

22ND ANNUAL

FESTIVAL *of* Legal Learning

Sponsored by UNC School of Law

February 10-11, 2012
William and Ida Friday Center
Chapel Hill, North Carolina



**Register
Online by
January 27**



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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, the 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. Moreover, 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 ensured; 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 10

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
12:30 p.m. - 1:30 p.m.	Lunch

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 27, 2012.

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

Saturday, February 11

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

FESTIVAL of Legal Learning





Friday

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

Free Legal Information on the Web

Nick Sexton, Clinical Assistant Professor of Law, UNC School of Law and Reference/Information Delivery Services Librarian, Kathrine R. Everett Law Library

This presentation will focus on legal research. The presenter will show attorneys how to use the Web to find free federal and state cases, statutes and regulations, court rules, forms and briefs. This course is designed for the beginner-to-moderate Internet user.

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

Stacey A. Phipps, Stacey A. Phipps, Attorney at Law; John L. Sarratt, Harris, Winfield, Sarratt & Hodges LLP

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 2011.*

Moving Toward Health Care Reform: Presenting the Present – Forecasting the Future

Carolyn Lloyd Coward, The Van Winkle Law Firm

We are now two years into health care reform. This session will update attendees on new regulations, Medicare and Medicaid payment initiatives and the status of health insurance exchanges, the centerpiece of reform on the commercial insurance market. The presenter will discuss the potential impact of Medicare's value-based purchasing program.

New Lessons for Lawyers from North Carolina Authors PR

D.G. Martin, Host, UNCTV's North Carolina Bookwatch

Morgan Tanner in Nicholas Sparks' *The Best of Me* is a Raleigh lawyer who, after "retiring" to Oriental, takes on compromising assignments from his dying client. Stubblefield's lawyer in Charles Frazier's *Nightwatch* is a small town mountain lawyer in the early 1960s whose multiple roles raise questions of conflict. These and other fictional lawyers play minor, but important, roles in the novels. What they teach us about professional conflicts and ethics, and what we could teach them will be the focus of this class.

Recent Developments in the Law of Capital Punishment

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

According to the Bureau of Justice Statistics, since the U.S. Supreme Court resurrected capital punishment in 1976, 1,264 people have been executed in America. This session is a discussion of recent legal and other developments surrounding the death penalty in North Carolina and across the nation.

RoboCalls and Do Not Call Enforcement

David N. Kirkman, Assistant Attorney General, Consumer Protection Division, North Carolina Department of Justice

The past decade has witnessed the creation of the national "Do Not Call Registry" and the adoption of tighter regulations on unsolicited, pre-recorded calls. Enforcement of these regulations has been aggressive. Certain types of nuisance calls have dropped dramatically while others seem to be on the rise. Learn the techniques the industry has adopted and the exemptions they rely upon to continue with these calls. Learn the legal dangers confronting organizations that place such calls, as well as the legal remedies available to aggravated phone service customers. Recent case decisions and proposed federal legislation will be discussed.

The Constitutional Significance of the Forgotten Presidents

Michael J. Gerhardt, Samuel Ashe Distinguished Professor in Constitutional Law and Director, Center for Law and Government, UNC School of Law

This session will discuss how the presidency draws its occupants into defending presidential prerogatives, focusing on the constitutional experiences and impacts of the three most forgotten presidents in history.

Update on Some Emerging Issues for North Carolina's Estuarine Shoreline

Joseph Kalo, Graham Kenan Professor of Law, UNC School of Law; Lisa Schiavinato, Coastal Law, Policy and Community Development Specialist, N.C. Sea Grant

This session will explore emerging natural resources issues that are likely to impact North Carolina's estuarine shoreline over the next 15-20 years.



Friday

Session Two: 9:10 a.m. - 10:10 a.m.

Expertise, the Subconscious and Trial Practice

Richard E. Myers II, George R. Ward Associate Professor of Law and Associate Dean for Student Affairs, 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. *This session is a repeat from Festival 2011.*

Foreign and International Legal Research on the Free Web

James W. Sherwood, Clinical Assistant Professor, UNC School of Law and Reference/Foreign and International Law Librarian, Kathrine R. Everett Law Library

This session will examine the best ways to find international and foreign legal information and resources on the internet.

Invention Strategies to Beat Legal Writer's Block

Katie Rose Guest Pryal, Clinical Assistant Professor of Law, UNC School of Law

Like most writers, legal writers experience writer's block. The getting-started phase of writing, called "invention" by classical rhetoricians, is sometimes overlooked by writing teachers. This presentation will help you identify ways to overcome your particular writing challenges. Come to this session to learn and practice some time-tested invention strategies that you can put into practice right away.

Lawyers on Nonprofit Boards PR

Marty Martin, Martin Law Firm

Lawyers are frequently asked to serve on nonprofit boards of directors. However, many do not have a substantive background in the law related to nonprofit organizations coupled with varying amounts of board experience. Using hypothetical situations, the class will discuss some legal and ethical issues, which they may confront while serving.

Mental Health and Substance Abuse Concerns – Seeking Help and Coping with Stress SA

Elliot M. Silverstein, Director of Psychological Services, Dorothea Dix Hospital and Adjunct Associate Professor of Law, UNC School of Law

This session will describe mental health and substance abuse concerns among lawyers and advise how to recognize problems, seek help for them, and develop effective strategies for coping with stress. *This session is a repeat from 2011 Dan K. Moore Program in Ethics.*

Nontraditional Families, Same-Sex Couples and North Carolina Law

Maxine Eichner, Reef C. Ivey II Professor of Law, UNC School of Law; Barbara A. Fedders, Clinical Assistant Professor, UNC School of Law

This presentation will discuss the current state of nontraditional relationship law in the United States, with particular attention both to same-sex couples and to recent developments in North Carolina. Topics will include same-sex marriage, civil unions and Defense of Marriage legislation in the United States, as well as recent case law on second-parent adoption and the effects of the proposed marriage amendment on the North Carolina ballot in May.

Recent Developments in Insider Trading Law

David Smyth, Of Counsel, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP

The Securities and Exchange Commission and Department of Justice have recently thrust insider trading to the forefront of their enforcement agendas. This session will cover the current state of insider trading law and how that law has been affected by recent cases, including the Galleon Group and Mark Cuban matters.

Update on the Next Decade: Budget Changes That Will Affect Coastal Management

Robin W. Smith, Assistant Secretary for the Environment, North Carolina Department of Environment and Natural Resources

The speaker will discuss the impact of state and federal budget cuts on state programs that manage coastal waters, natural resources and coastal development activities. The presentation will describe the reductions in staff, operating funds and grants and provide a forecast of the likely impact to regulatory, natural resource management and conservation programs.



Friday

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

Access to Justice in North Carolina PR

Thomas A. Kelley III, Professor of Law and Director of Clinical Programs, UNC School of Law; Jennifer M. Lechner, Executive Director, North Carolina Equal Access to Justice Commission

Studies reveal that parties to civil disputes have a significantly greater chance of achieving satisfactory outcomes if counsel represents them. Yet large numbers of low- and moderate-income citizens lack the financial means to hire lawyers. As such, they have no meaningful access to our justice system. This session will examine our state's access to justice crisis, will describe efforts to address the issue – including the adoption of Rule 6.1 of the North Carolina Revised Rules of Professional Conduct – and will suggest future reforms.

Fair Housing and Community Exclusion: Issues and Strategies for Broadening the Scope and Impact of the Fair Housing Act

Mark E. Dorosin, Adjunct Professor of Law, UNC School of Law and Senior Managing Attorney, UNC Center for Civil Rights; Peter H. Gilbert, Community Inclusion Attorney-Fellow, UNC Center for Civil Rights

Community exclusion is the manifestation of structural racism at the neighborhood level, and its impacts include lack of access to basic public services and equitable educational opportunities, limited civic engagement, and the siting of environmentally hazardous land uses. This session will examine new and emerging legal strategies under state and federal fair housing legislation to combat community exclusion and its impacts.

How Can I Take My Law Practice to the Clouds? PR

Anne Klinefelter, Associate Professor of Law, UNC School of Law and Director, Kathrine R. Everett Law Library; Steve J. Melamut, Clinical Assistant Professor of Law and Information Technology Services Librarian, UNC School of Law

Attorneys increasingly seek to rely on remote, outsourced storage of digital information, or “cloud computing.” This presentation will provide practical information about providers, benefits and strategies for making the most of these services and will examine available guidelines from the ABA and the North Carolina State Bar for addressing ethical obligations.

Litigating (and Counseling Clients Through) Trust and Estate Disputes

Thomas P. Holderness, Robinson, Bradshaw & Hinson, PA

The nature of estate planning virtually ensures that your clients or their heirs will end up in court one day. This session will cover various types of trust and estate litigation, with a focus on the importance of client counseling during that type of litigation.

Local Governments and the Legislature: Enabling and Restricting Authority

Frayda S. Bluestein, Professor of Public Law and Government and Associate Dean for Faculty Development, UNC School of Government

Navigating state and local law can be overwhelming. This session will present an overview of local government authority in North Carolina, including how it compares with authority in home rule states; how to interpret statutes, local acts, and charters; recent examples of legislative exercise of its power to enable and restrict authority.

