Wednesday CLE Seminars

Wednesday, October 9, 2019

8:00 - 10:00 am 2 CLE hours
Bank Attorneys Section Seminar
Bob Hallstrom, Brandt, Horan, Hallstrom & Stilmock
Aaron B. Johnson, Baird Holm LLP
Jerry Stilmock, Brandt, Horan, Hallstrom & Stilmock

Real Estate Development Financing Structures and Incentives – An Overview
This session will be focused on the capital stack in development transactions, with an emphasis on federal and state tax credits, TIF and PACE financing. It will include a discussion of issues to consider when representing conventional banks who are lending into these structures.

Legislative Update
This session will provide an overview of Nebraska statutory changes adopted during the 2019 Legislative session that will impact banks.

8:00 - 10:30 am 2.5 CLE hours
Nebraska Association of Trial Attorneys (NATA) Seminar
Work Comp Happenings: New Bills and Recent Decisions Affecting WC
Todd D. Bennett, Rehm, Bennett, Moore, Rehm & Ockander, P.C. L.L.O.
David M. Handley, Watson & Carroll PC, LLO
John Lindsay, O’Hara Lindsay & Associates, Inc.
Brody J. Ockander, Rehm Bennett Moore Rehm & Ockander, P.C. L.L.O.
Daniel J. Thayer, Thayer & Thayer, PC, LLO

This session will provide lawyers with: how to apply the newly passed LB 418 and the procedure to suspend collection efforts during a pending workers’ compensation claim; how the law has changed in representing nonresident dependents with the passage of LB 360; an overview of new trial and appellate cases of special interest (e.g., Coming and Going Rule; attorney fees for failing to authorize treatment); how to compel attendance to IMEs, FCEs, and Neuropsych Evaluations; and give a Legislative Update.

8:00 am - 12:00 pm 3.75 CLE hours
Nebraska Criminal Defense Attorneys Association (NCDAA) Seminar (Morning Session)
Digital Forensics: Understanding the Data
Professor Matthew Miller, PhD, University of Nebraska Kearney

This session will provide lawyers with the concepts of understanding the digital data that is collected during an investigation. At the conclusion of the session, lawyers will be able understand the meaning of evidence, network basics, hacking tools, digital storage, and the process that is used in federal cases.

9:00 am - 11:00 am 2 CLE hours
Elder Law Section Seminar
Myths & Misconceptions in Elder Law
Nicole “Nicci” L. Clark, Morgan Stanley Wealth Management
Nicholas Halbur, Elder Law of Omaha P.C., L.L.O.
Catherine N. Swiniarski, Elder Law of Omaha P.C., L.L.O.
David M. Thompson, Carlson & Burnett, LLP
Rachel A. Truhslen, Rachel A. Truhslen Law Office, P.C., L.L.O.

When people hear “elder law,” they think it is for “old people” or that it is only about qualifying clients for Medicaid. In fact, there are lots of myths and misconceptions about elder law that prevent people from getting the legal assistance they need to achieve more security for themselves and their families. This CLE will dispel myths and misconceptions elder law attorneys hear.

9:00 am - 12:15 pm 3 CLE hours
ADR, Federal Law, Juvenile Law, Law Practice Management, Senior Lawyers and Young Lawyers Sections Seminar
De-Escalating Strong Emotions
Douglas E. Noll, Noll Associates

This session will introduce, teach, and develop skills in de-escalating strong emotions in conflict situations. This is a highly interactive session that will allow lawyers to explore the concepts of core messaging and affect labeling. Topics will include: the nature of listening, emotions, emotional invalidation, the six needs of victims, the four levels of reflective listening, core messaging, and affect labeling. At the conclusion of this session, lawyers will learn how to slow down reactivity, develop empathy and compassion, improve concentration and focus, and learn how to better communicate and counsel one-on-one with clients in order to nip conflicts in the bud.

Doug Noll has been in professional practice for over 40 years. For the past 20 years, he has dedicated himself to understanding the emotional and biological origins of human conflict. With this knowledge, he has developed a unique set of empathic listening skills that work the first time, every time. He works in places as diverse as the Congressional Budget Office and maximum security prisons, teaching these deep skills to those who must be able to calm angry, reactive people quickly and efficiently. He is the author of “De-Escalate: How to Calm An Angry Person in 90 Seconds or Less.”
Wednesday CLE Seminars

10:30 am - 12:00 pm 1.5 CLE hours
**Appellate Practice and Federal Law Sections Seminar**
**Nuances in Appellate Practice and a Brief Look at the Federal CJA Program**
*Hon. L. Steven Grasz, U.S. Court of Appeals for the Eighth Circuit*
*Hon. Francie Riedmann, Nebraska Court of Appeals*
*Micahel J. Wilson, Schaefer Shapiro, LLP*

Nebraska Court of Appeals Judge Francie Riedmann and US Eighth Circuit Judge L. Steven Grasz will discuss the differences between appellate practice in Nebraska state courts and federal courts. The federal Criminal Justice Act provides for appointed counsel for indigent criminal defendants in federal court. Michael J. Wilson will briefly discuss the statutory framework for the CJA program, including the application process to qualify for the list of lawyers eligible for court appointment.

