2014 Program:

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

1-1: Advising and Litigating Residency Cases
Thomas Holderness, Robinson, Bradshaw & Hinson

Unless your client puts everything in a moving truck and leaves this state for good, the N.C. Department of Revenue will likely claim your client is still a North Carolina resident. This session will cover how to advise clients before, during, and throughout a move to another state. The session also offers practical pointers about how to handle an audit and how to litigate against the Department of Revenue.

1-2: Changes in American Law Practice, Law School Missions and Legal Education
John Charles Boger, Dean and Wade Edwards Distinguished Professor of Law, UNC School of Law

A look at the ever-changing American legal practice, focusing especially on their implications for the entry-level legal employment market and the adjustments that may be required of American legal education. The presenter will explore the challenges faced by contemporary American law schools in assuring excellence and readiness of their graduates for law practice while managing conflicting financial pressures and expectations.

1-3: Interlocutory Appeals
Jerry Hartzell, Hartzell & Whiteman

The North Carolina appellate treatment of interlocutory appeals (appeals from non-“final” orders) is unnecessarily arcane, unpredictable, ineffective and wasteful. This program will discuss problems with the North Carolina system of “substantial right” interlocutory appeals, and the potential benefits of adopting one of the “certified issue” approaches employed in various circumstances in federal court.

1-4: Lawyers, Writing, Professionalism, Aging and Retirement
D.G. Martin, Attorney and Host, UNC TV’s North Carolina Bookwatch

This presentation will focus on the work of lawyer-authors about the challenges that face lawyers in everyday life that confront professionals as they face retirement.

1-5: On Fraud, Vulnerability and Aging (Update)
David N. Kirkman, Special Deputy Attorney General, Consumer Protection Division, N.C. Department of Justice

This session will examine the various age-related vulnerabilities that make older consumers major targets of fraud, the latest 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. Recent regulatory changes designed to address the problem will be discussed, as well.

1-6: Political Advocacy: The Impact of Citizens United on Nonprofits and the IRS
Marty Martin, Martin Law Firm

The 2010 U.S. Supreme Court decision in the Citizens United case impacted the nonprofit sector and the IRS. This session will discuss some likely effects on both.
1-7: Recent Developments in Internet Law  
David W. Sar and Marcus W. Trathen, Brooks, Pierce, McLendon, Humphrey & Leonard  
The law struggles to keep pace with developments in Internet technology and online business models. This session will review the most significant recent developments in Internet law, including online video, privacy, data security, trademarks, copyrights and cyber liability. The session is relevant to both litigators and transactional lawyers.

1-8: Safety & Autonomy: Professional Considerations for Lawyers Working with Domestic Violence and Sexual Assault Survivors  
Beth S. Posner, Clinical Assistant Professor of Law, UNC School of Law  
This session explores our special professional obligations to clients who are victims and survivors of domestic violence and sexual assault. In particular, it will focus on how we address safety concerns with clients and the best practices for collaborating with community resources for client safety. The presenter will also explore the importance of client autonomy and attorney self-care in domestic violence and sexual assault cases.

1-9: The Shape of the Coast: Public and Private Rights in Coastal Lands and Waters: The Basics  
Joseph L. Kalo, Graham Kenan Professor of Law Emeritus, UNC School of Law, and Co-Director, North Carolina Coastal Resources Law, Planning and Policy Center and Lisa C. Schiavinato, Law, Policy and Community Development Specialist, North Carolina Sea Grant College Program, and Co-Director, North Carolina Coastal Resources Law, Planning, and Policy Center  
This session will provide an overview of North Carolina public trust doctrine, the private littoral and riparian rights of waterfront property owners, the impact of beach nourishment projects on private rights, and the public right to use coastal beaches. The speakers will discuss the legal structure established by the states’ common law, legislation and coastal development rules, and the interplay of the federal Rivers and Harbors Act. They will highlight current coastal issues.

1-10: What to Do: Substance Abuse and Deep Insights for Attorneys  
Dr. Thomas P. Britton, Director of Operations, Wellspring Camps, Academies and Structure House  
This session will encourage participants to explore very deeply their assumptions regarding substance abuse, whether those beliefs apply in working with clients or in dealing with their own demons. What do you (and the law) understand when we refer to “substance abuse?” What assumptions do we hold regarding responses to substance abuse and possible interventions (such as 12-step programs)? Join us to explore these issues and more. This session is a repeat from Festival 2013.
2-1: Free Legal Information on the Web
Nick Sexton, Clinical Assistant Professor of Law and Reference Librarian, Kathrine R. Everett Law Library, UNC School of Law and Leslie A. Street, Clinical Assistant Professor of Law and Assistant Director for Public Services, Kathrine R. Everett Law Library, UNC School of Law

This presentation will focus on legal research. The presenters will give an overview of the leading resources for free legal materials, emphasizing materials related to North Carolina, and describe the pros and cons of incorporating these resources into your practice.

2-2: Hot Topics in Criminal Law
Alyson A. Grine, Defender Educator, UNC School of Government

This session will cover criminal law decisions issued by the North Carolina appellate courts and U.S. Supreme Court and highlight significant criminal law legislation enacted by the North Carolina General Assembly. The presenter will discuss a wide range of issues affecting felony and misdemeanor cases in the North Carolina state courts.

2-3: Human and Civil Rights in Post-Conflict Rwanda
Thomas A. Kelley III, Paul B. Eaton Professor of Law, UNC School of Law

In 1994, Hutu extremists in Rwanda hacked and bludgeoned to death more than a million Tutsis and politically moderate Hutus in less than one hundred days. Today, the country is stable and prosperous, but its political leaders are criticized for failing to respect its citizens' human, civil and political rights. Using Rwanda as an example, this session will explore tensions between security and rights in post-conflict societies.

2-4: Navigating the N.C. SAFE Act: Mortgage Licensing in the Post-Crisis Era
Sara K. Weed, Attorney, North Carolina Commissioner of Banks

This session will provide an overview of the licensing requirements specific to the mortgage business in North Carolina, spanning the life of the mortgage loan from origination to servicing. Discussion will also include substantive provisions that apply to all market participants, even those exempted from licensure under the Act. Learn more about how North Carolina's SAFE Act might affect your clients, whether you represent consumers or creditors.

2-5: N.C. General Assembly: Information for Lawyers That Don't Practice There
Ed Turlington, Brooks, Pierce, McLendon, Humphrey & Leonard and Susan Fetzer Vick, General Counsel, Fetzer Strategic Partners

This session provides details about key actions taken by the 2013 session of the General Assembly on a variety of topics including tax reform, health care, the environment, transportation and economic development and previews the agenda for the 2014 session. It seeks to provide useful information to attorneys who need to know what's happening in Raleigh but do not regularly represent clients at the legislature.
2-6: Opening the Door: The Desegregation of UNC School of Law

Richard A. Rosen, Professor of Law Emeritus, UNC School of Law

Rosen will lead a discussion about the lengthy struggle during the first half of the twentieth century by African American students seeking to desegregate UNC School of Law. Topics will include the successful litigation in *McKissick v. Carmichael* that opened the doors of the law school to African American and other students of color as well as the difficulties encountered by the first wave of such students to enroll.

