

Winter Bar Conference

Featuring Jonathan Shapiro, Esq.

January 25-27, 2023

The Westin Portland Harborview
& via Zoom

Welcome: President's Message



I am excited to welcome you to join me at our first in-person Maine State Bar Association Winter Bar Conference since before the pandemic began. On behalf of the MSBA Board of Governors, and the hardworking staff of the MSBA, we are thrilled to be able to gather in person at the Westin Portland Harborview in Portland on January 25-27. While we've been grateful for our virtual meetings, we are ready and willing to don our winter coats, hats, and gloves to venture out into the world in order to learn, socialize, and network with past, present, and future colleagues.

This year's conference includes 6.5 CLE credits, including ethics and H&D. We are fortunate to offer esteemed presenters, such as Chief Justice Stanfill and Dean Saufley; timely topics, such as Maine's indigent legal services demands; and engaging speakers, principally Jonathan Shapiro, former practitioner and current TV writer for legal dramas. Perhaps most importantly after a few years of semi-isolation, we have built in plenty of time to reconnect at section meetings and receptions on Wednesday and Thursday.

I hope to see you there!



Stacy O. Stitham, Esq.
Brann & Isaacson LLP
2023 MSBA President

Meeting Information

Registration Information

Pre-registration is available until **Jan. 20**. No registrations will be accepted without payment.

Cancellations

You may cancel your registration for a full refund until 4 p.m. on **Jan. 20**. **NO REFUNDS** will be made after that time. The date of cancellation is the date received at Bar Headquarters in Augusta.

Zoom Link and Program Materials

Links will be provided by email to all registrants prior to the program.

CLE Credits

Thursday, Jan. 27: Up to 3.5 live CLE credits, with the opportunity to earn 1.0 ethics.

Friday, Jan. 28: Up to 3.0 live CLE credits, with the opportunity to earn 1.0 ethics and 1.0 H&D.

PRACPRO: All sessions have been approved for practice and procedure credit under Maine's reciprocal admission rule.

Hotel Information: The Westin Portland Harborview

The Maine State Bar Association is pleased to offer a discounted room block for the Winter Bar Conference on Jan. 26-27, 2023, at The Westin Portland Harborview at 157 High Street in Portland. We encourage you to book early to take advantage of this special \$129 rate, which is available for Jan. 25, 26, and 27.

Book your group rate for the Winter Bar Conference online at <https://shorturl.at/uDIS7>.

SCHEDULE OF EVENTS

WEDNESDAY, JANUARY 25

- 3:00 Board of Governors Meeting
- 3:30 Registration Opens
- 5:30-7:00 Reception (Appetizers & Cash Bar)

THURSDAY, JANUARY 26

- 7:00-8:30 Registration
- 7:00-8:30 General Breakfast
- 7:30-8:20 Past Presidents' Breakfast
- 8:30-10:30 **Plenary Session (Welcome & Annual Business Meeting, including award presentation) (1.5 credits)**
 - 1. Issues and Priorities Facing the Maine Judicial Branch & Panel Discussion by MCILS
- 10:30-10:45 Break
- 10:45-11:45 **Concurrent Sessions (1.0 credit, unless otherwise noted)**
 - 2. Decisis Training*
 - 3. Issues Associated with Diminished Capacity Clients (1.0 ethics)
 - 4. Witnesses Matter: The Keys to Successful Witness Selection and Preparation
- 12:00-1:45 **Lunch & Keynote Speaker Jonathan Shapiro**
- 2:00-3:00 **Concurrent Sessions (1.0 credit)**
 - 5. I Need a Doctor!
 - 6. Regulation of Firearms
- 3:15-4:15 **Section Business Meetings**
Administrative Law, Bankruptcy & Reorganization Law, BIPOC Lawyers, Consumer & Financial Institutional Law, Federal Practice, Women's Law
- 4:30 **Social Networking at Top of the East**

FRIDAY, JANUARY 27

- 7:00-8:30 Registration
- 7:00-8:30 General Breakfast
- 8:30-9:30 **Plenary Session (1.0 credit)**
 - 7. Maine Law "On the Move"
- 9:30-9:45 Break
- 9:45-10:45 **Concurrent Sessions (1.0 credit, unless otherwise noted)**
 - 8. Cyberstalking & Spousal Monitoring and When it Turns into a Crime
 - 9. Inspiring Connection Through Volunteering: A Path to Community Connection (1.0 ethics)*
 - 10. The Past and Future of Maine's Electric Grid
- 10:45-11:00 Break
- 11:00-12:00 **Plenary Session (1.0 H&D credit)**
 - 11. Harassment, Discrimination & Bullying as Viewed Through the Film "Master"
- 12:00 **Program Adjourns**

*Sessions #2 & #9 are not offered virtually.

