

# 2022 Summer Bar Conference

June 15-17

Harborside Hotel, Spa & Marina  
Bar Harbor



## Welcome: President's Message

I am pleased to invite you to join me at the 2022 Maine State Bar Association Summer Bar Conference this June 15-17 at the Harborside Hotel, Spa & Marina in Bar Harbor. This meeting will be our first fully in-person meeting over the past two years. While technology has afforded us the opportunity to meet virtually, we are eager to leave Zoom behind for a few days and see you in person. This year's conference includes 7.5 CLE credits, including ethics and H&D, and covers a wide range of topics from animal law to workers' compensation law, as well as three sessions, including a plenary section, focused on indigenous and tribal law. With topics covering several practice areas as well as sessions on implicit bias, mentoring and professionalism, there are ample opportunities to learn ways to enhance your practice, well-being and your legal knowledge. In keeping with tradition, we've also included free time, awards presentations, and A SUNSET DINNER CRUISE. I encourage you to review the schedule of events and CLE programming, sign in to your MSBA website account, and complete your registration today. Thank you for your continued support of the MSBA. I look forward to seeing you in Bar Harbor!



Frank H. Bishop Jr., Esq.  
2022 MSBA President  
Hudson Cook, Portland

## Meeting Information

**This meeting is in-person only.** There will be no Zoom or online options available due to internet instability in the area.

### How to Register

Register online at [www.mainebar.org/event/SBC2022](http://www.mainebar.org/event/SBC2022) or fill out the registration form. Pre-registration is available until **June 10**. No registrations will be accepted without payment.

### Cancellations

You may cancel your registration for a full refund until 4 p.m. on **June 3**. NO REFUNDS will be made after that time. The date of cancellation is the date received at Bar Headquarters in Augusta.

### CLE Credits

**Thursday, June 16:** Up to 4.0 live CLE credits, with the opportunity to earn ethics and H&D.

**Friday, June 17:** Up to 3.5 live CLE credits, with the opportunity to earn ethics and H&D.



# SCHEDULE OF EVENTS

## WEDNESDAY, JUNE 15

- 1:00**      **Board of Governors Meeting**
- 3:00**      **Registration Open**
- 4:00-5:00**      **Section Business Meetings**  
*Health Law, Labor & Employment Law, Women's Law*
- 5:00-7:00**      **Reception (Appetizers, Cash Bar and Complimentary Champagne Toast)**  
*Life Member Recognition & Memorial Tribute: Join us in recognizing our newest 50-year Life Members when we present their Life Member plaques and pins. We will also pay tribute to the many friends and colleagues we have lost over the past few years with a champagne toast.*

## THURSDAY, JUNE 16

- 7:00**      **Registration**
- 7:00-8:30**      **General Breakfast**
- 7:00-8:00**      **Section Business Meetings**  
*Administrative Law*
- 7:15-8:15**      **Past Presidents' Breakfast**
- 8:30-9:30**      **Concurrent Sessions (1.0 credit, unless otherwise noted)**  
1. ADHD & the Practice of Law (1.0 ethics)  
2. Embrace Fee Arbitration  
3. Employment Issues in a New World: Tips for Business Owners & Non-Employment Law Practitioners (1.0 ethics)  
4. "Forever Chemicals": Recent PFAS Regulation, Legislation & Litigation
- 9:30-9:45**      **Break**
- 9:45-10:45**      **Concurrent Sessions (1.0 credit, unless otherwise noted)**  
5. Being a Neutral Means Being Neutral: Recognizing & Avoiding Bias in Mediation (1.0 H&D)  
6. Indigenous & Tribal Issues, Part 1: Major Episodes in Colonial Racism in Maine State Indian History (1.0 H&D)  
7. Introduction to Animal Law  
8. Maine Workers' Compensation Law Updates
- 10:45-11:00**      **Break**
- 11:00-12:00**      **Concurrent Sessions (1.0 credit)**  
9. Framing Your Case: A Workshop  
10. Indigenous & Tribal Issues, Part 2: Wabanaki Wampum Belts Teach Traditional Law & Consequence  
11. Preserving Your Slice of Vacationland for the Next Generation (**session closed**)  
12. Thriving in an Intergenerational Workplace: Tips for Empowering Colleagues & Working as a Team
- 12:00-2:00**      **Awards Luncheon**  
*John W. Ballou Award, Pro Bono Award, VLP Director's Awards*
- 2:00-3:00**      **Concurrent Sessions (1.0 credit)**  
13. How & Why To Focus-Group Your Case Before Trial  
14. The Latest & Greatest Developments in Maine Real Estate Law  
15. Legal & Regulatory Issues: Electric Utility Rates  
16. Whose Shoes Are You Wearing? The Ins and Outs of Subrogation
- 3:00-5:00**      **Free Time**
- 6:00**      **Sunset Dinner Cruise**  
*Board the Friendship V and enjoy a picnic style dinner as you cruise the harbor at sunset.*