2-7: Raising the Age of Juvenile Court Jurisdiction in North Carolina

Tamar R. Birckhead, Associate Professor of Law and Interim Director of Clinical Programs, UNC School of Law

North Carolina is currently one of only two states that caps juvenile court jurisdiction at 16, while most do so at 18 and the remainder do so at 17. How did this happen? What are the pros and cons of raising the age such that 16 and 17 year olds charged with crimes would have their cases initially heard in juvenile delinquency court? This session explores these questions and reviews the proposed legislation currently pending before the N.C. General Assembly.

2-8: Trademark Registration and the Role of Counsel

Deborah R. Gerhardt, Assistant Professor of Law, UNC School of Law and Jon P. McClanahan, Clinical Associate Professor and Director of Academic Success, UNC School of Law

Trademarks are the symbols that embody the story of an organization. Does it make sense to register them? When resources are scarce, does it make sense for businesses to precede pro se? Do experienced trademark lawyers provide added benefits? Join us to explore these questions. As an added bonus, you'll see why empirical (evidence-based) research is trending in the legal academy.

2-9: The Shape of the Coast: Fisheries Management from North Carolina’s Coastal Waters to the Exclusive Economic Zone

Dr. Michael K. Orbach, Duke University Marine Lab

This session will provide an overview of the latest science and policy regarding fisheries management in both state and federal waters. The presenter will discuss the complex web of relevant regulation that occurs at the state and federal level.

2-10: When Worlds Collide: How to Handle the Intersection of Workers’ Comp, FMLA and the ADA

Patricia W. Goodson and Melissa H. Weaver, Brooks, Pierce, McLendon, Humphrey & Leonard

State workers’ compensation laws and federal laws such as the Family Medical Leave Act and the Americans with Disabilities Act each provide certain protections to employees in the workplace. Each of these laws has different objectives and requirements, however, and they don’t always play nicely together. Employers are charged with understanding the rules and applying them to the unique situations of their individual employees. We will explore the requirements of each statute, and provide a framework for employers to use to apply these laws to their employment practices and policies and to their employee benefits programs.
Friday - Session Three
10:20 a.m. - 11:20 a.m.

3-1: A Toolbox for Domestic Violence Practitioners: Dynamics and Legal Remedies [1 of 2]
Sherry Honeycutt Everett, Everett & Everett and Beth Froehling, Director, Student Life and Pro Bono Opportunities, Campbell University School of Law

This section will include an overview of the dynamics and prevalence of domestic violence in North Carolina. In addition, civil and criminal legal remedies will be covered, including domestic violence protective orders, civil no-contact orders, workplace violence protective orders, address confidentiality programs, landlord/tenant protections, and criminal prosecution. Local, state, and national resources will also be shared with participants.

“A Toolbox for Domestic Violence Practitioners” is a two-hour course that begins in Session 3 and ends with Session 4. Participants should also attend 4-1.

3-2: An Entertainment Law Survey [1 of 2]
Coe W. Ramsey and Thomas G. Varnum, Brooks, Pierce, McLendon, Humphrey & Leonard

An introduction to the laws relevant to the representation of entertainers and the producers of entertainment (music and film/TV industries). Attendees will learn how various legal principles, such as contract, copyright, trademark, rights of publicity, and other areas of law apply to the unique business practices of the entertainment business.

“Entertainment Law Survey” is a two-hour course that begins in Session 3 and ends in Session 4. Participants should also attend 4-2.

3-3: Best Practices in Outsourcing Transactions
Larry Sampson, Corporate Counsel, Sampson Law Offices

This presentation by former senior counsel for Hewlett-Packard and EDS provides attendees with a practical explanation of vendor/supply chain best practices for drafting service-level agreements, local country agreements, price benchmarking, data privacy and limits of liability.

3-4: Ethical Supervision: Working with Beginners [PR]
Maria Savasta-Kennedy, Clinical Professor of Law and Director, Externship Program, and Janine M. Zanin, Clinical Assistant Professor of Law and Faculty Supervisor, Externship Program, UNC School of Law

This session will provide a refresher on the ethical obligations of senior lawyers when working with beginning lawyers, law students and paralegals that lack significant practice experience. The presenters oversee the UNC Law Externship program and will share tips and best practices generated from experience working with students and supervising attorneys.”

3-5: Evolving Public Universities
Gene R. Nichol, Boyd Tinsley Distinguished Professor of Law and Director, Center on Poverty, Work & Opportunity, UNC School of Law

This session, presented by the director of the UNC Center for Work and Poverty, will offer reflections on the evolution of public universities, including UNC, in the current era. In particular, the session will consider provisions of the North Carolina Constitution requiring that public higher education be "as free as practicable." It will also consider the role of legacy admissions for children of alumni.
3-6: Evolving Role of the General Counsel & Chief Legal Counsel  
*Sara L. Hall, Chief Legal Officer, St. Jude Children’s Research Hospital*

This session, by a lawyer who has served as Memphis City Attorney & Law Director, VP & GC of the Memphis Airport Authority, and Chief Legal Officer & GC for ALSAC/St. Jude, will address the evolving role of in-house general counsels, attorneys and legal departments over the past decade. It will offer perspectives on changing dynamics regarding the role of in-house GCs and attorneys as strategic business partners and subject matter experts, and the focus on efficiency, effectiveness, and value-add. The session will discuss legal and ethical issues of significance to in-house counsel, such as determining who is and isn’t your client, keeping confidences and when the privilege doesn’t apply, and doing your job when your client disagrees with your advice. Join us to learn how to more effectively represent clients in-house.

3-7: He Said What?! Liability for Disparaging Consumer Reviews and Other Online Content  
*David S. Ardia, Assistant Professor of Law and Co-Director, Center for Media Law and Policy and Charles E. Coble, Brooks, Pierce, McLendon, Humphrey & Leonard*

Online review sites such as Angie’s List, Avvo.com and Amazon.com have exploded, increasing the risk that clients may have to address disparaging reviews. Businesses may also face potential liability for their employees’ use of social media. We will explore the challenges posed for lawyers and businesses in deciding whether to bring or threaten a lawsuit, including dealing with anonymous reviews and the protections available to operators of interactive computer services under Section 230 of the Communications Decency Act.

3-8: When Skills Don’t Transfer: Personal vs. Professional Life  
*Dr. Martha F. Simpson, Clinical Psychologist, HRC Behavioral Health & Psychiatry and Dr. Elliot M. Silverstein, Co-Director of Psychological Services, Child Psychiatry Outpatient Clinic, Central Regional Hospital-Raleigh*

The term “compartmentalization” refers to the process of separating information into separate “compartments” or categories. It is a necessary skill in life and legal practice. Early career lawyers face learning the skill of compartmentalization to function effectively in a complex new environment. Overuse in the workplace, however, can create significant professional dangers, and more importantly, compartmentalization in one’s personal life can be damaging to relationships and to one’s emotional well-being. Two experienced psychologists will explore ways in which compartmentalization may become problematic, and then look at a case example that both illustrates how overuse can create dysfunction and how to overcome it.

