

Join Us for Our 2019 ANNUAL MEETING

June 11 – 14, 2019

Fargo, Delta Hotel

PRESENTERS

Thursday, June 13th

8:30 a.m. – 10:00 a.m.

Welcome / Kickoff, Crystal Ballroom I & II

Thursday Morning Plenary Session - 1.5 CLE Credits

[Daniel Bowling](#)

Well-Being and the Practice of Law



Dan Bowling III is an interdisciplinary scholar whose focus is at the intersection of law, work, and psychology. He was the 2015 recipient of Duke Law's Distinguished Teaching Award, where he teaches courses in labor and employment law. He also designed and teaches a course on lawyers and personal well-being which has been featured in several national publications, and leads seminar courses exploring the connection between happiness, legal professionalism, and work satisfaction. In

addition to his work at Duke, Bowling is a lecturer at the University of Pennsylvania, where he assists Dr. Martin Seligman in teaching graduate level courses on positive psychology, positive humanities, and character strengths and virtues.

Outside of the academic world, Bowling is managing principal of Positive Workplace Solutions, LLC, which specializes in designing human performance programs and strategies for senior executives, and a practicing labor and employment lawyer. He also is an executive coach to lawyers at some of the largest corporations and firms in the U.S. Until 2006, he was Senior Vice President of Human Resources for Coca-Cola Enterprises Inc., a Fortune 125 company. In that capacity, he had responsibility for all human resources matters for the company's 80,000 employees in North America and Western Europe, including 35,000 working over 200 labor contracts. In addition to his human resources responsibilities, Bowling was a member of the corporation's governing executive committee. During his twenty year career in the Coca-Cola system, Bowling served in many roles, including running one of the largest business units in the company, and serving as general manager of the Florida Coca-Cola bottling company. He joined CCE in 1986 as Chief Labor Counsel.

Prior to joining CCE, Bowling was a partner with Smith, Currie and Hancock in Atlanta, Ga. He specialized in Title VII litigation and management labor law.

Bowling serves on several boards and is active in non-profit organizations. He is a frequent speaker at seminars and meetings, and has published numerous works in business and professional publications. His current areas of academic research and writing include the application of positive psychology in the practice of law, and the role of well-being in legal ethics and professionalism.

Bowling graduated *cum laude* with honors in English from Millsaps College in 1977. He received his JD from Duke University School of Law in 1980, and a master's degree in positive psychology from the University of Pennsylvania in 2009.

Thursday, June 13th

10:15 a.m. – 11:15 a.m. Track 1A Thursday Morning CLE Session - 1.0 CLE Credit, Mozart

[Kyle Loven](#)

Digital Evidence – How to Proceed in a digital landscape

Digital evidence is rapidly changing the practice of law. Lawyers must have awareness as to how digital evidence will continue to affect their work. This presentation will focus upon digital evidence protocols and will explore specific criminal and civil investigations where digital evidence has had a direct impact. The presentation will conclude with a live tour of the ‘dark web’.



Kyle Loven joined Computer Forensic Services in the fall of 2017 as its National Director. Kyle is a 22 year veteran of the FBI and served as Chief Division Counsel for the Minneapolis Division from 2004 to 2017. In this role, Kyle addressed all legal issues which affected the division and ensured all FBI operations in Minnesota, North Dakota, and South Dakota were compliant with internal policies, the AG Guidelines, and the US Constitution. He also served as the Ethics, Privacy, and Compliance Officer for the division, while also acting as the spokesperson for 6 years.

Kyle served as a Special Agent in both the San Diego and Minneapolis Field Divisions, and also served as the Acting Legal Attache to Singapore in 2009. As an investigator with the FBI, Kyle investigated a number of Violent, White Collar, and Cyber crime matters. These investigations included an international ‘Murder for Hire’ scheme which resulted in the arrest and conviction of both a South African and Italian national, as well as the indictment of a prominent South African attorney.

Kyle was designated an adjunct instructor by the FBI and provided instruction to law enforcement, judicial, and business professionals in Hungary, El Salvador, and Kazakhstan. He also conducted numerous presentations on behalf of the FBI domestically while serving as the division’s community outreach supervisor. He also serves the Minnesota State Bar as an instructor for Minnesota Continuing Legal Education events.

Kyle received his Bachelor’s Degree from Saint John’s University in Collegeville, Minnesota and his Juris Doctor from Mitchell Hamline School of Law in Saint Paul, Minnesota. He is also a Certified Compliance & Ethics Professional.