## FRIDAY, JUNE 17

- 7:00**      **Registration**
- 7:00-8:30**      **General Breakfast**
- 7:00-8:00**      **Section Business Meetings**
- 8:30-9:30**      **Concurrent Sessions (1.0 credit, unless otherwise noted)**  
17. Animal Welfare in Maine: How Well Are We Doing?  
18. Changes to Maine's Protection from Abuse Law & Process  
19. Overview of U.S. Trademark Law for Non-Trademark Practitioners  
20. Standing on the Shoulders of Giants: Mentoring & Professionalism Through the Years (1.0 ethics)
- 9:30-9:45**      **Break**
- 9:45-10:45**      **Concurrent Sessions (1.0 credit, unless otherwise noted)**  
21. Blockchain Assets in Divorce  
22. Maine State Court Access: Disability Accommodations & Best Practices for Working with Interpreters (1.0 ethics)  
23. Perspectives on Two Years of the Small Business Reorganization Act for Financially Distressed Businesses & Individuals in Maine
- 10:45-11:00**      **Break**
- 11:00-12:30**      **Plenary Session (1.5 H&D credits)**  
24. Indigenous & Tribal Issues, Part 3: The Dangers of Divergence: A Look at the Consequences of Maine's Unique Relationship with Tribal Nations
- 12:30-2:00**      **Caroline Duby Glassman Award Luncheon**
- 2:00**      **Program Adjourns**

### 2021 *Pro Bono* Award

#### Christopher A. Bond

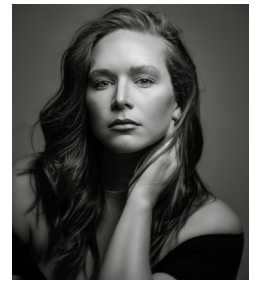
Pine Tree Legal Assistance Celebrates Christopher A. Bond, Recipient of Pine Tree's 2021 Award for *Pro Bono* Service! Chris has been a dedicated volunteer with Pine Tree Legal Assistance since joining the *pro bono* Eviction Defense Project in 2019. For the past three years, Chris has defended clients from eviction by appearing as the "lawyer of the day" at eviction dockets and accepting eviction cases for full representation. In 2021, Chris contributed over 160 hours to help individuals and families remain in their homes throughout the ongoing challenges of the pandemic and the acute shortage of affordable housing in Maine. He has helped tenants secure reasonable accommodations, maintain tenancies in subsidized housing units, and obtain discovery in eviction cases. Chris has achieved outstanding results for clients as a Pine Tree volunteer and we are honored to be part of his work. Pine Tree thanks Chris for his invaluable contributions to the Pine Tree community.



### VLP Director's Award

#### Emily Bienek

Emily Bienek graduated *cum laude* from the University of Maine School of Law, in 2020. She is a mom, a little league softball coach, and a full-time professional photographer, but volunteers her time with the VLP on the Helpline and PFA Panel. She has been volunteering with VLP since being a law student and plans to continue providing primarily *pro bono* services to Maine's survivors of Intimate Partner and Child Abuse.



#### Verrill

Verrill's 140 lawyers deliver high-quality legal service to businesses and individuals in a thoughtful and responsive manner, and across a broad range of areas. Service to the community and the legal profession is one of Verrill's core values. Verrill's staff and attorneys are deeply committed to supporting the communities in which they live and work. As such, the firm and its attorneys have received numerous awards for its commitment to *pro bono* service over the years.



### John W. Ballou Award

#### 2020 Honoree: Jacqueline M. Rogers

The Maine State Bar Association was honored to present Jacqueline M. Rogers, Executive Director of the Board of Overseers of the Bar, with the 2020 John W. Ballou Award. Recipients of this prestigious award demonstrate qualities in keeping with the aims and purposes of the Maine State Bar Association, and emphasis is placed upon the contributions of non-lawyers.

Jackie served as the Board of Overseers' Executive Director 2004 to 2021. Prior to that, she spent 20 years in different capacities at the Maine State Bar Association. At the time of her departure from the MSBA, she was Deputy Director. Throughout her career, Jackie showed a steadfast commitment to the legal community in Maine, fulfilling with competence and efficiency not only the essential duties of her position, but going above and beyond to support the Supreme Judicial Court, the Lawyer's Fund for Client Protection, the University of Maine School of Law, and the Maine Assistance Program for Lawyers and Judges. Jackie passed away April 29, 2020, following a courageous battle with cancer.