10:30 am - 12:00 pm 1.5 CLE hours
**Health Law Section Seminar**
**Healthcare Legal Issue Spotting for Non-Healthcare Lawyers**
*Travis W. Tettenborn, Cline Williams Wright Johnson & Oldfather, LLP*
*Whitney C. West, CHI Health*

This session will provide a broad overview of healthcare-related legal issues that a non-healthcare-focused attorney may expect to encounter when dealing with his or her healthcare clients, from both a transactional and litigation perspective. This session will discuss: federal fraud and abuse laws on physician referrals, kickbacks, and false claims; HIPAA and healthcare privacy protections; the ABCs of federal and state peer review protections and associated medical staff issues; the anatomy of a medical malpractice case in Nebraska; considerations in multiple defendant lawsuits; and common discovery issues and best practices for your healthcare clients.

11:00 am - 12:00 pm 1 CLE hour
**NebDocs: Making Efficiency, Profitability and Client Satisfaction Part of Your Practice**
*Tomas Suros, Chief Solutions Architect, AbacusNext*

NebDocs is the NSBA's premier, automated document assembly program, which enables subscribers to quickly and accurately generate legal documents using templates published by the NSBA. NebDocs is available through HotDocs Market, a legal technology platform from AbacusNext that allows subscribers to assemble legal documents on any device with a web browser, including an iPad, Mac, PC and Microsoft Surface. Additionally, all Probate System V forms and various Nebraska practice manuals are included in a NebDocs subscription. Learn how to incorporate NebDocs into your practice to become more efficient and deliver value to your clients!

1:00 - 5:00 pm 3.75 CLE hours
**Nebraska Criminal Defense Attorneys Association (NCDAA) Seminar (Afternoon Session)**
**Digital Forensics: Context and Correlation**
*Shawn Kasal, Digital Forensic Expert, 12 Points Technologies LLC*

This session will provide lawyers with the concepts of context and correlation as they apply in collection and analysis of digital data. At the conclusion of the session, lawyers will be able to ask the right questions in discovery with cases that involve computers and cell phones (e.g., ways and means of good data collection and correlation of the data and attribution of the actions).

1:15 - 2:15 pm 1 CLE hour
**Labor Relations & Employment Law and Intellectual Property Sections Seminar**
**Best Practices for Effectively Obtaining and Using Electronic Discovery and a Primer on the Defend Trade Secrets Act**
*Micahel Hilgers, Hilgers Graben PLLC*
*Dan Honz, Advent, LLP*
*Michael McCartney, Avalon Cyber*

This session will offer practical advice for addressing difficult electronically stored information (ESI) problems, including strategies for searching, reviewing and producing high volumes of ESI, how to address problems that arise in the course of the initial ESI search/review, dealing with unreasonable requests from opposing counsel, and the sources of ESI attorneys should consider. This session will also provide a practical explanation of information which can be retrieved, methods of searching, usability, functionality of information retrieved, and whether and to what extent metadata or other background information can be obtained. Claims, remedies and other provisions of the Defend Trade Secrets Act will also be covered.

1:15 - 2:15 pm 1 CLE hour
**Casemaker4: What's New**
*Lisa Smith-Crissey, Director of Business Development and Bar Relations, Casemaker*

Casemaker is an online legal research database free to dues-paying members. Casemaker4 is the new, faster platform that has incorporated user feedback to produce a more intuitive interface. This session will cover the new features of Casemaker4: getting to know the system, what it offers, the new sorting features, advanced search options, and new options such as user defined alerts. See the new expanded personalization options. Also covered will be how to conduct keyword searches, pull up documents using citations, and check case law for subsequent negative treatment.
Wednesday CLE Seminars

1:15 - 2:45 pm
Limited Scope Representation, Public Interest Law Sections and VLP Seminar
Getting Started with Pro Bono Representation: The How-To Guide You've Been Waiting For
Professor Katelyn Cherney, Milton R. Abrahams Legal Clinic, Creighton University School of Law
Laurel Heer Dale, NSBA Volunteer Lawyers Project
Jamie C. Hermanson, Hermanson Law & Mediation

This presentation will provide introductory guidance on how to initiate and carry out pro bono representation in the areas of highest unmet legal need in Nebraska. It will include a walkthrough of relevant Supreme Court forms, general pro bono practice advice, a refresher on limited scope representation, and information on resources available to support pro bono legal assistance. The purpose of this presentation is to equip attorneys interested in providing pro bono services with the tools they need to get started.

