20th Annual

FESTIVAL
of Legal Learning

Sponsored by UNC School of Law

February 5-6, 2010
William and Ida Friday Center
Chapel Hill, North Carolina

Register Online and Save $25

www.law.unc.edu/cle
About the Program

The Festival of Legal Learning is a convenient, affordable and enjoyable way to satisfy your CLE requirements. Designed to build basics, sharpen skills, provide perspectives and highlight new developments in the field of law, Festival offers more than 96 sessions in just a day-and-a-half. This diverse program also lets you customize your learning and choose the courses most related to your needs. And, the depth of programming and the time-intensive format offers you 12 hours of CLE credit within this concise day-and-a-half event. The quality of the courses you select is ensured. Your instructors are recognized experts in their fields and include professors from Carolina Law, UNC School of Government and UNC School of Medicine, as well as distinguished guest faculty. The Festival of Legal Learning will once again be held at the William and Ida Friday Continuing Education Center, a beautiful facility designed especially for continuing education programs. The Friday Center has ample parking and meeting space, as well as areas for informal conversation and quiet study for conference participants.

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FRIDAY, FEBRUARY 5

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<th>Time</th>
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<tr>
<td>7:15 a.m.</td>
<td>Registration Desk Opens</td>
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<tr>
<td>7:30 a.m. - 8:00 a.m.</td>
<td>Continental Breakfast</td>
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<tr>
<td>8:00 a.m. - 9:00 a.m.</td>
<td>Session One</td>
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<td>9:10 a.m. - 10:10 a.m.</td>
<td>Session Two</td>
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<td>10:20 a.m. - 11:20 a.m.</td>
<td>Session Three</td>
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<td>11:30 a.m. - 12:30 p.m.</td>
<td>Session Four</td>
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<tr>
<td>12:30 p.m. - 1:30 p.m.</td>
<td>Lunch</td>
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A lunch buffet provided by the Friday Center is available for $15. Please sign up for the buffet on your registration form. Buffet lunch reservations must be made with the Office of CLE by January 29, 2010.

SATURDAY, FEBRUARY 6

<table>
<thead>
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<th>Time</th>
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<tr>
<td>1:30 p.m. - 2:30 p.m.</td>
<td>Session Five</td>
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<tr>
<td>2:40 p.m. - 3:40 p.m.</td>
<td>Session Six</td>
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<td>3:50 p.m. - 4:50 p.m.</td>
<td>Session Seven</td>
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<td>5:00 p.m. - 6:00 p.m.</td>
<td>Session Eight</td>
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<td>6:30 p.m. - 8:30 p.m.</td>
<td>Donald F. Clifford Jr.</td>
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* Separate ticket is required for this reception, dinner and lecture. Please sign up for this special event on your registration form. Special event reservations must be made with the Office of CLE by January 29, 2010.

Register online at
www.law.unc.edu/cle
and save $25!
Donald F. Clifford Jr. Distinguished Lecture

ROBERT S. ADLER
COMMISSIONER, UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION

Robert S. Adler will deliver the 2010 Donald F. Clifford Jr. Distinguished Lecture. In May 2009, President Barack Obama nominated Adler to one of two newly established seats on the United States Consumer Product Safety Commission and he was sworn into office in August 2009. Prior to joining the Commission, Adler served as the Luther Hodges Jr. Scholar in Ethics and Law and professor of strategy and entrepreneurship at UNC-Chapel Hill Kenan-Flagler Business School. His research and teaching focused on consumer product safety, product liability, business law and regulation. Prior to joining the faculty at the business school, Adler served as counsel to the Subcommittee on Health and the Environment of the United States House of Representatives Committee on Energy and Commerce. While on the subcommittee, he worked on legislation on product liability, childhood vaccines, the FDA, medical malpractice and the Consumer Product Safety Commission. He was an attorney-adviser to two commissioners on the Commission and Deputy Attorney General for the Pennsylvania Justice Department, where he oversaw the southwest regional office of the Bureau of Consumer Protection. He has been elected six times to the board of directors of Consumers Union, publisher of Consumer Reports magazine. He is a graduate of the University of Pennsylvania and the University of Michigan School of Law.

UNC School of Law and friends have established the Donald F. Clifford Jr. Distinguished Lecture on Consumer Law to be offered at a dinner held during the yearly Festival as a tribute to Clifford’s many contributions to the profession and his vision for a more just society in which consumers are protected from unfair risks.

The dinner will be held at the Trillium Room in the William and Ida Friday Continuing Education Center in Chapel Hill, on Friday, February 5, 2010. The event will begin with a reception from 6:30-7:00 p.m., followed by dinner at 7:30 p.m., and concluding with a lecture by Adler. Cost of attendance is $40. Reservations may be made as part of the Festival registration.
Friday

Session One: 8:00 a.m. - 9:00 a.m.

Effective Techniques for Helping Associates Improve Their Legal Analysis and Writing Skills
Ruth Ann McKinney, Clinical Professor of Law and Assistant Dean for Legal Writing and Academic Success, UNC School of Law

Most attorneys are asked to review the work of less experienced colleagues or to work with others in developing a shared work product. This workshop will offer concrete techniques that move beyond mere editing to empower you to help summer clerks, associates and colleagues become confident, effective legal writers in their own right. This session is a repeat from Festival 2009.

Recent Developments in Internet, Privacy and Business Communications Law

Nearly every business today uses the Internet in connection with its business activities or collects and stores personally identifiable information in digital form. This session will review the most significant recent developments in Internet, privacy and business communications law, including issues such as net neutrality as well as recent decisions on cyber liability, copyrights and trademarks.

Hot Topics in Equitable Distribution
Barbara R. Morgenstern, Barbara R. Morgenstern, P.L.L.C. and Adjunct Professor of Family Law, Elon University School of Law

The presentation will cover the most recent appellate court decisions involving equitable distribution of marital and divisible property and address alternate dispute resolution techniques to resolve disputes involving property division, including the Family Law Arbitration Act.

Repossession: How to Represent Consumers in Auto Repossession and the Case to End Self-Help Repossession in North Carolina
John W. Van Alst, Staff Attorney, National Consumer Law Center

Repossession of the family car can be devastating. Families whose car has been repossessed or who are threatened with repossession often have claims and defenses that are never asserted. This session will focus on representing consumers in car repossession and make the case for ending self-help repossession in North Carolina.

Immigration Issues for Family Lawyers
Alice S. Glover, Alice S. Glover, P.L.L.C. and Adjunct Professor of Law, UNC School of Law and NGCU School of Law

This session will consider immigration law issues that may arise in connection with family law representation. The focus will be on aiding those who do not specialize in immigration law to develop an awareness of issues that may affect their clients and practices.

Lessons for Lawyers in Recent North Carolina Literature
D.G. Martin, Host, UNC-TV’s North Carolina Bookwatch and John M. Hart, Author and Attorney

An examination of the real professional and ethical challenges and the life choices faced by three fictional lawyers in North Carolina lawyer John Hart’s best seller, The King of Lies, together with a review of other recent North Carolina books with an emphasis on perspectives and information relevant to a lawyer’s practice, ethics and professionalism.

The Supreme Court’s Guantanamo Cases and Their Aftermath
Daniel H. Pollitt, Kenan Professor of Law Emeritus, UNC School of Law

This session will provide an overview of several cases relating to detainees held in Guantanamo Bay in the aftermath of September 11, 2001. The program will review the Supreme Court’s decisions in past and pending cases and offer insights about where future developments are likely to lead.

Water-Based Wind Energy In North Carolina: Practical, Technical and Legal Issues
Joseph J. Kale, Graham Kenan Professor of Law, UNC School of Law and Co-Director, North Carolina Coastal Resources Law, Planning and Policy Center

This session will provide an overview of the practical, technical and legal issues surrounding the sting of wind turbines in North Carolina sounds and ocean waters. It will include the results of the UNC Wind Study, a nine-month study conducted by UNC-CH at the request of the North Carolina General Assembly. This study analyzed a variety of considerations, including spatial distributions of available wind power, ecological risks and synergies, use conflicts affecting site selection, foundation systems, the electric transmission infrastructure and the governing legal framework. The discussion will also include an update on the three turbine pilot project the General Assembly authorized UNC-CH and Duke Energy to construct in the Pamlico Sound.
Friday
Session Two: 9:10 a.m. - 10:10 a.m.