#### 2022 Honorees:

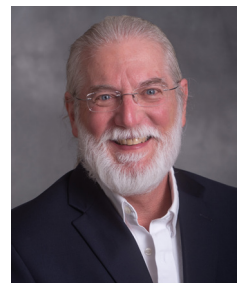
##### Charles F. Dingman

Charlie Dingman is a shareholder at Kozak & Gayer, P.A., a health law firm headquartered in Augusta, Maine, where his practice focuses on regulatory, reimbursement, and government procurement matters, as well as legislative advocacy. Charlie began his legal career as an attorney for the Maine Public Utilities Commission and then served as the first General Counsel for the Maine Health Care Finance Commission, before joining the health law practice of a large Maine law firm. During his work in private practice, Charlie has consistently focused substantial time on pro bono service, with a special interest in systemic advocacy to remedy the impacts of poverty. He chairs the Legislative Committee of the Justice Action Group, a judge-led collaboration seeking to advance access to justice by supporting the work of Maine's civil legal service providers. He has long served on the Board of Directors of Maine Equal Justice and volunteers as a cooperating attorney for that organization when the opportunity arises. He currently serves on the Governance Committee of the Campaign for Justice, having chaired the Campaign in 2012. In 2021, Charlie was honored with the Howard H. Dana, Jr. Award from the Maine Justice Foundation. Charlie also received the 2016 Equal Justice Hero Award from Maine Equal Justice Partners.



##### Charles C. Soltan

Charlie is a Managing Member of Soltan Bass, LLC of Augusta. Charlie primarily focuses on assisting a wide variety of clients navigate Maine's administrative and legislative arenas. He has served for over 30 years as a Director of Maine's Legal Services for the Elderly, Inc. and currently in his 2nd stint as Chair. He is also Chair of the Maine Children's Trust that is dedicated to the prevention of child abuse and neglect. In the past Charlie has served on the Justice Action Group, the Maine Bar Foundation and the VLP Advisory Committee. In 2013 he received the MBF's Howard H. Dana, Jr. Award. Charlie is a 1980 graduate of Indiana University and in 1987 of Vermont Law School, *magna cum laude*, and in the interim taught history at Skowhegan Area High School.





### Caroline Duby Glassman Award

#### 2020 Honoree: Deirdre Smith

Deirdre Smith is an associate dean of experiential education and managing director of the Cumberland Legal Aid Clinic, which was established in 1970 and is one of the oldest continuously-operating law school clinical programs in the country. Through the Clinic, student attorneys are specially licensed to practice law and represent real clients in matters ranging from child custody disputes, to immigration matters, to criminal cases.

Prof. Smith teaches General Practice Clinic, Lawyering Skills for Clinical Practice, and Evidence, as well as mindfulness programs at Maine Law. She is highly regarded for her extensive scholarship, which has focused most recently on minor guardianship, adoption, child protection, and kinship care. Professor Smith is a member of the American Law Institute, chair of the Professional Ethics Commission of the Maine Board of Overseers of the Bar and a former Chair of the Maine Supreme Judicial Court's Advisory Committee on the Rules of Evidence. She serves as consultant to the Maine Family Law Advisory Commission on minor guardianship and adoption laws. She also works on reform initiatives to improve access to justice for low-income Maine residents and Maine's court system for family matters. She is a member of the Scholars Strategy Network.



A former law clerk for Chief Judge Gene Carter of the United States District Court for the District of Maine, Prof. Smith practiced for several years with the Portland law firm of Drummond Woodsum & MacMahon. Through her varied civil litigation practice at the firm, Prof. Smith represented educational institutions, businesses, municipalities and individuals in jury and bench trials, arbitrations, and mediations, as well as in appeals before the Maine Supreme Judicial Court and the United States Court of Appeals for the First Circuit.

#### 2022 Honoree: Aria Eee

Aria Eee serves as Executive Director to Maine's Board of Overseers of the Bar. Her primary responsibilities include assisting the Board in its fiduciary obligations, advising Maine lawyers on ethical concerns, and presenting legal ethics programs. Prior to her appointment as the Board's Executive Director, Aria served many years in Bar Counsel's office, including as Chief Bar Counsel. Aria began her career as a NAPIL fellow assisting Passamaquoddy Tribal clients and then as counsel for the Passamaquoddy Tribe's Housing Authority (Pleasant Point). She was a solo practitioner in Washington County before serving for several years as an Assistant Attorney General. An Adjunct Professor, Aria teaches Professional Responsibility at Maine Law, from which she graduated in 1994. Aria is also a subject matter expert for the National Conference of Bar Examiners. Aria is a member of the ABA, the MSBA, (including its WLS and BIPOC sections), the Gignoux Inn of Court, and various affinity bar groups. When not working in Augusta, Aria stays active outside, in her local Town committees, and in her son's elementary school initiatives.



### Congratulations to Our 2022 Life Members

Join us at the Wednesday reception to celebrate and thank these individuals for their 50 years of service in the legal community.