Representing Plaintiffs in Domestic Violence Protective Order Proceedings: Nuts & Bolts of District Court Practice

Beth S. Posner, Adjunct Professor of Law, UNC Domestic Violence Clinic and Managing Attorney, Legal Aid of North Carolina

This session will provide an overview of Chapter 50B of the North Carolina General Statutes as well as litigation strategies for representing plaintiffs in domestic violence protective order proceedings. *This session is a repeat from Festival 2011.*

The NCAA and Athletes' Procedural Rights

Robert F. Orr, Former Executive Director and Senior Counsel, N.C. Institute for Constitutional Law and Associate Justice, North Carolina Supreme Court (Retired)

This session will explore legal issues raised when student athletes are denied eligibility to compete based on allegations of academic misconduct.

Update from the Chair of the North Carolina Coastal Resources Commission

Robert R. Emory, Chair, North Carolina Coastal Resources Commission

This session will be a discussion of the commission's recent and ongoing work on oceanfront setbacks, stabilization measures such as sandbags and estuarine shoreline stabilization. The presenter will also address topics that the commission is beginning to consider, including inlet hazard areas, energy facilities and a more comprehensive approach to how we manage our beaches and inlets.



Friday

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

Bank Failure in North Carolina: The Saga Continues

Daniel E. Garner, Executive Legal Specialist, North Carolina Office of the Commissioner of Banks

In this session, the presenter will examine some recent cases of bank failure in North Carolina. How does North Carolina stack up? What happens in a failure?

Originalism and the Significance of Results in Evaluating Constitutional Theory

William P. Marshall, William R. Kenan Jr. Distinguished Professor of Law, UNC School of Law

West Virginia Board of Education v. Barnette, *Brown v. Board of Education*, *Gideon v. Wainwright* and *Reynolds v. Sims*, are among the most renowned cases in American history and, like the Constitution itself, they are universally celebrated as hallmarks of American liberty. *Barnette*, *Brown*, *Gideon*, and *Reynolds*, however, are not consistent with the method of constitutional interpretation popularly known as originalism. This session will explore the significance of these decisions in evaluating the legitimacy of originalism as an interpretive theory.

Representing Plaintiffs in Domestic Violence Protective Order Proceedings: Ethical Considerations PR

Beth S. Posner, Adjunct Professor of Law, UNC Domestic Violence Clinic and Managing Attorney, Legal Aid of North Carolina

The presenter will address the lawyer's professional and ethical relationship with the client. It will also consider ethical dilemmas that can arise in connection with representing victims of domestic violence or assisting them in pro se representation. *This session is a repeat from Festival 2011.*

Saving Nelson Mandela

Kenneth S. Broun, Henry Brandis Professor of Law Emeritus, UNC School of Law

In 1962, Nelson Mandela and ten other leading opponents of South Africa's apartheid regime faced trial for their lives. Then, in 1964, the "Rivonia 11" were convicted of sabotage and other charges, and sentenced to life in prison. Broun will examine why they did not receive the death penalty. This presentation will be based on his new book, *Saving Nelson Mandela*.

So What's New in Administrative Law?

Fred G. Morrison Jr., Senior Administrative Law Judge, North Carolina Office of Administrative Hearing

This session will cover significant legislative changes to the North Carolina Administrative Procedure Act concerning regulating, rulemaking and final agency decisions by ALJs. Participants will also learn about pertinent judicial decisions handed down within the past year.

The Practical (But Mostly Impractical) Impact on Bankruptcy Practice

Susan E. Hauser, Associate Professor, NCCU School of Law; Ciara L. Rogers, Oliver Friesen Cheek, PLLC

Stern v. Marshall, 131 S. Ct. 2594 (2011), is the U.S. Supreme Court's most important decision on bankruptcy jurisdiction in twenty years. *Stern* arose out of parallel probate and bankruptcy proceedings involving bankruptcy debtor Vicki Lynn Marshall (a.k.a. Anna Nicole Smith), and it curtails the power of bankruptcy judges in ways that are having an immediate impact on bankruptcy practice. The presenters will discuss the impact of *Stern* at both the theoretical level, where *Stern* exemplifies the modern Court's brand of procedural judicial activism, and the practical level, where *Stern* demonstrates the Court's distance from the real world of bankruptcy practice.

Taking the Risk and Reaping the Reward: Trial Strategies for the Not So Faint of Heart

Steven B. Epstein, Poyner Spruill, LLP

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.

Update on Significant Federal and State Coastal Case Law, Legislation and Litigation

Christine A. Goebel, Assistant Attorney General, North Carolina Office of the Attorney General; Todd S. Roessler, Kilpatrick Townsend and Stockton, LLP

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



Friday

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

A Handful of Pearls: A Quick Refresher on Mental Illness and Substance Abuse SA

Eric B. Elbogen, Associate Professor, UNC Department of Psychiatry; Alyson R. Kuroski-Mazzei, Assistant Professor and Associate Director of the Forensic Psychiatry Residency Program, Department of Psychiatry, UNC School of Medicine; Sally C. Johnson, Professor, Department of Psychiatry, UNC School of Medicine

A brief survey of common mental health problems and diagnoses affecting lawyers will be completed. Attendees will leave with a “handful of pearls” to assist them in recognizing and handling these issues as they arise.

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

This session is an overview 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. 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. *This session is a repeat from Festival 2011.*

Ethics and Professionalism: A View from the Courtroom PR

R. Allen Baddour Jr., Resident Superior Court Judge, District 15B; Ripley E. Rand, U.S. Attorney, Middle District of North Carolina

The presenters will develop and discuss issues of professionalism and ethics through the lens of a hypothetical case that considers both pre-trial activities and the trial itself. The session will highlight potential ethical pitfalls with opposing counsel, witnesses, the jury, and the court.

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, Dan K. Moore Distinguished Professor of Law, UNC School of Law; Richard S. Saver, Professor of Law, UNC School of Law

This session will explore current hot topics in health law and policy. Subjects covered will include new developments in the regulation of health care fraud and abuse, regulation of non-financial interests in medical research and current issues in public health law and policy.

In the Shadow of PICS and Grutter and No Child Left Behind

William A. Tobin, Scholar in Residence, Social Science Research Institute, Duke University

This presentation focuses on two lines of U.S. Supreme Court jurisprudence, from *Brown* through *PICS*, and from *Bakke* through *Grutter*, as well as state decisions and legislation regarding educational adequacy, teacher accountability and educational standards. It then considers studies regarding the relation of high-test schools and college success and the negative educational impacts of selective undergraduate admissions processes, before considering ongoing efforts to develop new programs that prepare students for college success.

Logic and Fallacies for Lawyers: An Interactive Exploration

Aaron R. Harmon, Clinical Assistant Professor, Writing and Learning Resources Center, UNC School of Law

This session explores the forms of logic and the types of fallacies that attorneys encounter every day. Familiarities with basic logic principles can help lawyers write and argue more persuasively, and can expose vulnerabilities in opposing arguments. Featuring a combination of interactive hypothetical arguments and examples from briefs and opinions, this session will help attendees better understand and utilize the elements of legal logic in their practice.

Mandatory Binding Arbitration Agreements in Consumer Contracts

Mallam J. Maynard, Executive Director, Financial Protection Law Center

This session will explore recent developments in the battle to preserve access to the courts for consumers. It will review recent developments in the nation and North Carolina Courts regarding the enforceability of arbitration in class action cases and will examine a myriad of ways to fight arbitration clauses in individual cases. Sample briefs and pleadings will be made available.

Using the Taxonomy of Cognitive Legal Learning Objectives to Assess Interns' and Associates' Most Efficient Use (1 of 2) PR

Hillary Burgess, Assistant Professor, Charlotte School of Law

This presentation will discuss common tasks of new associates and identify the precursor skills those associates need to complete the job efficiently. It will discuss an inventory that law firms could provide to new hires or even prospective employees to determine what skills they have mastered and what skills they still need to master, in order to provide better service to clients more cost-effectively and competently. *“Using the Taxonomy” is a two-hour course that begins in Session 5 and ends in Session 6. Participants should also attend Session 6-8.*



Friday

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

Ethical Dilemmas for Lawyers in Medical Research and Practice **PR**

John Martin Conley, William Rand Kenan Jr. Professor of Law, UNC School of Law; Arlene M. Davis, Associate Professor, Department of Social Medicine and Director of Ethics Education, UNC School of Medicine

This presentation will address the ethical problems – for both themselves and the medical staff – that lawyers can face in working in or for research hospitals. The speakers will describe and analyze concrete situations that Davis has dealt with in serving as a hospital ethics consultant, and that they have encountered in their joint study of the ethical problems posed by biomedical research.

Immigration Relief for Immigrant Crime Victims: U Nonimmigrant Status

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

In an era of increasing penalties against undocumented immigrants, the U visa is an important immigration remedy for immigrant victims of crime. The speaker will review the history and purpose of the U visa remedy, the benefits offered by the visa, U visa requirements and eligibility issues, and filing procedures. In addition to attorneys new to immigration practice (or new to the U visa), attorneys who do not practice immigration law may benefit from learning about the U visa because of its surprisingly broad scope.

