21ST ANNUAL

FESTIVAL of Legal Learning

Sponsored by UNC School of Law

February 11-12, 2011
William and Ida Friday Center
Chapel Hill, North Carolina

Register Online and Save $25

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

UNC School of Law’s 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 90 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 time period. The quality of the courses you select is assured. Your instructors are recognized experts in their fields and include professors from Carolina Law, the School of Government and School of Medicine, as well as distinguished guest faculty. The Festival 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.

FRIDAY, FEBRUARY 11

7:00 a.m.  Registration Desk Opens
7:30 a.m. - 8:00 a.m.  Continental Breakfast
8:00 a.m. - 9:00 a.m.  Session One
9:10 a.m. - 10:10 a.m.  Session Two
10:20 a.m. - 11:20 a.m.  Session Three
11:30 a.m. - 12:30 p.m.  Session Four
12:30 p.m. - 1:30 p.m.  Lunch
1:30 p.m. - 2:30 p.m.  Session Five
2:40 p.m. - 3:40 p.m.  Session Six
3:50 p.m. - 4:50 p.m.  Session Seven
5:00 p.m. - 6:00 p.m.  Session Eight
6:30 p.m. - 8:30 p.m.  Donald F. Clifford Jr.
Distinguished Lecture with Joseph A. Smith Jr.*

SATURDAY, FEBRUARY 12

7:30 a.m.  Registration Desk Opens
7:30 a.m. - 8:00 a.m.  Continental Breakfast
8:00 a.m. - 9:00 a.m.  Session One
9:10 a.m. - 10:10 a.m.  Session Two
10:20 a.m. - 11:20 a.m.  Session Three
11:30 a.m. - 12:30 p.m.  Session Four

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 24, 2011.

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

* A 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 24, 2011.
Donald F. Clifford Jr. Distinguished Lecture

JOSEPH A. SMITH JR.
NORTH CAROLINA
COMMISSIONER OF BANKS AND DIRECTOR-DESIGNATE,
FEDERAL HOUSING FINANCE AGENCY

Joseph A. Smith Jr. will deliver the 2011 Donald F. Clifford Distinguished Lecture. Smith is the North Carolina Commissioner of Banks, an office he has held since June 2002. As commissioner, he heads an agency charged with the supervision of banks and thrift institutions having aggregate assets in excess of $200 billion; the licensing and regulation of firms and individuals engaged in mortgage banking and brokerage; and the regulation of a variety of consumer finance enterprises including finance companies, check cashers, money transmitters and refund anticipation lenders.

In November 2010, President Obama nominated Smith to serve as director of the Federal Housing Finance Agency (FHFA), saying that he brings “both tremendous expertise and a deep commitment to strengthening our housing finance system for the American people.” The FHFA was created in pursuant to the Housing and Economic Recovery Act of 2008, and serves as a regulator that oversees key elements of secondary mortgage markets Fannie Mae, Freddie Mac and the Federal Home Loan Banks. The 14 housing-related government-sponsored enterprises under the agency purchase or guarantee 84% of new mortgages. In addition, Smith is chair of the Conference of State Bank Supervisors and a member of the Board of Managers of State Regulatory Registry LLC, a limited liability company established to implement a national mortgage licensing system. Prior to his appointment to office, Smith was engaged in the practice of securities and banking law. He was for a number of years the general counsel of a North Carolina bank holding company. Smith is a graduate of Davidson College and the University of Virginia Law School.

The Festival of Legal Learning is pleased to offer the annual program honoring its founder Aubrey L. Brooks Professor Donald F. Clifford Jr. Clifford served as a faculty member at Carolina Law from 1964 to 2004, specializing in commercial and consumer law. For many years, the Festival has included a mini-symposium on consumer law and credit issues, drawing on Clifford’s leadership and contributions to this field.

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 Festival of Legal Learning as a fitting 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 11. The event will begin with a reception from 6:30-7:00 p.m., followed by dinner at 7:00 p.m., and concluding with a lecture by Smith. Cost of attendance is $30. Reservations may be made as part of the Festival registration.
Friday

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

**Expertise, the Subconscious and Trial Practice**
Richard E. Myers II, Associate Dean for Student Affairs and Associate Professor of Law, UNC School of Law
This presentation will explore recent research into the subconscious as it affects facial expression, memory and trial practice. Attendees will learn about constructed memory, precognitive facial expression, verbal displacement and decision-making. Attendees will consider how experts in these areas might be used to prepare for trial, explain witness testimony and serve as witnesses.

**Fraud, Vulnerability and Aging – Crime Groups Targeting the Elderly**
David N. Kirkman, Assistant Attorney General, Consumer Protection/Antitrust Division, N.C. Department of Justice
This program will discuss various age-related vulnerabilities that make older consumers major targets of fraud, the techniques that fraud groups have developed to exploit those vulnerabilities and steps attorneys can take to prevent further harm to their clients and perhaps recoup some of their losses.

**Is the Federal Trade Commission About to Make Good Law for N.C. Plaintiffs Using NCGS 75-1.1?**
John F. Graybeal, Parker Poe Adams & Bernstein, LLP
In several recent matters, including the Intel case, the FTC has grounded its case in Section 5 of the FTC Act. Clear signals are that the FTC wishes to expand the use of Section 5, partly to avoid creating precedent for plaintiffs under the Sherman Act.

**Lessons for Lawyers from Biographies and Autobiographies**
D.G. Martin, Host, UNC TV’s N.C. Bookwatch
Martin will refer to recent biographies and autobiographies of lawyers to probe the ways that their lives and history have been shaped by the culture and norms of their chosen profession.

**Same-Sex Marriage: Developments over the Past Two Decades**
Holming S. Lau, Associate Professor of Law, UNC School of Law
Lau will provide an introduction to legal developments from across the country over the past two decades regarding same-sex marriage. The session will also include a more detailed discussion on recent developments, including the challenge to California’s Proposition 8.

**School Segregation/Resegregation: Wake County and Beyond**
John Charles Boger, Dean and Wade Edwards Distinguished Professor of Law; Mark E. Dorosin, Senior Managing Attorney, UNC Center for Civil Rights
This session will explore the legal and educational issues that arise under state and federal law when students’ school assignments are based on a “neighborhood schools” policy and when residential housing patterns are racially or socio-economically divided.

**State Ethics Requirements and Public Servants: An Overview**
Norma R. Houston, Lecturer in Public Law and Government, UNC School of Government
This session will provide an overview of the state’s ethics requirements, along with lobbying laws and statutes applicable to public officials regulating self-dealing, gifts and favors.

**Tax Issues for Litigators**
Gregg D. Polsky, Willie Person Mangum Professor of Law, UNC School of Law
This session will cover the taxation of recoveries (for both income and employment tax purposes), the tax deductibility of attorney’s fees, structured settlements and other similar issues. It will also discuss doctrine and policy and describe various planning opportunities.
Copyright Fair Use: A Look at How Common Myths Hold Up Next To Recent Precedent

Deborah R. Gerhardt, Assistant Professor of Law, UNC School of Law

What constitutes fair use is one of the most controversial and unclear areas in federal copyright law. Come to this session to learn about the relationship between recent case law and common misunderstandings.

Current Issues in Foreclosure Prevention

William R. Corbett, Director, State Home Foreclosure Prevention Project, Office of the N.C. Commissioner of Banks

We are now several years into a foreclosure crisis that has spread beyond subprime mortgages and created wider economic difficulties. This session will look at North Carolina’s efforts to prevent foreclosures, offering perspectives on servicers’ successes/failures/challenges in loss mitigation and other issues affecting foreclosures in North Carolina and the nation.

Exploring Practical Ethics 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 attendees for a participatory discussion. This session is a repeat from Festival 2010.

Lawyering Across Language Differences

Deborah M. Weissman, Reef C. Ivey II Distinguished Professor of Law, UNC School of Law

This session will provide an overview of federal and state laws and regulations that govern the lawyers’ obligations when representing limited English proficient clients. It will provide a legal framework that considers when and how to use interpreters and translators. It will also include latest developments from the U.S. Department of Justice’s Civil Rights Division regarding Title VI obligations and North Carolina’s response.

Light and Life at the End of the Tunnel: Recovering from Debilitating Mental Conditions or Addictions

John L. Sarrett, Harris, Winfield, Sarrett & Hodges, LLP; Stacey A. Phipps, Stacey 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, 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 2010.

So, You Be the Judge!

Fred G. Morrison Jr., Senior Administrative Law Judge, N.C. Office of Administrative Hearings

This session will cover ethical situations encountered throughout the past 25 years, involving attorneys, agency officials, judges, friends and family – inside and outside of state government. Participants will be asked to engage in active discussion.