Casemaker 2.0: Research Made Easy
Nichelle J. Perry, Clinical Assistant Professor of Law, UNC School of Law and Reference & Electronic Services Librarian, Kathrine R. Everett Law Library
Touting a powerful combination of state and federal materials, the North Carolina Casemaker Web Library puts the information you need to perform research at your fingertips. This session will highlight the new Casemaker 2.0 features and review how to locate cases and other primary research materials. This session is a repeat from Festival 2009.

‘Common Schooling’ in the 21st Century: What Is the Future for American Education?
John Charles Boger, Dean and Wade Edwards Distinguished Professor of Law, UNC School of Law
This session examines the waning public appetite for racial, ethnic and socioeconomic diversity in the nation’s public schools and explores changes in student assignment policies – presently underway in North Carolina’s two largest school districts, Charlotte-Mecklenburg and Wake – that reflect those shifting attitudes. It will explore empirical evidence on whether educating children in schools that become racially and socioeconomically isolated makes any appreciable educational difference. The session will discuss what legislative, judicial or policy tools are available to fashion K-12 schools that will assure equal educational opportunities to all American students in the 21st century.

Hybrid Social Enterprises
Thomas A. Kelley III, Associate Professor of Law, UNC School of Law
In recent years the lines between for-profit and nonprofit have blurred with the rise of so-called “hybrid social enterprises,” organizations that seek to do good while at the same time turning a profit. This session will describe the latest developments in the emerging social enterprise sector, summarize some of the novel legal issues the sector faces, including the question of what entity form social enterprise organizations should choose and comment on how lawyers might counsel their social enterprise clients.

North Carolina Faces the Foreclosure Crisis
Will Corbett, Staff Attorney, Office of the North Carolina Commissioner of Banks and Mark E. Pearce, Deputy Commissioner of Banks, Office of the North Carolina Commissioner of Banks
North Carolina has long been a leader in attempts to regulate the mortgage lending market and prohibit predatory practices. In 2008, the Office of the Commissioner of Banks (OCOB) was required by statute to administer a program that requires that servicers notify homeowners of opportunities to avoid foreclosure, connects homeowners with loss mitigation counseling and encourages servicers to seek a resolution. OCOB staff will discuss the success of the program, as well as the challenges encountered by homeowners, counselors and servicers in seeking to modify mortgages.

The Business of Health Care in 2010: Physician/Hospital Integration
Carolyn Lloyd Coward, Van Winkle, Buck, Wall, Starnes & Davis, P.A.
This session will offer an overview of health care system integration, ranging from independent relationships between hospitals and physicians to completely integrated models such as full employment. Much of the business of health care in 2010 will focus on structuring relationships between health care providers. This session is designed to provide a framework for analyzing such arrangements and should be of interest for both lawyers who practice health care law and those whose practice includes, but not exclusively, health care clients.

The Chinese Perspective: Rethinking American Employment Law
B. Glenn George, Professor of Law, UNC School of Law
Building on her experience as a visiting professor at the University of Sichuan in Chengdu, China, in spring 2009, the presenter will discuss the development of employee protections in China and – using this perspective – how American employment law might benefit from a reconsideration of its structure and approach.

Hybrid Social Enterprises

Trademarks and the Public Interest
Deborah R. Gerhardt, Assistant Professor of Law, UNC School of Law
Current trademark doctrine has lost sight of the traditional policy of protecting consumer interests in truthful information. This session will use marketing literature and studies from cognitive science to demonstrate how consumers use marks to express themselves and find information. It will then propose a model of consumer investment to bring public interests back into trademark law.

What Every Lawyer Should Know About Mood Disorders and Substance Abuse
Thomas W. Brown, Assistant Professor and Director, Substance Abuse Services, Department of Psychiatry and Behavioral Medicine, Wake Forest University School of Medicine
Mood disorders and substance abuse are frequently co-occurring and often misunderstood. This lecture takes a fresh look at the interplay of these two biological/psychological disorders. The focus of the session will be on special problems facing practicing attorneys and the resources available to them.
Friday

Session Three: 10:20 a.m. - 11:20 a.m.

**Access to Civil Justice In North Carolina**

*Gene R. Nichol, Professor of Law and Director of the Center on Poverty, Work and Opportunity, UNC School of Law*

The North Carolina Equal Justice Commission recently documented tremendous unmet legal need in the state’s poor and near-poor citizenry. Yet unlike many advanced Western democracies, we recognize no overarching constitutional right to counsel in civil cases. The presenter will explore the constitutional underpinnings of a limited or derivative right to civil counsel under the North Carolina Constitution.

**Electronic Court Records through PACER: Public Access and Privacy**

*Anne Klinefelter, Director, Kathrine R. Everett Law Library and Associate Professor of Law, UNC School of Law*

This session will review how electronic court records have created an opportunity for more convenient and cheaper access to litigation documents while at the same time decreasing privacy provided through the practical obscurity of the traditional paper system. The federal PACER system will be featured with brief instruction on how to use the database and an update on the law and policy of public access, system strengths and weaknesses and methods for protecting privacy of personal information contained in court records.

**Environmental Criminal Investigations and Enforcement**

*Kearns Davis, Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.*

Environmental criminal investigations and prosecutions are on the rise. Funding is increasing for environmental criminal enforcement, the EPA is expanding its force of criminal Special Agents and Department of Justice statistics reflect an accelerated pace of newly opened investigations. Learn how the department chooses its cases and how to respond if it chooses your client.

**Exploring (More) Practical Ethical Problems**

*Alice A. Ratliff, Clinical Professor of Law, UNC School of Law*

Several ethical problems and the applicable Rules of Professional Conduct will be presented to the participants and they will be asked to discuss them. This is not a repeat of the similarly named session offered during Festival 2009.

**Grutter Without Brown: Can Our Colleges & Universities Realize Their Missions in an Era of Increasing Racial and Economic Isolation at K-12?**

*William A. Tobin, Consulting Attorney, Center for Civil Rights, UNC School of Law*

This session lays out current federal law in regard to diversity in K-12 student assignment and college admissions and surveys research that reveals growing levels of economic and racial isolation, gaps in skills and dispositions that are necessary to take full advantage of an undergraduate education and potential for students who do not have positive experiences with diversity during high school to self-segregate once they reach college.

**Military Families: Separation and Support for Military Dependents**

*Tricia LeRoux Birdsell, Captain, U.S. Army, Chief of Legal Assistance, XVIII Airborne Corps, Fort Bragg and Michael S. Archer, Major, USMCR, Regional Legal Assistance Officer, Marine Corps Installations East*

This session will provide an overview of military service regulations requiring support of dependents, with particular attention to regulations applicable to members of the Army and the Marines. The program is pertinent to both military and civil lawyers, since military service regulations can provide a quick and effective means for obtaining support for civilian dependent clients. Consideration will also be given to drafting marital separation agreements and the effect of such agreements on an active duty service member’s continuing ability to receive various allowances such as basic allowance for housing and family separation allowance.

**Recent Developments and Future Trends in the Law of Church and State**

*John E. Taylor, Professor, West Virginia University College of Law and Visiting Professor, UNC School of Law*

This session lays out current federal law in regard to diversity in K-12 student assignment and college admissions and surveys research that reveals growing levels of economic and racial isolation, gaps in skills and dispositions that are necessary to take full advantage of an undergraduate education and potential for students who do not have positive experiences with diversity during high school to self-segregate once they reach college.

**Regulatory Developments Involving Consumer Credit Cards and Overdrafts**

*Jeffrey P. Taft, Mayer Brown, L.L.P.*

This presentation will discuss the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act) and its implementing regulations and the Federal Reserve Board’s Unfair and Deceptive Practices Regulations pertaining to credit cards. The potential impact of these changes will be considered from the consumer and industry standpoints. In addition, the presentation will discuss recent attempts to regulate overdraft fees.
Computer Crime Law
Joseph E. Kennedy, Associate Professor of Law, UNC School of Law
A famous bank robber was once asked why he robbed banks. He replied, “Because that is where the money is.” Today computers are “where the money is.” Computer crime law is a growing slice of the criminal justice pie. This session will cover the issues of substantive criminal law, criminal procedure, privacy and jurisdiction that constitute the field of computer crime law. This session is a repeat from Festival 2009.