3-9: The Shape of the Coast: Update on the North Carolina Coastal Resources Commission  
*Robert R. Emory Jr., Chair, N.C. Coastal Resources Commission*

This session will discuss the commission’s recent and ongoing work on oceanfront setbacks, stabilization measures such as sandbags, and estuarine shoreline stabilization. The presenter also will address topics that the commission is in the early stages of considering, including inlet hazard areas, energy facilities, and a more comprehensive approach to how manage our beaches and inlets.

3-10: What to Do When a Spouse is Confronting a Health Issue: Estate Planning  
*Dori J. Wiggen, Special Counsel, Schell Bray*

This session will address estate planning with a focus on planning for long-term care. In addition, attendees will learn which programs can assist with the cost of long-term care such as Medicaid, Special Assistance and Veterans Benefits.
Friday - Session Four
11:30 a.m. - 12:30 p.m.

4-1: Toolbox for Domestic Violence Practitioners: Recent Appellate Summaries & Legislative Updates [2 of 2]
Sherry Honeycutt Everett, Everett & Everett and Beth Froehling, Director of Student Life and Pro Bono Opportunities, Campbell University School of Law

Practitioners must stay abreast of the changing circumstances within the domestic violence field. This section will include a summary of legislative changes to laws related to domestic violence in North Carolina during the last two legislative sessions. The presenters will explain how recent legislation has impacted this area of practice so that attorneys are up-to-date on the most current statutory remedies available to assist their clients. Additionally, the presenter will discuss appellate decisions from the previous two years and identify how the recent appellate decisions have transformed domestic violence law and how these transformations affect the day-to-day practice of domestic violence lawyers.

“A Toolbox for Domestic Violence Practitioners” is a two-hour course that began in Session 3 and ends with Session 4. Participants should also attend Session 3-1.

4-2: An Entertainment Law Survey [2 of 2]
Coe W. Ramsey and Thomas G. Varnum, Brooks, Pierce, McLendon, Humphrey & Leonard

“Entertainment Law Survey” is a two-hour course that began in Session 3 and ends in Session 4. Participants should also attend 3-2. Please see Session 3-2 for a detailed description.

4-3: Cloud-Based Practice Management Solutions
Doug Edmunds, Assistant Dean for Information Technology, UNC School of Law and Steve J. Melamut, Clinical Assistant Professor of Law and Information Technology Services Librarian, Kathrine R. Everett Law Library, UNC School of Law

This class will examine what kinds of cloud-based technology can be used to run a modern law practice. Discussion will focus on the considerations and decisions involved in selecting a case management platform, and some of the associated third-party tools used for document management and back office functions. We will discuss some of the issues that must be evaluated, for example, security, terms and conditions, and client confidentiality, in order to make a considered choice when selecting a cloud vendor.

4-4: Criminal Intellectual Property Enforcement: Responding to Investigations and Defending Against Indictments
Kearns Davis, Brooks, Pierce, McLendon, Humphrey & Leonard

In 2010, Attorney General Eric Holder announced the creation of a Department of Justice Task Force on Intellectual Property. Investigators and prosecutors in North Carolina are implementing that new priority, particularly in cases involving international manufacturing and trade. Learn how to respond to IP investigations and charges.

4-5: Financial Scams & Identity Theft
Caroline Farmer, Deputy Director, N.C. Attorney General's Office

This session is a review of the practical steps that you can take to protect yourself as well as your clients. Discussion includes requirements for dealing with security breaches. This program will discuss on online scams, telemarketing fraud, investment fraud, identity theft, and financial exploitation of older adults.
4-6: From Bakke to Fisher: Realizing the Educational Benefits of Diversity at our Leading Colleges and Universities
William A. Tobin, Scholar in Residence, Social Science Research Institute, Duke University

The session examines the line of Supreme Court cases from Bakke to Fisher in which the compelling interest in the educational benefits of diversity in higher education was developed and refined. Changes in undergraduate admissions practices since Bakke will be, then, explored to understand the extent to which our colleges and universities have sought to realize the educational benefits of diversity in their world-renowned liberal arts communities.

4-7: Hot Topics in Health Law and Policy
Dean M. Harris, Clinical Associate Professor, Department of Health Policy and Management, UNC Gillings School of Global Public Health; Joan H. Krause, Associate Dean for Faculty Development and Dan K. Moore Distinguished Professor of Law, UNC School of Law and Richard S. Saver, Arch T. Allen Distinguished Professor of Law, UNC School of Law

This session will explore current hot topics in health law and policy. Subjects covered will include an update on the 2010 federal health care reform legislation, new developments in the regulation of health care fraud and abuse, and bundling payment and care among different providers.

4-8: "Sixty Minutes" of Administrative Law News
Fred G. Morrison Jr., Senior Administrative Law Judge, N.C. Office of Administrative Hearings

"Extra! Extra! HEAR all about it." Come learn about new legislation, new hires, recent decisions from ALJs, superior court orders, and appellate decisions from a reporter who has been on the beat at the N.C. Office of Administrative Hearings for almost 28 years.

4-9: The Shape of the Coast: Update on Significant Federal and State Coastal Case Law, Legislation, and Litigation
William A. Raney, Wessell and Raney and Todd S. Roessler, Kilpatrick Townsend & Stockton

The presenters will discuss recent federal and state cases, statutes, regulations, and litigation that will impact activities on North Carolina’s coastal lands and coastal and ocean waters.

4-10: What and How Much: Technology in the Courtroom
John S. Buford, Brooks, Pierce, McLendon, Humphrey & Leonard

This session explores various options for presentation of visual materials at trial and related settings, including popular trial presentation software suites and large-scale printed materials. What works and what doesn’t? The presenter will analyze the strengths and weaknesses of various options.
Friday - Session Five
1:30 p.m. - 2:30 p.m.

5-1: Accounting Basics for Non-Accountant Lawyers
Donna K. Pelham, Associate Professor of Accounting, Methodist University and Pamela J. Strickland, Professor of Accounting, Methodist University

Have you always wondered how to interpret financial statements? Do you feel uncertain about how well you understand an accountant's analysis of your client's assets? If so, this program is for you. This session will provide you with a review of the accounting basics that lawyers need to know, with ample time for you to ask the questions you've always been unsure about. This session is a repeat from Festival 2012.

5-2: Books and Bones: Medical Records and Anatomy-Physiology for Lawyers
Bill Faison, Faison Law Group

This session will help you organize medical records for rapid review, show you where to easily find what you need in a medical chart, provide you with keys for translating "medical speak" to English, give you an easy way to understand lab reports, and help you identify potential deponents from a chart. It will tell you what a lawyer needs to know about the human body and how it works, and where to find the pictures you need to explain it to a jury, a hearing officer-panel, or an adjuster.

5-3: Copyright and New Technologies
Wade H. Hargrove and Julia C. Ambrose, Brooks, Pierce, McLendon, Humphrey & Leonard

The Copyright Clause was included in the U.S. Constitution in 1787. How have federal legislation, regulation, and court decisions kept up with the explosion of new technologies and new media? What changes are likely in the future as the law tries to keep pace? Join us to find out what's ahead.

5-4: Government Sponsored Prayer
William P. Marshall, William Rand Kenan Jr. Distinguished Professor of Law, UNC School of Law

This term the U.S. Supreme Court is revisiting the issue of the constitutionality of legislative prayer in the case of Galloway v. Town of Greece. It does so against the background of the fact that a broad majority of Americans still support prayer in the public school – despite the fact that the Court declared that practice unconstitutional over 50 years ago. The session will address the question of just exactly what is (or is not) problematic about government sponsored prayer – whether in classrooms or in legislatures.