Managing Your Mental Health Throughout Your Career **SA**

Eric B. Elbogen, Associate Professor, UNC Department of Psychiatry; Alyson R. Kuroski-Mazzei, Assistant Professor and Associate Director of the Forensic Psychiatry Residency Program, Department of Psychiatry, UNC School of Medicine; Sally C. Johnson, Professor, Department of Psychiatry, UNC School of Medicine

Different mental health issues are likely to present at different times in your practice of law. A better understanding of what these are, and what might be coming down the road may assist you in identifying problems early and knowing where to turn for help.

Master Class in Direct and Cross Examination (1 of 2)

Jonathan E. Broun, Center for Death Penalty Litigation; 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 6 and ends in Session 7. Participants should also attend Session 7-4. This session is a repeat from Festival 2011.

PR = Ethics / Professionalism / Professional Responsibility Credit

Nonprofit Governing Board Members’ Fiduciary Duties and Liability **PR**

Thomas Lee Hazen, Cary C. Boshamer Distinguished Professor of Law, UNC School of Law

This session will explore increasing board member obligations in light of 2008 changes in IRS Form 990, with a focus on North Carolina law. The presentation will include the perspective of a member of the drafting committee of the North Carolina Nonprofit Act. The session would be appropriate for anyone representing nonprofit organizations or serving on a nonprofit board.

On Developing Wind Energy in North Carolina

Henry C. Campen Jr., Parker Poe Adams & Bernstein LLP; Brenton W. McConkey, Parker Poe Adams & Bernstein LLP; Katherine E. Ross, Parker Poe Adams & Bernstein LLP

This session will explore the development of land-based wind projects in North Carolina. The state and local regulatory scheme for wind energy development will be discussed, as well as the role of economic development incentives.

Title IX at 40: Are We There Yet?

Barbara Osborne, Associate Professor, Exercise and Sport Science, UNC-Chapel Hill and Of Counsel, Ice Miller, LLP

2012 marks the 40th anniversary of Title IX of the Education Amendments. This landmark civil rights legislation prohibits discrimination based on sex in educational institutions that receive federal funding. Although the legislation has been successful in most educational programs or activities, it continues to be controversial as applied to athletics. This presentation will examine the history of Title IX, the noteworthy cases, and the significant Office for Civil Rights documents.

Using the Taxonomy of Cognitive Legal Learning Objectives to Assess Interns’ and Associates’ Most Efficient Use (2 of 2) **PR**

“Using the Taxonomy” is a two-hour course that begins in Session 5 and ends in Session 6. Participants should also attend Session 5-8. Please see the course description in Session 5.

SA = Substance Abuse / Mental Health Credit



Friday

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

Accounting Basics for Non-Accountant Lawyers

Donna K. Pelham, Assistant Professor of Accounting, Methodist University; Pamela J. Strickland, Associate 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 have always been unsure about and were afraid to ask.

Current Trends in Home Foreclosure Rescue Scams

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.

From Craft Making to Systems Thinking: Shaping Better Professionals PR

John L. Sarratt, Harris, Winfield, Sarratt & Hodges LLP; Jennifer Van Zant, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP; Judith Welch Wegner, Burton Craige Professor of Law, UNC School of Law; Edward C. Winslow III, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP

This session will include a presentation and panel discussion about the intellectual frameworks that may be helpful in thinking about professional development and maturation of legal professionals. After an initial overview featuring insights from Peter Senge, Robert Kegan and others, the panelists will critique and comment on how metaphors such as "systems thinking," "mental models," "communities of practice," and "lawyer competency" can provide frameworks for thinking about improving professional development of individual lawyers and law firm management in general.

Master Class in Direct and Cross-Examination (2 of 2)

Master Class in Direct and Cross Examination" is a two-hour course that began in Session 6 and ends in Session 7. Participants should also attend Session 6-4. Please see the course description in Session 6. This session is a repeat from Festival 2011.

Persuasive Stories: Narrative Tips for Advocates

Craig T. Smith, Clinical Professor of Law and Director, Research, Reasoning, Writing and Advocacy Program, UNC School of Law

Stories can change hearts and minds. Stories can therefore be powerful tools for advocates. This session will present simple strategies for effectively integrating stories into written and oral legal advocacy.

Remedies Under Consumer Protection Laws: North Carolina, Federal and Beyond

Donald C. Lampe, Dykema Gossett, PLLC

This session will be an overview of remedies under common federal and North Carolina consumer protection laws. The presenter will cover recent North Carolina developments, the impact of Dodd-Frank legislation and rulemakings and the rise in unfair and deceptive trade practice theories and claims. Discussion of cross currents in the field, including federal preemption, limits on negation of arbitration and due process concerns.

Small Business Financing Initiatives: What's Happening with "Crowdfunding," the SEC and Congress?

F. Lee Liebolt Jr., Attorney, New York, New York; Thomas Lee Hazen, Cary C. Boshamer Distinguished Professor of Law, UNC School of Law

Coverage will include recent rulemaking by the Securities and Exchange Commission regarding the limited offering exemptions under Regulation D, the "crowdfunding" phenomenon, and other legislative and administrative proposals relative to small business capital raising.

What is a "Farm" Anyway?

Ray A. Starling, General Counsel, North Carolina Department of Agriculture and Consumer Services

It sounds simple, but determining whether an operation or piece of property should qualify for treatment as a "farm" is actually the subject of a great deal of debate in North Carolina and across the United States. Come and learn why it matters and just how much trouble a poorly conceived definition can cause.



Friday

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

Biosimilars: What Are They and What Will Be Their Impact?

Sheila A. Mikhail, *Life Sciences Law*; Jason Seifert, *Life Sciences Law*

Since the existence of a legal pathway for biosimilars was made possible by the signing of the Biologics Price Competition and Innovation Act in 2010 by President Obama, the FDA has declared itself “open for business” for biosimilars. For attorneys who focus their practices on advising biotech companies and for consumers of biological drugs, what impact will the new law have on competition, drug prices, and innovation? Why do biological drugs require a different set of laws than those that have governed drugs in pill form? This presentation will provide an overview of the regulatory approval process for drugs, patent issues pertaining to the biotech industry, an overview of the existing law for generic drugs, and a summary of the current state and expected future developments in the law for biosimilars.

Citizens United, McComish, and the Roberts Court’s War on Democracy

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

This session will consider the much-noted *Citizens United* decision and the subsequent Arizona public funding case (*McComish*), in which the U.S. Supreme Court took extraordinarily interventionist steps to invalidate traditionally accepted campaign finance regulations. The presenter will argue that these rulings effectively render campaign finance restrictions silly and pointless and dramatically impair possibilities of democratic self-governance.

Employment Litigation in the Fourth Circuit: Current Trends and Developments

Kimberly J. Korando, *Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP*

In this session, the presenter will explore the year’s most significant trends and developments in employment litigation in the Fourth Circuit and what they mean for the practitioner.

Estate and Charitable Planning Opportunities in the Sale of a Business

Adam P.M. Tarleton, *Brooks, Pierce, McLendon, Humphrey & Leonard, LLP*

Ownership of a family business comprises the bulk of many private clients’ net worth, and the sale of a family business can be the most significant financial event of a client’s lifetime. This session will explore several means of transferring wealth to descendants at a reduced estate and gift tax cost in conjunction with the sale of a family business, and for reducing the income tax cost of the sale of a business while funding charitable goals. Strategies for reducing tax and other risks associated with these transactions will also be discussed.

Hot Topics in Arbitration

Carlene McNulty, *Staff Attorney, North Carolina Justice Center*; Kathryn A. Sabbeth, *Assistant Professor of Law, UNC School of Law*; W. Mark C. Weidemaier, *Assistant Professor of Law, UNC School of Law*

This session will cover current issues in consumer and employment arbitration. The presenters discuss recent Supreme Court jurisprudence, as well as policy implications.

Recent Developments in Food Law

Ray A. Starling, *General Counsel, North Carolina Department of Agriculture and Consumer Services*

When President Obama signed the Food Safety Modernization Act in January of this year, the Congress ushered in sweeping changes to our food regulation system. A number of issues have emerged with regard to implementation of the Act, and a myriad of food regulation related issues continue to receive considerable attention from the courts and regulatory bodies.

Rethinking What Is Possible under Fed. R. Civ. P. 23: Class Action Practice in the Aftermath of *AT&T Mobility v. Concepcion*

Anthony T. Lathrop, *Moore & Van Allen, PLLC*

Recent U.S. Supreme Court decisions have reinforced barriers to class actions, especially in the context of arbitrations. This presentation will provide updates on new developments, and tips for practitioners.

Shaping Better Professionals: Lessons from Practice PR

John L. Sarratt, *Harris, Winfield, Sarratt & Hodges*; Jennifer Van Zant, *Brooks, Pierce, McLendon, Humphrey & Leonard*; Judith Wegner, *Burton Craige Professor of Law, UNC School of Law*; Edward C. Winslow III, *Brooks, Pierce, McLendon, Humphrey & Leonard*

This session will include discussion of new strategies for preparing law students for practice, and management strategies for facilitating professional development and assessment of lawyers in the early stages of their development. The session will include a discussion of lessons learned from a new UNC course on “Becoming a Professional” and from the experiences of one of North Carolina’s leading mid-size law firms.