Debt Settlement and Foreclosure Assistance Schemes: Profiting Off Distressed Debtors
Philip A. Lehman, Assistant Attorney General, Consumer Protection Division, North Carolina Department of Justice
Companies purporting to assist consumers facing foreclosure or overwhelming credit card debt have proliferated in this economic downturn. They promise debt relief but are they legitimate? This session will cover how these companies operate, the public policy debate, recent North Carolina legislation, proposed federal regulation and enforcement.

Developing a Theory of the Case
Tamar R. Birckhead, Assistant Professor of Law, UNC School of Law
The theory of the case is more than a strategy – it is a philosophy. Without a theory of the case, there is no unifying approach, which can result in individual parts that are not only unrelated to each other but also internally inconsistent. This session will explore how to develop a theory of the case, how to test the theory and how to ensure that your theory resonates emotionally with the fact-finder.

Emerging Issues in Common Ownership of Land: Law and Practice
Christopher L. Burti, Vice President and Senior Legal Counsel, Statewide Title, Inc.
This session will present an overview of developing issues and trends involving and relating to common ownership in land. The discussion will include topics on tenancy by the entireties, joint tenancy with right of survivorship, tenancy in common, special powers of appointment, Lady Bird deeds, trusts, limited liability companies and renunciation among others.

Ethics, Legitimacy and Class Actions
J. Jerome Hartzell, Hartzell & Whiteman, L.L.P and Ben F’Tennille, Chief Judge, North Carolina Business Court and Guests
This session is a panel discussion on ethical and practical issues arising in connection with class cases and class settlements.

F Words in Administrative Law: Filing Fees, Final Decisions and Final Review
Fred G. Morrison Jr., Senior Administrative Law Judge, North Carolina Office of Administrative Hearings
This session will provide an overview of the new filing fee requirement at Office of Administrative Hearings, final decisions by administrative law judges and recent appellate court rulings in administrative law cases. North Carolina is only the second state to require filing fees in administrative cases and you will learn who has to pay them and when they can be refunded. You will also be updated on when parties can confer final decision-making authority on the administrative law judge.

Legal Issues in Health Care Reform
Dean Harris, Clinical Associate Professor, Department of Health Policy and Management, UNC School of Public Health
The U.S. Congress has been debating various proposals for health care reform. Health reform raises important legal issues for providers, consumers and government agencies. This presentation will cover the main legal issues in federal legislation or in pending proposals for reform.

Nuts and Bolts of Veterans Benefits: What Lawyers Need to Know
Michael Barnicle, Captain, U.S. Army JAG Corps, Office of Staff Judge Advocacy, XVIII Airborne Corps, Fort Bragg
This session will focus on key issues in seeking benefits for veterans. It will consider such topics as how to file, how to appeal and how attorneys fit into the process of seeking such support.
Friday
Session Five: 1:30 p.m. - 2:30 p.m.

Employment Litigation in the Fourth Circuit: Current Trends and Developments
Where do the Fourth Circuit judges stand today on key issues in discrimination, harassment and other common employment claims? Learn what the court’s 2009 cases mean for your next case.

Identity Theft and Scams: What Is New and What Can Be Done
Caroline Farmer, Deputy Director, North Carolina Department of Justice
Identity theft is a pervasive problem in our credit-based economy. Identity thieves have stolen the private information of more than 250 million individuals in the four short years that security data breaches have been tracked. Learn how the new laws that were passed in 2009 can protect you and your clients. Learn what the law requires of you.

Indigent Defense in North Carolina: Ten Years Later
Alyson A. Grine, Defender Educator, UNC School of Government
In the year 2000, the North Carolina General Assembly passed the Indigent Defense Services Act, creating the Office of Indigent Defense Services and charging it with overseeing the provision of legal representation to indigent defendants and others entitled to counsel. What is our system for providing representation to indigent defendants? How has the landscape changed in the past decade? How have the changes affected public defender and appointed attorneys? What challenges remain to ensuring quality representation for all North Carolinians, regardless of economic status?

Lawyers, Success, Failure: Mental Health Lessons from Tolstoy and Beyond
William S. Bost III, William S. Bost III, Attorney at Law
As Leo Tolstoy approached 50, he was depressed, suicidal and disappointed with his life, even though he was arguably Russia’s most famous and admired citizen. His work, A Confession, is an essay on his definition of the problem within himself and his search for a solution. This session will consider issues raised by lawyers’ experiences with depression, drawing on Tolstoy’s work and the implications of his findings on the quest for a happier, more balanced life.

Litigating Arson (1 of 2)
Richard E. Myers II, Assistant Professor of Law, UNC School of Law and John J. Golden, Senior Special Agent and National Director of Training, Bureau of Alcohol, Tobacco and Firearms
The course will cover the basics of litigating an arson case, including an examination of cause and origin, an overview of the reports one might find in a typical case and strategies for successfully interviewing or cross-examining arson experts.

“Litigating Arson” is a two-hour course that begins in Session 5 and ends with Session 6. Participants should also attend Session 6-5.

Negotiating a Legal Negotiation
Joseph E. Kennedy, Associate Professor of Law, UNC School of Law
This session will introduce the art and science of legal negotiation. Combining lecture, video clips and short participatory exercises that require no advance preparation, this program will explore the basic differences between a competitive and collaborative approach to negotiation and discuss the most common hardball negotiation tactics in use. This session is a repeat from Festival 2009.

On Digital Beats: Music Licensing and Copyright Enforcement on the Web
Coe W. Ramsey, Books, Pierce, McLendon, Humphrey & Leonard, L.L.P.
This session will provide an overview of copyright issues that arise when music is used or distributed on the Internet. The presenter will explore the licenses required for various uses of music on the web and the options for copyright owners seeking to enforce their rights against unauthorized Internet uses.

The Racial Justice Act and the History of Race and the Death Penalty in North Carolina
Robert P. Mosteller, J. Dickson Phillips Distinguished Professor of Law, UNC School of Law and Seth Kotch, Coordinator of Oral History Digital Initiatives, Southern Oral History Program
During the 2009 legislative session, the North Carolina General Assembly adopted the North Carolina Racial Justice Act. The legislation allows a capital defendant to challenge a death sentence on the basis that race was a significant factor in decisions to seek or impose the death sentence. This session will consider the new legislation and its implications with principal emphasis on the history of race and the death penalty in North Carolina.

FRIDAY AGENDA

PR = Professional Responsibility Credit
SA/MH = Substance Abuse / Mental Health Credit
Escheat: Is the State the Last Heir?
John V. Orth, William Rand Kenan Jr. Professor of Law, UNC School of Law

Strictly speaking, escheat applies only to real property. If a landowner dies without a valid will or known heir, the property escheats to the state. Nowadays escheat can also refer to personal property. If the same person dies owning chattels as well as land, the now unowned personal property also passes to the state. Moreover, because the state takes possession of certain items of unclaimed personal property, such as inactive bank accounts, these too are loosely said to escheat. There is, obviously, a practical reason to treat all these cases as instances of escheat. In each case, the result is the same: the state takes possession. Nevertheless, although the property ends up in the same place, the historical and theoretical routes that lead to that destination are quite different. Thus, the titles by which the state holds the various types of escheated property are also different – which may have practical implications even today.

Ethics and Professionalism:
A View from the Bench
R. Allen Baddour Jr., Resident Superior Court Judge, Orange and Chatham Counties and Ripley E. Rand, Special Superior Court Judge, Wake County

This session will explore ethical considerations inside the courtroom, including candor with the court, ex parte communications with judges and other issues, as well as professionalism issues as they relate to opposing counsel, judges and witnesses. This session is a repeat from Festival 2009.

Financial Reform
Lissa L. Broome, Wachovia Professor of Banking Law and Director of the Center for Banking and Finance, UNC School of Law and Thomas Lee Hazen, Cary C. Boshamer Distinguished Professor of Law; UNC School of Law and Saule T. Omura, Assistant Professor of Law; UNC School of Law

An expert panel examines the legislative responses, regulatory responses and financial regulatory reform proposals in the light of the financial crisis.

From Classroom to Cuffs: Litigating 4th and 5th Amendment Issues in Schools
Barbara A. Fedders, Clinical Assistant Professor, UNC School of Law

This session offers an overview of case law governing searches, seizures and interrogations in schools against a policy backdrop of increased police presence in schools and criminalization of in-school misconduct.