The Impact of Health Care Reform on Your Health Care Clients and Your Law Firm

Carolyn Lloyd Coward, The Van Winkle Law Firm

Coward will provide an overview of the Patient Protection and Affordable Care Act that will allow practitioners advising health care clients to understand the issues affecting their clients under health care reform. It will also explore the effect of health care reform on law firms as they adjust to the challenges presented to them as employers.

The Present State of the War Against Grammar (1 of 2)

Ruth Ann McKinney, Clinical Professor of Law and Assistant Dean for Legal Writing and Academic Success, UNC School of Law; Katie Rose Guest Pryal, Adjunct Assistant Professor of Law, UNC School of Law and Lecturer, Department of English and Comparative Literature

Sometime in the 1980s, the U.S. Department of Education quietly changed its vision of how grammar should be taught in the public schools. As a result, more than one generation’s management of grammar rules has taken a direct hit. The fallout for those of us in the legal field, where flawless writing is a core professional skill, is widespread and serious. Come to this session to learn what students may have been taught (or not taught) about grammar and how the right skills can be acquired.

“What The Present State of the War Against Grammar” is a two-hour course that begins in Session 2 and ends in Session 3. Participants should also attend Session 3-8.
A Classic Example of Tunnel Vision: The Gregory Taylor Case (1 of 2)
Christine C. Mumma, Executive Director, The N.C. Center on Actual Innocence; Gregory Taylor
This session will summarize the events that led to the exoneration of Gregory Taylor by the N.C. Innocence Inquiry Commission. Taylor joins Christine Mumma, one of his attorneys and one of the original drafters of the Innocence Inquiry Commission legislation, to tell his story of wrongful conviction and eventual exoneration.

“A Classic Example of Tunnel Vision: The Gregory Taylor Case” is a two-hour course that begins in Session 3 and ends in Session 4. Participants should also attend Session 4-1.

Copyright and the Music Industry: Pirates, Profits and Politics
David L. Harrison, Associate Vice President for Legal Affairs, The University of North Carolina General Administration
Harrison will review the development of music copyright from piano rolls to peer-to-peer file sharing, featuring the range of legal issues that arise from the tradition of consistently bad behavior by the music industry, its stars and its customers – with special guest appearances by George Harrison, Vanilla Ice and the Isley Brothers. In addition to surveying traditional copyright issues such as originality, derivatives, public domain, parody, authorship, fair use and infringement, the presentation will emphasize the unique nature of copyright law for music, including layered ownership rights, partial preemption, compulsory licenses and royalties, and statutory and judicial reactions to developments in music technology that consistently outpace copyright law.

Emerging Forms of Social Enterprise
Marty Martin, Martin Law Firm
Social entrepreneurs are exploring new forms of corporate entities to address community needs while also seeking financial returns. This session will discuss North Carolinas LC3, a proposed benefit corporation and B Corporation certification as emerging alternatives to traditional business and nonprofit organizations.

Hot Topics in Health Law and Policy
Joan H. Kinnane, Professor of Law, UNC School of Law; Richard Saver, Associate Professor of Law, UNC School of Law; Dean Harris, Clinical Associate Professor, Health Policy and Management, UNC Gillings School of Global Public Health
This session will explore new topics in the regulation of health care fraud and abuse, the creation of a national comparative effectiveness research program under the recent health care reform law and current issues of public health law and policy.

Identity Theft and the Internet
Caroline Farmer, Deputy Director, N.C. State Attorney General’s Office
This session will provide basic information on identity theft protections and will focus in particular on avoiding risks associated with use of Internet resources such as Facebook.

The “Complicity of Silence” Among Mental Health Professionals and Lawyers
Elliot M. Silverstein, Director of Psychological Services, Dorothea Dix Hospital; Discussants: John L. Sarratt, Harris, Winfield, Sarratt & Hodges, LLP; Mark R. Stein, Private Practice, Psychology; Martha Simpson, Human Resource Consultants; Richard Hicks, Psychologist, Dorothea Dix Hospital
What keeps some lawyers from getting the help they need and mental health professionals from really understanding and assisting lawyers with substance abuse and mental health problems?

The Ethics and Practice of Dealing with Difficult Clients, Witnesses and Counsel in Depositions
Joseph E. Kennedy, Professor of Law, UNC School of Law
Using video clips and transcripts of actual cases, this presentation will explore both the tactical and ethical issues involved in dealing with difficult clients, witnesses and opposing counsel in depositions. Participants will learn some basic strategies for dealing with each as well as the rules of professional conduct regulating witness preparation and deposition practice.

The Present State of the War Against Grammar (2 of 2)
Ruth Ann McKinney, Clinical Professor of Law and Assistant Dean for Legal Writing and Academic Success, UNC School of Law; Katie Rose Guest Pryal, Adjunct Assistant Professor of Law, UNC School of Law and Lecturer, Department of English and Comparative Literature
This session will continue discussion of the “War Against Grammar” and will include hands-on, interactive exercises addressing the Top 10 Grammar Errors Young Legal Writers Make. This workshop will offer concrete techniques that move beyond mere editing to empower you to help summer clerks, associates and colleagues become effective legal writers.

“The Present State of the War Against Grammar” is a two-hour course that began in Session 2 and ends in Session 3. Part I is a prerequisite, participants must attend Session 2-8.
Friday
Session Four: 11:30 a.m. - 12:30 p.m.

A Classic Example of Tunnel Vision: The Gregory Taylor Case (2 of 2)
Christine C. Mumma, Executive Director, The N.C. Center on Actual Innocence; Gregory Taylor

“A Classic Example of Tunnel Vision: The Gregory Taylor Case” is a two-hour course that began in Session 3 and ends in Session 4. Participants should also attend Session 3-1. Please see the course description in Session 3 for more information.

An Overview of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010
Lissa L. Broome, Wachovia Professor of Banking Law and Director of the Center for Banking and Finance, UNC School of Law; Thomas Lee Hazen, Cary C. Boshamer Distinguished Professor of Law, UNC School of Law; Saule T. Omarova, Assistant Professor of Law, UNC School of Law

This panel presentation will provide an overview of some of the major provisions of the Dodd-Frank Act that make it the most important financial reform legislation since the Great Depression.

Employment Litigation in the Fourth Circuit: Current Trends and Developments
Kimberly J. Konando, Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP

This session will review recent developments in employment litigation in the Fourth Circuit.

Facebook’s Privacy Technologies: Can Theory Meet Practice?
Andrew Chin, Associate Professor, UNC School of Law; Anne Klinefelter, Director, Katherine R. Everett Law Library and Associate Professor of Law, UNC School of Law

Facing media scrutiny and public protests, Facebook acted last spring to implement technological measures to address concerns regarding the privacy of its users’ data. Drawing on this episode and on related scholarly developments, we will evaluate prospects for various technological and legal approaches to the problem of privacy in social networks.

The Judicial Amendment of the U.S. Constitution
John V. Orth, William Rand Kenan Jr. Professor of Law, UNC School of Law

This session will address the unique character and historical evolution of the Eleventh Amendment, adopted during a time when many in the Founding generation were still alive and active in civic affairs. The Amendment, one of the most difficult to understand, changed how the federal judicial power is construed.

The New Boys: Women Lawyers with Disabilities
Carrie Basas, Visiting Assistant Professor of Law, UNC School of Law

This session will review the first qualitative empirical study of the experiences of women lawyers with disabilities. This presentation will present the data from that study and offer an opportunity for participants to discuss ways in which we can make our profession more aware and inclusive of the issues of women and people with disabilities.

Mentoring and Professionalism: Why Worry? What Works?
Karen A. Popp, Sidley Austin, LLP; Melissa Saunders, Professor of Law, UNC School of Law; Judith Welch Wegner, Burton Craige Professor of Law, UNC School of Law; Melvin F. Wright Jr., Executive Director, N.C. Chief Justice’s Commission on Professionalism

This panel discussion will focus on the need for mentoring in fostering professionalism and an effective transition from law school into practice. It will consider dilemmas posed in designing effective mentoring strategies and models being developed in various settings around the country. Active participation is encouraged.

When Coastal Development Projects Fail: Issues for Owners, Property Owners’ Associations, Developers and Regulators
Frank H. Sheffield Jr., Ward and Smith, PA

The economic recession has spawned a host of new environmental issues and practical problems resulting from stalled or incomplete coastal development projects. Attendees will learn how owners, lenders, developers and regulators are addressing these issues. Many of the issues and responses are statewide in nature and deal with the complex interface between environmental and real estate law.
Friday

Session Five: 1:30 p.m. - 2:30 p.m.

