DAY 1 BREAKOUT SESSIONS:

- 1:20 - 2:10 pm – Session A:..... Option 1 Option 2 Option 3
- 2:15 - 3:05 pm – Session B: Option 1 Option 2 Option 3

DAY 2 BREAKOUT SESSIONS:

- 11:35 - 12:25 pm – Session C: .. Option 1 Option 2 Option 3
- 1:30 - 2:20 pm – Session D: Option 1 Option 2 Option 3
- 2:25 - 3:15 pm – Session E: Option 1 Option 2 Option 3
- 3:20 - 4:10 pm – Session F: Option 1 Option 2 Option 3

INSTITUTE ORDER FORM TOTAL \$ _____

HOMESTUDY ORDER FORM

Homestudy submitted for 25 General CLE Credits, including 1.7 Ethics Credits

STEP 1 - SELECT DESIRED PRODUCT FORMAT:

- MP3 Audio Download (BL091317J)
- Paper course materials & recorded homestudy on Audio CD (BL091317D)

STEP 2 - SELECT PAYMENT CATEGORY:

- CLE Elite Pass Holder (MP3 product ONLY):COMPLIMENTARY
- CLE Basic Pass Holder (MP3 product ONLY):COMPLIMENTARY
- New Lawyer Edge Partner:\$214.50
- CBA Member:\$569
- Non-member:\$669

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CANCELLATIONS: If you are unable to attend, please notify CBA-CLE by September 5, 2018 and we will gladly refund your tuition in full, or you may transfer your tuition to another party. Regretfully, we are unable to transfer your registration to the audio home study. Cancellations after 5pm on September 5, 2018 will be refunded less a \$150 cancellation fee.



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