Litigating Arson (2 of 2)
Richard E. Myers II, Assistant Professor of Law; UNC School of Law and John J. Golder, Senior Special Agent and National Director of Training, Bureau of Alcohol, Tobacco and Firearms

“Litigating Arson” is a two-hour course that began in Session 5 and ends with Session 6. Participants should also attend Session 5-5. Please see the course description in Session 5 for more information.

Predatory Home Loans: Litigating to Stop Foreclosure (1 of 2)
Mallam J. Maynard, Executive Director, Financial Protection Law Center

This session will present an overview of the mechanics of restraining foreclosures, claims that are successfully asserted in order to restrain foreclosures and to reform predatory loans, the relief to be expected and the context in which the litigation takes place. Templates of pleadings, briefs and injunctive materials will be provided.

Shades of Green: Energy, the Environment & the Economy
Jo Anne Sanford, Sanford Law Office & Blount Street Advisors and Former Chair, North Carolina Utilities Commission

This session will provide an update on energy initiatives that should be of particular importance to lawyers representing real estate developers, investors, builders and government entities. The program will also highlight trends in decisions of the North Carolina Utilities Commission that relate to energy and conservation.

The Mindsets and Methods for Technology Development and Knowledge Transfer
David L. Harrison, Associate Vice President for Legal Affairs, The University of North Carolina General Administration

This session focuses on lessons learned in connection with ongoing work on the UNC technology and innovation initiative. Participants will have an opportunity to learn about legal, practical and business issues raised in development, investment in and transfer of innovation and intellectual property from UNC to society.
Friday

Session Seven: 3:50 p.m. - 4:50 p.m.

Basic Structure of Technology Licensing Agreements
Sheila A. Mikhail, Managing Member, Life Sciences Law, P.L.L.C.
This session will review the general concepts for structuring licensing transactions, a basic technology licensing agreement term sheet, licensing agreement (with terms favoring licensor) and licensing agreement (with terms favoring licensor). It will also discuss key terms in negotiation of technology licensing agreements and provide a general strategy for successfully executing a technology licensing agreement.

Evolving Water Law: Recent Developments
Richard B. Whisnant, Professor of Public Law and Government, UNC School of Government
This session will address several pending legislative and regulatory issues. It will provide an overview of trends affecting water law in the southeast (North Carolina, South Carolina, Georgia and Virginia) before focusing in greater depth on issues affecting the quantity of water available, the discretion of the U.S. Army Corps of Engineers in operating hydroelectric projects and proposals for storm water and nutrient reduction in the Jordan Lake watershed.

Guidance on Suicide Prevention  SA/MH
Eric B. Elbogen, Assistant Professor, UNC Department of Psychiatry, Forensic Psychiatry Program & Clinic, UNC-Chapel Hill and Alyson R. Kuroski-Mazzei, Clinical Assistant Professor of Psychiatry, UNC Department of Psychiatry and Director, Forensic Psychiatry Program & Clinic and Forensic Psychiatrist, Dorothea Dix Hospital
This session will offer guidance in identifying those among lawyers and our other professional colleagues who suffer from the debilitating mental conditions that impair their ability to carry out their professional responsibilities and, at their worst, lead to suicide attempts. Presenters will also outline ways to offer effective assistance and support to those who are at risk.

Master Class in Direct and Cross Examination (1 of 2)
Jonathan E. Broun, Center for Death Penalty Litigation and Kenneth S. Broun, Henry Brandis Professor of Law, UNC School of Law
This session will provide participants with an overview of techniques of direct and cross-examination. Participants will also have an opportunity to practice direct and cross-examination and will receive critiques and suggestions for improvement. This session is a repeat from Festival 2009.

“Master Class in Direct and Cross Examination” is a two-hour course that begins in Session 7 and ends in Session 8. Participants should also attend Session 8-4.

Plain Language and the Law: Why Attorneys Should Support the Use of Plain Language
Deborah S. Bosley, Associate Professor of English, UNC-Charlotte and Principal, The Plain Language Group
The Securities and Exchange Commission and recent financial regulatory reform require the use of plain language in disclosures such as 10-Ks, the new credit card bill and compensation discussion and analysis sections in proxy statements. In addition, thirty-two states require plain language in a variety of legal documents. This session uses legal examples to define plain language and its legal standing and how it satisfies compliance rules and impacts litigation.

Predatory Home Loans: Litigating to Stop Foreclosure (2 of 2)
Mallam J. Maynard, Executive Director, Financial Protection Law Center
“Predatory Home Loans: Litigating to Stop Foreclosure” is a two-hour course that began in Session 6 and ends in Session 7. Participants should also attend Session 6-6. Please see the course description in Session 6 for more information.

Small Businesses: Financing and SEC Regulation D
F. Lee Liebolf Jr., Attorney, New York, New York and Thomas Lee Hazen, Cary C. Boshamer Distinguished Professor of Law, UNC School of Law
This session will address limited offering exemptions under the Securities and Exchange Commission’s Regulation D and will include an update on NASAA’s efforts to encourage states to make the one-stop filing of electronic Form D a reality. The session will also consider cases that address who decides whether the federal NSMIA preemption has been properly claimed.

The Federal Reserve and Other Banking Regulators, a New Consumer Financial Protection Agency and State Attorneys General, or . . . Where Have We Been and Where Are We? (1 of 2)
Gerald P. Hurst, General Counsel, RBC Bank (USA) and Ralph J. Rohner, Professor of Law, Columbus School of Law, The Catholic University of America
This session will review the history of federal consumer protection in the providing of banking products and services – discussing the roles of the federal banking agencies, the FTC and states and the issue of federal preemption – and the calls for a new consumer financial protection agency and enforcement of new federal consumer protections laws by state attorneys general.

“The Federal Reserve and other Banking Regulators” is a two-hour course that begins in Session 7 and ends in Session 8. Participants should also attend Session 8-8.
Friday

Session Eight: 5:00 p.m. - 6:00 p.m.

Abstraction in Machine Patent Claims
Andrew Chin, Associate Professor, UNC School of Law
This presentation will examine patent claims nominally directed to mechanical inventions, but written in such abstract terms that they raise significant subject matter eligibility concerns under Bilski and other case law relating to the patenting of software and business methods. This analysis addresses technologies ranging from steam engines to advanced robotics, with implications that extend to both special-purpose and general-purpose computing.

Bankruptcy Law: The Past as Prologue
William E. Brewer Jr., The Brewer Law Firm
This session will focus on the historical development of bankruptcy law in order to provide an in-depth (and lively!) context for current legal developments.

Financial Advisors: How Are They Regulated and Who Regulates Them?
Marianne K. Smythe, Retired Partner, Wilmer Cutler Pickering Hale and Dorr, L.L.P. and Thomas Lee Hazen, Cary C. Boshamer Distinguished Professor of Law, UNC School of Law
In today’s world, people are in need of investment advice and there seems to be a large number of people eager to provide it. Who regulates these people? Is a broker different from an investment adviser? Should you care?

Master Class in Direct and Cross-Examination (2 of 2)
Jonathan E. Broun, Center for Death Penalty Litigation and Kenneth S. Brown, Henry Bandy Professor of Law, UNC School of Law
“Master Class in Direct and Cross Examination” is a two-hour course that began in Session 7 and ends in Session 8. Participants should also attend Session 7-4. Please see the course description in Session 7 for more information. This session is a repeat from Festival 2009.

North Carolina Legal Information on the Web
Nick Sexton, Clinical Assistant Professor of Law, UNC School of Law and Reference Librarian, Kathrine R. Everett Law Library
This session will focus on legal research using the Web to find free North Carolina cases, statutes, regulations, court rules, forms and briefs. The program is designed for the beginner-to-moderate Internet user.

Renewable Energy Resources and Regulation: Brave New World, Frankenstein or the Good Earth?
With the passage of North Carolina Senate Bill 3 and discussion in Congress of federal renewable energy portfolio standards, we may be on the cusp of a sustainable energy revolution, but what will that revolution look like? This program will investigate the status of new regulations to implement these initiatives, opportunities and challenges created by these changes and how they may affect us every time we turn on the lights.

Residential Segregation and the Fair Housing Act
Mark E. Dorosin, Senior Managing Attorney, UNC Center for Civil Rights and Sarah Lane Krishnaraj, Attorney, UNC Center for Civil Rights
The presentation will cover the history and scope of the federal and state Fair Housing Acts, a comparison of the two laws and recent developments and trends in fair housing law, including the use of the Fair Housing Act to combat inequities in access to municipal services.