1:15 - 3:15 pm
Business Law and Corporate Counsel Sections Seminar
More Than Firewalls: A Practical, Low-Tech Look at Data Security in a Regulated Environment
Grayson Derrick, Baird Holm LLP
Robert Kardell, Baird Holm LLP
James O’Connor, Baird Holm LLP

Gone are the days where security was only an IT issue and data protection was a function carried out in a backroom. Breach reporting requirements and penalties under privacy laws such as HIPAA and GDPR represent a significant call to action for businesses to improve their resilience around security. This session will discuss some of the current data protection and compliance challenges faced by companies that handle personally identifiable information (PII), and also provide strategies for businesses to leverage their people, processes, and technology resources to strengthen their defenses.

3:15 - 5:15 pm
NSBA Ethics Program
Nobody Told Me There’d Be Days Like These!: Stress, Pressure, and Ethical Decision-Making in the Practice of Law
Michael Kahn and Chris Osborn, ReelTime Creative Learning Experiences

Most serious legal malpractice claims and problematic bar disciplinary actions are brought not for debatable violations of arcane, ambiguous, provisions of the Rules of Professional Conduct, but, in fact, for clear breaches of obvious, well-defined ethical obligations. (Don’t take money from the client trust account. Keep clients reasonably informed about the developments in a case or a transaction—even when it’s bad news. Don’t sleep with the attractive domestic client you are representing in an ongoing divorce proceeding, etc.) It’s not rocket science—in fact, anyone who has sat in on a basic Professional Responsibility class would know such conduct is ethically problematic. And yet it happens. A lot. Even to our own friends and colleagues.

This engaging, highly interactive session provides a fresh and practical perspective on the fundamental question, “Why do ‘good’ lawyers ‘go bad’?” Vignettes from an engaging original short film, written and co-produced by ReelTime CLE founders Michael Kahn and Chris Osborn, serve as the catalyst for a practical and informative consideration of the intersection of ethical decision-making and the manifold sources of stress encountered by lawyers in managing the day-to-day practice of law. At the conclusion of this session lawyers will learn: how to guard against ethical missteps by better understanding the complex interplay of various factors that can contribute to them; explore the roles of stress, core values, organizational “culture,” and cumulative choices in the ethical decision-making process; gain practical, concrete guidance on how to manage a practice so as to better navigate the inevitable tension between personal and professional pressures; implement best practices for setting and managing client expectations, and identify and implement sustainable strategies for minimizing the negative effects of stress and pressure in the practice of law.

Michael Kahn and Chris Osborn formed ReelTime Creative Learning Experiences in 2007 in response to a fairly daunting challenge: developing and presenting seminars on ethical decision-making and mental health/substance abuse awareness for lawyers. They met that challenge by leveraging both their love of good movies and their unique backgrounds (Chris’ experience as a practicing lawyer and former law school professor, and Michael’s as a psychotherapist and former lawyer) to create a unique facilitated workshop format that would engage attendees and treat them as active participants in the learning process.
### Securities Law Section Seminar

**Fraudulent Transfer Avoidance in Public Securities Transactions**

Irina Fox, Associate Professor of Law, Creighton University School of Law

This topic culminated in last year’s Supreme Court opinion in *FTI Consulting v. Merit Management*. A recent trend by disgruntled creditors of failed companies that underwent a leveraged buyout (LBO) has been to clawback money from the shareholders who received payouts for their stock in the LBO. The bankruptcy code contains an exception to these clawback powers that is designated to protect the market for securities. This session will explain the dynamics of LBOs and clawbacks and focus on a few significant decisions shielding shareholders from these clawback actions.

### Women and the Law Section Seminar

**Fierce, Fearless and Forward: Overcoming Obstacles and Improving Your Negotiation Skills**

Deborah R. Gilg, Esq., Fearless, Fierce and Forward, LLC

This session will review the principles of effective negotiation and common mistakes made by attorneys during negotiations. This session will also discuss the ethical obligations an attorney must consider when negotiating.