5-5: Introduction to Privacy Law: An Overview for Business Lawyers
John Martin Conley, William Rand Kenan Jr. Professor of Law, UNC School of Law

This session will introduce the general principles for complying with the major U.S. state and federal privacy laws, and also make brief reference to EU law, which sets the standards for international business.

5-6: Navigating the Maze of Illegal Insider and Outsider Trading
Thomas Lee Hazen, Cary C. Boshamer Distinguished Professor of Law, UNC School of Law

The presentation will provide an overview of the federal laws dealing with insider trading in securities. After an overview of the law, the discussion will shift to what is become known as "outsider trading" which occurs when someone other than a true corporate insider trades securities on the basis of material nonpublic information.
5-7: Overview of Agriculture Legislation in the NCGA 2013 Session
Steven Chris Saunders Jr., Staff Attorney, Research Division, N.C. General Assembly and Ray A. Starling, General Counsel, N.C. Speaker of the House, and Policy Adviser on Agriculture

The 2013 session of the N.C. General Assembly was a particularly lively one for agriculture legislation. This presentation will examine the substantive ratified agriculture bills from the legislative session and how they might affect North Carolina's agricultural community.

5-8: Recent Developments in North Carolina Family Law
K. Edward Greene, Wyrick Robbins Yates & Ponton

This session will feature a review of recent appellate court decisions in the area of family law.

5-9: Resources, Protections and Ethical Considerations When Using the Cloud [PR]
Eva Lorenz, Security Engineer, Agio and Steve J. Melamut, Clinical Assistant Professor of Law and Information Technology Services Librarian, Kathrine R. Everett Law Library, UNC School of Law

Lawyers are increasingly interested in using cloud-based resources such as Dropbox, iCloud, SkyDrive and UbuntuOne for file storage and easy access from multiple locations. Come to this session to learn about client related security and ethical obligations.

5-10: Student Loan Debt: Innovative Solutions in Bankruptcy
Susan E. Hauser, Associate Professor of Law, NCCU School of Law and Ciara L. Rogers, Oliver Friesen Cheek

This presentation will begin with a look at the extent of student loan borrowing in the United States: aggregate levels of public and private student loan debt, demographics of student loan borrowers, and available repayment options. Then the presentation will examine how student loan debt is treated in bankruptcy, with a focus on "outside the box" solutions that have developed in courts outside of North Carolina.
Friday - Session Six
2:40 p.m. - 3:40 p.m.

6-1: A Borrower, Creditor or Adverse Litigant Has Filed Bankruptcy; Now What?
Rebecca L. Cage and John H. Small, Brooks, Pierce, McLendon, Humphrey & Leonard

This presentation is designed for the non-bankruptcy attorney and will identify and discuss issues for the general practitioner who wants to be able to advise clients when a borrower, creditor or adverse party files bankruptcy. The presentation will include topics such as the automatic stay, the effect of discharge of the debtor, lien survival post-discharge, exceptions and objections to discharge/dischargeability, recovery of transfers and avoidance powers, executory contracts, filing a proof of claim, administrative expenses, and reclamation claims.

6-2: Attorneys Can Help Family Firms Navigate Succession
Cooper S. Biersach, Executive Director, Family Enterprise Center and Steve Miller, President, GenSpan

Family-controlled businesses are characterized by challenges that threaten their continuity and by distinct core competencies that can result in unique competitive advantages. The challenges are primarily the result of issues presented by the interaction of family, management, and ownership – particularly where the family wishes to perpetuate its influence and control from generation to generation. The vast majority of family-controlled businesses experience difficulty moving from one-person general management to an institutionalized competence that will allow for success across generations. This session will raise awareness about the evolutionary stages in the life of a family business and the challenges and opportunities that must be managed at each stage. Attorneys will leave this session with awareness of key issues and with a list of family business resources to share with clients.

6-3: Everett et al v. Pitt County Schools: the Future of School Desegregation Litigation
Mark E. Dorosin, Managing Attorney, Center for Civil Rights, UNC School of Law and Elizabeth M. Haddix, Staff Attorney, Center for Civil Rights, UNC School of Law

Like many southern school districts, Pitt County Schools was placed under a federal court order to desegregate over 40 years ago. In 2008, a new era of litigation began and the school board, parents, activists, the community and ultimately the court had to confront the viability of the existing orders and of school integration generally. With over 150 school districts in the South still subject to court order, this case study offers unique and timely insights into the continuing challenges of fulfilling the legacy of Brown and achieving meaningful school integration.

6-4: Foreign Corrupt Practices Act Updates
Karen A. Popp, Sidley Austin

This session will explore recent developments in the enforcement of the Foreign Corrupt Practices Act and other countries' laws, as well as the proactive steps that companies and individuals should take to prevent and detect violations and some tips in dealing with prosecutions under these laws.

6-5: Labor and Employment Law: A National Roundup
Jeffrey M. Hirsch, Associate Dean for Academic Affairs and Geneva Yeargan Rand Distinguished Professor of Law, UNC School of Law

This session will examine some of the last year's most significant labor and employment cases, with a focus on national trends.
6-6: Mentoring in the Current Era: Ethical Imperatives and Opportunities
Marianne K. Smythe, Senior Consultant, Atlantic Fund Services and Judith Welch Wegner, Burton Craige Professor of Law, UNC School of Law

This session will be co-taught by two senior lawyers who began their teaching careers at Carolina Law in 1981. It will consider current strategies for effective mentoring of more junior lawyers and propose justifications and methods for law firms to develop more effective professional development and mentoring strategies.

6-7: Parliamentary Procedure Survival Skills for Attorneys
Jim Slaughter, Rossabi Black Slaughter PA

A fast-paced and entertaining look at running effective meetings – whether board, membership, governmental, or HOA/condo, including which rules to use, frequently used motions, voting, proxies, agendas and minutes. Use parliamentary procedure and Robert’s Rules of Order to make your meetings shorter and more legal. The presenter is an attorney who practices parliamentary law and is a Certified Professional Parliamentarian, Professional Registered Parliamentarian, and past President of the American College of Parliamentary Lawyers.

6-8: Policy Advocacy through Social Media
Mebane Rash, N.C. Center for Public Policy Research and Paige C. Worsham, N.C. Center for Public Policy Research

This session will help lawyers understand the new communications strategies and tools being used for policy and legislative advocacy in the current age. The co-presenters will offer perspectives on the expanding types of effective advocacy avenues used to address the N.C. General Assembly and other policymakers.

6-9: Recent Developments in Evidence Law and Practical Applications to Litigation
Robert P. Mosteller, J. Dickson Phillips Distinguished Professor of Law, UNC School of Law

This session will go over some of the recent developments in evidence law and the Confrontation Clause, including changes in admission of expert evidence under Rule 702 and the application of the Confrontation Clause to admission of forensic reports. The session will also review some frequently encountered issues in presenting and excluding evidence.