Consumer Law & Consumer Credit Symposium

SPONSORED BY THE CENTER FOR BANKING AND FINANCE
AT CAROLINA LAW

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.)

RoboCalls and Do Not Call Enforcement

Session Two (9:10 a.m. - 10:10 a.m.)

Lawyers on Nonprofit Boards

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

Access to Justice in North Carolina

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

The Practical (But Mostly Impractical) Impact on Bankruptcy Practice

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

Mandatory Binding Arbitration Agreements in Consumer Contracts

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

Nonprofit Governing Board Members' Fiduciary Duties and Liability

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

Remedies Under Consumer Protection Laws: North Carolina, Federal and Beyond

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

Hot Topics in Arbitration

SATURDAY

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

Identity Theft, Scams and Your Community

Session Two (9:10 a.m. - 10:10 a.m.)

Mental Health Issues and Bankruptcy Cases

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

Auto Sales and Finance in a Changing Regulatory Environment

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

Consumer Financial Protection Bureau: What We Have Learned



Shape of the Coast

SPONSORED BY THE NORTH CAROLINA COASTAL RESOURCES LAW, PLANNING, AND POLICY CENTER

Continuing the Shape of the Coast program’s tradition of providing the scientific, economic, and sociological context in which coastal legal and policy issues arise, this year we look at the concept of “ecosystem services” and the complexities inherent in applying the concept in effectively managing coastal resources. This Symposium is designed as four self-contained sessions (Sessions 1-8, 2-8, 3-8 and 4-8) that may be taken individually or together in any combination.

FRIDAY

Session One (8:00 a.m. - 9:00 a.m.)
Update on Some Emerging Issues for North Carolina’s Estuarine Shoreline

Session Two (9:10 a.m. - 10:10 a.m.)
Update on the Next Decade: Budget Changes That Will Affect Coastal Management

Session Three (10:20 a.m. - 11:20 a.m.)
Update from the Chair of the NC Coastal Resources Commission

Session Four (11:30 a.m. - 12:30 p.m.)
Update on Significant Federal and State Coastal Case Law, Legislation and Litigation

Environmental Law Symposium

Energy Law and Environmental Law: Growing Connections Between Two Sides of the Same Coin

SPONSORED BY THE UNC ENVIRONMENTAL LAW PROJECT

Although energy law and environmental law often contest over the same things – mountaintop removal, hydraulic fracturing and deep-water drilling – they also spring from entirely different frames of reference. Energy law focuses on the supply of energy with minimal disruptions and at affordable prices; environmental law focuses on the conservation of natural resources and protection of human health. In this year’s Environmental Law Symposium, Professors Flatt and Hornstein discuss the often-surprising ways in which energy law and environmental law can (and do) sometimes converge. As always, this Symposium is designed as four self-contained sessions (Sessions 11-3, 22-3, 33-3 and 44-3) that may be taken individually or together in any combination.

SATURDAY

Session One (8:00 a.m. - 9:00 a.m.)
The Intersection Between Energy Law and Environmental Law: The Big Picture

Session Two (9:10 a.m. - 10:10 a.m.)
Hydraulic Fracturing and North Carolina

Session Three (10:20 a.m. - 11:20 a.m.)
Energy and Catastrophes

Session Four (11:30 a.m. - 12:30 p.m.)
Global Warming and the Energy-Environment Connections of an Emerging Legal Regime



Saturday

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

Case Update and Tips for Handling Family Law Cases (1 of 2)

H. Suzanne Buckley, Tharrington Smith, LLP; Jaye P. Meyer, Tharrington Smith, LLP; Alice C. Stubbs, Tharrington Smith, LLP

This session will feature an overview of recent family law cases decided in North Carolina appellate courts during 2011 and 2012. Presenters have experience both as litigators and as a judge in Wake County, one of the districts that implemented a specialized system of Family Courts in recent years. The sessions are designed to provide advice geared to lawyers who litigate in family court.

"Tips for Handling Family Law" is a two-hour course that begins in Session 11 and ends in Session 22. Participants should also attend Session 22-1.

Copyright Issues for Digital Library Projects

Laura N. Gasaway, Paul B. Eaton Distinguished Professor of Law, UNC School of Law

Libraries, historical societies and archives are actively engaged in creating digital collections of their holdings, but pervasive copyright problems threaten to impair public availability of these valuable resources.

Environmental I: The Intersection Between Energy Law and Environmental Law: The Big Picture

Donald T. Hornstein, Aubrey L. Brooks Professor of Law, UNC School of Law; Victor B. Flatt, Thomas F. and Elizabeth Taft Distinguished Professor in Environmental Law, UNC School of Law and Director of the Center for Law, Environment, Adaptation and Resources (CLEAR)

This session contrasts the origins of energy law (in traditional oil and gas property law and utility regulation) and the origins of environmental law (regulatory oversight to prevent, or price, externalities than endanger human health and welfare). It then discusses how, starting from different origins, energy law and environmental laws increasingly are borrowing from the other's vantage points and legal traditions.

Ethical Pitfalls in Small-Company Startups and Operations PR

Bernard A. Burk, Assistant Professor of Law, UNC School of Law

The organization and operations of a closely held company can present counsel with ethical issues that are surprisingly difficult to appreciate and address, with disastrous consequences. Using a hypothetical fact pattern drawn from practice realities, the presenter will discuss such common problems as determining the identity of your client, avoiding conflicts of interest, and navigating among the demands of competing constituencies in small company practice.

Identity Theft, Scams and Your Community

Caroline Farmer, Deputy Director, North Carolina State Attorney General's Office

Do you get Facebook updates by email? Did you provide your kids' Social Security numbers to their school? Do you get charity calls to donate money? Has a friend emailed you about having their wallet stolen while they are in London? Do you get invited for free meals to learn how to invest? Scams and identity theft run hand in hand. Learn new ways these scams are affecting you and your community and how you can protect yourself and others.

NCOSH BGOSH: An Intro to OSHA

Stephen G. Hartzell, Brooks Pierce McLendon Humphrey & Leonard, LLP

Most employers are subject to the requirements of the Occupational Safety and Health Act. North Carolina is a "state plan" state, which effectively means that North Carolina employers are covered by a blend of state and federal OSHA requirements. This presentation covers basic OSHA concepts including recordkeeping, the multi-employer worksite doctrine and the General Duty Clause.

Representing Churches and Religious Organizations: Nonprofit and Federal Tax Law Issues

Robert W. Saunders, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP

Here is a practitioner's guide to representing churches and religious organizations. A wide range of topical issues will be covered, including the decision to incorporate your church (or church programs); the tax law restrictions on the political activities of religious officials; and the complications of unrelated business income on revenue generating programs or property.

The Paradoxes of Joint Tenancies

John V. Orth, William Rand Kenan, Jr. Professor of Law, UNC School of Law

The law of joint tenancies can be confusing to law students, lawyers, and judges. The confusion is largely traceable to the paradoxical doctrines that form its foundation. First, each joint tenant simultaneously owns both the whole and a part. Second, a grant in joint tenancy creates both a present interest in an undivided one-half and a chance of future sole ownership of the whole estate. A survey of recent cases illustrates the confusion and offers an opportunity for clear thinking about the problematic nature of the joint estate.



Saturday

Session Two: 9:10 a.m. - 10:10 a.m.

Case Update and Tips for Handling Family Law Cases (2 of 2)

“Tips for Handling Family Law” is a two-hour course that begins in Session 11 and ends in Session 22. Participants should also attend Session 11-1. Please see the course description in Session 11 for more information.

Effective Writing for the General Practitioner (1 of 2)

Lewis “Luke” Everett, *Clinical Assistant Professor, UNC School of Law, Everett & Everett*; Sherry Honeycutt Everett, *Everett & Everett*

Law partners from a small general practice will offer strategies and tips for general practitioners on how to write more effectively and efficiently when handling the wide range of writing tasks associated with client representation in this context.

“Effective Writing for the General Practitioner” is a two-hour course that begins in Session 22 and ends in Session 33. Participants should also attend Session 33-2.

Environmental II: Hydraulic Fracturing and North Carolina

This session focuses on the General Assembly’s directive for the completion of a study on hydraulic fracturing in North Carolina by May 2012. Professor Hornstein has attended hearings on this study and, along with student members of the Environmental Law Project, submitted written comments. Subtopics will include a “primer” on how hydraulic fracturing works, the oil-and-gas property regimes that govern it; legal issues between landowners and drilling companies involving leases of the mineral estate; and environmental issues including water, waste, well-contamination.

Media Law in the Digital Age: The Rules Are Changing, Are You?

David S. Ardia, *Assistant Professor of Law, UNC School of Law*; Wade H. Hargrove, *Brooks, Pierce, McLendon, Humphrey and Leonard, LLP*

Continuing change in the way news and information are communicated and received has undermined the business model of conventional news media companies causing public officials to reassess traditional legal doctrines and the regulatory models under which those companies operate. This session will explore the legal and public policy issues surrounding these changes and what, if anything, should be done to address the changes.