The Federal Reserve and Other Banking Regulators, a New Consumer Financial Protection Agency and State Attorneys General, or . . . Where Have We Been and Where Are We? (2 of 2)
Gerald P. Hurst, General Counsel, RBC Bank (USA) and Ralph J. Rohrer, Professor of Law, Columbus School of Law, The Catholic University of America
“The Federal Reserve and other Banking Regulators” is a two-hour course that began in Session 7 and ends in Session 8. Participants should also attend Session 7-8. Please see the course description in Session 7 for more information.
The Consumer Law and Consumer Credit Symposium offers courses on a variety of issues related to the representation of consumers, with a focus on issues related to consumer credit law. Those who counsel consumers, those who counsel businesses that deal with consumers and those who want to catch up with some of the rapidly evolving changes and regulations in the consumer marketplace will want to attend. Participants may attend all sessions or select among them as interest and schedules allow.

FRIDAY

Session One (8:00 a.m. - 9:00 a.m.)
Repossession: How to Represent Consumers in Auto Repossession and the Case to End Self-Help Repossession in North Carolina

Session Two (9:10 a.m. - 10:10 a.m.)
North Carolina Faces the Foreclosure Crisis

Session Three (10:20 a.m. - 11:20 a.m.)
Regulatory Developments Involving Consumer Credit Cards and Overdrafts

Session Four (11:30 a.m. - 12:30 p.m.)
Debt Settlement and Foreclosure Assistance Schemes: Profiting Off Distressed Debtors
Ethics, Legitimacy and Class Actions

Session Five (1:30 p.m. - 2:30 p.m.)
Identity Theft and Scams: What Is New and What Can Be Done

Session Six (2:40 p.m. - 3:40 p.m.)
Financial Reform
Predatory Home Loans: Litigating to Stop Foreclosure (1 of 2)

Session Seven (3:50 p.m. - 4:50 p.m.)
Predatory Home Loans: Litigating to Stop Foreclosure (2 of 2)
The Federal Reserve and other Banking Regulators, a New Consumer Financial Protection Agency ...(1 of 2)

Session Eight (5:00 p.m. - 6:00 p.m.)
Bankruptcy Law: The Past as Prologue
Financial Advisors: How Are They Regulated and Who Regulates Them?
The Federal Reserve and Other Banking Regulators, a New Consumer Financial Protection Agency ...(2 of 2)

SATURDAY

Session Four (11:30 a.m. - 12:30 p.m.)
The State of State-Chartered Banking
Environmental Law Symposium: A New, Progressive Environmental Law What Are The Signs?

SPONSORED BY THE UNC ENVIRONMENTAL LAW PROJECT

The Environmental Law Symposium focuses on the state of national and North Carolina environmental law and explores the signs of progressivism since the elections of 2008. Contemporary political dialogue often claims there to be differences between the environmental laws and policies propounded by Republicans and Democrats. In 2008, the Democratic Party won electoral majorities in all political branches of government at the federal and North Carolina-state level. This provides something of a natural experiment by which to test this proposition: the Democratic Party promotes a type of environmental law that is frequently described as “progressive.” In this year’s symposium, we look for evidence that addresses this question. Professors Victor Flatt, Donald Horstein and Maria Savasta-Kennedy, along with students from the law school’s student-run Environmental Law Project, will be your guides. As always, the symposium is designed as four self-contained sessions that can be taken individually or together in any combination.

SATURDAY

Session One (8:00 a.m. - 9:00 a.m.)
Environmental I: What Does a Progressive Environmental Law Look Like?

Session Two (9:10 a.m. - 10:10 a.m.)
Environmental II: Evidence of Progressivism (or Not) in Climate Change Policy

Session Three (10:20 a.m. - 11:20 a.m.)
Environmental III: Progressivism and Environmental Justice

Session Four (11:30 a.m. - 12:30 p.m.)
Environmental IV: Progressivism by Land and by Sea: Land-Use Issues and the Progressive Tradition

Veterans Legal Assistance Symposium

This is the third year in which the Festival is proud to offer sessions designed to address problems that may face “wounded warriors” and their families, as well as others. The program has been developed in cooperation with the North Carolina State Bar Standing Committee on Legal Assistance for Military Personnel. Among the topics that may be of special interest are sessions on military families... separation and support for military dependents, nuts and bolts of veterans’ benefits, suicide prevention, drafting financial powers of attorney, national security law and a variety of consumer-protection and family law offerings.
Saturday

Session One: 8:00 a.m. - 9:00 a.m.

A Seussian View of Quasi-Judicial Proceedings
Thomas E. Terrell Jr., Smith Moore Leatherwood, L.L.P.
This session will focus on issues raised in “quasi-judicial” proceedings that arise in the context of land use regulation, including variances, special and conditional use permit decisions and related matters. In doing so, it will highlight important legislative changes from the 2009 North Carolina General Assembly, all to the beat of familiar tales and texts from writer/author Dr. Seuss.

Environmental I: What Does a Progressive Environmental Law Look Like?
Donald T. Hornstein, Aubrey L. Brooks Professor of Law, UNC School of Law; Victor B. Flatt, Thomas F. and Elizabeth Taff Distinguished Professor in Environmental Law, UNC School of Law and Director, Center for Law, Environment, Adaptation and Resources (CLEAR) and Maria Savasta-Kennedy, Clinical Professor of Law and Director, Externship Program, UNC School of Law
This session discusses what “progressive environmental law” generally means and highlights a surprisingly vibrant dialogue in the academy, in law schools and in the press about whether the environmental law we have can properly be described as progressive. Examples both for and against shall be given, in areas as diverse as water pollution, land-use decisions, air pollution, hazardous substance regulation and international environmental law.

Federal Regulatory Resources on the Web
Julie L. Kimbrough, Clinical Assistant Professor of Law, UNC School of Law and Reference/Faculty Services Librarian, Katherine R. Everett Law Library and Donna L. Nixon, Clinical Assistant Professor of Law, UNC School of Law and Assistant Director for Public Services, Kathrine R. Everett Law Library
This session will explore several free Web sites for federal regulatory information. Participants will learn to locate agency regulations, decisions, public comments, agency updates, press releases and more. The program is designed for beginner-to-moderate Internet users.

FTC and FCC Advertising Disclosures: Because Consumers Are Entitled To Know
Stephen G. Hartzell, Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.
Certain Federal Trade Commission and Federal Communications Commission advertising disclosure requirements are premised upon the notion that consumers are entitled to know when a third party has provided consideration in exchange for the advertisement or mention of a product or service. This session will discuss the FTC’s recent revisions, the first revisions in nearly 30 years, to its guidelines governing the use of testimonials and endorsements in advertising and the FCC’s “sponsorship identification” rules and open proceeding regarding “embedded advertising.”

Lessons from the Trenches: Effective Trial Techniques
Akim A. Anastopoulo, Anastopoulo & Clore, L.L.C.
A discussion of lessons and trial techniques from a career as a litigator, including how to make effective jury arguments, tips for opening statements, cross-examination tips and the importance of preparation.

Light and Life at the End of the Tunnel: Recovering from Debilitating Mental Conditions or Addictions
John L. Sarratt, Harris, Winfield, Sarratt & Hodges, L.L.P. and Stacey A. Phipps, Attorney at Law
An estimated one-third of attorneys suffer from depression and/or alcohol or drug addiction, a rate two to three times higher than the general population. The implications for lawyers, loved ones, our clients and the profession are obvious. Two members of the bar who have successfully dealt with these afflictions will share their stories and identify resources for obtaining confidential intervention and treatment. This session is a repeat from Festival 2009.

Rethinking Adverse Possession
Carol N. Brown, Professor of Law, UNC School of Law
This session will consider the extent to which adverse possession doctrine has served its purposes and run its course. At early trials, common law possession was the only, the best and most unequivocal means of showing ownership. This is not so today and very few individuals assume that ownership necessarily tracks possession. Unduly elevating possession and occupation may be inconsistent with modern property law and with modern society. The session will consider whether it is time for drastic reform of adverse possession doctrine, using engaging hypothetical fact patterns and considering alternative theories that may more appropriately serve the objectives that underlie adverse possession.