Agents, Amateurism and the NCAA
Barbara J. Osborne, Associate Professor, UNC Department of Exercise & Sport Science
This presentation will explain the NCAA rules defining agents and amateurism. Recent investigations involving student-athletes and agents will provide a framework for discussing the scope of the NCAA’s authority. The Uniform Athlete Agent Act, Oliver v. NCAA and other related cases will be addressed.

Bank Failure in North Carolina
Daniel E. Garner, Executive Legal Specialist, N.C. Commissioner of Banks
This session will examine some recent cases of bank failure. How does North Carolina compare to other states and the nation? What happens in a failure? What lessons have we learned from the failures?

Domestic Violence and Civil Protection Orders: Legal Foundations (1 of 2)
Beth S. Posner, Adjunct Professor of Law, UNC School of Law and Attorney, Legal Aid of North Carolina
This session will provide substantive foundational knowledge for attorneys who represent victims of domestic violence, sexual assault, stalking and dating violence or who assist such victims as they represent themselves pro se.

“Domestic Violence and Civil Protection Orders” is a two-hour course that begins in Session 5 and ends in Session 6. Part I is a prerequisite; participants are also encouraged to attend Session 6-3.

Global Compliance and Enforcement: FCPA and Other Anti-Corruption Law Developments
Karen A. Popp, Sidley Austin, LLP
Many companies today have operations abroad and thus need to address these issues in their business model and corporate governance. North Carolina companies are not immune. This session will provide an overview, including particular attention to the Foreign Corrupt Practices Act.

Privacy and Information Security for Legal Service Providers PR
Elizabeth H. Johnson, Poyner Spruill LLP
This session will review the main privacy and security compliance obligations and risks posed to legal professionals. Presenter will discuss the requirements, risks and ethics using real world examples of security breaches and government enforcement actions.

State Coastal Case Law, Legislation and Litigation Update
William A. Raney Jr., Wessell & Raney, LLP; Todd S. Roessler, Kilpatrick Stockton LLP
This session will be a discussion of recent state cases, statutes, regulations and litigation that affect activities on North Carolina coastal lands or in its coastal and ocean waters.

The Supreme Court and Educational Domains: Exploring Diversity’s Empirical Effects PR
Charles Edward Daye, Henry P. Brandis Professor of Law; Abigail T. Panter, Bowman and Gordon Gray Professor of Psychology, L.L. Thurstone Psychometric Laboratory, UNC-Chapel Hill.
The Educational Diversity Project examines longitudinal survey data that sheds light on whether and, if so, why and how diversity may be seen as serving important educational interests in individual, institutional and societal domains.

Top 10 Tips for Writing Powerfully
Craig T. Smith, Clinical Professor of Law and Director of the Research, Reasoning, Writing and Advocacy Program, UNC School of Law
The use of straightforward writing techniques can change a weak document into a strong one. This session will present simple but effective strategies for making your legal writing compelling and powerful.

PR = Ethics / Professionalism / Professional Responsibility Credit
SA = Substance Abuse / Mental Health Credit
Friday

Session Six: 2:40 p.m. - 3:40 p.m.

Capital Raising Under SEC Regulation D
F. Lee Liebrot Jr., Attorney, New York, New York; Thomas Lee Hazen, Cary C. Boshamer Distinguished Professor of Law, UNC School of Law
A review of the limited offering exemptions available for raising capital under the SEC’s Regulation D, including changes effected by the Dodd-Frank Wall Street Reform and Consumer Protection Act. The session will also consider cases that address whether the federal preemption in the National Securities Markets Improvement Act of 1996 has been properly claimed.

Does Barring Religious Discrimination Discriminate Against Religion?
Christian Legal Society v. Martinez
William P. Marshall, William R. Kenan Jr. Distinguished Professor of Law, UNC School of Law
The Supreme Court recently considered whether Hastings Law School’s antidiscrimination policies intruded on the constitutional rights of the campus Christian Legal Society. This session will discuss the Martinez case and the difficult constitutional issues that arise when rights of speech, association and religion are in conflict with anti-discrimination norms.

Domestic Violence and Civil Protection Orders: Best Practices and Ethical Dilemmas (2 of 2)
Beth S. Posner, Visiting Assistant Clinical Professor, UNC School of Law and Attorney, Legal Aid of North Carolina
Building on the foundation provided by Part I, this session will help participants develop case strategies addressing both legal and non-legal outcomes such as client safety. It will also consider ethical dilemmas that can arise in connection with representing victims of domestic violence or assisting them in pro se representation.

“Domestic Violence and Civil Protection Orders” is a two-hour course that begins in Session 5 and ends in Session 6. Part I is a prerequisite; participants must attend Session 5-3.

Lawyers and Civil Society Abroad
Thomas A. Kelley III, Professor of Law and Director of Clinical Programs, UNC School of Law
This session will consider the roles of lawyers in the Obama Administration’s efforts to build civil societies in nations outside the United States. How do American traditions regarding lawyers as leaders in civil society resonate with the expectations of lawyers in other societies that are endeavoring to develop fresh understandings of the rule of law?

Legislative Advocacy in Changing Times
Robin Johnson, Former General Counsel to Speaker Joe Hackney, N.C. House of Representatives; Edward Turlington, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
This session will consider the changing face of advocacy before state legislatures during a changing political era. The presentation will offer insights from lawyers with substantial experience from both inside and outside of government.

Protecting the Confidentiality of Internet-Based Legal Research
Anne Klinefelter, Director, Kathrine R. Everett Law Library and Associate Professor of Law, UNC School of Law
Participants will learn how some types of tracking of online behavior can endanger confidentiality of legal research. The program will identify reasonable precautions and will recommend strategies for collective efforts that can support individual attorneys’ ability to preserve confidentiality of information reflected in online research.

Self-Help Auto Repossession: New Developments in Practice and Policy
John W. Van Alst, Attorney, National Consumer Law Center
Auto repossession is a rapidly changing industry that is incorporating new technology such as license plate scanners, GPS tracking, remote disabling and starter interrupters. These new practices give rise to new concerns of privacy and fairness as well as potential new claims for families whose car has been repossessed or who are threatened with repossession. This session will focus on understanding the changing market and representing consumers in car repossession.

Suicide: Assessment and Intervention
Eric B. Elbogen, Associate Professor, UNC Department of Psychiatry; Sally C. Johnson, Professor, UNC Department of Psychiatry; Alyson R. Kuroski-Mazzei, Assistant Professor, UNC Department of Psychiatry
This session provides guidance in identifying colleagues and clients, who suffer from the debilitating mental conditions that impair their ability to carry out their responsibilities and, at worst, lead to suicide attempts. The presentation will discuss ways to offer effective assistance and support to those who are at risk and discuss coping with the emotional aftermath of an attempted or successful suicide.
An Empirical Study: Does Corporate Board Diversity Matter?
John M. Conley, William Rand Kenan Jr. Professor, UNC School of Law
This session will discuss the results of an interview study of corporate directors, executives and others with a direct stake in the board diversity issue. Conley will report and discuss results, focusing on the gap between the rhetorical justifications for pursuing diversity and the reality on the ground, as seen by these corporate insiders.

Estate Planning Given Congressional Action/Inaction
Joel A. Pineles, Chief Financial Officer and Chief Compliance Officer, Eton Advisors, LP
If Congress acts on the estate tax, gift tax and generation skipping transfer tax, transfer taxation will change. If Congress does not act, transfer taxation will change. This presenter will provide an overview of where transfer tax law stands and share thoughts on possible planning opportunities.

Harmonization of Fiduciary Duties for Brokers and Advisers
Marianne K. Smythe, Retired Partner, Wilmer Cutler Pickering Hale and Dorr, LLP; Thomas Lee Hazen, Cary C. Boshamer Distinguished Professor of Law, UNC School of Law
This session will discuss the implication of Congress recent decision to impose fiduciary duties on broker-dealers who give investment advice. What impact will this requirement have on the centuries-old function of broker-dealers to buy, sell and trade securities?

Master Class in Direct and Cross Examination (1 of 2)
Jonathan E. Broun, Center for Death Penalty Litigation; Kenneth S. Brown, 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.

Mental Illness: It Can Happen to Anyone
Eric B. Elbogen, Associate Professor, UNC Department of Psychiatry; Sally C. Johnson, Professor, UNC Department of Psychiatry; Alyson R. Kuroski-Mazziti, Assistant Professor, UNC Department of Psychiatry
The presenters will provide an overview of signs and symptoms of mental illness that are commonly experienced in the practice of law. The focus will be on mood disorders, post-traumatic stress disorder, anxiety, personality disorders, substance abuse and cognitive disorders that may arise in connection with other health concerns. The session will consider the implications of these for those who engage in law practice and suggest strategies for coping and seeking assistance.