Mental Health Issues and Bankruptcy Cases **PR**

A. Thomas Small, *U.S. Bankruptcy Judge, Eastern District of North Carolina (Retired)*; Jay C. Williams, *Visiting Clinical Professor of Social Work and Clinical Associate Professor of Psychiatry, UNC-Chapel Hill*

A discussion of mental illnesses (major depression, bi-polar disorder, post-traumatic stress syndrome) most frequently encountered in bankruptcy cases, how to present a mental illness defense in a bankruptcy case, how to ethically deal with clients with a mental illnesses, and the ramifications of trauma exposure and “compassion fatigue.”

Navigating our Public and Private Selves: When Professional and Personal Lives Collide **SA**

Kimberly J. Strom-Gottfried, *Smith P.Theimann Distinguished Professor for Ethics and Professional Practice, UNC School of Social Work*

Lawyers, like other professionals, carry with them their life experiences, personal characteristics, preferences and biases, families and community ties. These characteristics can either benefit their approach to practice or result in ethics or professionalism problems such as conflicts of interests, issues with boundaries, or inappropriate self-disclosure (particularly in the current world of on-line social-networking). This session will explore how to resolve ethical dilemmas that arise at the intersection of personal and professional identities.

Social Media, Blogging and the News

C. Amanda Martin, *Stevens Martin Vaughn & Tadych, PLLC*

The presenter will recap recent cases and coach lawyers on how to counsel their clients to use interactive websites and social media in responsible, safe ways.

The History, Utility and Precedent in Proslavery Jurisprudence

Alfred L. Brophy, *Judge John J. Parker Distinguished Professor of Law, UNC School of Law*

In this session the presenter will examine Thomas Cobb’s treatise, *An Inquiry into Negro Slavery in the United States*, published in 1858 (three years before the Civil War) which brought together his reading on the history and law of slavery. This session will help us understand the dominant modes of analysis in antebellum jurisprudence. His writings reveal a deep adherence to historicism as a mode of analysis and argument. The presenter will examine how Cobb fit with the tradition of American lawyers (and academics) who addressed legal issues in ways that went beyond analysis of legal doctrine. Cobb represents the emergence, or maybe it is triumph, of an academic literature mixing law with history and philosophy.



Saturday

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

Auto Sales and Finance in a Changing Regulatory Environment

John W. Van Alst, Attorney, National Consumer Law Center

This session would look at the changes to federal regulation of auto sales and finance with the enactment of Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub.L. 111-203, H.R. 4173) and how it may better address abusive practices.

Effective Writing for the General Practitioner (2 of 2)

“Effective Writing for the General Practitioner” is a two-hour course that begins in Session 22 and ends in Session 33. Participants should also attend Session 22-2. Please see the course description in Session 22.

Environmental III: Energy and Catastrophes

This session discusses the various legal regimes – from tort liability to insurance to governmental disaster assistance – that apply when energy production goes very wrong environmentally. Subtopics can include the Japan nuclear crisis, the BP oil spill, coal ash disasters, and large-scale contamination of aquifers from energy-related sources.

Hot Topics in Criminal Law

Alyson Grine, Defender Educator, UNC School of Government

This session taught by the co-author of the *North Carolina Defender Manual*, will be an update of legislative and case law, focusing on major developments in North Carolina criminal law in 2011.

Lawyering on the Go: Making the Most of Your Mobile Devices

Timothy J. Gallina, Clinical Assistant Professor of Law, UNC School of Law and Reference Librarian, Kathrine R. Everett Law Library; Sara Sampson, Clinical Assistant Professor of Law, UNC School of Law and Deputy Director, Kathrine R. Everett Law Library

This session will provide insights regarding use of mobile devices to conduct research, communicate with clients, manage files, and engage in other practice-related tasks. Lawyers will be introduced to a showcase of the best apps and mobile websites for lawyers, bring your iPad, smart phone or other device and see what you can do!

Mentoring Strategies: An Overview (1 of 2) PR

Melissa Saunders, Professor of Law, UNC School of Law; Judith Welch Wegner, Burton Craige Professor of Law, UNC School of Law

This session will provide an overview of issues and strategies for mentoring junior lawyers who are part of the “Millennial Generation.”

“Mentoring Strategies in Action” is a two-hour course that begins in Session 33 and ends in Session 44. Participants may but need not also attend Session 44-6. This session is not a repeat from 2011.

National Security Law Update

Scott L. Silliman, Professor of the Practice of Law, Duke University School of Law

This session will focus on a number of current national security topics including issues pertaining to targeted killings, the trial of alleged terrorists in military commissions, the debate over the War Powers Resolution and military operations in Libya, and surveillance under the Foreign Intelligence Surveillance Act.

The Courage to Be Happy: Addressing Lawyers’ Anxiety SA

William S. Bost III, William S. Bost III, Attorney at Law

Anxiety is painful, both emotionally and physically. This class will examine the nature and extent of “existential anxiety”, that is, the anxiety inherent in our existence as human beings. It will also examine additional anxieties related to practicing law. It will draw from works of literature and philosophy to provide a potential way to deal with both types.



Saturday

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

America's Growing Justice Gap: Attempts to Manage the Crisis in Civil Legal Aid

Donald M. Saunders, Director of Civil Legal Services, National Legal Aid and Defender Association

This session will explore the many challenges facing the civil justice system in addressing the growing gap between the need for civil legal assistance for the 65 million people living in poverty in this country and the scarcity of resources for such assistance resulting from the economic downturn. The conversation will focus on the impact of the downturn on the need for legal aid and the status of current efforts to close the nation's justice gap.

Consumer Financial Protection Bureau: What We Have Learned

Jeffrey P. Taft, Mayer Brown, LLP

The newly established Consumer Financial Protection Bureau is broadly tasked with regulating consumer financial products and services. This presentation will briefly highlight important developments during the Bureau's first six months of existence. Examine what actions are required over the next twelve months to implement the Consumer Financial Protection Act and the Mortgage Reform and Anti-Predatory Lending Act. In addition, this session will highlight the Bureau's rulemaking authority with respect to mortgage loans, credit and unfair, deceptive or abusive acts or practices and include a discussion of other timely consumer credit topics such as federal preemption.

Environmental IV: Global Warming and the Energy-Environment Connections of an Emerging Legal Regime

Lost in the shadows of subdued international efforts and rancorous congressional disagreement, a vibrant legal regime of greenhouse-gas-regulation has emerged from federal administrative agencies, state legislatures, and local governments. Law Professor Flatt, who also is a Distinguished Scholar of Carbon Trading and Carbon Markets with the University of Houston College of Business, discusses this vibrant area of greenhouse-gas regulation and the connections between energy law and environmental law found within it.

European Criminal Law and the "Double Track"

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

The U.S. Supreme Court has told us that dangerousness alone is not enough to justify indefinite preventive detention (holding aside for now the question of terrorists). The case is different in many European countries, where a "double track" system permits both the punishment and subsequent preventive detention of one convicted of crime. The European Court of Human Rights has recently had something to say about this, but what exactly they have had to say about it is not clear.

Introduction to Small Claims Practice

Brian K. Flatley, Magistrate of District Court, Wake County

This presentation serves as a primer for attorneys practicing in Small Claims Court in North Carolina. A few years ago, it was quite rare to find attorneys in Small Claims Court. Today, a growing number of lawyers include Small Claims in their practice. Topics will include calendar issues, procedure, statutes related to small claims and courtroom etiquette.

Mentoring Strategies in Action (Part 2 of 2) PR

This session will provide an opportunity for interactive discussion of scenarios that illustrate the challenges and opportunities involved in mentoring.

"Mentoring Strategies in Action" is a two-hour course that begins in Session 33 and ends in Session 44. Participants should also attend Session 33-6.

Plain Language and the Law: Why Attorneys Should Support the Use of Plain Language

Deborah S. Bosley, Principal, The Plain Language Group

President Obama signed the Plain Writing Act of 2010 on October 13, 2010. The law requires that federal agencies use "clear Government communication that the public can understand and use." On January 18, 2011, he issued a new Executive Order, "E.O. 13563 - Improving Regulation and Regulatory Review." It states that "[our regulatory system] must ensure that regulations are accessible, consistent, written in plain language, and easy to understand." This session uses legal examples to define plain language and its legal standing and how it satisfies compliance rules and impacts litigation.



Faculty

David S. Ardia

Assistant Professor of Law, UNC School of Law. B.S., 1989, Clarkson University; M.S., 1995, SUNY; J.D., 1996, Syracuse; LL.M., 2007, Harvard.

R. Allen Baddour Jr.

Resident Superior Court Judge, District 15B. B.A., 1993, J.D., 1997, UNC-Chapel Hill.

Frayda 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.

Deborah S. Bosley

Principal, The Plain Language Group. B.A., 1969, University of Illinois; Ph.D., 1989, Illinois State.

William S. Bost III

William S. Bost III, Attorney at Law. B.A., 1986, J.D., 1989, UNC-Chapel Hill.