### General Practice and Military Law Sections Seminar

**Overview of the Servicemembers Civil Relief Act (SCRA)**

Matthew V. Rusch, Erickson & Sederstrom, PC, LLO, and Lt. Colonel, U.S. Army Reserve

This session will provide practitioners with an overview of the Servicemembers Civil Relief Act (SCRA). The SCRA impacts many different areas of practice including landlord/tenant, dissolutions, family law, contract law, and more. With an emphasis on issue spotting, this session will provide a broad and general overview to better equip lawyers with an understanding of the SCRA’s impact.

### Agricultural Law Section Seminar

**Industrial Hemp: What Farmers (and Their Lawyers) Need to Know After the 2018 Farm Bill and the Nebraska Hemp Farming Act**

David Bracht, Kutak Rock LLP

Industrial hemp was “legalized” by Congress in the 2018 Farm Bill and by the Nebraska legislature with the Nebraska Hemp Farming Act, but farmers (and their lawyers) need to know the rules before committing to this new crop. Key provisions of the 2018 Farm Bill and the Hemp Farming Act will be discussed and the status of regulations under development by USDA, FDA, and the Nebraska Department of Agriculture applicable to hemp producers and processors will be addressed, along with things to avoid in this developing industry.

**Drones in Agriculture: Rules of the Road & Sky for Farmers and Ag-Service Companies Using Drones**

Jacob Tewes, Kutak Rock LLP

Drones allow farmers, ranchers, crop consultants, and ag bankers to gather valuable information much easier than traditional means, but it takes more than reading the owner’s manual. Using a drone means the farmer has another regulator to consider: the Federal Aviation Administration (FAA). This session will provide practical information about FAA rules and requirements for individual farmers using drones, as well as crop consultants and others using or providing drone services as a part of a commercial business.

**Agriculture Law Update**

James Nygren, Legislative Affairs Officer, Farm Credit Services of America

This session will provide a summary of important cases, regulations and other legal issues at national and state levels affecting agriculture.
Thursday CLE Seminars

8:00 - 9:30 am  1.5 CLE hours
Midwest Innocence Project Seminar  
Innocence In Practice  
Faye Jacobs, Freed Innocent Person  
Rachel Wester, Midwest Innocence Project

This session will highlight common hallmarks of wrongful conviction cases and what can be done to avoid them happening in the future. The presentation will specifically analyze the experience of Faye Jacobs, who was incarcerated for a crime she did not commit when she was only 16 years old and served over 26 years in prison before being released in 2018. The panel will specifically discuss issues surrounding eyewitness misidentification.

8:30 - 9:30 am  1 CLE hour
2019 Legislative Update
Timothy G. Hruza, Mueller Robak LLC  
William J. Mueller, Mueller Robak LLC

The annual Legislative Update will recap the 2019 legislative session. It will highlight key bills from various areas of practice, provide practice tips regarding significant bills affecting the practice of law, and describe other legislative developments of interest to lawyers.

9:30 - 11:30 am  2 CLE hours
Real Estate, Probate and Trust Law Section Seminar  
(Session 1)
Nebraska Title Standards: New and Updated Standards  
Ward F. “Fred” Hoppe, The Hoppe Law Firm, LLP  
Michael D. Matejka, Woods & Aitken LLP

The Nebraska Title Standards are undergoing a complete review, with adoption of the updated and revised standards expected in October. This session will provide lawyers with an update on those significant changes to the standards and how they will impact real estate practice.

The Closing Process and Proper Closing Procedures
Kent Radke, TitleCore National

This session will provide lawyers with an overview of the closing process and closing procedures, including: opening the closing file and review of purchase agreements, reviewing the title commitment and why this is important, proper closing procedures and the role of the settlement agent/attorney, and post closing procedures.

10:00 am - 12:00 pm  2 CLE ethics hours
NLAP Ethics Program  
Stress Management for Lawyers
Chris Aupperle, NLAP Director  
Ryan Evans, LIMHP, LADC

This program will provide participants with the opportunity to be proactive about their mental health and stress management. Participants will learn about effective stress management tools that can be incorporated into their everyday lives. The program will examine how lawyers can improve their skills in the areas of distress tolerance (stress management), interpersonal relationships, mindfulness, and emotion regulation.

12:00 - 1:00 pm  1 CLE hour
Tech Talks Lunch  
Sponsored by Clio
Hot Technology Tips for Lawyers
Jim Calloway, Director, Oklahoma Bar Association Management Assistance Program

This fast-paced session covers a broad range of important ways for lawyers to more efficiently serve their clients. The tip that saves a lawyer five minutes every day can be very valuable. From advanced word processing techniques to better safeguarding of digital client information to how to locate a copy of a deleted web page and get it admitted into evidence, there is something for everyone in this session. Often a law firm already owns a tool, but no one has assisted them with how to use its advanced features (or even some basic features). You will leave this session with many items you can put to use your next day back in the office. (Lunch is included.)