**Waldemar G. Buschmann, Esq.**  
Sidney

**Joseph G. Carleton, Jr., Esq.**  
Kittery

**James F. Day, Esq.**  
Bath

**Paul R. Dionne, Esq.**  
Lewiston

**Charles B. Doleac, Esq.**  
Portsmouth, NH

**John L. French, Esq.**  
Brunswick

**Jerome B. Goldsmith, Esq.**  
Yarmouth

**Robert S. Hark, Esq.**  
Portland

**William C. Henderson, II., Esq.**  
FPO AE, Armed Forces

**Fred Hopengarten, Esq.**  
Lincoln, Mass.

**Hon. Thomas E. Humphrey**  
Portland

**Russell A. Kelm, Esq.**  
Southwest Harbor

**David B. Losee, Esq.**  
Camden

**Paul T. Pierson, Esq.**  
Dedham

**Robert J. Rubin, Esq.**  
Rockport

**Gregory E. Snow, Esq.**  
Rockland

**Richard A. Spencer, Esq.**  
Portland

**Richard H. Spencer, Jr., Esq.**  
Portland

**Sidney S. Thaxter, Esq.**  
Portland

**Roger R. Therriault, Esq.**  
Bath

**Henry W. Trimble, III, Esq.**  
Cape Neddick

**Calvin E. True, Esq.**  
Bangor

## THURSDAY, JUNE 16

### 8:30-9:30 | CONCURRENT SESSIONS (1.0 CREDIT, UNLESS OTHERWISE NOTED)

#### #01 ADHD & the Practice of Law (1.0 ethics)

Attention deficit hyperactivity disorder (ADHD) is a common and often misunderstood form of neurodiversity. A 2016 ABA survey on lawyer well-being revealed that approximately 12.5 percent of attorneys have ADHD, compared with 4-8 percent of the general population. Learn about components of ADHD that draw people with ADHD to the practice of law, as well as those traits that commonly present challenges for people with the disorder. Basic symptoms and traits associated with ADHD as well as myths and misunderstandings of the disorder will also be discussed. Attendees will also learn ways that lawyers, law firms, courts, and others associated with the practice of law can help people with this type of neurodiversity to succeed and thrive.

**Speaker:** *Jennifer L. Kruszewski, Esq., Epstein & O'Donovan LLP, Portland*

#### #02 Embrace Fee Arbitration

Fee disputes may be on the uptick—at least they are for this attorney. One reason for recent fee disputes may be that many clients suffered economically during 2020 and 2021. Incomes were less. Clients fought their customers and clients. Clients had fewer dollars to spend on legal fees. This presentation will outline the process used in fee arbitration matters—and more important—ways to conduct your practice, pre-dispute, to help you be a good and productive, successful participant in the fee arbitration at the Board of Bar Overseers level.

**Speakers:** *Aria Eee, Esq., Board of Overseers of the Bar, Augusta*  
*Julia A. Sheridan, Esq., Board of Overseers of the Bar, Augusta*  
*Daniel R. Warren, Esq., Jones & Warren PA, Scarborough*

#### #03 Employment Issues in a New World: Tips for Business Owners & Non-Employment Law Practitioners (1.0 ethics)

The employment law world is an ever-changing and challenging place for business owners and attorneys who do not regularly practice in that area. In this session, we will talk about some of the biggest changes in the past few years, including general updates that need to be made to handbooks and employment applications; issues relating to remote workers including productivity, wage/hour, and workers' compensation; leave issues under the FMLA and ADA; and COVID-related concerns, including long-haul COVID and how it may impact the workplace. This will be a fast-paced session designed to provide an overview of these and other issues the audience wants to discuss.

**Speaker:** *Anne-Marie L. Storey, Esq., Rudman Winchell, Bangor*

#### #04 "Forever Chemicals": Recent PFAS Regulation, Legislation & Litigation

PFAS are a collective group of man-made chemicals widely used in common household products and industrial settings. Because of the strength of their chemical composition, however, PFAS are known to bio-accumulate and persist in the environment, thus earning the nickname "forever chemicals." Developments related to PFAS are particularly relevant now in Maine, which is moving more quickly than the federal EPA to regulate and remediate PFAS contamination, as well as emerging as a leader among states in regulating PFAS chemicals and extending liability for damages caused by PFAS contamination. Learn about the impact of new state and federal laws and initiatives around PFAS contamination, including rulemaking and law proposals this session, as well as practical tips for handling discovery in PFAS cases.