Alfred L. Brophy

Judge John J. Parker Distinguished Professor of Law, UNC School of Law. A.B., 1987, University of Pennsylvania; J.D., 1990, Columbia; Ph.D., 2001, Harvard.

Jonathan E. Broun

Center for Death Penalty Litigation. J.D., 1991, UNC-Chapel Hill.

Kenneth S. Broun

Henry Brandis Professor of Law Emeritus, UNC School of Law. B.S., 1960, J.D., 1963, University of Illinois.

H. Suzanne Buckley

Tharrington Smith, LLP. B.A., 2003, Smith College; J.D., 2008, UNC-Chapel Hill.

Hillary Burgess

Assistant Professor, Charlotte School of Law. A.B., 1996, University of Chicago; J.D., 2003, UNC-Chapel Hill.

Bernard A. Burk

Assistant Professor of Law, UNC School of Law. B.A., 1980, Yale; J.D., 1983, Stanford.

Henry C. Campen Jr.

Parker Poe Adams & Bernstein LLP. B.A., 1971, Wake Forest; M.P.A., 1978, American University; J.D., 1986, NCCU.

John Martin Conley

William Rand Kenan Jr. Professor of Law, UNC School of Law. B.A., 1971, Harvard; J.D., 1977, Ph.D., 1980, Duke.

Michael L. Corrado

Arch T. Allen Distinguished Professor of Law and Professor of Philosophy, UNC School of Law. B.A., 1965, B.S. 1966, Penn State; A.M., 1968, Ph.D., 1970, Brown; J.D., 1984, University of Chicago.

Carolyn Lloyd Coward

Van Winkle, Buck, Wall, Starnes & Davis, PA. B.S., 1974, Tennessee; J.D., 1999, UNC-Chapel Hill.

Arlene M. Davis

Associate Professor, Department of Social Medicine and Director of Ethics Education, UNC School of Medicine. B.S., 1977, South Dakota State; J.D., 1990, University of Washington.

Mark E. Dorosin

Adjunct Professor of Law, UNC School of Law and Senior Managing Attorney, UNC Center for Civil Rights. B.A., 1987, Duke; M.A., 1989, UNC Greensboro; J.D., 1994, UNC-Chapel Hill.

Maxine Eichner

Reef C. Ivey II 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

Associate Professor, Department of Psychiatry, UNC School of Medicine. M.Ed., 1993, Harvard; Ph.D., 2001, Nebraska.

Robert R. Emory Jr.

Chair, North Carolina Coastal Resources Commission. B.S., 1972, Virginia Tech.

Steven B. Epstein

Poyner Spruill LLP. B.A., 1987, J.D., 1990, UNC-Chapel Hill.

Lewis Everett

Clinical Assistant Professor, UNC School of Law; Everett & Everett. B.A., 1997, Duke; M.A., 2000, J.D., 2008, UNC-Chapel Hill.

Sherry Honeycutt Everett

Everett & Everett. B.A., 1998, M.A., 2000, J.D., 2008, UNC-Chapel Hill.

Caroline Farmer

Deputy Director, North Carolina State Attorney General's Office. B.A., 1991, J.D., 2000, UNC-Chapel Hill.

Barbara A. Fedders

Clinical Assistant Professor, UNC School of Law. B.A., 1987, University of Dayton; J.D., 1997, New York University.

Brian K. Flatley

Magistrate of District Court, Wake County. A.B., 1988, Boston College; J.D., 1991, Wake Forest.

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.

Timothy J. Gallina

Clinical Assistant Professor of Law and Reference Librarian, UNC School of Law. B.A., 2002, Villanova; J.D., 2005, Saint John's; M.L.I.S., 2010, University of Washington.

Daniel E. Garner

Executive Legal Specialist, North Carolina Office of the Commissioner of Banks. B.A., 1974, M.B.A., 1982, J.D., 1982, UNC-Chapel Hill.

Laura N. Gasaway

Paul B. Eaton Distinguished Professor of Law, UNC School of Law. B.A., 1967, M.L.S., 1968, Texas Woman's University; J.D., 1973, University of Houston.

Michael J. Gerhardt

Samuel Ashe Professor of Constitutional Law, UNC School of Law. B.A., 1978, Yale, M.Sc., 1979, London School of Economics; J.D., 1982, University of Chicago.

Peter H. Gilbert

Community Inclusion Attorney-Fellow, UNC Center for Civil Rights; Clerk for the Hon. William L. Osteen Jr., 2009-2010. B.S., 2003, Yale; J.D., 2009, UNC-Chapel Hill.

Christine A. Goebel

Assistant Attorney General, North Carolina Office of the Attorney General. J.D., 1999, Wayne State.



Faculty

Alyson A. Grine

Defender Educator, UNC School of Government. B.A., 1992, J.D., 1999, UNC-Chapel Hill; M.A., University of Virginia.

Wade H. Hargrove

Brooks, Pierce, McLendon, Humphrey and Leonard, LLP. B.A., 1962, J.D., 1965, UNC-Chapel Hill.

Aaron R. Harmon

Clinical Assistant Professor, Writing and Learning Resources Center, UNC School of Law. B.A., 1995, Willamette; M.A., 2000, Wake Forest; J.D., 2007, UNC-Chapel Hill.

Dean M. Harris

Clinical Associate Professor, Department of Health Policy and Management, UNC Gillings School of Global Public Health. B.A., 1973, Cornell; J.D., 1981, UNC-Chapel Hill.

David L. Harrison

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

Stephen G. Hartzell

Brooks Pierce McLendon Humphrey & Leonard, LLP. B.A., 1991, University of Houston; J.D., 2000, UNC-Chapel Hill.

Susan E. Hauser

Associate Professor, North Carolina Central University, School of Law. B.A., 1980, Wake Forest; J.D., 1984, UNC-Chapel Hill.

Thomas Lee Hazen

Cary C. Boshamer Distinguished Professor of Law, UNC School of Law. B.A., 1969, J.D., 1972, Columbia.

Thomas P. Holderness

Robinson, Bradshaw & Hinson, P.A. B.S., 1986, J.D., 1990, UNC-Chapel Hill.

Donald T. Hornstein

Aubrey L. Brooks Professor of Law, UNC School of Law. B.A., 1972, UCLA; J.D., 1981, University of Oregon.

Sally C. Johnson

Professor, Department of Psychiatry, UNC School of Medicine. M.D., 1976, Jefferson Medical College.

Joseph J. Kalo

Graham Kenan Professor of Law, UNC School of Law and Co-Director, North Carolina Coastal Resources Law, Planning and Policy Center. B.A., 1966, Michigan State; J.D., 1968, University of Michigan.

Thomas A. Kelley III

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

David N. Kirkman

Assistant Attorney General, Consumer Protection Division, North Carolina Department of Justice. B.A., 1976, Davidson; J.D., 1979, UNC-Chapel Hill.

Anne Klinefelter

Associate Professor of Law, UNC School of Law and Director, Kathrine R. Everett Law Library. B.A., 1981, M.L.S., 1986, J.D., 1992, Alabama.

Kimberly J. Korando

Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP. B.S., 1980, J.D., 1986, University of Oklahoma.

Joan H. Krause

Dan K. Moore Distinguished Professor of Law, UNC School of Law and Adjunct Professor, Department of Social Medicine, UNC School of Medicine, Department of Health Policy & Management, UNC Gillings School of Global Public Health. J.D., 1992, Stanford.

Alyson R. Kuroski-Mazzei

Assistant Professor and Associate Director of the Forensic Psychiatry Residency Program, Department of Psychiatry, UNC School of Medicine. D.O., 2001, Midwestern.

Donald C. Lampe

Dykema Gossett PLLC. B.S., 1978, MIT; J.D., 1982, Duke.

Anthony T. Lathrop

Moore & Van Allen, PLLC. B.A., 1983, J.D., 1988, UNC-Chapel Hill.

Jennifer M. Lechner

Executive Director, North Carolina Equal Access to Justice Commission. B.A., 1995, Truman State; J.D., 1997, Drake University.

F. Lee Liebolt Jr.

Attorney, New York, New York. B.A., 1963, University of Pennsylvania; LL.B., 1966, UNC-Chapel Hill.

William P. Marshall

William R. Kenan, Jr. Distinguished Professor of Law, UNC School of Law. B.A., 1972, University of Pennsylvania; J.D., 1977, University of Chicago.

C. Amanda Martin

Stevens Martin Vaughn & Tadych, PLLC. B.S., 1989, University of Florida; J.D., 1992, UNC-Chapel Hill.

D.G. Martin

Host, UNC TV's North Carolina Bookwatch. B.A., 1962, Davidson; LL.B., 1968, Yale.

Marty Martin

Martin Law Firm. B.A., 1974, UNC Hill; J.D., 1977, Western New England University; M.P.A., 2003, Harvard Kennedy School.

Mallam J. Maynard

Executive Director, Financial Protection Law Center. J.D., 1983, UNC-Chapel Hill.

Brenton W. McConkey

Parker Poe Adams & Bernstein LLP. B.A., 2001, Wake Forest; J.D., 2004, UNC-Chapel Hill.

Carlene McNulty

Staff Attorney, North Carolina Justice Center. J.D., 1984, UNC-Chapel Hill.