1:00 - 2:30 pm  1.5 CLE hours
Privacy/Security/Tech Law Seminar  
E-Commerce and Technology: The Changing Legal Landscape
Professor Catherine Lee Wilson, University of Nebraska College of Law

This session is for lawyers who practice in the area of technology and/or privacy and data security. Rapid changes in information technology directly impact how businesses conduct business. This session will examine the impact of how such changes in technology have a direct impact on business practices. Focusing on online businesses, the session will examine some of the legal issues arising in e-commerce, m-commerce, and social commerce. How is technology changing business practices with respect to the sale of goods and payments? How are fintech firms impacting business practices? Are the legal issues that arise from these changes adequately addressed by current law? If not, what changes are anticipated?
Thursday CLE Seminars

1:00 - 3:00 pm  2 CLE hours
Real Estate, Probate and Trust Law Section Seminar
(Session 2)
Income Tax Planning - What An Estate Planning Lawyer Needs to Know
Gerard T. Forget III, Gross & Welch P.C., L.L.O.
William J. Lindsay, Jr., Gross & Welch P.C., L.L.O.

This session will focus on the income tax planning that is now an integral part of estate planning and estate and trust administration.

1:00 - 3:00 pm  2 CLE ethics hours
Midlands Bar Association Seminar
Challenges to the Desire for Racial-Ethnic Equality Through the Ideals of Multiculturalism: Lessons for the Legal Profession
Professor Olu Oyinlade, University of Nebraska - Omaha and President and Principal Consultant of Crown Business Consulting, LLC

The multiculturalism movement is an anti-bigotry movement that promotes the recognition and equalization of all cultures in the country. The central goal of the movement is the adoption of the multicultural agenda by all organizations as an avenue to reducing or eradicating racial-ethnic prejudice and discrimination in the country. While the intent of multiculturalism is noble, a critical examination of many aspects of the movement reveals many problems of contradictions, inconsistencies and counter-productiveness of the endeavor. Dr. Oyinlade will discuss some of the problems and implications of multiculturalism, as well as important lessons for legal practitioners.

1:00 - 3:00 pm  1.5 CLE hours
Natural Resources and Environmental Law Section Seminar
“Follow the Water” Documentary Screening at the Alamo
Christine Lesiak, “Follow the Water” producer
Meagan Deichert, Keep Nebraska Beautiful
Michael J. Linder, Koley Jessen P.C., L.L.O.

This session will screen the NET documentary “Follow the Water,” which follows a mythical drop of water from the mountains of Colorado to the Missouri river. The documentary will provide attorneys with an understanding of Nebraska’s legally defined watersheds and the statutory, regulatory, and other conservation efforts taking place across the state. The discussion of the interplay between surface water and groundwater in the documentary will tie in to discussion of Nebraska water rights issues and the separate laws for surface water and groundwater rights. Comments from the film’s producer, Christine Lesiak, a roundtable discussion of current water rights issues and cases in Nebraska, and an update on the current state of the WOTUS rulemaking at the EPA, will follow the film.

1:15 - 2:45 pm  1.5 CLE hours incl. 1 ethics hour
Sponsored by the Omaha Bar Association Young Lawyers Division
Megan Zavieh, Esq., Zavieh Law and author of The Playbook: The California Bar Discipline System Practice Guide

Let’s be honest: getting paid for our legal services is critically important, but there’s rarely CLE available that discusses billing structures and the ethics of “alternative fee structures” such as flat fee billing. Likewise and tied to billing is the evolution of modern clients and their changing expectations of the structure of the attorney-client relationship. Seeing the need for a serious discussion with top-tier talent, the OBA has flown in a nationally recognized ethics speaker to discuss: the general ethics of billing practices, including utilizing hourly and flat fee practices within our ethical obligations (Neb. Ct. R. § 3-501.5); more progressive ways of structuring fees ethically, including subscription legal services, incentive payments, and payment plans; the changing consumer landscape in law, including the upcoming generation of legal consumers now expecting different practices than the old school methods; meeting demands of a tech-driven client base, including utilizing design thinking to create a customer experience that any of the audience members would want to have for their own legal counsel; and highlights from key lawyers on the forefront of change. This seminar seeks to identify areas of improvement in lawyers’ everyday communication with potential and existing clients, with the ultimate goal of creating a better outcome for both clients and counsel.