**Speakers:** *Lisa Gilbreath, Esq., Pierce Atwood LLP, Portland*  
*Elizabeth Frazier, Esq., Pierce Atwood LLP, Portland*  
*Georgia M. Bolduc, Esq., Pierce Atwood LLP, Portland*  
*Sara A. Murphy, Esq., Pierce Atwood LLP, Portland*

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

#### #05 Being a Neutral Means Being Neutral: Recognizing & Avoiding Bias in Mediation (1.0 H&D)

As Covid continues to delay adjudication of cases in the trial courts, more attorneys and parties are turning to private ADR to resolve their cases. Whether it is a mediation, arbitration, reference or some other form of ADR, it is important that the parties feel they have been heard and understood. Learn how implicit bias may impact a mediation and, through role plays, identify how to deal with those situations when they arise. This will include discussion of how to prepare as an attorney and how to prepare clients so that ADR is a more meaningful experience for the client.

**Speakers:** *Jonathan M. Dunitz, Esq., Verrill, Portland*  
*Asha A. Echeverria, Esq., Bernstein Shur, Portland*  
*John P. Giffune, Esq., Verrill, Portland*

#### #06 Indigenous & Tribal Issues, Part 1: Major Episodes in Colonial Racism in Maine State Indian History (1.0 H&D)

Learn how issues of racial injustice have shaped State of Maine Indian history and policy and provides a broad historical and rights context to contemporary issues related to Wabanaki tribal sovereignty and rights.

**Speakers:** *Darren J. Ranco, PhD., Chair of Native American Programs, Mitchell Center, University of Maine*

#### #07 Introduction to Animal Law

While those of us who practice animal law are familiar with several areas of the relevant law, most practitioners in Maine are not. This seminar will provide a basic understanding of the history of animal law, including its gaining attention nationwide and with the American Bar Association. Hear examples of where Maine law intersects with animal law specifically, and learn about new, cutting-edge case law that is developing the field of animal law in 2022.

**Speakers:** *Margaret E. Gallie, Esq., South Portland*  
*B. Kay Shafer, Esq., Law Office of B. Kay Shafer, PC, Waterville*

## #08 Maine Workers' Compensation Law Updates

Because of COVID-19, the Maine “comp summit” has not been held since 2019, and since then Maine’s workers’ compensation law has continued to change. There have been numerous decisions from the Workers’ Compensation Board’s Appellate Division, several decisions from the Law Court that directly or indirectly relate to workers’ comp, several statutory enactments affecting Title 39-A, and a few ad hoc changes to administrative practices. The changes to the law and significant matters decided include issues of notice, preemption of state law by federal statute, statutory tolling, and remote proceedings. Learn about the most significant changes to or clarifications of the law since late 2019 and early 2020.

**Speaker:** *Zachary J. Smith, Esq., Lawsmith Legal Services, LLC, Bangor*

## 11:00-12:00 | CONCURRENT SESSIONS (1.0 CREDIT)

### #09 Framing Your Case: A Workshop

Developing a solid, simple, and strong case theory that analyzes how the average juror will view and understand your case, and how to communicate that theory to the jury, is an underrated skill. With practice it can be honed into a dangerously sharp tool. This working session will provide insight into developing a winning case theory from the outset and offer practical opportunities to engage in group discussion to actively refine your skills and better prepare your cases for trial.

**Speakers:** *Peter J. Richard Jr., Terry Garmey & Associates, Portland*  
*Gary Goldberg, Esq., Terry Garmey & Associates, Portland*

### #10 Indigenous & Tribal Issues, Part 2: Wabanaki Wampum Belts Teach Traditional Law & Consequence

Wabanaki Wampum belts teach traditional law and speak to the consequences of breaking those laws. Wampum belts are an early form of “written” stories used by the tribes of the east coast. Often referred to as the “Creator’s Law,” one greater than any human, the instructions for obeying them is great. Made from the Quahog shell, utilizing the shell’s purple and white inside colors, tubular beads are formed and strung together in a belt like fashion that formulate pictures and symbols that once read, convey the message therewithin. In this session, we will view examples and decipher what they say. From there, we will discuss the broader scope and importance of Wampum belts and their role within the past, present, and future of Maine’s tribal governmental structure – both in our history and the way in which we are instructed to be good humans.

**Speakers:** *John Bear Mitchell, University of Maine System Office Native American Waiver and Educational Program Coordinator, University of Maine’s Wabanaki Center Outreach and Student Development Coordinator, Lecturer of Wabanaki Studies and Multicultural Studies at the University of Maine in Orono.*

### #11 Preserving Your Slice of Vacationland for the Next Generation (session closed)

As Mark Twain once said, “Buy land; they’re not making it anymore.” Many people in Maine own property that they hope to preserve for future generations, and irrevocable trusts can accomplish this goal. This presentation will discuss real estate trusts (including qualified personal residence trusts), MaineCare asset protection trusts, life insurance trusts, and charitable remainder trusts. Other options one might consider, like LLCs or family limited partnerships will also be addressed.