North Carolina Lawyers and the Revolution
Scott A. Miskimon, Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP
This session will feature original research on the role of North Carolina lawyers during the American Revolution and their subsequent contributions in building core systems of governance. Learn some important legal history and gain insights on professionalism that are relevant today.

State and Federal Regulation at the Crossroads: Perspectives on Preemption
Donald C. Lampe, Womble Carlyle Sandridge & Rice, PLLC
Consumer financial products and services expanded dramatically over the last 25 years under robust doctrines of federal preemption. The Dodd-Frank Act significantly changes the playing field, giving the states a greater role in regulating financial institutions. This program covers the “new balance” between federal and state authority, with emphasis on North Carolina’s special role in protecting consumers under groundbreaking new laws and initiatives.

Waste to Energy in North Carolina: An Overview
M. Gray Styers Jr., Styers & Kemerait, PLLC; Charlotte Mitchell, Styers & Kemerait, PLLC
This session will provide an overview of legal and practical issues raised by efforts to promote sustainable energy programs in North Carolina. Panelists will focus in particular on efforts to utilize landfill gas, animal waste, and waste wood as fuel for electric power generation.
Friday

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

Ethics and Professionalism: A View from the Courtroom
R. Allen Baddour Jr., Resident Superior Court Judge, District 15B; Ripley E. Rand, Special Superior Court Judge, Wake County
Judges Baddour and Rand will explore ethical and professionalism issues inside the courtroom, including interactions with the court, opposing counsel and witnesses.

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

How Do Financially Distressed Families Handle Medical Bills?
Melissa B. Jacoby, George R. Ward Professor of Law, UNC School of Law
Jacoby will review new research on how financially distressed patients deal with out-of-pocket medical bills and the financial and legal implications for health care providers when patients file for bankruptcy. This presentation will feature data from the 2007 Consumer Bankruptcy Project, a nationally representative study of personal bankruptcy cases. Insured patients’ use of credit cards, home equity lines of credit and provider payment plans for health care services will also be discussed.

Master Class in Direct and Cross-Examination (2 of 2)
Jonathan E. Broun, Center for Death Penalty Litigation and Kenneth S. Brown, Henry Brandis 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 2010.

Mental Health Issues for Lawyers in Transition
Eric B. Elbogen, Associate Professor, UNC Department of Psychiatry; Sally C. Johnson, Professor, UNC Department of Psychiatry; Alyson R. Kuroski-Mazzei, Assistant Professor, UNC Department of Psychiatry
This session will address mental health issues likely to arise with lawyers who are just entering practice, those forced into making job or career changes and those reaching the end of their careers. This session will review warning signs and action steps that may assist those facing special challenges related to where they are in their careers during these difficult economic times.

Recent Developments in Internet, Privacy and Business Communications Law
David W. Sar, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP; Marcus W. Trathen, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
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 relating to net neutrality and recent decisions in cyberliability, copyrights and trademarks.

The Republics of Liberty and Letters: Constitutional Ideas in Graduation Addresses at UNC Before the Civil War
Alfred L. Brophy, Reef C. Ivey II Professor of Law, UNC School of Law
This session will trace the development of constitutional ideas before the Civil War, drawing upon evidence included in graduation addresses given at UNC-Chapel Hill in that era.

What Is a Value-Added Tax?
William J. Turnier, Willie Person Mangum Professor of Law, UNC School of Law
Value-added taxation has been used in more than 150 countries as a form of consumption tax, but not in the United States. Might the U.S. turn to this approach in order to relieve other tax burdens? Join this session to find out.
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, counsel businesses that deal with consumers and want to catch up with some of the rapidly evolving changes and regulations in the consumer marketplace will want to attend. Participants may choose to attend all sessions or select among them as interest and schedules allow.

**FRIDAY**

**Session One (8:00 a.m. - 9:00 a.m.)**  
Fraud, Vulnerability and Aging – Crime Groups Targeting the Elderly

**Session Two (9:10 a.m. - 10:10 a.m.)**  
Current Issues in Foreclosure Prevention

**Session Three (10:20 a.m. - 11:20 a.m.)**  
Identity Theft and the Internet

**Session Four (11:30 a.m. - 12:30 p.m.)**  
An Overview of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010

**Session Five (1:30 p.m. - 2:30 p.m.)**  
Bank Failure in North Carolina

**Session Six (2:40 p.m. - 3:40 p.m.)**  
Self-Help Auto Repossession: New Developments in Practice and Policy

**Session Seven (3:50 p.m. - 4:50 p.m.)**  
State and Federal Regulation at the Crossroads: Perspectives on Preemption

**Session Eight (5:00 p.m. - 6:00 p.m.)**  
How Do Financially Distressed Families Handle Medical Bills?

**SATURDAY**

**Session One (8:00 a.m. - 9:00 a.m.)**  
The Consumer Financial Protection Act of 2010 and the BCFP

**Session Two (9:10 a.m. - 10:10 a.m.)**  
The Nuts and Bolts of Representing a Creditor in a Bankruptcy Case

**Session Three (10:20 a.m. - 11:20 a.m.)**  
The Dirty Truth about Mortgage Loan Servicing

**Session Four (11:30 a.m. - 12:30 p.m.)**  
Recent Developments in Construction Law: An Update for a Down Economy
Environmental Law Outside the “Washington Beltway”

SPONSORED BY THE UNC ENVIRONMENTAL LAW PROJECT

Federal law so dominates environmental policy in the United States that we often forget how much environmental law is generated, not simply applied, at the state and regional levels. In this year’s Environmental Law Symposium, Professors Victor Flatt, Donald Hornstein and Maria Savasta-Kennedy focus on this aspect of environmental law. The Environmental Law Symposium will look at the surprising vitality of sub-national environmental law. This year’s program focuses on wide-ranging topics from the local food movement to state regulation of natural gas development and common-law nuisance to the growth of sub-federal, regional legal regimes. As always, the symposium is designed as four self-contained sessions that may be taken individually or together in any combination.

SATURDAY

Session One (8:00 a.m. - 9:00 a.m.)
Environmental Law and Sub-Federalism in Theory and Practice: The Big Picture

This session will focus on the constitutional and theoretical “space” the law gives (or forbids) states to take when addressing environmental issues. Topics may include recent developments in solid waste disposal, sustainable development/zoning, local and organic foods, animal rights and endangered species.

Session Two (9:10 a.m. - 10:10 a.m.)
State and Regional Roles in Energy Development and Policymaking

This session will focus on the surprisingly vibrant role states have been playing on such energy-development issues as wind power, biomass power and natural gas development. This session will also give us an opportunity to use the BP oil spill as a case history to highlight the law’s ability to respond to regional environmental problems.

Session Three (10:20 a.m. - 11:20 a.m.)
State Common Law and Takings

This session will allow us to look at developments both in the constitutional law of regulatory takings, including the Supreme Court’s recent decision regarding beach nourishment in Florida and related developments on state-by-state common-law nuisance doctrine. Special attention will be paid to North Carolina’s lawsuit against TVA’s out-of-state (and upwind) coal-fired power plants and the recent decision of the U.S. Court of Appeals for the Fourth Circuit, setting back North Carolina’s attempt to use the common law.

Session Four (11:30 a.m. - 12:30 p.m.)
Air Pollution and the Surprising Role of the States

The presenters will discuss the increasingly important roles states are playing in both emerging greenhouse gas regulation and in the regulation of more traditional air pollutants. We will discuss, given the recent failure of federal and super-federal climate change legislation/treaties, the increased vibrancy of such regional greenhouse-gas regimes as the Northeast’s Regional Greenhouse Gas Initiative. And, as to traditional air pollutants, we will discuss the increasingly visible fight between EPA and the states over which governmental bodies have the last word in State Implementation Plans.
Saturday

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

**Casemaker 2.2: Research Made Easy**
Nichelle J. Perry, Assistant Law Library Director, NCCU School of Law
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 2.2 features and review how to locate cases and other primary research materials.

**Environmental I: Law and Sub-Federalism in Theory and Practice: The Big Picture**
Donald T. Horstein, 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 of the Center for Law, Environment, Adaptation and Resources (CLEAR); Maria Savasta-Kennedy, Clinical Professor of Law and Director, Externship Program, UNC School of Law
The presenters will focus on the constitutional and theoretical “space” the law gives (or forbids) states to take when addressing environmental issues. Topics may include recent developments in solid waste disposal, sustainable development/zoning, local and organic foods, animal rights and endangered species.