6-10: The Start-Up Mini Boot Camp [1 of 2]
Sheila A. Mikhail, Managing Member, Life Sciences Law. and Gunnar R. Wieboldt, Associate University Counsel, UNC-Chapel Hill

Attendees will learn the basics of providing legal advice to a start-up company spun out of a university setting. The first session will review the legal issues associated with spinning out an entity from a university, including determining the right choice of entity, dividing up initial ownership and typical provisions in a university license agreement.

“Start-Up Mini Boot Camp” is a two-hour course that begins in Session 6 and ends in Session 7. Participants should also attend 7-10.
Friday - Session Seven
3:50 p.m. - 4:50 p.m.

7-1: Blackstone’s Ghost: Law & Legal Education in North Carolina [PR]
John V. Orth, William Rand Kenan Jr. Professor of Law, UNC School of Law

Ever since its publication in 1769, Sir William Blackstone’s Commentaries on the Laws of England has been an authoritative source on the common law. Studied by generations of North Carolina lawyers, it was assigned reading for the state bar examination for over a hundred years, continuing well into the twentieth century. Blackstone remains foundational for North Carolina property and criminal law, although his influence is now mediated through academic treatises and judicial precedents.

7-2: Compliance Programs in Today's Enforcement Climate
Karen A. Popp, Sidley Austin

This session will update the attendees regarding developments in the government's expectations for businesses to have robust compliance programs and practical tips for developing and conducting risk assessments. This session will explore the benefits of a program as part of the defense of a company and its management and board.

7-3: Foreclosure Defense Boot Camp [1 of 2]
Laura Collins Britton, Clinical Assistant Professor of Law and Faculty Supervisor, Consumer Financial Transactions Clinic, UNC School of Law

This session provides the practical skills to represent clients facing mortgage foreclosure. Participants will learn to advise clients on the foreclosure process and timeline; use checklists to review mortgage documents for potential claims and defenses; understand the issues before the Clerk of Court, and identify cases that merit extended representation in Superior Court.

“Foreclosure Defense” is a two-hour course that begins in Session 7 and ends in Session 8. Participants should also attend 8-3.

7-4: Handling Client Relations and Billing [PR]
Charles S. Baldwin IV and Walter L. Tippett Jr., Brooks, Pierce, McLendon, Humphrey & Leonard

The program covers practical and ethical issues in developing and maintaining good client relations regarding client expectations and billing. Best practices will be discussed for various fee arrangements (minimum fee, hourly, contingency, flat fee and blended), discussing fees with clients and successful collection practices.

7-5: Improving Your Writing Style
Lewis M. Everett, Clinical Assistant Professor of Law, UNC School of Law

In this session, attendees will learn a number of tips on how to improve their legal writing style. Particularly, Everett will focus on issues for writers to look for in the editing process. The session will have elements of a workshop, as attendees will get a chance to put the lessons learned into practice. Portions of this presentation were previously covered in 2012's two-hour workshop, "Legal Writing for the General Practitioner."
7-6: Pro Bono Project Models
Sylvia K. Novinsky, Assistant Dean for Public Service Programs, UNC School of Law and James R. Jolley, Class of 2014, UNC School of Law

This session will highlight pro bono projects which address unmet legal needs in North Carolina. The goals are to educate the legal community about specific unmet legal needs and to present projects models which can be replicated in other geographic areas.

7-7: Responding to Patent Trolls
Darrell A. Fruth, Brooks, Pierce, McLendon, Humphrey & Leonard

Patent assertion entities, also known as patent trolls, enforce patent rights without making any product or selling any service. They can provide funding for small inventors with good ideas. Increasingly, however, they impose an enormous tax on innovation. This session will discuss the current state of affairs and explore best practices for responding to patent demand letters.

7-8: Sticks & Stones: Recent Legislation and Case Law Affecting the North Carolina Construction Sector
R. Harper Heckman, Nexsen Pruet

This session will summarize recent developments in areas of North Carolina construction law such as lien and bond claims, public procurement, statutes of limitations and insurance coverage. No prior sessions or experience are required.

7-9: Taking the Risk and Reaping the Reward: Trial Strategies for the Not-So-Faint-of-Heart
Steven B. Epstein, Poyner Spruill

This presentation will focus on trial strategies and techniques that cut against the grain of traditional orthodoxy. Attendees will learn that success at trial often depends upon taking risks and pushing the envelope. The entire trial process will be addressed from voir dire to closing argument. This session is a repeat from Festival 2012.

7-10: The Start-Up Mini Boot Camp [2 of 2]
Sheila A. Mikhail, Managing Member, Life Sciences Law. and Gunnar R. Wieboldt, Associate University Counsel, UNC-Chapel Hill

This second session will review the legal issues associated with funding a start-up, including typical terms in a venture capital term sheet and the interplay of stock options and other equity considerations. “Start-Up Mini Boot Camp” is a two-hour course that began in Session 6 and ends in Session 7. Participants should also attend 6-10.
Friday - Session Eight
5:00 p.m. - 6:00 p.m.

8-1: Alcoholism: A Family Disease [SA]
John L. Sarratt, Harris Sarratt & Hodges and Cynthia L. Wittmer, Parker, Poe, Adams & Bernstein

Two lawyers — a recovering alcoholic and his wife — will talk about the disease of alcoholism, the ongoing process of recovery, and how both the disease and the process of recovery have affected their marriage and legal careers.

8-2: Balancing Accountability and Privacy
Anne Klinefelter, Associate Professor of Law and Director, Kathrine R. Everett Law Library, UNC School of Law and C. Amanda Martin, Stevens Martin Vaughn & Tadych

This session will feature an expert in privacy law and an adviser to members of the North Carolina Press Association. The session will consider the difficult dynamics that influence the interplay of legal requirements designed to achieve accountability and transparency in government as well as personal privacy for individuals. Join us for highlights of North Carolina and federal approaches to balancing these sometimes competing interests.

8-3: Foreclosure Defense Boot Camp [2 of 2]
Laura Collins Britton, Clinical Assistant Professor of Law and Faculty Supervisor for the Consumer Financial Transactions Clinic, UNC School of Law

“Foreclosure Defense” is a two-hour course that began in Session 7 and ends in Session 8. Participants should also attend 7-3. Please see Session 7-3 for a detailed description.

8-4: Implicit Bias in the Criminal Justice System
Robert J. Smith, Assistant Professor of Law, UNC School of Law

Recently, legal scholars have enriched theoretical accounts of racial discrimination by drawing on an extensive body of social science that demonstrates how individual actors in the criminal justice system — and in society generally — possess implicit racial biases that can affect their perceptions, judgments and behaviors. Our minds automatically sort incoming information into categories, a cognitive process known as “implicit social cognition.” The process by which incoming information is sorted into racial categories is labeled “implicit racial bias,” and a growing literature documents the tendency of Americans to exhibit implicit racial bias in favor of white Americans over black Americans. This presentation will focus on how criminal law scholars have employed implicit bias-based analyses to help explain racial discrepancies in police stop-and-frisk rates, arrest rates and sentencing, among other areas where disparities persist.