Steve J. Melamut

Clinical Assistant Professor of Law, UNC School of Law and Information Technology Services Librarian, Kathrine R. Everett Law Library. B.A., 1973, Adelphi; B.S., 1977, University of Rhode Island; J.D., 1997, M.S.L.S., 1999, UNC-Chapel Hill.

Jaye P. Meyer

Tharrington Smith, LLP. J.D., 1990, UNC-Chapel Hill.

Sheila A. Mikhail

Life Sciences Law, PLLC. B.A., 1988, University of Illinois; M.B.A., 1993, University of Chicago; J.D., 1997, Northwestern.



Faculty

Fred G. Morrison Jr.

Senior Administrative Law Judge, North Carolina Office of Administrative Hearings. J.D., 1963, Wake Forest.

Richard E. Myers II

George R. Ward Associate Professor of Law and Associate Dean for Student Affairs, UNC School of Law. B.A., 1989, M.A., 1994, UNC Wilmington; J.D., 1998, UNC-Chapel Hill.

Gene R. Nichol

Boyd Tinsley Professor of Law and Director of the Center on Poverty, Work & Opportunity, UNC School of Law. B.A., 1973, Oklahoma State; J.D., 1976, University of Texas.

Robert F. Orr

Former Executive Director and Senior Counsel, North Carolina Institute for Constitutional Law; Associate Justice, North Carolina Supreme Court (Retired). A.B., 1971; J.D., 1975, UNC-Chapel Hill.

John V. Orth

William Rand Kenan Jr. Professor of Law, UNC School of Law. B.A., 1969, Oberlin College; J.D., 1974, M.A., 1975, Ph.D., 1977, Harvard.

Barbara J. Osborne

Associate Professor, UNC Department of Exercise & Sport Science. B.A., 1982, University of Wisconsin; M.Ed., 1989, Boston; J.D., 1997, Boston College.

Donna K. Pelham

Assistant Professor of Accounting, Methodist University. B.A., 1992, Texas Lutheran University; J.D., 2003, UNC-Chapel Hill.

Stacey A. Phipps

Stacey A. Phipps, Attorney at Law. B.S., 1990, University of Arkansas; J.D., 1999, NCCU.

Beth S. Posner

Adjunct Professor of Law, UNC School of Law. A.B., 1989, Bryn Mawr; M.A., 1992, University of Pennsylvania; J.D., 1997, UNC-Chapel Hill.

Katie Rose Guest Pryal

Clinical Assistant Professor of Law, UNC School of Law. B.A., 1997, Duke; M.A., 2000, Johns Hopkins; J.D., 2003, UNC-Chapel Hill; Ph.D., 2006, UNC Greensboro.

Ripley E. Rand

U.S. Attorney for the Middle District of North Carolina. B.A., 1990, J.D., 1995, UNC-Chapel Hill.

Todd S. Roessler

Kilpatrick Stockton, LLP. B.S., 1992, M.S., 1998, J.D., 2001, UNC-Chapel Hill.

Ciara L. Rogers

Oliver Friesen Cheek, PLLC. B.A., 2006, Averett; J.D., 2009, NCCU.

Richard A. Rosen

Professor of Law Emeritus, UNC School of Law. B.A., 1969, Vanderbilt; J.D., 1976, UNC-Chapel Hill.

Katherine E. Ross

Parker Poe Adams & Bernstein LLP. B.A., 1997, Davidson; M.S.W., 2002, UNC Charlotte; J.D., 2008, NCCU.

Kathryn A. Sabbeth

Assistant Professor of Law, UNC School of Law. J.D., 2003, New York University; LL.M., 2007, Georgetown.

Sara A. Sampson

Clinical Assistant Professor of Law, UNC School of Law and Deputy Director, Kathrine R. Everett Law Library. J.D., 1997, Ohio State; M.L.I.S., 2004, Kent State.

John L. Sarratt

Harris, Winfield, Sarratt & Hodges, LLP. B.A., 1969, UNC-Chapel Hill; J.D., 1972, Harvard.

Donald M. Saunders

Director of Civil Legal Services, National Legal Aid and Defender Association. A.B., 1972, J.D., 1976, UNC-Chapel Hill.

Melissa Saunders

Professor of Law, UNC School of Law. B.A., 1983, Yale; J.D., 1987, University of Virginia.

Robert W. Saunders

Brooks, Pierce, McLendon, Humphrey & Leonard, LLP. B.A., 1982, UNC-Chapel Hill; J.D., 1987, University of Virginia.

Richard S. Saver

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

Lisa C. Schiavinato

Coastal Law, Policy and Community Development Specialist, North Carolina Sea Grant Program and Co-Director, North Carolina Coastal Resources Law, Planning and Policy Center. B.A., 1998, University of South Florida; J.D., 2001, University of Florida.

Jason Seifert

Life Sciences Law, P.L.L.C. B.S., 2001, University of Wisconsin-Madison; Ph.D., 2007, UNC-Chapel Hill; J.D., 2010, University of Minnesota.

Nick Sexton

Clinical Assistant Professor of Law, UNC School of Law and Reference/Information Delivery Services Librarian, Kathrine R. Everett Law Library. B.A., 1988, Tennessee; J.D., 1999, M.S.L.S., 2004, UNC-Chapel Hill.

James W. Sherwood

Reference/Foreign and International Law Librarian, Kathrine R. Everett Law Library, UNC School of Law. B.A., 1977, J.D., 1982, University of Alabama; LL.M., 1983, New York University; M.L.I.S., 1999, University of Alabama.

Scott L. Silliman

Professor of the Practice of Law, Duke University School of Law. A.B., 1965, J.D., 1968, UNC-Chapel Hill.

Elliot M. Silverstein

Director of Psychological Services, Dorothea Dix Hospital and 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.

A. Thomas Small

U.S. Bankruptcy Judge, Eastern District of North Carolina (Retired). A.B., 1965, Duke; J.D., 1969, Wake Forest.



Faculty

Craig T. Smith

Clinical Professor of Law and Director of the Research, Reasoning, Writing and Advocacy Program, UNC School of Law. B.A., 1985, William & Mary; J.D., 1991, Michigan; LL.M., 1995, University of Potsdam.

Robin W. Smith

Assistant Secretary for the Environment, North Carolina Department of Environment and Natural Resources. J.D., 1981, UNC-Chapel Hill.

David Smyth

Brooks, Pierce, McLendon, Humphrey & Leonard LLP. B.A., 1992, Davidson; J.D., 2000, UNC-Chapel Hill.

Ray A. Starling

General Counsel, North Carolina Department of Agriculture and Consumer Services and Adjunct Professor of Agricultural and Food Law, UNC School of Law. B.S., 1999, NCSU; J.D., 2002, UNC-Chapel Hill.

C. Thomas Steele Jr.

Wishart, Norris, Henninger & Pittman, PA. B.S., 1984, UNC-Asheville; J.D., 1987, UNC-Chapel Hill.

Pamela J. Strickland

Associate Professor of Accounting, Methodist University. B.S., 1995, Methodist University; D.B.A., 2011, Nova Southeastern.

Kimberly J. Strom-Gottfried

Smith P.Theimann, Jr. Distinguished Professor of Ethics and Professional Practice, UNC School of Social Work. B.A., 1980, University of Maine; M.S.W., 1981, Adelphi; Ph.D., 1993, Case Western.

Alice C. Stubbs

Tharrington Smith, LLP. B.A., 1989, Davidson; J.D., 1992, UNC-Chapel Hill.

Jeffrey P. Taft

Mayer Brown, LLP. B.A., 1989, Tulane; J.D., 1992, University of Pittsburgh; LL.M., 1993, Harvard.

Adam P.M. Tarleton

Brooks, Pierce, McLendon, Humphrey & Leonard, LLP. B.A., 2001, UNC-Chapel Hill; M.F.A., 2003, UNC Greensboro; J.D., 2007, UNC-Chapel Hill.

William A. Tobin

Scholar in Residence, Social Science Research Institute, Duke. B.A., 1978, Moravian; M.A., 1982, Boston College; Ph.D., 1985; J.D., 2006, UNC-Chapel Hill.

John W. Van Alst

Attorney, National Consumer Law Center. B.A., 1993, East Carolina; J.D., 1998, UNC-Chapel Hill.

Jennifer Van Zant

Brooks, Pierce, McLendon, Humphrey & Leonard, LLP. B.A., 1991, Duke; J.D., 1994, Wake Forest.

Judith Welch Wegner

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

W. Mark C. Weidemaier

Assistant Professor of Law, UNC School of Law. B.A., 1994, Carleton College; J.D., 1999, University of Minnesota.

Deborah M. Weissman

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

Jay C. Williams

Visiting Clinical Professor of Social Work and Clinical Associate Professor of Psychiatry, UNC-Chapel Hill. B.A., 1969, Duke; M.S.W., 1972, Ph.D., 1991, Smith College.

Edward C. Winslow III

Brooks, Pierce, McLendon, Humphrey & Leonard, LLP. B.A., 1968, Davidson; J.D., 1974, UNC-Chapel Hill.