The Drafting of Financial POAs for Deploying Soldiers: Mitigating the Risks
David Watters, Law Office of David Watters, P.L.L.C.
This session will provide an introductory class on powers of attorney, then shift to some of the particular risks that service members face (such as the risk that the attorney-in-fact will be dishonest or unwilling to do what he or she should be doing). The discussion will offer criteria to be used in selecting an attorney-in-fact, analysis of the risks and rewards of limiting the POA to a “springing” POA (only available if the principal is incapacitated or gives written permission to invoke the terms of the POA) and the pluses and minuses of narrowing the scope of the POA.
Saturday
Session Two: 9:10 a.m. - 10:10 a.m.

A Metamorphosis of Public Real Estate Recording Systems
Charles Szypszak, Professor of Public Law and Government, UNC School of Government
The public relies on registers of deeds to provide reliable information about property ownership. The methods by which registers perform their vital functions are being transformed as a result of new technologies and concerns about fraud. This presentation will consider some of the fundamental changes.

Environmental II: Evidence of Progressivism (or Not) in Climate Change Policy
Donald T. Horstein, Aubrey L. Brooks Professor of Law, UNC School of Law; Victor B. Flatt, Thomas F. and Elizabeth Taft Distinguished Professor in Environmental Law, UNC School of Law and Director, Center for Law, Environment, Adaptation and Resources (CLEAR) and Maria Savasta-Kennedy, Clinical Professor of Law and Director, Externship Program, UNC School of Law
This session focuses on the Obama Administration’s principal area for environmental reform, the regulation of greenhouse gases, as buttressed by the international community’s major climate change summit in Copenhagen in December 2008. The newest information, both from Washington, D.C., as well as from Copenhagen, will be relayed with an eye toward the progressivist’s critique of climate change and climate-change regulation.

In Bad Faith and Ethical Considerations in Insurance Practice
Constance A. Anastopoulo, Assistant Professor of Law, Charleston School of Law
This session will include a discussion of first and third party bad faith claims in general, consideration of strategies to help avoid bad faith claims and examination of ethical considerations including conflicts of interest in multiple representations.

Insanity, Psychopathy and Criminal Responsibility
Michael L. Corrado, Arch T. Allen Distinguished Professor of Law and Professor of Philosophy, UNC School of Law
Recent sex offender legislation and other developments have raised the question of whether “psychopaths” should be treated as insane and detained indefinitely in a mental institution, or should be treated as responsible and punished for their behavior. Assuming that a “psychopath” is someone who has no respect whatever for the rights of others, how should the law proceed in addressing criminal responsibility and appropriate remedies?

Managerial Ethics Basics for Lawyers (1 of 2)
Robert S. Adler, Commissioner, United States Consumer Product Safety Commission
This two-hour session addresses the challenges that lawyers and managers face in addressing ethical issues. The perspective is broader than a simple review of the canons of ethics. This session is a repeat from Festival 2006.

“Managerial Ethics Basics for Lawyers” is a two-hour course that begins with this session and concludes in Session 3. Participants seeking ethics credit for this course are also required to attend Session 33-5.

North Carolina Local Government Basics
Frayda S. Bluestein, Professor of Public Law and Government, UNC School of Government
This session will provide an overview of local government in our state, answering the questions: What authority do they have and where do they get it? Which local governments do what? What are the essential ingredients of valid local government actions? How does North Carolina’s structure for local governments differ from that of other states?

The First Amendment Round Up: An Update
C. Amanda Martin, Everett, Gaskins, Hancock & Stevens, L.L.P.
This session will discuss the latest developments in First Amendment law, as it addresses issues of freedom of speech and of the press.

The Internment and Exclusion of Italians During World War II
Mary Beth Basile, Adjunct Professor, UNC School of Law
This session will provide a short narrative of the internment and exclusion of Italians in the United States during World War II. It will focus on the hearings that Italian aliens and naturalized citizens suspected of Fascist ties underwent before hearing boards. It will explore the problem of conflating loyalty and national security and discuss how examinations of loyalty can fairly be done in the modern-day treatment of aliens identified as enemies of the United States.
Saturday
Session Three: 10:20 a.m. - 11:20 a.m.

Creative Commons Licenses: What Lawyers Need to Know
Steve J. Melamut, Clinical Assistant Professor of Law, UNC School of Law and Information Technology Services Librarian, Kathrine R. Everett Law Library
This session will focus on the Creative Commons, a collaborative effort to develop standards and share simple approaches to intellectual property licensing. These licenses permit people to copy and distribute a work used with proper attribution and subject to specific conditions. Do you write material for Web sites and desire to receive more credit when others tap into your work? Do you advise writers, musicians, visual artists or family members with creative talents who should protect their rights?

Environmental III: Progressivism and Environmental Justice
Donald T. Hornstein, Aubrey L. Brooks Professor of Law, UNC School of Law, Victor B. Flatt, Thomas E. and Elizabeth Taft Distinguished Professor in Environmental Law, UNC School of Law and Director, Center for Law, Environment, Adaptation and Resources (CLEAR) and Maria Sawasta-Kennedy, Clinical Professor of Law and Director, Externship Program, UNC School of Law
This session discusses environmental justice, one of the most frequently mentioned components of progressive environmental law. The topic is an important, difficult and often-illusive one. In addition to discussion about disproportionate risk-bearing by low-income and minority populations – and ways these are or are not being addressed differently by Democratic administrations than Republican ones – this session will discuss specific environmental justice hot topics such as waste disposal, access to infrastructure, coal ash ponds and factoring equity into environmental risk assessments.

Hot Topics Before the North Carolina General Assembly
Amy Yonovitz Bason, General Counsel, North Carolina State Senate Majority Leader’s Office and Elizabeth Barnes Braswell, General Counsel, North Carolina State Senate President Pro Tem’s Office and Robin Johnson, Counsel to the Speaker of the House, North Carolina House of Representative
This session will cover budget and substantive issues addressed by the North Carolina General Assembly’s 2009 long session, as well as likely topics before the 2010 short session.

Is Notice Pleading Dead in the Federal Courts?
S. Elizabeth Gibson, Burton Craige Professor of Law, UNC School of Law and Kathryn A. Sabel, Assistant Professor of Law, Civil Clinic, UNC School of Law and Melissa Saunders, Professor of Law, UNC School of Law
This session will explore the impact on federal pleading standards of the U.S. Supreme Court’s recent decisions in Bell Atlantic Corp. v. Twombly (2007) and Ashcroft v. Iqbal (2009). The presentation will consider what the Court says is required for a sufficient complaint, how the lower courts have been interpreting the decisions, how they are likely to change the dynamics of civil litigation in the federal courts and possible reactions to the decision by Congress and the rule makers.

Managerial Ethics Basics (2 of 2) PR
Robert S. Adler, Commissioner, United States Consumer Product Safety Commission
“Managerial Ethics Basics for Lawyers” is a two-hour course that began in Session 2 and concludes with this session. Participants seeking ethics credit for this course are also required to attend Sessions 22-25. Please see the course description in Session 3 for more information. This session is a repeat from Festival 2006.

Medicaid for At-Risk and Delinquent Children (1 of 2)
Whitney Fairbanks, Civil Defender Educator, UNC School of Government and Sarah J. Somers, Staff Attorney, National Health Law Program
This session will consider what Medicaid benefits are available for at-risk and delinquent children, as well as when and how a juvenile defender might use Medicaid benefits during adjudication and disposition advocacy.

Moral Courage and Legal Professionalism PR
Kimberly J. Strom-Gottfried, Smith P. Theimann Distinguished Professor for Ethics and Professional Practice, UNC-Chapel Hill School of Social Work
Knowing the ethical thing to do is only half the battle for lawyers and other professionals. Doing the right thing under difficult circumstances requires moral courage. This presentation will draw lessons from the literature on moral courage for lawyers who face ethical dilemmas themselves and who must counsel others who do as well.

National Security Law Update
Scott L. Silliman, Professor of the Practice of Law, Duke University and Executive Director, Center on Law, Ethics and National Security and Adjunct Professor of Law, UNC School of Law
This session will focus on a number of current national security topics including issues pertaining to the trial of alleged terrorists in federal district court or in military commissions, the continued detention of dangerous alleged terrorists for whom there is no evidence of criminality and surveillance under the Foreign Intelligence Surveillance Act Amendments Act of 2008.
Saturday

Session Four: 11:30 a.m. - 12:30 p.m.

**ABCs of Charitable Solicitation Licensing Requirements**
Robert W. Saunders, Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.
In their search for additional financial resources, nonprofits are hiring fundraising consultants and using the Internet when developing their charitable solicitation strategies. This session will address the complexities of multi-state compliance with charitable solicitation licensing requirements, the effect of the newly revised Form 990 and the constitutional limitations on charitable solicitation licensing.