2:00 - 3:00 pm  1 CLE hour
The Flexible Lawyer  Sponsored by Clio
Jim Calloway, Director, Oklahoma Bar Association Management Assistance Program

Today’s lawyer has a variety of options to serve his or her clients. Videoconferencing should be a tool lawyers can easily use if needed. On the other hand, e-mail is not secure and should not be used in many circumstances. Clients will appreciate the convenience of secure client portals for confidential communication. Some lawyers are opening virtual practices where there will be no face-to-face meetings with clients. Others are delivering limited scope services. Most lawyers should be using digital client files for numerous reasons. There are many alternative practice settings, but every lawyer should have the flexibility to handle a matter at any time from any location. This session will help you re-envision the future of your practice and your professional life.
When race, class, religion, and gender collide, especially in the legal profession, a conversation begins. The Defamation Experience is a diversity program which begins with a riveting courtroom drama that explores the highly charged issues of race, class, religion, gender, and the law with a twist: the audience is the jury. Combined with audience deliberation and a facilitated discussion, The Defamation Experience is a unique opportunity for lawyers to engage in civil discourse about the most pressing social issues that impact our legal system today.

The Play: Defamation is a courtroom drama. The premise is a civil suit: Ms. Wade, an African-American business owner, is suing Mr. Golden, a Jewish real estate developer, for defamation. What follows is a 75-minute trial that “holds our prejudices and assumptions under a powerful lens, and does not let go except by way of an unsettling self-examination.”

The Deliberation: After the most dramatic testimony, the judge tells the audience it is going to be the jury. A first poll is taken. The choices are for the plaintiff, the defendant, or undecided. The tally is announced. Then for 15 minutes, the judge leads the deliberation. Jurors stand to explain and advocate their reasons for their vote. When consensus of views has been heard, the judge polls the audience again with only the option to vote for either the plaintiff or the defendant, and the final vote decides the outcome of the trial.

The Post Show Discussion: Immediately following the trial, a seasoned facilitator steps forward and facilitates a post-show discussion. The purpose is not to re-litigate the case but to offer an opportunity for a safe, open, honest, and meaningful conversation about race, class, religion, gender, and the law.
Friday CLE Seminars

Friday, October 11, 2019

8:00 - 9:00 am  
1 CLE hour

NSBA Child Support Calculator Seminar
Tips for Using the NSBA’s Child Support Calculator
Adam Astley, Astley Putnam, P.C., L.L.O.

The Nebraska Child Support Calculator is one of the NSBA’s premier member benefits for dues-paying members. This session will demonstrate the features of the product and allow you to ask questions of the developer.

8:00 - 9:00 am  
1 CLE hour/1 hour of GAL credit

Immigration Law and Juvenile Law Sections Seminar
Immigration Issues in Juvenile Court Practice
Roxana Cortés Reyes, Immigrant Legal Center
Charles Shane Ellison, Immigrant Legal Center

This session will cover the different types of immigration statuses, as well as the forms of immigration relief currently available to children who are not U.S. citizens. Examples of the complexity of the U.S. immigration legal system will be shared, and immigration legal terms will be defined. Unfortunately, many abused, abandoned, and/or neglected children in Nebraska who are undocumented are aging out of the juvenile court’s jurisdiction without applying for Special Immigrant Juvenile Status (SIJS), which creates a path to U.S. citizenship for vulnerable youth. Learn more about this particular form of immigration relief that may be available to children involved in juvenile court.

8:00 - 10:00 am  
2 CLE hours incl. 1 ethics hour

Christian Legal Society Seminar
The Ethics of Conscience: Saint Thomas More and First Freedoms in the Legal Profession
Michael S. McGinnis, Dean and Professor, University of North Dakota School of Law

This session will provide attendees with perspectives on the ethics of conscience based on his recent Harvard Journal of Law & Public Policy article Expressing Conscience with Candor: Saint Thomas More and First Freedoms in the Legal Profession. The article explores recent challenges to lawyers’ “first freedoms” under the First Amendment to the United States Constitution, especially freedom of speech, with particular attention to the ABA’s 2016 adoption of Rule 8.4(g) of the Model Rules of Professional Conduct.

US Supreme Court Review and Constitutional Law Update
Professor Richard F. Duncan, University of Nebraska College of Law

This session will provide an update on recent decisions from the U.S. Supreme Court.