**Speakers:** *Timothy W. Stanley, Esq., Jones, Kuriloff & Sargent, LLC, Ellsworth*  
*Catherine L. Fenton, Esq., Jones, Kuriloff & Sargent, LLC, Ellsworth*

### #12 Thriving in an Intergenerational Workplace: Tips for Empowering Colleagues & Working as a Team

Gov. Janet Mills highlighted in her State of the State address that Maine has a long-standing labor shortage. Recently, this has been compounded by retirements, the COVID-19 pandemic, and other factors. This session will be a collaborative workshop in which we discuss best practices for recognizing talent at all demographic age levels, empowering those to perform at their highest ability, and shine as a team.

**Speaker:** *Deirdre M. Salsich, Esq., University of Maine, Orono*

## 2:00-3:00 | CONCURRENT SESSIONS (1.0 CREDIT)

### #13 How & Why To Focus-Group Your Case Before Trial

Learn step-by-step how to run a focus group, including how to get participants, how to effectively present cases, and how to elicit honest and useful responses from participants. The presenters will also explain how to utilize findings from focus groups to improve your presentation at trial.

**Speakers:** *Benjamin R. Gideon, Esq., Gideon Asen LLC, New Gloucester*  
*Meryl Poulin, Esq., Gideon Asen LLC, New Gloucester*

### #14 The Latest & Greatest Developments in Maine Real Estate Law

Real estate disputes are now outpacing divorce and personal injury litigation as the hottest cases on the block. This program is a thoughtful, comprehensive, and entertaining review of all material real estate cases and statutes which have come out of the Law Court, the Maine Federal Court, the First Circuit, and the Legislature in the last 18 months. It is a must-attend program for all lawyers who are practicing in the real estate arena—or looking to get their feet wet.

**Speaker:** *David A. Soley, Esq., Bernstein Shur, Portland*

### #15 Legal & Regulatory Issues: Electric Utility Rates

This session will explore energy and utility issues being addressed by the Legislature and the Public Utilities Commission, including how best to promote renewable energy, heat pumps and electric vehicles and phase out burning of oil and gas. The session will focus on legal and regulatory issues such as those arising from the controversial proposed NECEC Hydro Quebec transmission line.

**Speaker:** *William S. Harwood, Esq., Yarmouth*

## #16 Whose Shoes Are You Wearing? The Ins and Outs of Subrogation

Learn about the many roles that subrogation plays in different areas of practice and how it intersects with tort law; uninsured motorists; workers' compensation; letters of credit and the UCC; restitution; lien priority; landlord/tenant; and other areas of law. The session will review and summarize Maine statutes and case law related to subrogation in specific areas of practice, including its limitations and exclusions.

**Speakers:** Cheryl J. Cutcliffe, Esq., Basham & Scott LLC, Brunswick  
 Sean Flaherty, Esq., Basham & Scott LLC, Brunswick  
 Joseph Foltz, Basham & Scott LLC, Brunswick

## FRIDAY, JUNE 17

### 8:30 - 9:30 | CONCURRENT SESSIONS (1.0 CREDIT, UNLESS OTHERWISE NOTED)

#### #17 Animal Welfare in Maine: How Well Are We Doing?

For the second year in a row, the Animal Legal Defense Fund has ranked Maine's animal welfare laws as the best in the country, yet only a small number of animal cruelty cases in Maine make their way to and through the court system. Animal welfare advocates lobby for increased enforcement and an increased response to these crimes. Other components of the legal process each have a unique perspective on animal cruelty cases and their impact on the system. Learn about the various aspects of the process from panelists as well as analyses of recent high visibility cases.

**Moderator:** Meris J. Bickford, Esq., Maine State Society for the Protection of Animals, South Windham

**Panelists:** Hon. Susan B. Driscoll, Maine District Court, Lewiston  
 Patricia A. Murphy, Esq., Animal Refuge League of Greater Portland, Portland  
 Jonathan T. Sahrbeck, Esq., Cumberland County District Attorney's Office, Portland

#### #18 Changes to Maine's Protection from Abuse Law & Process

Learn about recent changes to Maine's protection from abuse statute and the newly incorporated case law as well as the new definition of economic abuse, the expanded availability of financial relief, and practical implications in your law practice. The new process and forms for firearms relinquishment and the new process for service of protection from abuse orders on defendants will also be discussed.

**Speaker:** Lucia Chomeau Hunt, Esq., Pine Tree Legal Assistance, Portland  
 Caroline Y. Jova, Maine Judicial Branch, Portland  
 Andrea Mancuso, Esq., Maine Coalition to End Domestic Violence, Augusta

#### #19 Overview of U.S. Trademark Law for Non-Trademark Practitioners

Trademarks are an integral piece of every business. Through trademarks, businesses communicate their brands to their customers, and customers associate the quality (or lack thereof) of products and services with businesses' trademarks. But what exactly is a trademark? How do businesses establish trademark rights in the U.S.? How do you federally register a trademark? When is a state trademark registration a better strategy? This presentation is intended for non-trademark practitioners and will provide an overview of trademark law in the U.S. and Maine. This information will allow attorneys to identify potential trademark issues for their clients.