**Environmental IV: Progressivism by Land and by Sea: Land-Use Issues and the Progressive Tradition**
Donald T. Horstein, Aubrey L. Brooks Professor of Law; UNC School of Law; Victor B. Flatt, Thomas F. and Elizabeth Taft Distinguished Professor in Environmental Law; UNC School of Law and Director, Center for Law, Environment, Adaptation and Resources (CLEAR) and Maria Savasta-Kennedy, Clinical Professor of Law and Director, Externship Program, UNC School of Law
Focusing mostly on North Carolina, this session relates some of the salient land-use issues: beach hardening, the siting of alternative energy facilities, vehicle use on Hatteras National Seashore, biofuels and water allocation disputes.

**Federal and State Campaign Laws: What You and Your Clients Need to Know**
This session will focus on recent important developments in campaign finance laws that may change the way corporations, non-profits and advocacy groups participate in 2010 state and Congressional elections and issue advocacy.

**How Diversity Matters**
Charles Daye, Henry P. Brandis Professor of Law; UNC School of Law and Abigail T. Pater, Bowman and Gordon Gray Professor of Psychology, L.L. Thurstone Psychometric Laboratory, UNC-Chapel Hill
In this session, the speakers will review the findings of an on-going study, based on national surveys, of dimensions of diversity in our law schools and the manifestations of diversity in ways that contribute to educational diversity, as defined by the U.S. Supreme Court in *Grutter v. Bollinger* (University of Michigan Affirmative Action case in 2003).

**Lawyers, Technology and Ethics: Possibilities, Best Practices and Ethical Constraints**
S. David Brown, J.D. Candidate, Class of 2011, UNC School of Law
S. David Brown, J.D. Candidate, Class of 2011, UNC School of Law and Audrey P. Ward, Consultant/Communications Strategist and Judith Welch Wegner, Burton Craig Professor of Law; UNC School of Law
This presentation will include an explanation of the ways in which technological innovations are affecting the effective and ethical practice of law. The discussion will provide an overview of emerging forms of communication (such as LinkedIn, Facebook and other forms of social networking) and will then explore the ethical issues that may arise with regard to lawyers’ involvement with these new technologies. The program will include an explanation of various forms of social networking, as well as other online communications strategies that are likely to draw in prospective clients, as well as discussion of emerging ethical issues that should be considered by lawyers interested in establishing an online presence through blogs, social networking and other new forms of technologically-advanced communication.

**Myths Pertaining to Supreme Court Selection**
Michael J. Gerhardt, Samuel Ashe Professor of Constitutional Law; UNC School of Law
This session will provide in-depth, behind-the-scenes insights regarding selection of candidates for positions on the U.S. Supreme Court. The presenter served as special counsel to Sen. Patrick Leahy and the U.S. Senate Judiciary Committee in connection with the nomination of Justice Sonia Sotomayor for a position on the U.S. Supreme Court.

**The Google Books Project and Proposed Settlement**
Laura N. Gasaway, Associate Dean for Academic Affairs and Professor of Law; UNC School of Law
The Google Books Project, which would digitize millions of books from academic libraries around the country and make them available online, encountered some significant snags when copyright owners sued. A settlement among authors, publishers and Google was announced but there were significant objections from unrepresented authors, publishers, librarians and others, so the settlement agreement has been stayed. This issue is important for copyright holders, researchers and others.

**The State of State-Chartered Banking**
Joseph A. Smith Jr., North Carolina Commissioner of Banks
This presentation will discuss the structure of banking in the United States generally and North Carolina in particular and the impact that pending federal legislation may have on that structure.
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General Information

Register Online and Save
Online registration is now available and registering online saves you time and money! If you register online, you will save $25 off your registration fee. Use this brochure to select your classes, have a MasterCard or Visa ready and go to www.law.unc.edu/cle to start the registration process. You will have a chance to select one session per hour per day and at the end of the process, you will be instantly confirmed. It is that simple!

Friday Lunch
A buffet-style lunch is provided by the Friday Center during the lunch break on Friday. The cost is $15 and lunch reservations must be made by January 29. To reserve a space, indicate your desire to attend the lunch on your registration form. Please note that lunch break is one hour and alternative lunch options are available near the Friday Center across Highway 54 at Meadowmont.

CLE Credit
The Carolina Law Office of CLE will report credit to the North Carolina State Bar Board of Continuing Legal Education after the program.

The Friday Center
The Festival of Legal Learning will be held at the William and Ida Friday Continuing Education Center, located approximately three miles east of the UNC-Chapel Hill campus on Friday Center Drive, just off Highway 54 East (Raleigh Road). A map and parking information will accompany your registration confirmation. Messages for conference attendees can be left during the two days of the program at (919) 962-3000 or by fax at (919) 962-2061. Please reference the Festival of Legal Learning when calling or faxing to a conference participant.

Cancellations
Cancellations made on or prior to Friday, January 16, will be honored and registration fees refunded, less a $75 processing fee. Cancellations made after January 16 may be subject to additional fees. In fairness to all attendees, confirmed participants who do not attend their scheduled program are liable for the entire fee unless other arrangements have been made with Carolina Law’s director of continuing legal education.

Inclement Weather
In the event of inclement weather, please refer to the School of Law’s Web site (www.law.unc.edu) for information about delays or cancellations. You may also contact the CLE office at (919) 962-7815 or 962-1679 to learn of any possible delays or cancellations. On the days of the program, you may contact the Friday Center directly at (919) 962-3000.

Register at www.law.unc.edu/cle and save $25!

On-Site Registration Not Recommended
Due to the popularity of Festival and space constraints within the Friday Center, on-site registration is strongly discouraged and desired courses are often unavailable. If you are not able to register by January 22, please call (919) 962-1679 for an update on remaining seats. In addition to the late registration fee listed, an additional on-site fee of $30 will be charged for on-site registrants if space is available.**

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Part I: Registrant Information

☐ YES, please register me for the 20th Annual Festival of Legal Learning.

Please provide the following information (please print):

☐ Mr. ☐ Mrs. ☐ Ms. ☐ Dr. ☐ Judge

Name _____________________________________________________________

Name as you would like it on name tag

_______________________________________________________________

Firm ____________________________________________________________

Address _________________________________________________________

City _________________________ State _____ Zip __________

Daytime Phone ________________________________ Fax ___________________________

Email address ____________________________________________

General Course Fees
(Postmarked on or Before January 15, 2010)

Friday and Saturday $375 $ __________
Friday Only $300 $ __________
Saturday Only $200 $ __________

Course Fees for Judges, Full-Time Academics, JAG, Legal Aid and Government Attorneys
(Postmarked on or Before January 15, 2010)

Friday and Saturday $275 $ __________
Friday Only $200 $ __________
Saturday Only $125 $ __________

Friday Lunch Reservations (Must reserve by January 22)

Buffet Lunch at the Friday Center $15 $ __________

Friday Night Reception (Must reserve by January 22)

Clifford Lecture $40 $ __________
Guest $20 $ __________

Late Registration Fees (More than one may apply)

After January 15 $50 $ __________
After January 22 ** $50 $ __________

Total Cost $ __________

☐ I am a graduate of UNC School of Law.

☐ I am not a graduate of UNC School of Law.

☐ I would like to receive CLE credit in North Carolina.

My North Carolina State Bar Number is: ___________________

☐ I would like to receive CLE credit in the state of _____ *.

My Bar Number* is: ___________________________________

* Out-of-state fees are the responsibility of the attendee. We will provide you the out-of-state forms.

By mail:

Return the registration form to:

UNC School of Law–Office of CLE, CB #3380
Chapel Hill, NC 27599-3380
Attn: Festival Registration

To pay by check:

Send your registration form and a check made payable to
UNC School of Law–Office of CLE (please no staples) to:

UNC School of Law–Office of CLE, CB #3380
Chapel Hill, NC 27599-3380
Attn: Festival Registration

To pay by credit card:

Please provide us with the following information:

☐ MasterCard or ☐ Visa

Number ________________________________
Expiration Date ____________________________
Signature ________________________________

By fax: with credit card number to (919) 843-7779
Part II: Registration Form

To register for a course via mail or fax, please indicate your first choice by placing a “1” on the appropriate line and in case your first choice is sold out, indicate a second choice by placing a “2” in a second program offered at the same time. If you choose to skip a session, please cross out or mark through that session to denote that you will not be attending a class during that session. All courses are for one-hour general CLE credit, unless otherwise indicated.