8:15 - 9:15 am  
1 CLE ethics hour

Inns of Court Seminar
Issues Affecting Judicial Fairness, Impartiality, and Independence
Hon. Andrew R. Jacobsen, District Court, 3rd Judicial District
Timothy R. Engler, Rembolt Ludtke LLP
Professor Chelsi Hayden, University of Nebraska College of Law
Thomas P. McCarty, Keating, O’Gara, Nedved & Peter, P.C., L.L.O.
Molly M. McCleery, Nebraska Appleseed Center
Tara T. Paulson, Rembolt Ludtke LLP
John F. Zimmer, V, Cline Williams Wright Johnson & Oldfather, L.L.P.

This session will review how judges are selected (appointment, Missouri Plan, elected in partisan and non-partisan elections), the impact of elections on judges’ impartiality, responding to valid and invalid criticism of the judiciary from an ethical standpoint as well as First Amendment concerns, and a discussion of recent studies on the best method to select judges to ensure a fair and impartial judicial branch. Speakers will review Section 5-304.1 of the Judicial Code and Nebraska Rules of Professional Conduct, Rule 3-508.2(a). Finally, the speaker will consider the impact of social media on judges and judicial independence.

9:00 am - 12:00 pm  
2.5 CLE hours incl. 2 ethics hours

2019 Pro Bono Summit

9:00 am  
Introduction & Welcome
Hon. Frankie Moore, Nebraska Court of Appeals
Hon. James E. Doyle, IV, Judge of the District Court, 11th Judicial District

This session will provide an overview of the work of the Nebraska Supreme Court Committee on Self-Represented Litigation and will provide an overview of the challenges to the right of self-representation which the judicial system currently faces and solutions and improvements in response to such challenges.

9:35 am  
Delivering Limited Scope Services Safely and Effectively
Jim Calloway, Director, Oklahoma Bar Association Management Assistance Program

To deliver limited scope services effectively (and profitably), the lawyer’s time with the client will necessarily be of limited duration. This increases the need for the lawyer to have efficient processes and detailed documentation to respond to a claim by a disgruntled client. The extensive written materials accompanying this session include sample checklists and forms from many jurisdictions.
Friday CLE Seminars

10:35 am  Break

10:45 am  Innovative Collaboration in the Delivery of Pro Bono Services
Kenneth M. Smith, Chair, Public Interest Law Section, moderator
Panelists will include lawyers from ACLU Nebraska, Creighton University School of Law Milton R. Abrahams Legal Clinic, Disability Rights of Nebraska, Immigrant Legal Center, Legal Aid of Nebraska, Nebraska Appleseed, University of Nebraska College of Law Civil Law Clinic, Volunteer Lawyers Project, Women’s Center for Advancement, and Nebraska Coalition to End Sexual and Domestic Violence

Managing attorneys of nonprofit legal aid and legal service providers discuss current models used in the delivery of civil legal services, case priorities, and barriers and challenges to pro bono representation. This session provides an overview of established programs governed by Neb. Ct. R. of Prof. Cond. § 3-506.5, through which lawyers provide short-term limited legal services that help persons address legal problems without further representation by a lawyer.

11:45 am  Pro Bono Recognition
Hon. Michael Heavican, Chief Justice, Nebraska Supreme Court
Hon. Stephanie Stacy, Nebraska Supreme Court
Hon. Frankie Moore, Nebraska Court of Appeals
Elizabeth Neeley, Nebraska State Bar Association

10:00 am - 12:00 pm  2 CLE hours
Government and Administrative Practice Section Seminar
The Alphabet Soup of Local Economic Development: TIF, PACE, EEAs & More!
Christine Abraham, League of Nebraska Municipalities
Trevor A. Fitzgerald, Urban Affairs Committee/Nebraska Legislature
David C. Levy, Baird Holm LLP
Joel D. Pedersen, Baird Holm LLP

This session will provide lawyers with an overview of various local economic development tools, including tax-increment financing (TIF), property assessed clean energy (PACE), enhanced employment areas (EEAs), opportunity zones and more! This session will provide an update on recently passed legislation as well as practice tips for both government practice attorneys and attorneys representing private developers.

10:00 am - 12:00 pm  2 CLE hours incl. 1 ethics hour
Federalist Society Seminar
Why Progressives Hate (and Federalists Should Love) the Electoral College and the U.S. Senate
Professor Richard F. Duncan, University of Nebraska College of Law

This session will explore how the structural architecture of the Constitution delicately balances the incredible power of a central government wielding the sword of the Supremacy Clause against the continued sovereignty of the states and the liberty of “We the People” of the several states. In particular, the session will focus on the Constitution’s provisions regarding the electoral college as the mechanism by which the President of the United States is chosen and regarding the structure of the United States Senate. This CLE is particularly timely in light of the general misunderstanding of electoral federalism and the reasons the Founders designed the electoral system for the presidency and the explicit rule of equal state representation in the United States Senate.