Thursday, June 13th

10:15 a.m. – 11:15 a.m. Track 1B Thursday Morning CLE Session - 1.0 CLE Credit, Brahms

[Vikram David Amar](#)

*Supreme Court Developments:
Cases already decided*

1:30 p.m. – 3:00 p.m. Track 2B Thursday Afternoon CLE Session - 1.5 CLE Credits, Brahms

[Vikram David Amar](#)

*Supreme Court Developments:
What to expect in the coming weeks and months*



Vikram Amar,

Dean, College of Law, University of Illinois

Dean Amar joined the College of Law as its dean in 2015, after having been a professor of law for many years at law schools in the University of California System, most recently the UC Davis School of Law, where he served as Senior Associate Dean for Academic Affairs. Amar is one of the most eminent and frequently cited authorities in constitutional law, federal courts, and civil procedure. He has produced several books and over 50 articles in leading law reviews. He is a co-author (along with Jonathan Varat) of *Constitutional Law: Cases and Materials* (Foundation Press, 15th ed. 2017)

and a co-author on multiple volumes of the *Wright & Miller Federal Practice and Procedure Treatise* (West Publishing Co.). He is also the co-author of a one-volume treatise on American Civil Procedure. He writes a biweekly column on constitutional matters for [Justia.com](#) and a monthly column on legal education for [abovethelaw.com](#), is a frequent commentator on local and national radio and TV, and has penned dozens of op-ed pieces for major newspapers and magazines.

A strong proponent of public and professional engagement, Amar is an elected member of the American Law Institute and has served as a consultant for, among others, the National Association of Attorneys General, the United States Department of Justice, the California Attorney General's Office, the ACLU of Southern California, and the Center for Civic Education. For one year he chaired the Civil Procedure Section of the Association of American Law Schools.

Amar earned his bachelor's degree from UC Berkeley and his juris doctor from Yale Law School, where he was an articles editor for the *Yale Law Journal*. He then clerked for Judge William A. Norris of the United States Court of Appeals for the Ninth Circuit and for Justice Harry A. Blackmun of the United States Supreme Court before joining Gibson, Dunn & Crutcher, where he handled a variety of complex civil and white collar criminal matters. It appears that dean Amar was the first person of South Asian heritage to clerk at the U.S. Supreme Court, and was the first American-born person of Indian descent to serve as a dean of a major American law school. Follow Dean Amar's bi-weekly column on [Justia.com](#) and his monthly column on [Above the Law](#), and read archived posts from his [FindLaw.com](#) column.

Thursday, June 13th

10:15 a.m. – 11:15 a.m. Track 1C Thursday Morning CLE Session - 1.0 CLE Credit, Crystal Ballroom III
[Judge Mary Celeste](#)
Cannabis and Driving

1:30 p.m. – 3:00 p.m. Track 2C Thursday Afternoon CLE Session - 1.5 CLE Credits, Crystal Ballroom III
[Judge Mary Celeste](#)
Youth & Marijuana

Cannabis & Driving

With the increase in cannabis use and laws comes an increase in cannabis use and driving. Those states with recreational marijuana are seeing an increase in driving under the influence of cannabis citations. Issues are also emerging about whether the standard field sobriety tests apply to cannabis and driving impairment and whether there is an exact blood nano gram level that equates to cannabis driving impairment. What is the endocannabinoid system? How does marijuana impact driving performance? Does cannabis use increase crashes and crash fatalities? What is the toxicology of cannabis and how does it impact testing? This presentation will review the existing studies and reports that address all of these questions and issues. Along with the studies and reports, this presentation will identify developing case law on cannabis and driving including several cases across the country that address roadside testing and indicia of marijuana driving impairment.

Marijuana and the Youth

The legalization of marijuana has impacted almost every facet of our lives. It impacts the judiciary, the practice of law, drug abuse, families, and all other aspects of our society. One of the most concerning issues related to this legalization is its impact on the youth. There are now 10 states and D.C. with recreational marijuana laws with several others poised for 2020 legalization. There are also 33 states with medical marijuana laws with an additional 17 with limited medical marijuana laws. Does the passage of these medical marijuana and recreational marijuana laws increase the use of marijuana by the youth? What are the perceptions of harm with marijuana use by the youth? Is there a correlation between use and perceptions of harm? This presentation will answer those questions and more. It will discuss the current data and statistics regarding marijuana use by the youth, how they use, and, how that use may impact the adolescent brain and body. It will then discuss how that use impacts future use of drugs, education and learning, mental health, suicide, and driving and possession convictions. This presentation will also offer some risk assessment screens and tools along with approaches to sentencing the juvenile in cases involving marijuana including Juvenile Detention Alternatives Initiative (JDAI); juvenile drugs courts; and, alternative tracking dockets/courts. It will conclude with some marijuana driving campaigns targeting the youth.