Please Note: Pre-registration ends on January 22, 2010. Registrations received after January 22, 2010 will NOT be processed. If you are unable to submit your registration form before January 22, 2010, you may be able to register onsite February 5, space permitting. **

FRIDAY, FEBRUARY 5

Session One (8:00-9:00 a.m.)
___ 1-1 Effective Techniques for Helping Associates Improve Their Legal Analysis & Writing Skills
___ 1-2 Hot Topics in Equitable Distribution
___ 1-3 Immigration Issues for Family Lawyers
___ 1-4 Lessons for Lawyers in Recent North Carolina Literature
___ 1-5 Recent Developments in Internet, Privacy and Business Communications Law
___ 1-6 Repossession: How to Represent Consumers in Auto Repossession…
___ 1-7 The Supreme Court’s Guantanamo Cases and Their Aftermath
___ 1-8 Water-Based Wind Energy In North Carolina: Practical, Technical and Legal Issues

Session Two (9:10-10:10 a.m.)
___ 2-1 Casemaker 2.0: Research Made Easy
___ 2-2 ‘Common Schooling’ in the 21st Century: What is the Future for American Education?
___ 2-3 Hybrid Social Enterprises
___ 2-4 North Carolina Faces the Foreclosure Crisis
___ 2-5 The Business of Health Care in 2010: Physician/Hospital Integration
___ 2-6 The Chinese Perspective: Rethinking American Employment Law
___ 2-7 Trademarks and the Public Interest
___ 2-8 What Every Lawyer Should Know About Mood Disorders and Substance Abuse

Session Three (10:20-11:20 a.m.)
___ 3-1 Access to Civil Justice In North Carolina
___ 3-2 Electronic Court Records through PACER: Public Access and Privacy
___ 3-3 Environmental Criminal Investigations and Enforcement
___ 3-4 Exploring (More) Practical Ethical Problems
___ 3-5 Gnutella Without Brows: Can Our Colleges & Universities Realize Their Missions….
___ 3-6 Military Families: Separation and Support for Military Dependents
___ 3-7 Recent Developments and Future Trends in the Law of Church and State
___ 3-8 Regulatory Developments Involving Consumer Credit Cards and Overdrafts

Session Four (11:30 am-12:30 p.m.)
___ 4-1 Computer Crime Law
___ 4-2 Debt Settlement and Foreclosure Assistance Schemes…
___ 4-3 Developing a Theory of the Case
___ 4-4 Emerging Issues in Common Ownership of Land: Law and Practice
___ 4-5 Ethics, Legitimacy and Class Actions
___ 4-6 F Words in Administrative Law: Filing Fees, Final Decisions and Final Review
___ 4-7 Legal Issues in Health Care Reform
___ 4-8 Nuts and Bolts of Veterans Benefits: What Lawyers Need to Know

Session Five (1:30-2:30 p.m.)
___ 5-1 Employment Litigation in the Fourth Circuit: Current Trends and Developments
___ 5-2 Identity Theft and Scams: What Is New and What Can Be Done
___ 5-3 Indigent Defense in North Carolina: Ten Years Later
___ 5-4 Lawyers, Success, Failure: Mental Health Lessons from Tolstoy and Beyond
___ 5-5 Litigating Arson (1 of 2)
___ 5-6 Negotiating a Legal Negotiation
___ 5-7 On Digital Beats: Music Licensing and Copyright Enforcement on the Web
___ 5-8 The Racial Justice Act and the History of Race and the Death Penalty in North Carolina

Session Six (2:40-3:40 p.m.)
___ 6-1 Escheat: Is the State the Last Heir?
___ 6-2 Ethics and Professionalism: A View from the Bench
___ 6-3 Financial Reform
___ 6-4 From Classroom to Cuffs: Litigating 4th and 5th Amendment Issues in Schools
___ 6-5 Litigating Arson (2 of 2)
___ 6-6 Predatory Home Loans: Litigating to Stop Foreclosure (1 of 2)
___ 6-7 Shades of Green: Energy, the Environment & the Economy
___ 6-8 The Mindsets and Methods for Technology Development and Knowledge Transfer

Session Seven (3:50-4:50 p.m.)
___ 7-1 Basic Structure of Technology Licensing Agreements
___ 7-2 Evolving Water Law: Recent Developments
___ 7-3 Guidance on Suicide Prevention
___ 7-4 Master Class in Direct and Cross Examination (1 of 2)
___ 7-5 Plain Language and the Law: Why Attorneys Should Support the Use of Plain Language
___ 7-6 Predatory Home Loans: Litigating to Stop Foreclosure (2 of 2)
___ 7-7 Small Businesses: Financing and SEC Regulation D
___ 7-8 The Federal Reserve and other Banking Regulators… (1 of 2)

Session Eight (5:00-6:00 p.m.)
___ 8-1 Abstraction in Machine Patent Claims
___ 8-2 Bankruptcy Law: The Past as Prologue
___ 8-3 Financial Advisors: How Are They Regulated and Who Regulates Them?
___ 8-4 Master Class in Direct and Cross Examination (2 of 2)
___ 8-5 North Carolina Legal Information on the Web
___ 8-6 Renewable Energy Resources and Regulation: Brave New World…
___ 8-7 Residential Segregation and the Fair Housing Act
___ 8-8 The Federal Reserve and other Banking Regulators… (2 of 2)

PR = Professional Responsibility Credit
SA/MH = Substance Abuse / Mental Health Credit
Please join us on February 5-6 for the 20th Annual

FESTIVAL of Legal Learning
Sponsored by UNC School of Law

www.law.unc.edu/cle

Part III: Registration Form

SATURDAY, FEBRUARY 6

Session One (8:00-9:00 a.m.)
___ 11-1 A Seussian View of Quasi-Judicial Proceedings
___ 11-2 Environmental I: What Does a Progressive Environmental Law Look Like
___ 11-3 Federal Regulatory Resources on the Web
___ 11-4 FTC and FCC Advertising Disclosures: Because Consumers Are Entitled To Know
___ 11-5 Lessons from the Trenches: Effective Trial Techniques
___ 11-6 Light and Life at the End of the Tunnel: Recovering from Debilitating Mental Conditions SA/MH
___ 11-7 Rethinking Adverse Possession
___ 11-8 The Drafting of Financial POAs for Deploying Soldiers: Mitigating the Risks

Session Two (9:10-10:10 a.m.)
___ 22-1 A Metamorphosis of Public Real Estate Recording Systems
___ 22-2 Environmental II: Evidence of Progressivism (or Not) in Climate Change Policy
___ 22-3 In Bad Faith and Ethical Considerations in Insurance Practice PR
___ 22-4 Insanity, Psychopathy and Criminal Responsibility
___ 22-5 Managerial Ethics Basics for Lawyers (1 of 2) PR
___ 22-6 North Carolina Local Government Basics
___ 22-7 The First Amendment Round Up: An Update
___ 22-8 The Internment and Exclusion of Italians During World War II

Session Three (10:20-11:20 a.m.)
___ 33-1 Creative Commons Licenses: What Lawyers Need to Know
___ 33-2 Environmental III: Progressivism and Environmental Justice
___ 33-3 Hot Topics Before the North Carolina General Assembly
___ 33-4 Is Notice Pleading Dead in the Federal Courts? PR
___ 33-5 Managerial Ethics Basics for Lawyers (2 of 2) PR
___ 33-6 Medicaid for At-Risk and Delinquent Children
___ 33-7 Moral Courage and Legal Professionalism PR
___ 33-8 National Security Law Update

Session Four (11:30 am-12:30 p.m.)
___ 44-1 ABCs of Charitable Solicitation Licensing Requirements
___ 44-2 Environmental IV: Progressivism By Land and By Sea: Land-Use Issues and the Progressive Tradition
___ 44-3 Federal and State Campaign Laws: What You and Your Clients Need to Know
___ 44-4 How Diversity Matters
___ 44-5 Lawyers, Technology and Ethics: Possibilities, Best Practices and Ethical Constraints PR
___ 44-6 Myths Pertaining to Supreme Court Selection
___ 44-7 The Google Books Project and Proposed Settlement
___ 44-8 The State of State-Chartered Banking

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