8-5: Lawyers and Student Discipline: Honor System Representation
Jonathan Sauls, Dean of Students, UNC-Chapel Hill and Judith Welch Wegner, Burton Craige Professor of Law, UNC School of Law

This session will provide guidance for lawyers who may be involved in representing students in student disciplinary hearings on UNC system campuses. It will provide background on 2013 legislation allowing lawyers and lay advocates to play a role in many such proceedings involving student misconduct (other than academic dishonesty) and provide background and helpful hints for those taking on such representation.
8-6: Privacy and Security: The Government’s Role
Christin B. Coan, Legal Counsel, SAS Institute Inc.

This session will consider recent information-gathering activities by the National Security Agency under the Foreign Intelligence Surveillance Act and other applicable authorities. The discussion will focus on the legal framework surrounding the collection, kinds of data possibly collected, and acquisition of data from companies like Google and Microsoft. Come to learn how this collection may affect you and your clients and join the discussion of the intersection of legal and policy issues.

8-7: Stories Our Clients Live By: Using Traditional Archetypes and Compelling Themes to Serve Clients Effectively
Kimberly C. Bishop, Clinical Assistant Professor of Law, UNC School of Law and Craig T. Smith, Clinical Professor and Assistant Dean for Legal Writing and Academic Excellence, UNC School of Law

Stories provide frameworks that can help lawyers serve clients and influence decision makers. We will show how lawyers can craft compelling stories using traditional archetypes and deeply rooted redemptive themes. We then will explore how such stories can help you interview clients and develop arguments that will resonate with judges, juries, and other decision makers.

8-8: Supervise Like a Champ: Help New Lawyers Bridge the Gap Between Law School and Law Practice
Alexa Z. Chew, Clinical Assistant Professor of Law, UNC School of Law and Katie Rose Guest Pryal, Clinical Assistant Professor of Law, UNC School of Law

This session was created for those who supervise and coach new lawyers. Do you want to learn coaching strategies to help new lawyers hit the ground running in your workplace? Chew and Pryal will draw from empirical research and years of experience to provide concrete coaching tactics for improving new lawyers’ research, writing and other practice skills.

8-9: The Practices and Ethics of Predictive Coding
Dana A. Remus, Associate Professor of Law, UNC School of Law

Predictive coding encompasses a variety of technology-assisted approaches to discovery that employ machine learning in document review. This session will provide a basic understanding of discovery protocols that employ predictive coding and an overview of recent caselaw addressing the use of predictive coding. This session will also explore applicable ethical rules and standards.

8-10: What a Difference a Few Years Make: Same-Sex Marriage in the United States and in North Carolina
Maxine Eichner, Reef C. Ivey II Professor of Law, UNC School of Law and Holning Lau, Professor of Law, UNC School of Law

This session will discuss the shifting legal landscape regarding same-sex marriage. Specifically, the session will examine the two recent U.S. Supreme Court cases concerning same-sex marriage (Windsor v. United States and Hollingsworth v. Perry) and their implications for same-sex couples around the country and in North Carolina.
Saturday - Session Nine
8:00 a.m. - 9:00 a.m.

9-1: Environmental Law Symposium I: Unresolved Property-Law Issues at the Heart of Environmental-Law Disputes
Victor B. Flatt, Thomas F. and Elizabeth Taft Distinguished Professor in Environmental Law and Director, Center for Law, Environment, Adaptation and Resources (CLEAR), UNC School of Law; Donald T. Hornstein, Aubrey L. Brooks Professor of Law, UNC School of Law and Maria Savasta-Kennedy, Clinical Professor of Law and Director, Externship Program, UNC School of Law

This session will consider how litigation over property rights, including especially but not exclusively those arising under the Takings Clause, remain at the heart of so many environmental disputes. In addition to considering specific topics ranging from land-use planning to fracking to water rights to pollution-emission credits, this session also considers the range of proposed doctrinal and regulatory "solutions" that are frequently proposed to mediate tensions between property rights and environmental protection.

9-2: A New Generation of Legal Research Tools
Sara Sampson, Clinical Assistant Professor of Law and Deputy Director, Kathrine R. Everett Law Library, UNC School of Law

This session will provide an overview of WestlawNext, LexisAdvance, and Bloomberg Law. These powerful databases offer sophisticated new tools and ways to search. Learn how to use these tools most effectively to find the information you need.

9-3: Construction, Lien Agents and LiensNC: Protecting All Parties and Avoiding Litigation
Nancy Short Ferguson, Vice President, Chicago Title Insurance Company Inc. and Kim Tanner, Director of Operations for LiensNC, NIC Services Inc.

After thousands of lawsuits and millions of dollars in losses to all parties, this new statutory framework and the technology system implementing it are designed to help all parties plan more responsibly and protect their interests.

9-4: Digital Marketing and Media [1 of 2]

Businesses that operate and advertise in the digital space face multiple compliance challenges. Whether you or your clients use websites, mobile platforms, or social media to market goods or services, potential pitfalls abound. This two hour session will address a number of those pitfalls and liability risk areas, including content and copyright issues, the FTC's new dot-com disclosure guidance, the FTC's guides relating to testimonials and endorsements, and other legal issues often encountered by any company engaged in website and mobile marketing.

“Digital Marketing and Media” is a two-hour course that begins in Session 9 and ends in Session 10. Participants should also attend Session 10-4.

9-5: Ethics and Professionalism: A View from the Courtroom: (PR)
R. Allen Baddour Jr., Resident Superior Court Judge, District 15B and Ripley E. Rand, U.S. Attorney, Middle District of North Carolina

This session will offer an interesting and amusing look at important rules of professionalism, ethics and general rules of practice, including interactions with the court, opposing counsel and witnesses.

This session is a repeat from Festival 2013.
9-6: Ethics in Fee Billing and Collections (Or How to Lose Your Fee and Your Law License in One Dumb Gesture) [PR]

Bernard A. Burk, Assistant Professor of Law, UNC School of Law, and Faculty Fellow, Parr Center for Ethics

Fee disputes are regrettably common in almost every area of practice. Using hypotheticals drawn from Professor Burk's work representing other attorneys and as a fee arbitrator, this session discusses some common causes of fee disputes, how to avoid them when you can, and how to manage them when you cannot.

9-7: Grace Under Pressure: Practical Stress Reduction Techniques [SA]

Aaron R. Harmon, Clinical Assistant Professor of Law, UNC School of Law

The practice of law can be highly stressful. Depression, divorce, substance abuse, and burnout are common in the legal profession. Come learn some quick and easy ways to stay focused and productive while consistently bringing positive energy and concentration to your work. Professor Harmon will lead the session, sharing practical tips plus findings from recent neuroscientific research.

9-8: Insights for Lawyers: Dealing with the Pesky (But Sometimes Helpful) Press

Ruth Sheehan, Faison Law Group

How can lawyers aid their clients in dealing with journalists? What strategies do or do not work? Join us for this session, presented by Ruth Sheehan, a former reporter and columnist for The News & Observer of Raleigh. Bring your questions and ideas, and be prepared for lively conversation and debate.

9-9: Leases, Licenses and Bankruptcy: "Real" Lawyers' Questions

David G. Epstein, George E. Allen Professor of Law, University of Richmond

Even though section 365 is more than 3,800 words long and more than 35 years old, lawyers representing lessors and licensors still regularly encounter questions important to their clients that have no clear, settled answer.