**Reading the Tea Leaves of Economic Recovery: A View from the Ground Up**
Thomas E. Terrell Jr., Smith Moore Leatherwood, LLP
This session will feature a panel with diverse perspectives that considers two key questions: How can attorneys (and their clients) involved in real estate development practice best judge trend lines relating to economic recovery. Given the adverse effects of the Wall Street meltdown and recent problems with foreclosures, what legal challenges should be anticipated by those involved in the real estate industry as the economy begins to rebound? Learn about the “Planning Commission Index,” economic perspectives and more.

**Recent Developments in Insurance Law**
Constance A. Anastopoulo, Assistant Professor of Law; Charleston School of Law
This session will review recent developments in the field of insurance law, including trends regarding litigation over coverage, particularly in the area of bad faith litigation, comparative look at North Carolina treatment of bad faith versus surrounding states and statutory changes.

**Religion and the Schools**
Kenneth A. Soo, Thrarrington Smith, LLP
Soo will cover a variety of topics relating to the Constitution’s religion clauses. The discussion will explore complex issues facing the schools, including gospel choirs, the Ten Commandments, the Pledge of Allegiance and religiously based nose piercing.

**The Consumer Financial Protection Act of 2010 and the BCFP**
Jeffrey P. Taft, Mayer Brown, LLP
This session will explore the recently enacted federal Consumer Financial Protection Act and the Bureau of Consumer Financial Protection (BCFP). The BCFP is tasked with regulating consumer financial products and services offered by insured depository institutions, finance companies, mortgage lenders and a broad range of nontraditional financial services entities. The establishment, structure and role of the BCFP as well as its potential impact on the delivery of consumer financial services will be covered.

**The Creative Use of Demonstrative Evidence: Guidelines Regarding Presentation Software**
Michael P. Griffin, HRC Behavioral Health & Psychiatry, PA
Lawyers are well versed in legal precedents, statutes and procedures. Some lawyers are accomplished orators and do not hesitate when it comes to presenting their case to the court and some law students actually receive a degree of training in how to utilize presentation software. However, legal training does not typically utilize social scientific concepts to inform its students. The consequence is that lawyers are often inadvertently hurting their case when they mean to strengthen it. This session will provide attendees with an introduction to some of the research and techniques already proven effective in other domains and currently implemented in the legal arena.

**The Renaissance Lawyer: The Path to Becoming the Wise Counselor**
E. Osborne Aysec Jr., McGuireWoods, LLP
Attendees will explore the path from skilled legal technician to becoming the trusted advisor, counselor, intermediary and advocate on whose wisdom clients rely in all their affairs. This session will examine the relationship between the whole person and the whole lawyer, a lifetime journey.

**PR** = Ethics / Professionalism / Professional Responsibility Credit
**SA** = Substance Abuse / Mental Health Credit
Compensation in the New Economy: What Two Old Dead Guys Can Teach Us about How Mental Health Relates to Personal and Professional Goals

William S. Bost III, William S. Bost III, Attorney at Law
This session will consider the ways in which lawyers’ mental health is affected by issues of money and compensation using related insights from the writings of Thoreau (economy) and Emerson (compensation) as they affect the views of professionals on money and compensation and how those views in turn can create additional pressures and stresses that affect mental health. The session will suggest that concern for money and compensation is not required of professionals and will propose ways in which reexamination of assumptions regarding compensation can improve the mental health of legal professionals.

Environmental II: State and Regional Roles in Energy Development and Policymaking

This presentation will focus on the surprisingly vibrant role states have been playing on such energy-development issues as wind power, biomass power and natural gas development. The presenters will use the BP oil spill as a case history to highlight the law’s ability to respond to regional environmental problems.

Families, Government and Political Ideals

Maxine Eichner, Professor of Law, UNC School of Law
Broad agreement exists among politicians and policymakers that the family is a critical institution of American life. Yet the role that the state should play with respect to family ties among citizens remains deeply contested: This controversy over the state’s role undergirds a broad range of public policy debates: Does the state have a responsibility to help resolve conflicts between work and family? Should same-sex marriage be permitted? Should parents who receive welfare benefits be required to work? Yet while these individual policy issues are endlessly debated, the underlying theoretical question of the stance that the state should take with families remains largely unexplored; this presentation considers current public policy when it comes to families, as well as arguments about whether and how that public should be transformed.

North Carolina Public Records Law: A Primer

Frayda S. Bluestein, Professor of Public Law and Government and Associate Dean for Faculty Development, UNC School of Government.
Are comments on government Facebook pages public records? Are emails from constituents to public officials on their personal email accounts public records? Learn the answers to these and other basic questions that arise under the N.C. Public Records Law.

Recent Developments in the Death Penalty in North Carolina

Richard A. Rosen, Professor of Law Emeritus, UNC School of Law; Robert P. Mosteller, Associate Dean for Academic Affairs and J. Dickson Phillips Distinguished Professor, UNC School of Law
The presenters will discuss the status of the death penalty in North Carolina, including the impact of recent events on capital punishment in North Carolina, including the SBI Lab scandal, continuing exonerations and the lethal injection debate.

Reconsidering Economic Incentives

Robert F. Orr, Executive Director and Senior Counsel, N.C. Institute for Constitutional Law; Retired Associate Justice, N.C. Supreme Court; Judith Welch Wegner, Burton Craige Professor of Law, UNC School of Law
This session will review the tool box that has in recent years been used by governments in order to foster economic development. It will then probe key constitutional questions, resolved and unresolved, under both state and federal constitutions.

The Nuts and Bolts of Representing a Creditor in a Bankruptcy Case

S. Elizabeth Gibson, Burton Craige Professor of Law, UNC School of Law; A. Cotten Wright, Grier Furr & Crisp, PA
Lawyers who do not specialize in bankruptcy may find themselves with a client who is listed as a creditor in either a consumer or business bankruptcy case. This presentation discusses the impact of the bankruptcy filing on the creditor’s rights, the steps that the lawyer should take to enable the creditor to participate in any payout in the case and possible arguments to enhance the likelihood of payment to the creditor. It will also consider claims that might be asserted against the creditor by the bankruptcy trustee or debtor and possible defenses that can be raised.

Think Immigration Enforcement Policies Don’t Affect Your Practice and Your Clients? Think Again!

Kaci Bishop, Adjunct Professor of Law, UNC School of Law; Alice S. Glover, Adjunct Professor of Law, UNC School of Law and NCCU School of Law; Marty Rosenbluth, Executive Director, N.C., Immigrant Rights Project
The panel will provide a short primer on immigration law, but will concentrate on the 287(g) and Secure Communities program. While both of these programs are designed to target dangerous criminal aliens, most of the individuals deported through these programs are detained for minor violations. Attendees will learn how these policies can affect many of their clients, not just those who are non-citizens or foreign born. Learn how to appropriately counsel and advocate for a client who has been affected by these programs.
Saturday
Session Three: 10:20 a.m. - 11:20 a.m.

**Conducting Contests and Sweepstakes in North Carolina: Fundamentals and Fairness**
*S. G. Hartzell, Brooks Pierce McLendon Humphrey & Leonard, LLP*
Contests and sweepstakes are popular ways to promote retail businesses and reward customer loyalty. This session will explore the laws governing contests and sweepstakes in North Carolina and will touch on legal wrinkles created by the explosion in social media. This overview covers the fundamentals of how to structure and execute your promotion to keep it fair and legal and how to manage the risks inherent in contest and sweepstakes promotions.

**Environmental III: State Common Law and Takings**
This session will allow us to look at developments both in the constitutional law of regulatory takings, including the Supreme Court’s recent decision regarding beach nourishment in Florida and related developments on state-by-state common-law nuisance doctrine. Special attention will be paid to North Carolina’s lawsuit against Tennessee Valley Authority’s out-of-state (and upwind) coal-fired power plants and the recent decision of the U.S. Court of Appeals for the Fourth Circuit, setting back North Carolina’s attempt to use the common law.

**Financially Distressed Nonprofits**
*R. W. Saunders, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP*
This session will focus on legal issues that arise when nonprofit organizations become financially distressed.

**Hot Topics in Agricultural Law and Policy (1 of 2)**
*Ray A. Starling, General Counsel, N.C. Department of Agriculture & Consumer Services*
This session will include a rundown of the top 10 issues of interest to anyone who counsels farmers or agribusiness clients, serves rural communities where agriculture is still the dominant economic engine or has an interest in agricultural policy as it is developed at the state and national levels. Starling will discuss everything from the local food movement to alternative energy, animal welfare to agriculture antitrust, the Farm Bill to water wars and beyond.

“Hot Topics in Agricultural Law and Policy” is a two-hour course that begins in Session 33 and ends in Session 44. Participants should also attend Session 44-4.