General Information

Registration Fees*

Deadline to Register is January 27

	Registration Postmarked by Jan. 13, 2012	Late Registration Postmarked between Jan. 14 - 27, 2012
Friday & Saturday	\$375	\$425
Friday Only	\$325	\$375
Saturday Only	\$225	\$275

*Reduced fees are available for judges, judicial clerks, full-time academics, JAG, government and legal aid attorneys, who register before January 13, 2012 (\$275 for Friday and Saturday, \$225 for Friday and \$125 for Saturday). After January 13, a \$50 late fee will apply.

Note: Employment verification may be required.

You may mail a personal, corporate or government check or register at www.law.unc.edu/cle with a credit card.

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 27, 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 \$100 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 27. To reserve a space, indicate your desire to attend the lunch on your registration form. Please note that lunch break is one hour and alternative lunch options are available near the Friday Center across Highway 54 at Meadowmont.

CLE Credit

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

The Friday Center

The Festival of Legal Learning will be held at The William and Ida Friday Continuing Education Center, located approximately three miles east of the UNC-Chapel Hill campus on Friday Center Drive, just off Highway 54 East (Raleigh Road). A map and parking information will follow 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 13 will be honored and registration fees refunded, less a \$75 processing fee. Cancellations made after January 13 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 website (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 Festival of Legal Learning.

Please provide us with the following information (please print):

Mr. Mrs. Ms. Dr. Judge

Full 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 filing and fees are the responsibility of the attendee; we will provide you with the appropriate documentation.

General Course Fees

(Postmarked on or before January 13, 2012)

Friday and Saturday	\$375	\$ _____
Friday Only	\$325	\$ _____
Saturday Only	\$225	\$ _____

Course Fees for Judges, Full-Time Academics, Legal Aid and Government Attorneys

(Postmarked on or before January 13, 2012)

Friday and Saturday	\$275	\$ _____
Friday Only	\$225	\$ _____
Saturday Only	\$125	\$ _____

Friday Lunch Reservations (Must reserve by January 27)

Buffet Lunch at the Friday Center \$15 \$ _____

Late Registration Fees

If registering after January 13 add \$50 late fee. \$ _____

Total Cost \$ _____

Payment Information

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:

Go to www.law.unc.edu/cle to select your classes, register and pay online using either a MasterCard or Visa.



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 27, 2012. Registrations submitted after January 27, 2012 **will NOT** be processed. If you are unable to submit your registration form before January 27, 2012, you may register on-site February 10, space permitting.

FRIDAY, FEBRUARY 10

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

- 1-1 Free Legal Information on the Web
- 1-2 Light and Life at the End of the Tunnel... **SA**
- 1-3 Moving Toward Health Care Reform...
- 1-4 New Lessons for Lawyers from NC Authors **PR**
- 1-5 Recent Developments in the Law of Capital Punishment
- 1-6 RoboCalls and Do Not Call Enforcement
- 1-7 The Constitutional Significance of the Forgotten Presidents
- 1-8 Update on Some Emerging Issues for NC's Estuarine Shoreline

Session Two (9:10-10:10 a.m.)

- 2-1 Expertise, the Subconscious and Trial Practice
- 2-2 Foreign and International Legal Research on the Free Web
- 2-3 Invention Strategies to Beat Legal Writer's Block
- 2-4 Lawyers on Nonprofit Boards **PR**
- 2-5 Mental Health and Substance Abuse Concerns... **SA**
- 2-6 Nontraditional Families, Same-Sex Couples, and NC Law
- 2-7 Recent Developments in Insider Trading Law
- 2-8 Update on the Next Decade: Budget Changes That Will Affect...

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

- 3-1 Access to Justice in North Carolina **PR**
- 3-2 Fair Housing and Community Exclusion: Issues and Strategies...
- 3-3 How Can I Take My Law Practice to the Clouds? **PR**
- 3-4 Litigating (and Counseling Clients Through) Trust and Estate...
- 3-5 Local Governments and the Legislature...
- 3-6 Representing Plaintiffs in Domestic Violence Protective Order...
- 3-7 The NCAA and Athletes' Procedural Rights
- 3-8 Update from the Chair of the NC Coastal Resources Commission

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

- 4-1 Bank Failure in North Carolina: The Saga Continues
- 4-2 Originalism and the Significance of Results in Evaluating...
- 4-3 Representing Plaintiffs in Domestic Violence Protective... **PR**
- 4-4 *Saving Nelson Mandela*
- 4-5 So What's New in Administrative Law?
- 4-6 The Practical (but Mostly Impractical) Impact on Bankruptcy...
- 4-7 Taking the Risk and Reaping the Reward...
- 4-8 Update on Significant Federal and State Coastal Case Law...

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

- 5-1 A Handful of Pearls: A Quick Refresher on Mental... **SA**
- 5-2 Copyright and the Music Industry: Pirates, Profits and Politics
- 5-3 Ethics and Professionalism: A View from the Courtroom **PR**
- 5-4 Hot Topics in Health Law and Policy
- 5-5 In the Shadow of *PICS* and *Grutter* and No Child Left Behind
- 5-6 Logic and Fallacies for Lawyers: An Interactive Exploration
- 5-7 Mandatory Binding Arbitration Agreements in Consumer Contracts
- 5-8 Using the Taxonomy of Cognitive Legal Learning...(1 of 2) **PR**

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

- 6-1 Ethical Dilemmas for Lawyers in Medical Research... **PR**
- 6-2 Immigration Relief for Immigrant Crime Victims....
- 6-3 Managing Your Mental Health Throughout Your Career **SA**
- 6-4 Master Class in Direct and Cross Examination (1 of 2)
- 6-5 Nonprofit Governing Board Members' Fiduciary Duties... **PR**
- 6-6 On Developing Wind Energy in NC
- 6-7 Title IX at 40: Are We There Yet?
- 6-8 Using the Taxonomy of Cognitive Legal Learning...(2 of 2) **PR**

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

- 7-1 Accounting Basics for Non-Accountant Lawyers
- 7-2 Current Trends in Home Foreclosure Rescue Scams
- 7-3 From Craft Making to Systems Thinking... **PR**
- 7-4 Master Class in Direct and Cross Examination (2 of 2)
- 7-5 Persuasive Stories: Narrative Tips for Advocates
- 7-6 Remedies under Consumer Protection Laws...
- 7-7 Small Business Financing Initiatives: What's Happening...
- 7-8 What is a "Farm" Anyway?

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

- 8-1 Biosimilars: What Are They and What Will Be Their Impact?
- 8-2 *Citizens United, McComish*, and the Roberts Court's War on...
- 8-3 Employment Litigation in the Fourth Circuit...
- 8-4 Estate and Charitable Planning Opportunities in the Sale of...
- 8-5 Hot Topics in Arbitration
- 8-6 Recent Developments in Food Law
- 8-7 Rethinking What is Possible under Fed. R. Civ. P. 23...
- 8-8 Shaping Better Professionals: Lessons from Practice **PR**



Please join us on February 10-11
for the 22nd Annual

FESTIVAL of Legal Learning

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Part III: Registration Form

SATURDAY, FEBRUARY 11

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

- 11-1 Case Update and Tips for Handling Family Law Cases (1 of 2)
- 11-2 Copyright Issues for Digital Library Projects
- 11-3 ENV I: The Intersection Between Energy Law and...
- 11-4 Ethical Pitfalls in Small-Company Startups and Operations **PR**
- 11-5 Identity Theft, Scams and Your Community
- 11-6 NCOSH BGOSH: An Intro to OSHA
- 11-7 Representing Churches and Religious Organizations...
- 11-8 The Paradoxes of Joint Tenancies

Session Two (9:10-10:10 a.m.)

- 22-1 Case Update and Tips for Handling Family Law Cases (2 of 2)
- 22-2 Effective Writing for the General Practitioner (1 of 2)
- 22-3 ENV II: Hydraulic Fracturing and North Carolina
- 22-4 Media Law in the Digital Age: The Rules are Changing, Are You?
- 22-5 Mental Health Issues and Bankruptcy Cases **PR**
- 22-6 Navigating our Public and Private Selves... **SA**
- 22-7 Social Media, Blogging and the News
- 22-8 The History, Utility and Precedent in Proslavery Jurisprudence...

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

- 33-1 Auto Sales and Finance in a Changing Regulatory Environment
- 33-2 Effective Writing for the General Practitioner (2 of 2)
- 33-3 ENV III: Energy and Catastrophes
- 33-4 Hot Topics in Criminal Law
- 33-5 Lawyering on the Go: Making the Most of Your Mobile Devices
- 33-6 Mentoring Strategies: An Overview (1 of 2) **PR**
- 33-7 National Security Law Update
- 33-8 The Courage to Be Happy: Addressing Lawyers' Anxiety **SA**

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

- 44-1 America's Growing Justice Gap...
- 44-2 Consumer Financial Protection Bureau: What We Have Learned
- 44-3 ENV IV: Global Warming and the Energy-Environment...
- 44-4 European Criminal Law and the "Double Track"
- 44-5 Introduction to Small Claims Practice
- 44-6 Mentoring Strategies: In Action (Part 2 of 2) **PR**
- 44-7 Plain Language and the Law...