KEYNOTE SPEAKER: JONATHAN SHAPIRO



For the past 22 years, Jonathan Shapiro has written and produced some of television's most iconic legal dramas, including HBO's *The Undoing*, Amazon Prime's *Goliath*, and NBC Peacock's upcoming series, *The Missing*. An Emmy and Huminatas Award winner, Shapiro's other television credits include Peacock's *Mr. Mercedes*, based on the Stephen King novels, NBC's series *The Blacklist*, FOX's *Justice*, NBC's *Life*, and the ABC series *Boston Legal*, *The Practice*, and *Big Sky*.

His first play, *Sisters in Law*, about the relationship between Supreme Court Justices Sandra Day O'Connor and Ruth Bader Ginsburg, premiered in 2019. After successful runs in Phoenix, Denver, and Los Angeles, it is scheduled to open on Broadway in 2023. He is the author of two books – the novel *Deadly Force* (2015) and the memoir *Lawyers, Liars, and the Art of Storytelling* (2014) – and is an adjunct law professor at the UCLA School of Law.

Prior to becoming a writer, Shapiro practiced law for 12 years as an Honors Program Trial Attorney in the U.S. Department of Justice Criminal Division, an Assistant U.S. Attorney for the Central District of California, and Of Counsel at Kirkland & Ellis. A graduate of the University of California Berkeley School of Law, he earned his undergraduate and graduate degrees in history from Harvard University, and was a Rhodes Scholar at Oriel College, Oxford University. He served as a Commissioner, and later Chairman, of the California Commission on Government Economy and Efficiency. He is the founder and president of the Public Counsel Emergency Fund for Torture Victims, which provides financial assistance to those pursuing political asylum.

AWARD & RECOGNITION

2022 Student Pro Bono Award

Giuliana D. Intriago, J.D.

Giuliana Intriago is a 2022 graduate of the University of Maine School of Law. She was born and raised in Ecuador, but came to the U.S. as an international student in 2014. During law school, she dedicated her time outside of the classroom to volunteer and intern with Greater Boston Legal Services, one of the oldest legal services programs in the country. Giuliana worked with the Welfare Unit, the Employment Unit, and the Low Income Tax Clinic—where she helped low-income people obtain vital social services at the height of the COVID-19 pandemic. She currently works as a Tax Associate at Albin, Randall & Bennett.



THURSDAY, JANUARY 26

8:30-10:30 | PLENARY SESSION (1.5 CREDIT)

#01 Issues and Priorities Facing the Maine Judicial Branch

Speaker: *Chief Justice Valerie Stanfill, Maine Supreme Judicial Court, Augusta*

MCILS Panel Discussion

Moderator: *Chief Justice Valerie Stanfill, Maine Supreme Judicial Court, Augusta*

Panelists: *Hon. Donald G. Alexander*

Justin W. Andrus, Esq., Maine Commission on Indigent Legal Services, Augusta

Dmitry Bam, Esq., University of Maine School of Law, Portland

Frank H. Bishop, Esq., Hudson Cook LLP, Portland

Aria Eee, Esq., Board of Overseers of the Bar, Augusta

Jason M. Jabar, Esq., Jabar LaLiberty LLC, Waterville

Hon. Stephen D. Nelson, Aroostook County Courthouse, Caribou

Amber L. Tucker, Esq., The Law Office of Amber L. Tucker, LLC, Portland

10:45-11:45 | CONCURRENT SESSIONS (1.0 CREDITS, UNLESS OTHERWISE NOTED)

#02 Decisis Training (*in-person only*)

The Maine State Bar Association offers its members a new legal research tool that provides a streamlined, easy-to-use interface, a full library of primary caselaw, and a reliable citator. In this session, you'll receive a tutorial on how to use Decisis. With Decisis, users can:

- Search by keywords, jurisdiction, or court name.
- Filter results by date, alphabetically or by court level.
- Bookmark results.
- Compare results via toggling functionality.
- And more.

Speaker: *Kevin Bashaw, Decisis, Dayton, Ohio*

#03 Issues Associated with Diminished Capacity Clients (1.0 ethics)

Explore the daunting questions presented when working with clients who have diminishing capacity. Learn to spot concerns about capacity and influence, what resources are available to gauge capacity and determine the best course of action to help facilitate somewhat impaired clients goals for their estate plans, and what kind of planning is most appropriate in these situations. Lawyers who do planning and administration as well as trust and estate litigation will provide their perspectives.