**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*
This session will focus on a number of current national security topics including issues pertaining to targeted killings, the trial of alleged terrorists in the federal district courts and 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.

**The Dirty Truth about Mortgage Loan Servicing**
*Mallam J. Maynard, Executive Director, Financial Protection Law Center*
This session will consider how and why mortgage loan servicers are motivated to foreclose even when sales will generate huge losses to investors. It will explain how loan servicers make money with servicing practices that push mortgage loan borrowers into default. The session will also discuss the claims and defenses available to borrowers and will provide sample pleadings and suggestions regarding discovery.

**The Role of Forensic Psychology in the Legal Arena**
*Michael P. Griffin, HRC Behavioral Health & Psychiatry, PA*
Forensic psychology is a field of psychology that broadly deals with many aspects of the legal system, but many attorneys do not realize the degree to which a forensic psychologist can help with their cases. This presenter will introduce attendees to the multitude of services forensic psychologists offer, as well as provide specific examples of services most frequently requested by attorneys in support of their clients.

**The Hole in the Holy Grail: Strategies for Building Collaborative, Cohesive and Effective Law Firms in the Current Practice Environment (1 of 2)**
*Roland Smith Jr., Senior Faculty and Researcher, Legal Sector, Center for Creative Leadership; Judith Welch Wegner, Burton Craig Professor of Law, UNC School of Law; Edward Winslow, Managing Partner, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP*
This session will examine law firms as human systems, and as professional and knowledge organizations, asking whether late 20th century practice models will meet the needs of lawyers and their clients in the 21st century. The session will also offer insights on the major drivers of change affecting law firms in the current economy and explore three key elements for effectively navigating change: strategy, culture, talent.

“The Hole in the Holy Grail” is a two-hour course that begins in Session 33 and ends in Session 44. Participants should also attend Session 44-8.
Saturday

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

All About Home Foreclosure Rescue Scams, Lease to Purchase Options and Other Perils: Recent Trends
C. Thomas Steele Jr., Wishart Norris Henninger & Pittman, PA
This session will focus on recent North Carolina legislation that addresses home foreclosure rescue scams, lease with option to purchase arrangements, contracts for deed and installment land contracts.

Environmental IV: Air Pollution and the Surprising Role of the States
The presenters will discuss the increasingly important roles states are playing in both emerging greenhouse gas regulation and the regulation of more traditional air pollutants. Given the recent failure of federal and super-federal climate change legislation/treaties, we will discuss the increased vibrancy of such regional greenhouse-gas regimes as the Northeast’s Regional Greenhouse Gas Initiative. As to traditional air pollutants, we will discuss the increasingly visible fight between EPA and the states over which governmental bodies have the last word in State Implementation Plans.

Ethical Action in Challenging Times
Kimberly J. Strom-Gottfried, Smith P. Theimann Distinguished Professor for Ethics and Professional Practice, UNC School of Social Work
From baseball fields to board rooms, the news is filled with examples of lapses in ethical conduct. How did today’s scandals emerge without anyone standing up to say, “This is wrong?” Could well-intentioned people, acting with moral courage, have affected the course of events before they got out of hand? This program addresses the knowledge, strategies and resources that individuals need to act on behalf of ethical principles.

Hot Topics in Criminal Law
Alyson A. Grine, Defender Educator, UNC School of Government
This session will address recent developments in criminal law. Topics will include confrontation clause analysis, Miranda rights, and drug identification testimony.

Recent Developments in Construction Law: An Update for a Down Economy
R. Harper Heckman, Nexsen Pruet, PLC and Adjunct Professor of Construction Law, UNC School of Law
This session will examine developments in state and national construction law over the past several years and their effect on the rights and obligations of owners, contractors, subcontractors and design professionals. In particular, the program will examine the common mistakes made by construction clients during a down or recovering economy. No prior sessions or construction law background required.

Social Media, Blogging and the News
C. Amanda Martin, Stevens Martin Vaughn & Tadych, PLLC
Blogging, posting to social media sites such as Facebook, and scouring online sources for news have become active pastimes for many. What liability may arise for individuals or employers as a result of such practices? To what extent does the First amendment protect such practices? Join this session for an engaging and informative discussion.

The Hole in the Holy Grail: Strategies for Building Collaborative, Cohesive and Effective Law Firms in the Current Practice Environment: (2 of 2)
Roland Smith Jr., Senior Faculty and Researcher, Legal Sector, Center for Creative Leadership; Judith Welch Wegner, Burton Craige Professor of Law, UNC School of Law; Edward Winslow, Managing Partner, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
“The Hole in the Holy Grail: Strategies for Building Collaborative, Cohesive and Effective Law Firms in the Current Practice Environment” is a two-hour course that began in Session 33 and ends in Session 44. Participants should also attend Session 33-4. Please see the course description in Session 44 for more information.
Constance A. Anastopoulo  
Assistant Professor of Law, Charleston School of Law.  
B.A., 1984, University of Virginia; J.D., 1992, UNC-Chapel Hill.

E. Osborne Ayscue Jr.  

R. Allen Baddour Jr.  

Carrie Basas  

Kaci Bishop  
Adjunct Professor of Law, UNC School of Law. A.B., 1994, Smith College, J.D., 2004, UNC-Chapel Hill.

Frady S. Bluestein  
Professor of Public Law and Government and Associate Dean for Faculty Development, UNC School of Government. B.S., 1980, UC Berkeley; J.D., 1986, UC Davis.

John Charles Boger  

William S. Bost III  

Lissa Lamkin Broome  
Wachovia Professor of Banking Law and Director of the Center for Banking and Finance, UNC School of Law. B.S., 1978, University of Illinois, J.D., 1981, Harvard.

Alfred L. Brophy  

Andrew Chin  

John Martin Conley  

William R. Corbett  

Carolyn Lloyd Coward  

Charles Edward Daye  

Mark E. Dorosin  

Maxine Eichner  
Professor of Law, UNC School of Law, B.A., 1984, J.D., 1988, Yale, M.A., 1997; Ph.D., 2006, UNC-Chapel Hill.

Eric B. Elbogen  

Caroline Farmer  

Victor B. Flatt  
Thomas F. and Elizabeth Taft Distinguished Professor in Environmental Law, UNC School of Law and Director of the Center for Law, Environment, Adaptation and Resources (CLEAR). B.A., 1985, Vanderbilt, J.D., 1988, Northwestern.

Daniel E. Garner  

Deborah R. Gerhardt  
Assistant Professor of Law, UNC School of Law. A.B., 1987, Duke, J.D., 1990, Case Western Reserve University.

S. Elizabeth Gibson  
Burton Craige Professor of Law, UNC School of Law. B.A., 1972, Duke, J.D., 1976, UNC-Chapel Hill.

Alice S. Glover  
Adjunct Professor of Law, UNC School of Law and NCCU School of Law. B.A., 1982, UNC-Chapel Hill, J.D., 1994, NCCU.

John F. Graybeal  

Michael P. Griffin  

Alyson A. Grine  

Margaret F. Hall  

David L. Harrison  
Associate Vice President for Legal Affairs, The University of North Carolina General Administration. B.A., 1982, Grand Valley State, J.D., 1986, University of Toledo.

Dean M. Harris  

Stephen G. Hartzell  

Thomas Lee Hazen  

R. Harper Heckman  
Nexsen Pruet, PLC and Adjunct Professor of Construction Law, UNC School of Law. B.A., 1988, J.D., 1991, UNC-Chapel Hill.

Donald T. Hornstein  

Norma R. Houston  

Melissa B. Jacoby  

Elizabeth H. Johnson  

Robin Johnson  
General Counsel to Speaker Joe Hackney, N.C. House of Representatives. J.D., 1988, UNC-Chapel Hill.

Sally C. Johnson  
Professor, UNC Department of Psychiatry, UNC School of Medicine and Adjunct Professor, UNC School of Law. M.D., 1976, Jefferson Medical College.

Thomas A. Kelley III  
Professor of Law and Director of Clinical Programs, UNC School of Law. A.B., 1984, Harvard, J.D., 1991, Northeastern.