9-10: The Year of the Class Action

Anthony T. Lathrop, Moore & Van Allen

Last year rightly could be named “The Year of the Class Action.” In the October 2012 and October 2013 Terms, the U.S. Supreme Court received dozens of petitions seeking review and ultimately issued more than five decisions tackling issues that have impacted the landscape of class action practice, from the first case examining federal jurisdiction under the Class Action Fairness Act of 2005 to class certification requirements in fraud-on-the-market securities class actions, the enforceability of class arbitration waivers in federal cases, and the requirements for establishing predominance for class certification. The session will review the Court’s key decisions, including Oxford Health Plans, LLC v. Sutter, American Express Company, et al. v. Italian Colors Restaurant, et al., and Amgen, Inc. v. Connecticut Retirement Plans and Trust Funds. It also will explore the direction in which class action law is developing by looking at the issues currently under consideration by the High Court.
Saturday - Session Ten
9:10 a.m. - 10:10 a.m.

10-1: Environmental Law Symposium II: Unresolved Issues with the Political Economy of Environmental Law
Victor B. Flatt, Thomas F. and Elizabeth Taft Distinguished Professor in Environmental Law and Director, Center for Law, Environment, Adaptation and Resources (CLEAR), UNC School of Law; Donald T. Hornstein, Aubrey L. Brooks Professor of Law, UNC School of Law and Maria Savasta-Kennedy, Clinical Professor of Law and Director, Externship Program, UNC School of Law

This session considers an often-raised but rarely resolved question: how does environmental law fit within, or is undermined by, broader issues and legal commitments to political processes, political borders and political realities. Specific topics can include the constitutional dividing line in the Commerce Clause between federal and state governmental power, the political challenge of considering future generations, the (im)potency of environmental law during periods of economic recession, and the problem of public-regarding programs in a world with so much special-interest power.

10-2: Bad Faith in North Carolina Insurance Contracts
Constance A. Anastopoulo, Associate Professor of Law, Charleston School of Law

This session explores the evolution of bad faith litigation generally and specifically in North Carolina in the area of insurance. Bad faith litigation is the fastest growing area of litigation in the country and North Carolina has its own unique statutes to address this area of law.

10-3: Consumer Financial Protection Bureau: Regulation, Examination and Consternation
Jeffrey P. Taft, Mayer Brown

This session will highlight important CFPB developments during the past 12 months, including the issuance of the qualified mortgage and mortgage servicing regulations required by the Dodd-Frank Act. In addition, this session will highlight examination and enforcement trends and the bureau’s jurisdiction over larger participants in a market for consumer financial services. Finally, this session will identify areas of interest for the CFPB in the coming year.

10-4: Digital Marketing and Media [2 of 2]

“Digital Marketing and Media” is a two-hour course that began in Session 9 and ends in Session 10. Participants should also attend 9-4. Please see Session 9-4 for a detailed description.

Henry E. Frye and Reid L. Phillips, Brooks, Pierce, McLendon, Humphrey & Leonard

A review of the principal developments in North Carolina’s voting rights laws in the twentieth century, in the format of an interview and discussion with former Chief Justice Henry Frye, which will center on Frye’s experiences as a voter, a lawyer, a legislator and a North Carolina Supreme Court Justice.
Did you know that mental disorders are more common than heart disease and cancer combined? One in four people in the U.S. will experience a mental illness or substance use problem this year and 50% will experience one in their lifetime. Mental Health First Aid is a model for legal professionals to recognize the signs, symptoms and risk factors for anxiety, depression, psychosis and substance use disorders and to initially intervene for the related crisis such as suicidal behavior and non-suicidal self-injury that could result. This is an introduction to the evidence-based program shown to reduce the damaging effects of mental and emotional disorders such as job loss, relationship issues and drug and alcohol problems. “Mental Health First Aid for Lawyers” is a two-hour course that begins in Session 10 and ends in Session 11. Participants should also attend 11-6.

Clients and witnesses are often reluctant to speak with a lawyer. This reluctance may prevent you from receiving the information you need to properly evaluate a case and advise a client. The session will explore strategies for conducting an interview and counseling a client. Participants will have the opportunity to practice these strategies in a mock interviewing and counseling session.

This session explores the inconsistent standards and approaches to determining whether one music composition infringes on another — which, in the world of popular music, may include an inquiry into whether giving a songwriter’s hairdresser a tape is access, and may also include a federal judge engaging in psychoanalysis of the subjective mind of George Harrison unknowingly appropriating three notes from the Chiffons. A multimedia presentation will be used to show the development of how courts have attempted to reconcile copyright with what the Second Circuit called, "the infantile demands of the popular ear.”

Newly formed nonprofits are frustrated by the time taken by the Internal Revenue Service for processing their applications for tax-exempt status. This session will explain the reasons for delay and discuss the options available to new nonprofits who want to get started with their programming, such as fiscal sponsorships.

So what makes a farm organic? And what does the organic label on food mean anyway? Lawyers practicing food and agriculture law will encounter these questions more often in the future. Organic farming is the fastest growing sector of agriculture. This presentation will be an overview unique regulatory and legal challenges that face organic farms, including certifications, labeling rules, business development and risk management.
Saturday - Session Eleven
10:20 a.m. - 11:20 a.m.

11-1: Environmental Law Symposium III: Unresolved Issues with Sustainability and Other Vocabulary in Environmental Law
Victor B. Flatt, Thomas F. and Elizabeth Taft Distinguished Professor in Environmental Law and Director, Center for Law, Environment, Adaptation and Resources (CLEAR), UNC School of Law; Donald T. Hornstein, Aubrey L. Brooks Professor of Law, UNC School of Law and Maria Savasta-Kennedy, Clinical Professor of Law and Director, Externship Program, UNC School of Law

This session will consider the broader social context in which environmental law often develops, and may in fact depend for its continued vitality. Do terms like "sustainability," "environmental justice," or "rights for nature" matter? Particularly in a climate-changed world, to what extent might extreme weather events such as droughts, wildfires, heat waves and super-storms change the way in which environmental law is viewed?

11-2: Dealer Add-ons: Subtracting Payments from Consumer, Multiplying Profits for Dealers and Dividing Policy Makers
John W. Van Alst, Attorney, National Consumer Law Center

This session will provide a survey of car dealer add-ons, from rust proofing to tire insurance, including how they are sold and how abusive products and tactics can be addressed through litigation and regulation.

11-3: Lawyering on the Go: Making the Most of Your Mobility
Timothy J. Gallina, Clinical Assistant Professor of Law and Reference/Emerging Technologies Librarian, Kathrine R. Everett Law Library, UNC School of Law

This session will help the highly mobile lawyer use technology to conduct research, communicate with clients, manage files and engage in other practice-related tasks.
*The session updates previous presentations at Festival 2012 and 2013.*

11-4: Melting the Tip of the Iceberg: Hot Employment Topics for Non-Employment Lawyers
Nicole A. Crawford, Brooks, Pierce, McLendon, Humphrey & Leonard

This session will focus on changes to North Carolina’s unemployment law that affect both employees and employers. The presenter will also discuss the top wage and hour mistakes and increased enforcement by the Department of Labor.