Speakers: *Elizabeth T. High, Esq., LeBlanc & Young PA, Portland*

Victoria Powers, Esq., Toole Powers & Griffin PA, Portland

Barbara K. Wheaton, Esq., Pierce Atwood LLP, Portland

#04 Witnesses Matter: The Keys to Successful Witness Selection and Preparation

Learn the keys to successful witness selection and preparation. This presentation will have broad applicability to those who litigate cases and participate in hearings, bench trials, and jury trials in a variety of different cases, including PFAs, evictions, divorces, criminal matters, probate litigation, personal injury, and business litigation. Explore these keys in the context of recent cases and provide concrete examples.

Speakers: *Travis M. Brennan, Esq., Berman & Simmons PA, Lewiston*

Chaim D. Sacks, Esq., Berman & Simmons PA, Lewiston

SESSION DESCRIPTIONS

2:00-3:00 | CONCURRENT SESSIONS (1.0 CREDITS, UNLESS OTHERWISE NOTED)

#05 I Need a Doctor!

Learn how to work with healthcare professionals to obtain testimony for a hearing or deposition. Review the Medical Legal Code of Cooperation and hear tips for how to coordinate cooperation, ensure testimony, serve a subpoena, and what to look for when requesting certified medical records. Also included will be a discussion regarding expert testimony and the role of the treating physician versus a retained expert. This overview will provide guidance on the best ways to ensure an attorney has an engaged healthcare professional witness.

Moderator: *Stephanie J. Mills, Esq., InterMed, Yarmouth*

Panelists: *Thomas P. Marczak, Esq., MaineHealth, Portland*
Nicholas A. Snyder, Esq., InterMed, Yarmouth
Maureen M. Sturtevant, Esq., Drummond Woodsum, Portland

#06 Regulation of Firearms

The presentation will review the history of the Supreme Court's evolving interpretations of the Second Amendment, leading up to the recent impactful decisions in *DC v Heller* (2008) and *NYSPRA v Bruen* (2022). In *Heller* the Court recognized for the first time that the Second Amendment guarantees an individual right to keep firearms in the home for self-defense. The presentation will analyze how this decision impacted firearm litigation and prosecutions and discuss the 2022 *Bruen* decision that rejected the established mechanism for evaluating Second Amendment challenges to firearm prosecutions. It will also consider the impact of *Bruen* for future legislative attempts to reduce gun violence in the country.

Speakers: *Margaret Groban, Esq., Department of Justice, Portland*
William S. Harwood, Esq., Maine Office of the Public Advocate, Augusta

FRIDAY, JANUARY 27

8:30-9:30 | PLENARY SESSION (1.0 CREDIT)

#07 Maine Law "On the Move"

Learn about Maine Law's new facility at 300 Fore Street in Portland. Dean Saufley will show images and answer questions about the new facility, and will lead a conversation generating ideas for increased opportunities for connections among the Bar—across the state—as well as faculty and students.

Speaker: *Dean Leigh I. Saufley, University of Maine School of Law, Portland*

9:45-10:45 | CONCURRENT SESSIONS (1.0 CREDITS, UNLESS OTHERWISE NOTED)

#08 Cyberstalking & Spousal Monitoring and When it Turns into a Crime

When a spouse becomes an online harasser or cyberstalker, lawyers must be ready to help protect their client—and themselves. Learn how to discuss this danger with clients; the law related to eavesdropping during divorce; modern forms of tracking, e.g. AirTags, family apps, and miniature eavesdropping devices; and how to detect illegal monitoring. Understand about a spouse's use of shared family devices/passwords without the continued consent. Protect yourself from spying eyes as you meet with your client. An experienced prosecutor shares when police and prosecution get involved and what evidence is helpful.

Speaker: *Catherine C. Miller, Esq., MillerAsen PA, Portland*

#09 Inspiring Connection Through Volunteering: A Path to Community Connection (1.0 ethics) *(in-person only)*

As communities continue to grapple with the COVID-19 pandemic, adjusting to the new normal presents daily challenges in how we interact with the community and our peers. Whether attorneys continue to work remotely, in person, or somewhere in between, volunteering is a great way to build community and overcome a lingering sense of isolation. Learn about the sense of satisfaction and connection volunteer attorneys derive from *pro bono* legal work in various settings. Attendees will hear about the many opportunities for meaningful interactions through limited and full-scope representation, and the ways in which *pro bono* service has been a positive experience for volunteers and clients through the challenges of the pandemic.