Joseph E. Kennedy  
Professor of Law, UNC School of Law. B.A., 1982, Stanford, J.D., 1987, UCLA.
<table>
<thead>
<tr>
<th>Name</th>
<th>Institution Details</th>
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<tr>
<td>David N. Kirkman</td>
<td>Assistant Attorney General, Consumer Protection/</td>
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<tr>
<td></td>
<td>Antitrust Division, N.C. Department of Justice. B.A., 1976, Davidson College, J.D.,</td>
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<td></td>
<td>1979, UNC-Chapel Hill.</td>
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<td>Anne Klinefelter</td>
<td>Director, Kathrine R. Everett Law Library and</td>
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<td></td>
<td>Associate Professor of Law, UNC School of Law: B.A., 1981, M.L.S., 1986, J.D., 1992,</td>
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<td>Joan H. Krause</td>
<td>Professor of Law, UNC School of Law; Adjunct Professor, Social Medicine, UNC School</td>
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<td>of Medicine, Health Policy and Management, School of Public Health. B.A., Yale, J.D.,</td>
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<td>Stanford.</td>
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<td>Alyson R. Kuroski-Mazzei</td>
<td>Assistant Professor, UNC Department of Psychiatry. D.O., 2001, Midwestern.</td>
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<tr>
<td>Donald C. Lampe</td>
<td>Womble Carlyle Sandridge &amp; Rice, PLLC. B.S., 1978, Massachusetts Institute of</td>
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<td>Technology; J.D., 1982, Duke.</td>
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<tr>
<td>Holning S. Lau</td>
<td>Associate Professor of Law, UNC School of Law. B.A., 2000, University of</td>
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<td>Pennsylvania, J.D., 2005, UNC-Chapel Hill.</td>
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<td>Mallam J. Maynard</td>
<td>Executive Director, Financial Protection Law Center. J.D., 1983, UNC-Chapel Hill.</td>
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<td>Ruth Ann McKinney</td>
<td>Clinical Professor of Law and Assistant Dean for Legal Writing and Academic Success,</td>
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<tr>
<td>Scott A. Miskimon</td>
<td>Smith, Anderson, Blount, Dorsett, Mitchell &amp; Jernigan, LLP B.J., 1982, University of</td>
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<td>Missouri-Columbia, J.D., 1992, UNC-Chapel Hill.</td>
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<tr>
<td>Robert P. Mosteller</td>
<td>Associate Dean for Academic Affairs and J. Dickson Philips Distinguished Professor,</td>
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<td>Fred G. Morrison Jr.</td>
<td>Senior Administrative Law Judge, N.C. Office of Administrative Hearings, J.D., 1963,</td>
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<td>Wake Forest.</td>
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<td>Christine M. Mumma</td>
<td>Executive Director, The N.C. Center on Actual Innocence. B.S., 1985, J.D., 1998,</td>
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<td>UNC-Chapel Hill.</td>
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<tr>
<td>Richard E. Myers II</td>
<td>Associate Dean for Student Affairs and Associate Professor of Law, UNC School of</td>
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<tr>
<td>Saule T. Omarova</td>
<td>Assistant Professor of Law, UNC School of Law: B.A.? Ph.D., 1999, University of</td>
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<tr>
<td>Robert F. Orr</td>
<td>Executive Director and Senior Counsel, N.C. Institute for Constitutional Law;</td>
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<td>Associate Justice, N.C. Supreme Court (Retired); Adjunct Professor of Law, UNC</td>
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<td>School of Law: A.B., 1971; J.D., 1975, UNC-Chapel Hill.</td>
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<tr>
<td>Barbara J. Osborne</td>
<td>Associate Professor, UNC Department of Exercise &amp; Sport Science. B.A., 1982,</td>
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<tr>
<td>Abigail T. Panter</td>
<td>Bowman and Gordon Gray Professor of Psychology, L.L. Thurstone Psychometric</td>
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<td></td>
<td>Laboratory, UNC-Chapel Hill. B.A., 1985, Wellesley College, M.A., 1987, Ph.D., 1989,</td>
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<td></td>
<td>New York University.</td>
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<tr>
<td>Nichelle J. Perry</td>
<td>Assistant Law Library Director, NCCU School of Law: B.A., 1989, S.U.N.Y New Paltz,</td>
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<tr>
<td>Stacey A. Pipps</td>
<td>Stacey A. Pipps, Attorney at Law. B.S., 1990, University of Arkansas, J.D., 1999,</td>
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<td>NCCU.</td>
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<tr>
<td>Joel A. Pineles</td>
<td>Chief Financial Officer and Chief Compliance Officer, Eton Advisors, LP B.S., 1976,</td>
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<tr>
<td>Beth S. Posner</td>
<td>Adjunct Professor of Law, UNC School of Law; Attorney, Legal Aid of North Carolina;</td>
</tr>
</tbody>
</table>
Faculty

Richard Saver
Associate Professor of Law, UNC School of Law; Adjunct Associate Professor, Social Medicine, UNC School of Medicine and Health Policy and Management, UNC Gillings School of Global Public Health. B.A., 1987, Harvard, J.D., 1992, Stanford.

Nick Sexton

Frank H. Sheffield Jr.
Ward and Smith, PA. B.A., 1968, J.D., 1974, University of Texas.

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. A.B., 1965, J.D., 1968, UNC-Chapel Hill.

Elliot M. Silverstein
Director of Psychological Services, Dorothea Dix Hospital; Adjunct Associate Professor of Law, UNC School of Law. B.S., 1969, University of Pennsylvania; J.D., 1973, Harvard; Ph.D., 1977, UNC-Chapel Hill.

Craig T. Smith
Clinical Professor of Law and Director of the Research, Reasoning, Writing and Advocacy Program, UNC School of Law. B.A., William & Mary, J.D., University of Michigan, LL.M., Potsdam.

Roland B. Smith Jr.
Senior Faculty and Lead Researcher, Legal Sector, Center for Creative Leadership; Visiting Professor, Elon School of Law. Ph.D., University of Idaho.

Marianne K. Smythe
Retired Partner, Wilmer Cutler Pickering Hale and Dorr, LLP. B.S., 1963, Bucknell University, J.D., 1974, UNC-Chapel Hill.

Kenneth A. Soo

Ray A. Starling

C. Thomas Steele Jr.

Kimberly J. Strom-Gottfried

M. Gray Styers Jr.

Jeffrey P. Taft

Thomas E. Terrell Jr.

William A. Tobin

Ed Turlington

William J. Turner

John W. Van Alst

Judith Welch Wegner
Burton Craige Professor of Law, UNC School of Law. B.A., 1972, University of Wisconsin-Madison, J.D., 1976, UCLA.

Deborah M. Weissman
Reef C. Ivey II Distinguished Professor of Law, UNC School of Law. B.A., 1972, J.D., 1975, Syracuse.

Edward C. Winslow III

A. Cotten Wright

Melvin F. Wright Jr.
Executive Director, N.C. Chief Justice’s Commission on Professionalism; Adjunct Professor of Law, UNC School of Law. B.A., 1967, UNC-Chapel Hill, J.D., 1973, Wake Forest.
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!

<table>
<thead>
<tr>
<th>Registration Fees*</th>
<th>Deadline to Register is Jan. 24</th>
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</thead>
<tbody>
<tr>
<td>Friday &amp; Saturday</td>
<td>$375</td>
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<tr>
<td>Friday Only</td>
<td>$300</td>
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<tr>
<td>Saturday Only</td>
<td>$200</td>
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</tbody>
</table>

* Reduced fees are available for judges, full-time academics, government and legal aid attorneys, who register before January 14, 2011 ($275 for Friday and Saturday, $200 for Friday and $125 for Saturday). After January 14, a $50 late fee will apply. Judges, full-time academics, government and legal aid attorneys and law librarians who qualify for reduced fees are encouraged to apply online. Note: Employment verification may be required.

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 24, 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 $50 will be charged for on-site registrants if space is available.

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 24. 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 N.C. 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 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 14, will be honored and registration fees refunded, less a $50 processing fee. Cancellations made after January 14 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.
Part I: Registrant Information

☐ YES, please register me for the 21st 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 ___________________________________

☐ 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: _______________________________

☐ 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 with out-of-state forms.