**Speaker:** Rebecca Lessard, Esq., Verrill

#### #20 Standing on the Shoulders of Giants: Mentoring & Professionalism Through the Years (1.0 ethics)

Explore 30 years of mentoring in the Maine bar through a discussion about why mentoring was important then and why it is still important today. Review how professionalism and mentoring are "co-conspirators" in the goal to retain the civility and collegial nature of our legal community. Hear suggestions on how to ensure that mentoring and professionalism remain relevant and proceed in a manner that meets our community's evolving needs.

**Moderator:** Aria Eee, Esq., Board of Overseers of the Bar, Augusta

**Panelists:** Audrey B. Braccio, Esq., Board of Overseers of the Bar, Augusta  
 William C. Nugent, Maine Assistance Program for Lawyers & Judges, Portland  
 Erica A. Veazey, Esq., Pine Tree Legal Assistance, Bangor  
 Deirdre M. Smith, Esq., University of Maine School of Law, Portland

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

#### #21 Blockchain Assets in Divorce

Blockchain assets—namely cryptocurrency and NFTs—are becoming more common in the standard American household. If this year's Super Bowl ads are any indication of the times, these technologies are now part of popular culture, if not mainstream finance. As more people invest in these assets, attorneys must be aware of the new issues they present for our clients and the courts. Blockchain technologies present unique challenges in identifying and dividing assets in accordance with Maine law, as they provide a level of anonymity not found in traditional banking and investing. Further, investments in cryptocurrency are not backed by any traditional currency or commodity, leading to wild variation in value from quarter to quarter, or even week to week, presenting difficulties in properly valuing the asset for the purpose of asset distribution in divorce. Learn about best practices so Maine stays ahead of the problem other courts are already facing.

**Speaker:** Hannah Cole, Esq., S.R. Labby LLP, Portland

#### #22 Maine State Court Access: Disability Accommodations & Best Practices for Working with Interpreters (1.0 ethics)

The Court Access Coordinator and the Communication Access Specialist for the Maine Judicial Branch will discuss common and current court access issues for litigants and lawyers, including accommodations under Title II of the Americans with Disabilities Act and best practices for working with spoken language and sign language interpreters.

**Speakers:** Allison G. Gray, Esq., Maine Judicial Branch, Portland  
 Nickole M. Wesley, Maine Judicial Branch, Portland



### #23 Perspectives on Two Years of the Small Business Reorganization Act for Financially Distressed Businesses & Individuals in Maine

The COVID-19 pandemic is an unprecedented global phenomenon that has prompted massive, unforeseen shifts in the economy, supply chains, and everyday consumer behavior. During this time, the Small Business Reorganization Act (SBRA) was passed by Congress to give eligible small businesses and individuals a new opportunity to restructure their debts and reorganize their financial affairs through a faster, more effective, and more affordable version of Chapter 11 bankruptcy. Learn what prompted Congress to pass the SBRA, the basics of the SBRA that every practitioner working with financially distressed businesses and individuals should know, and whether the SBRA has been effective in achieving Congress's goals through the first two years. Finally, the speakers will look closer to home at the statistics for early SBRA cases filed in Maine and what those cases reveal about the past, present, and future of the SBRA in the State.

**Speakers:** *Kellie W. Fisher, Esq., Drummond Woodsum, Portland*  
*Adam R. Prescott, Esq., Bernstein Shur, Portland*  
*Kyle D. Smith, Esq., Bernstein Shur, Portland*

### 11:00-12:30 | PLENARY SESSION (1.5 H&D CREDITS)

### #24 Indigenous & Tribal Issues, Part 3: The Dangers of Divergence: A Look at the Consequences of Maine's Unique Relationship with Tribal Nations

More than four in every five American Indian and Alaska Native (AI/AN) women have experienced violence in their lifetime. More than half of AI/AN women experience physical violence from an intimate partner and nine out of ten of those cases involve an inter-racial perpetrator. For decades however, limitations on Tribal Nations' jurisdictional authority meant that most of these cases involving non-Indian perpetrators of domestic violence were not prosecuted. Even after the enactment of the landmark 2013 Reauthorization of the Violence Against Women Act (VAWA 2013) affirming Tribal authority to prosecute non-Indians in certain circumstances, the 1980 Maine Settlement Acts barred the Wabanaki Nations in Maine from effectively protecting their communities. Learn about the complex nature of criminal jurisdiction throughout Indian Country and within Maine in particular, key pieces of state and federal legislation relevant to this issue, and the practical impacts on lawyers practicing in Wabanaki courts.