Speakers: *Christopher A. Bond, Esq., Christopher A. Bond, Attorney at Law, South Portland*
Maye C. Emlein, Esq., Verrill, Portland
Shannon Karam, Esq., Pine Tree Legal Assistance, Portland
Elizabeth F. Stout, Esq., Maine Volunteer Lawyers Project, Portland

#10 The Past and Future of Maine's Electric Grid

Understand how Maine's electric system is owned and operated, how it is regulated, and whether changes should be made. The presentation will touch on Maine's Electric Restructuring Law of 1997 which separated the production and the distribution of electricity; principles of PUC rate regulation; different forms of utility ownership; the challenge of keeping the lights on; and key issues on the horizon for Maine's electric industry.

Speaker: *James I. Cohen, Esq., Verrill, Portland*

SESSION DESCRIPTIONS

11:00-12:00 | PLENARY SESSION (1.0 H&D CREDIT)

#11 Harassment, Discrimination & Bullying as Viewed Through the Film "Master"

The film "Master" is a brilliant portrayal of harassment, discrimination, and bullying against three African-American women at a fictional New England university attempting to project an image of diversity. The film's writer and director Mariama Diallo channeled her own college experience in creating the film. The film contains some acts that most people would agree are clear harassment, discrimination and bullying, but many others where the lines may blur. The goal of this discussion is to show several scenes from the film and allow the audience to engage with those scenes on their own terms. Attendees will be encouraged to present arguments as to why something does or does not meet the legal definitions of harassment or discrimination.

Speaker: *Talcott J. Franklin, Esq., Franklin Scott Conway LLP, Portland*

Thank you to our Sponsors & Exhibitors



2023 Winter Bar Conference Registration Form

Name of Registrant _____ ME Bar # _____

Organization _____

Address _____

City _____ State _____ Zip _____

Tel # _____ Email Address _____

Names of Guests/Children _____

Food Allergies _____

Registration Information: Pre-registration is available until Jan. 20. No registrations will be accepted without payment.
Cancellations: You may cancel your registration for a full refund until 4 p.m. on Jan. 20. NO REFUNDS will be made after that time. The date of cancellation is the date received at Bar Headquarters in Augusta.

1 In-Person or Virtually: Full-Meeting, Thurs. or Fri. Only

Please indicate if you will be attending in-person or virtually.

In-Person: Westin Portland Harborview
 Zoom

2 Full-Meeting Registration: In-Person & Virtually

Includes: Wed. reception; Thurs. breakfast, lunch, and CLE; and Fri. breakfast and CLE.

FULL MEETING
 MSBA Member: \$450 | Non-member: \$500

Please check the meals you are attending:
 Wednesday Reception | Thursday Lunch

One-Day Registration (either Thursday or Friday)

THURSDAY ONLY
 (Includes CLE, breakfast, lunch.)
 MSBA Member: \$300 | Non-Member: \$350

FRIDAY ONLY
 (Includes CLE and breakfast.)
 MSBA Member: \$200 | Non-Member: \$250

3 Meals only (non-registrants & guests)

Wed. Reception@ \$0 x _____ (#)= \$ _____
 Thurs. Lunch.....@ \$55 x _____ (#)= \$ _____

3a Past Presidents' Breakfast (Thursday)

YES, I will attend. NO, I will not be attending.

How to Register

- Online:** 1. Log in to your website account at www.mainebar.org. If you do not know your login credentials, call the MSBA.
 2. Under CLE/Education, click Register for CLE.
 3. Locate this program in the Community Calendar and click on the program to register.

Mail: Attn: Molly Rogers | Maine State Bar Association, 124 State Street, Augusta, ME 04330

Phone: 207-622-7523, select #2 | **Fax:** 207-623-0083

Email: mrogers@mainebar.org

4 Please Select Your Sessions Below

THURSDAY, JANUARY 26

8:30-10:30 | PLENARY SESSION
 1. Issues and Priorities Facing the Maine Judicial Branch and MCILS Panel Discussion

10:45-11:45 | CONCURRENT SESSIONS
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5 Payment Information: No Refunds After Jan. 20.

Check Enclosed # _____ Registration Subtotal \$ _____
 Meals Subtotal \$ _____
Total \$ _____

   

Card # _____ Exp. Date _____ CSC Code _____

Name on CC _____

Billing Address _____

Telephone _____

Signature _____