---

General Course Fees
(Postmarked on or Before January 14, 2011)

<table>
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<tr>
<th>Course</th>
<th>Fee (Postmarked)</th>
<th>Fee (Past Due)</th>
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Course Fees for Judges, Full-Time Academics, JAG, Legal Aid and Government Attorneys
(Postmarked on or Before January 14, 2011)

<table>
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<th>Course</th>
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Friday Lunch Reservations (Must reserve by January 24)

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Friday Night Reception (Must reserve by January 24)

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<td>Clifford Lecture</td>
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Late Registration Fees (More than one may apply)

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<tr>
<th>Late Registration</th>
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<th>Fee (Past Due)</th>
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<tr>
<td>After January 14</td>
<td>$50</td>
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<tr>
<td>After January 24</td>
<td>$50</td>
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</tbody>
</table>

Total Cost $ __________

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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
**FRIDAY, FEBRUARY 11**

<table>
<thead>
<tr>
<th>Session One (8:00-9:00 a.m.)</th>
<th>Session Five (1:30-2:30 p.m.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1 Expertise, the Subconscious and Trial Practice</td>
<td>5-1 Agents, Amateurism and the NCAAA</td>
</tr>
<tr>
<td>1-2 Fraud, Vulnerability and Aging - Crime Groups...</td>
<td>5-2 Bank Failure in North Carolina</td>
</tr>
<tr>
<td>1-3 Is the Federal Trade Commission About to Make Good Law…</td>
<td>5-3 Domestic Violence and Civil Protection Orders (1 of 2)</td>
</tr>
<tr>
<td>1-4 Lessons for Lawyers from Biographies and Autobiographies</td>
<td>5-4 Global Compliance and Enforcement</td>
</tr>
<tr>
<td>1-5 Same-Sex Marriage: Developments over the Past Two Decades</td>
<td>5-5 Privacy and Information Security for Legal Service Providers</td>
</tr>
<tr>
<td>1-6 School Segregation/Resegregation: Wake County and Beyond</td>
<td>5-6 State Coastal Case Law, Legislation and Litigation Update</td>
</tr>
<tr>
<td>1-7 State Ethics Requirements and Public Servants...</td>
<td>5-7 The Supreme Court and Educational Domains...</td>
</tr>
<tr>
<td>1-8 Tax Issues for Litigators</td>
<td>5-8 Top 10 Tips for Writing Powerfully</td>
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<thead>
<tr>
<th>Session Two (9:10-10:10 a.m.)</th>
<th>Session Six (2:40-3:40 p.m.)</th>
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<tbody>
<tr>
<td>2-1 Copyright Fair Use: A Look at How Common Myths Hold Up...</td>
<td>6-1 Capital Raising Under SEC Regulation D</td>
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<tr>
<td>2-2 Current Issues in Foreclosure Prevention</td>
<td>6-2 Does Barring Religious Discrimination Discriminate...</td>
</tr>
<tr>
<td>2-3 Exploring Practical Ethics Problems</td>
<td>6-3 Domestic Violence and Civil Protection Orders (2 of 2)</td>
</tr>
<tr>
<td>2-4 Lawyering Across Language Differences</td>
<td>6-4 Lawyers and Civil Society Abroad</td>
</tr>
<tr>
<td>2-5 Light and Life at the End of the Tunnel...</td>
<td>6-5 Legislative Advocacy in Changing Times</td>
</tr>
<tr>
<td>2-6 So, You Be the Judge!</td>
<td>6-6 Protecting the Confidentiality of Internet-Based Legal Research</td>
</tr>
<tr>
<td>2-7 The Impact of Health Care Reform on Your Health Care Clients...</td>
<td>6-7 Self-Help Auto Repossession...</td>
</tr>
<tr>
<td>2-8 The Present State of the War Against Grammar (1 of 2)</td>
<td>6-8 Suicide: Assessment and Intervention</td>
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</table>

<table>
<thead>
<tr>
<th>Session Three (10:20-11:20 a.m.)</th>
<th>Session Seven (3:50-4:50 p.m.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-1 A Classic Example of Tunnel Vision...Taylor Case (1 of 2)</td>
<td>7-1 An Empirical Study: Does Corporate Board Diversity Matter?</td>
</tr>
<tr>
<td>3-2 Copyright and the Music Industry: Pirates, Profits and Politics</td>
<td>7-2 Estate Planning Given Congressional Action/Inaction</td>
</tr>
<tr>
<td>3-3 Emerging Forms of Social Enterprise</td>
<td>7-3 Harmonization of Fiduciary Duties for Brokers and Advisers</td>
</tr>
<tr>
<td>3-4 Hot Topics in Health Law and Policy</td>
<td>7-4 Master Class in Direct and Cross Examination (1 of 2)</td>
</tr>
<tr>
<td>3-5 Identity Theft and the Internet</td>
<td>7-5 Mental Illness: It Can Happen to Anyone</td>
</tr>
<tr>
<td>3-6 The “Complicity of Silence”...</td>
<td>7-6 North Carolina Lawyers and the Revolution</td>
</tr>
<tr>
<td>3-7 The Ethics and Practice of Dealing with Difficult Clients</td>
<td>7-7 State and Federal Regulation at the Crossroads...</td>
</tr>
<tr>
<td>3-8 The Present State of the War Against Grammar (2 of 2)</td>
<td>7-8 Waste to Energy in North Carolina: An Overview</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Session Four (11:30 am-12:30 p.m.)</th>
<th>Session Eight (5:00-6:00 p.m.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-1 A Classic Example of Tunnel Vision...Taylor Case (2 of 2)</td>
<td>8-1 Ethics and Professionalism: A View from the Courtroom</td>
</tr>
<tr>
<td>4-2 An Overview of the Dodd-Frank Wall Street Reform ...</td>
<td>8-2 Free North Carolina Legal Information on the Web</td>
</tr>
<tr>
<td>4-3 Employment Litigation in the Fourth Circuit...</td>
<td>8-3 How Do Financially Distressed Families Handle Medical Bills?</td>
</tr>
<tr>
<td>4-4 Facebook’s Privacy Technologies: Can Theory Meet Practice?</td>
<td>8-4 Master Class in Direct and Cross-Examination (2 of 2)</td>
</tr>
<tr>
<td>4-5 The Judicial Amendment of the United States Constitution</td>
<td>8-5 Mental Health Issues for Lawyers in Transition</td>
</tr>
<tr>
<td>4-6 The New Boys: Women Lawyers with Disabilities</td>
<td>8-6 Recent Developments in Internet, Privacy...</td>
</tr>
<tr>
<td>4-7 Mentoring and Professionalism...</td>
<td>8-7 The Republics of Liberty and Letters...</td>
</tr>
<tr>
<td>4-8 When Coastal Development Projects Fail...</td>
<td>8-8 What Is a Value-Added Tax?</td>
</tr>
</tbody>
</table>

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**Part II: Registration Form**

To register for a course via mail or fax, please indicate your first choice by placing a “1” in the appropriate box 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 24, 2011. Registrations received after January 24, 2011 will NOT be processed. If you are unable to submit your registration form before January 24, 2011, you may register onsite February 11, space permitting.

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PR = Ethics / Professionalism / Professional Responsibility Credit  
SA = Substance Abuse / Mental Health Credit
Part III: Registration Form

**SATURDAY, FEBRUARY 12**

**Session One (8:00-9:00 a.m.)**
- 11-1 Casemaker 2.2: Research Made Easy
- 11-2 ENV I: Environmental Law and Sub-Federalism
- 11-3 Reading the Tea Leaves of Economic Recovery
- 11-4 Recent Developments in Insurance Law
- 11-5 Religion and the Schools
- 11-6 The Consumer Financial Protection Act of 2010
- 11-7 The Creative Use of Demonstrative Evidence
- 11-8 The Renaissance Lawyer: Path to Becoming...

**Session Two (9:10-10:10 a.m.)**
- 22-1 Compensation in the New Economy: How Mental Health...
- 22-2 ENV II: State and Regional Roles in Energy Development...
- 22-3 Families, Government and Political Ideals
- 22-4 North Carolina Public Records Law: A Primer
- 22-5 Recent Developments in the Death Penalty in N.C.
- 22-6 Reconsidering Economic Incentives
- 22-7 The Nuts and Bolts of Representing a Creditor in a Bankruptcy...
- 22-8 Think Immigration Enforcement Policies Don't Affect?

**Session Three (10:20-11:20 a.m.)**
- 33-1 Conducting Contests and Sweepstakes in N.C.
- 33-2 ENV III: State Common Law and Takings
- 33-3 Financially Distressed Nonprofits
- 33-4 Hot Topics in Agricultural Law and Policy (1 of 2)
- 33-5 National Security Law Update
- 33-6 The Dirty Truth about Mortgage Loan Servicing
- 33-7 The Role of Forensic Psychology in the Legal Arena
- 33-8 The Hole in the Holy Grail: (1 of 2)

**Session Four (11:30 am-12:30 p.m.)**
- 44-1 All About Home Foreclosure Rescue Scams...
- 44-2 ENV IV: Air Pollution and the Surprising Role...
- 44-3 Ethical Action in Challenging Times
- 44-4 Hot Topics in Agricultural Law and Policy (2 of 2)
- 44-5 Hot Topics in Criminal Law
- 44-6 Recent Developments in Construction Law...
- 44-7 Social Media, Blogging and the News
- 44-8 The Hole in the Holy Grail: (2 of 2)

**PR** = Ethics / Professionalism / Professional Responsibility Credit

**SA** = Substance Abuse / Mental Health Credit