**Speakers:** *Esther A. Labrado, Esq., Drummond Woodsum, Portland*  
*Hon. Eric M. Mehnert, Chief Judge, Penobscot Nation Tribal Court*

## Thank you to our Sponsors & Exhibitors



# 2022 Summer 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 **June 10**. No registrations will be accepted without payment.

**Cancellations:** You may cancel your registration for a full refund until 4 p.m. on **June 3**. NO REFUNDS will be made after that time. The date of cancellation is the date received at Bar Headquarters in Augusta.

## 1 Full-Meeting Registration

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

☐ **FULL MEETING: \$475**

**Please check the meals you are attending:**

- ☐ Wednesday Reception  
☐ Thursday Lunch  
☐ Thursday Sunset Dinner Cruise  
☐ Friday Glassman Luncheon (*please choose below*)  
☐ Maple Glazed Chicken ☐ Marinated Grilled Tofu Jasmine Rice

## One-Day Registration (either Thursday or Friday)

- ☐ **THURSDAY ONLY: \$325**  
 (Includes CLE, breakfast, lunch, and cruise.)  
☐ **FRIDAY ONLY: \$275**  
 (Includes CLE, breakfast and luncheon.)

## 2 Meals only (non-registrants & guests)

Wed. Reception .....@ \$50 x \_\_\_\_\_ (#)= \$ \_\_\_\_\_  
 Thurs. Lunch .....@ \$45 x \_\_\_\_\_ (#)= \$ \_\_\_\_\_  
 Thurs. Sunset Dinner Cruise.....@ \$85 x \_\_\_\_\_ (#)= \$ \_\_\_\_\_  
 Fri. Glassman Luncheon  
 Maple Glazed Chicken.....@ \$40 x \_\_\_\_\_ (#)= \$ \_\_\_\_\_  
 Marinated Grilled Tofu Jasmine Rice..@ \$40 x \_\_\_\_\_ (#)= \$ \_\_\_\_\_

## 2a Past Presidents' Breakfast (Thursday)

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

## 4 Payment Information: No Refunds After June 3

Registration Subtotal \$ \_\_\_\_\_

Meals Subtotal \$ \_\_\_\_\_

**Total \$ \_\_\_\_\_**

☐ Check Enclosed # \_\_\_\_\_



Card # \_\_\_\_\_

Exp. Date \_\_\_\_\_ CSC Code \_\_\_\_\_

Name on CC \_\_\_\_\_

Billing Address \_\_\_\_\_

Telephone \_\_\_\_\_

Signature \_\_\_\_\_

## 3 Please Select Your Sessions Below

### THURSDAY, JUNE 16

#### 8:30-9:30 | CONCURRENT SESSIONS

- ☐ 1. ADHD & the Practice of Law (ethics)  
☐ 2. Embrace Fee Arbitration  
☐ 3. Employment Issues in a New World (ethics)  
☐ 4. PFAS Regulations in Forever Chemicals

#### 9:45-10:45 | CONCURRENT SESSIONS

- ☐ 5. Avoiding Bias in Mediation (H&D)  
☐ 6. Colonial Racism in Maine State Indian History (H&D)  
☐ 7. Introduction to Animal Law  
☐ 8. Maine Workers' Compensation Law Updates

#### 11:00-12:00 | CONCURRENT SESSIONS

- ☐ 9. Framing Your Case: A Workshop  
☐ 10. Wabanaki Law & Consequence  
☐ 11. Preserving Your Slice of Vacationland for the Next Generation (**session closed**)  
☐ 12. Thriving in an Intergenerational Workplace

#### 2:00-3:00 | CONCURRENT SESSIONS

- ☐ 13. How & Why To Focus-Group Your Case Before Trial  
☐ 14. Developments in Maine Real Estate Law  
☐ 15. Legal & Regulatory Issues: Electric Utility Rates  
☐ 16. The Ins and Outs of Subrogation

### FRIDAY, JUNE 17

#### 8:30-9:30 | CONCURRENT SESSIONS

- ☐ 17. Animal Welfare in Maine: How Well Are We Doing?  
☐ 18. Change to Maine's Protection from Abuse Law & Process  
☐ 19. Overview of U.S. Trademark Law for Non-Trademark Practitioners  
☐ 20. Standing on the Shoulders of Giants (ethics)

#### 9:45-10:45 | CONCURRENT SESSIONS

- ☐ 21. Blockchain Assets in Divorce  
☐ 22. Maine State Court ADA Access (ethics)  
☐ 23. Perspectives on Two Years of the Small Business Reorganization Act

#### 11:00-12:30 | PLENARY SESSION

- ☐ 24. Maine's Relationship in Tribal Nations (H&D)

### How to Register

**Online:** 1. Log in to your website account at [www.mainebar.org](http://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](mailto:mrogers@mainebar.org)