11-5: Acts of God...Property Owners' Strict Liability for Sedimentation Pollution and Recent Legislative Changes to the Standards and Procedures for Review of Regulatory Action
Bill Faison, Faison Law Group

This session explores enforcement of the Sedimentation Pollution Control Act of 1973 against developers and subsequent purchasers of developed property in light of recent legislative changes to the standards and procedures for review of regulatory action. Come to this session to learn more about the exposure of developers and owners for pollution by sedimentation regardless of whether caused by 500 year floods, hurricanes, or other natural disasters, and how to deal with regulators and others in light of recent changes to the statutes.
**11-6: Introduction to Mental Health First Aid for Lawyers [2 of 2]**

*Tara L. Bohley, Clinical Assistant Professor and Program Coordinator, Behavioral Healthcare Resource Program, UNC School of Social Work*

“Mental Health First Aid for Lawyers” is a two-hour course that began in Session 10 and ends in Session 11. Participants should also attend 10-6. Please see Session 10-6 for a detailed description.

**11-7: Some Recent Cases: Bail and Pretrial Detention in Europe**

*Michael Louis Corrado, Arch Allen Distinguished Professor of Law, UNC School of Law*

Europe as a regional entity has been struggling to come up with common standards for pretrial detention and denial of bail. Documents and court decisions from the EU and the Council of Europe provide a framework, but Europe is confronted with some of the same problems we are confronting and there have been some surprising decisions.

**11-8: Where’s the Beef: Regulatory Reform Act of 2013**

*Thomas E. Terrell Jr., Smith Moore Leatherwood*

This session will provide an overview of several legislative reforms relating to environmental and land use law adopted by the N.C. General Assembly in the 2013 session. The presenter is an experienced land use and environmental law attorney who spearheaded statutory changes affecting Boards of Adjustment in North Carolina. Join us to learn about the changes and their implications.

**11-9: Workshop: 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 Emeritus, 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.

“Master Class in Direct and Cross Examination” is a two-hour course that begins in Session 11 and ends in Session 12. Participants should also attend 12-9. This session is a repeat from Festival 2013.
Saturday - Session Twelve
11:30 a.m. - 12:30 p.m.

12-1: Environmental Law Symposium IV: North Carolina Update
Victor B. Flatt, Thomas F. and Elizabeth Taft Distinguished Professor in Environmental Law and Director, Center for Law, Environment, Adaptation and Resources (CLEAR), UNC School of Law; Donald T. Hornstein, Aubrey L. Brooks Professor of Law, UNC School of Law and Maria Savasta-Kennedy, Clinical Professor of Law and Director, Externship Program, UNC School of Law

This session seeks to highlight the most visible and important developments in environmental law occurring in the state – in the N.C. Legislature, in various agencies (including developments on fracking) and in the courts.

12-2: Empirical Look at Special Education Litigation in North Carolina
Lisa Lukasik, Assistant Professor of Law, Campbell University School of Law

This session invites participants to examine new data drawn from a study of ten years of administrative law decisions in special education due process disputes under the Individuals with Disabilities Education Act. It explores the legal questions most frequently litigated in this context, the effects of significant changes in the law on administrative outcomes, and the factors most highly correlated with success in resolving due process complaints.

12-3: Ethics of Supervision (PR)
Kimberly J. Strom-Gottfried, Smith P. Theimann Distinguished Professor for Ethics and Professional Practice, UNC School of Social Work

This session will focus on the ethics of supervising office staff, students, and new employees, since supervisory personnel bear additional responsibility in helping to guide appropriate conduct in their supervisees. Come to learn about key ethical principles for effective supervision, findings about ethics complaints relating to supervisory activities in helping professions, strategies to successfully implement good practices, and possibilities for resolving dilemmas (working with case vignettes drawn from supervisory practice). This session will focus on responsibilities of lawyer-supervisors to avoid conflicts of interest, protect confidential client information, and supervise subordinate lawyers and non-lawyers.

12-4: Foreign Corrupt Practices Act Enforcement: Recent Developments
David Smyth, Brooks, Pierce, McLendon, Humphrey & Leonard

In recent years, the U.S. Department of Justice and Securities and Exchange Commission have recently thrust the Foreign Corrupt Practices Act to the forefront of their enforcement agendas. Businesses that operate in global markets and even private equity funds that invest in those businesses must be attuned to the risks of making illicit payments to foreign government officials. This session will provide an overview of the law, highlight recent enforcement developments, and suggest ways to stay in compliance with the FCPA.

12-5: Litigating Claims on Behalf of Consumers Against: Loan Modification Scammers, Credit Repair Scammers, Lease With Option Scammers, Home Improvement Scammers and Mortgage Deficiency Claims
Mallam J. Maynard, Executive Director, Financial Protection Law Center

There are many overlooked statutory and common law tools for protection and vindication consumers who are abused by the recent wave of those engaged in exploiting unwary homeowners and consumers. This session will explore these recent trends and provide sample pleadings for protection of consumers.
12-6: Melting the Tip of the Iceberg: Hot Employment Topics for Non-Employment Lawyers  
Nicole A. Crawford, Brooks, Pierce, McLendon, Humphrey & Leonard

The second session will address the whistleblower provisions of the Affordable Care Act as well as equal opportunity law topics and trends, including tips on interacting with the EEOC from both employee and employer perspectives.

12-7: NC's Innocence Inquiry Commission Process: Why is it Necessary and When Should it Be Used?  
Christine C. Mumma, Executive Director, The N.C. Center on Actual Innocence

The post-conviction criminal process provides for claim review through state and federal appeals and post-conviction motions, so some may wonder why N.C.'s Innocence Inquiry Commission process was established and what it is about the process that has made it successful. This session will briefly recount the commission's history and, more importantly, why it has proven to be an essential addition to North Carolina's justice system.

12-8: The Centered Lawyer
Rebecca C. Rogers, Assistant General Counsel, Self-Help

In this session, we will explore the core principles of mindfulness and centeredness and introduce some practical techniques that an overtired and stressed lawyer can easily implement to improve focus, clarity of thinking, problem-solving, and communication, as well as bring a greater sense of meaning and purpose to day-to-day life.

12-9: Workshop: Master Class in Direct and Cross-Examination [2 of 2]  
Jonathan E. Broun, Center for Death Penalty Litigation and Kenneth S. Broun, Henry Brandis Professor of Law Emeritus, UNC School of Law

"Master Class in Direct and Cross Examination" is a two-hour course that began in Session 11 and ends in Session 12. Participants should also attend 11-09. Please see Session 11-9 for a detailed description. This session is a repeat from Festival 2013.

12-10: Title Examination, Best Practices and Legal Legends  
Christopher L. Burti, Vice President and Senior Legal Counsel, Statewide Title

Real estate lawyers must operate in at least two universes. In one, they try to adopt "best practices" in drafting and executing documents and in time many of these "best practices" have attained almost legendary status – sometimes even becoming considered widely in the legal profession as "The Law". In the other universe, they must opine as to the quality of title, reviewing documents prepared by others and finding that they are not always adroitly prepared. Not surprisingly, they encounter situations in which their ideas of "best practices" and what they find in title records are at odds. This session will explore common questions arising in title examinations, such as when spouses must sign conveyances, how purchase money deeds of trust should be handled, and other topics raised in determining whether a seller has "good title." Come to learn more about when titles may be certified as acceptable, even when best practices are not observed.