Lawyers in Negotiation: Meeting Ethical Challenges and Maintaining Professional Integrity
Michael S. McGinniss, Dean and Professor, University of North Dakota School of Law

This session will provide attendees with perspectives on ethical issues relating to lawyer negotiation based on Professor Michael McGinniss’ article Breaking Faith: Machiavelli and Moral Risks in Lawyer Negotiation. This article examines the ethics of lawyer negotiation through the viciously scratched lens of Niccolò Machiavelli’s The Prince, in which he advises political rulers about what he considers realistic principles for decision making and action.

1:00 - 2:00 pm  1 CLE hour
Diversity Section Seminar
The Impact of State and Local Law and Policy on Fair Housing
Gary Fischer, General Counsel, Family Housing Advisory Services (FHAS)
Palma Strand, Professor of Law, Creighton University’s Negotiation and Conflict Resolution Program
Scott P. Moore, Baird Holm LLP

This panel will address how the complex array of state and local laws and policies, including land use and development regulations, code enforcement, and delivery of municipal services, could result in limiting housing choice and even violate Fair Housing laws. The panelists will offer insight on practical ways state and local governments and advocates can address these issues.
Friday CLE Seminars

1:00 - 2:30 pm  1.5 CLE hours
Indian Law Section Seminar
Helping Lawyers Develop Core Competencies in Indian Law
Hon. Brooktynn M. Blood, Associate Judge, Winnebago Tribal Court
Sheila Corbine, Big Fire Law & Policy Group LLP
Lisa DeCora, Big Fire Law & Policy Group LLP
Nicole E. Ducheneaux, Big Fire Law & Policy Group LLP
Callie McCool, Big Fire Law & Policy Group LLP
Joseph V. Messineo, Big Fire Law & Policy Group LLP
Hon. Patrick R. Runge, Chief Judge, Winnebago Tribal Court
Andy Snowball, 3rd Year, Creighton University School of Law

This session will provide lawyers who do not regularly practice Indian law with the knowledge they will need to develop core competencies necessary to represent a Tribe, oppose a Tribe, or partner with a Tribe on programs and projects. This session will provide an overview of: recent case law and legislative updates, disparate treatment of Alaska Natives and Native Hawaiians, Indian taxation, Native American property and other issues, criminal and civil jurisdiction, and tribal courts.

1:00 - 3:00 pm  2 CLE hours incl. 1 ethics hour
Taxation Law Section Seminar
Case Studies and the Ethical Obligations of Tax Practitioners
Professor Edward A. Morse, Creighton University School of Law

This session will review recent tax cases and explore the ethical implications of the choices made by the tax professionals in the course of representing their clients in these cases. The program will include a discussion of tax practitioners’ obligations under Treasury Department Circular No. 230, Regulations Governing Practice before the Internal Revenue Service and Nebraska Rules of Professional Conduct 2.1, Advisor; 3.1, Meritorious claims and contentions; 3.3, Candor toward the tribunal; and 3.9, Advocate in nonadjudicative proceedings.

1:00 - 4:00 pm  3 CLE hours incl. .25 ethics hour  1 hour GAL
Family Law Section Seminar
Resourceful & Effective Use of Guardians Ad Litem in Divorce Proceedings
Mary “Peg” Stevens, Carlson & Burnett, LLP

This session will provide lawyers with the most recent cases and statutory framework for GAL testimony, outline the various uses of GALs in divorce cases, provide suggestions for agreement and orders to outline how the GAL will be used, and the ethical issues for communicating with parties and counsel.

Language and Children in Interviews
Colleen Brazil, MSW, LIMHP, Forensic Interviewer Program Manager, Project Harmony

This session will provide lawyers with a primer on best practices for interviewing children of a variety of ages when serving as a court-appointed GAL.

View from the Bench: Use of GALs in Custody Proceedings
Hon. Peter C. Bataillon, District Court, 4th Judicial District
Hon. Shelly R. Stratman, District Court, 4th Judicial District
Hon. George A. Thompson, District Court, 2nd Judicial District

This session will provide lawyers with judges’ perspectives on the use of GALs in custody proceedings.

Nebraska Department of Revenue: Audit and Examination Procedures
Stacey L. Parr, Director of Compliance and Motor Fuels, Nebraska Department of Revenue

This session will review the Nebraska Department of Revenue’s audit and examination procedures and policies. It will also give Nebraska tax practitioners the opportunity to gain insight from and ask questions of the Department in an informal setting.