Judge Mary A. Celeste (ret.) sat on the Denver County Court bench 2000-2015. She was the Presiding Judge 2009 and 2010 and the co-founder of the Denver County Court Sobriety Court. She is currently a law school professor teaching Marijuana and the Law at California Western School of Law; Judicial Advisory Board member for the Foundation for the Advancement of Alcohol Responsibility (FAAR); Faculty for the National Association of Drug Court Professionals (NADCP) and the National Judicial College (NJC). She has served as the past chair of ABA National Conference of Specialized Court Judges; the President of the American

Judge's Association and the Colorado Women's Bar Association Foundation, and, as a National Highway Traffic Safety Administration (NHTSA) Judicial Outreach Liaison. She has written many articles and is a national speaker on the topics of marijuana; marijuana and drug impaired driving, and specialty courts. She has presented to AJA; ALA; NEADCP, NADCP, APPA, AJA, ABA, DATIA, NHTSA, NEADCP, Lifesavers, Pennsylvania DUI Association, Michigan and Louisiana Association of Drug Court Professionals and to Judges, Specialty Court Conferences, and Safety Highway Offices in the States of Arizona, Arkansas, Colorado, Florida, Georgia, Kansas, Pennsylvania, Massachusetts, Michigan, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Texas, Utah, Washington, Wyoming and in Canada.

Thursday, June 13th

1:30 p.m. – 3:00 p.m.

Track 2A CLE Session - 1.5 CLE Credits, Mozart

[Sean Lanterman](#)

Cryptocurrency & Blockchain



Sean Lanterman has participated in over 1,000 cases involving digital evidence, including high-profile civil and criminal litigation and data breaches.

While employed at CFS, Sean has primarily conducted information security audits. He has previously spoken on cyber security and incident response for a variety of audiences.

Sean is an Investigator for the Hennepin County 4th District Ethics Committee.

Sean holds his bachelor's degree from the University of St. Thomas in Minnesota, where he graduated magna cum laude. Sean received his Juris Doctor from the University of St. Thomas.

Thursday Afternoon, June 13th

3:30 p.m. – 5:00 p.m. Track 3A Thursday Afternoon CLE Session - 1.5 CLE Ethics Credits, Bach

[Dr. Artika Tyner](#)

Leadership Strategies for Advancing Diversity and Strategies
Elimination of Bias Credits will be applied for in MN, Sponsored by LAP



Dr. Artika R. Tyner

Faculty & Director, Center on Race, Leadership and Social Justice
University of Saint Thomas School of Law

Dr. Artika R. Tyner is a passionate educator, author, sought after speaker, and advocate for justice. At the University of St. Thomas, Dr. Tyner serves as the founding director of the Center on Race, Leadership and Social Justice. She is committed to training law students to serve as social engineers who create new inroads to justice and freedom.

Leadership Strategies for Advancing Diversity and Strategies

Engage in hot topics and trends learning how you can improve thinking, problem solving, decision-making, and collective engagement related to fostering diversity and inclusion. Participants will explore how to address implicit bias, privilege, and stereotype threat. Learn methodologies for building an inclusive society. Identify best practices and understand how to leverage leadership principles to make an impact.

Thursday Afternoon , June 13th

3:30 p.m. – 6:15 p.m. Track 3B Thursday Afternoon CLE Session – 2.5 CLE Ethics Credits, Crystal Ballroom

[RBG](#) Movie Screening and Panel Discussion

Hosted by SBAND & its Women Lawyers Section

[Katie Bertsch](#) (Ohnstad Twichell, WLS President), Moderator

[Patty Castro](#) (KPMW Law, Grand Forks)

[Meagen Essen](#) (MBI Energy Services, Dickinson)

[Shannon Roers Jones](#) (Representative, North Dakota Legislative Assembly, Fargo)

[Mary Muehlen Maring](#) (North Dakota Supreme Court Justice (ret.), Bismarck)

[William Neumann](#) (North Dakota Supreme Court Justice (ret.), Bismarck)

[Kirsten Sjue](#) (North Dakota District Court Judge, Northwest District, Williston)

Friday, June 14th

9:15 a.m. – 10:45a.m. Friday Morning Plenary Session -- 1.5 CLE Credits, *Crystal Ballroom I & II*

Ethical Action: Doing the Right Thing in Challenging Moments of Professional Practice, 2019 Mart Vogel Lecture on Professionalism and Legal Ethics

Ethical action requires more than just knowing what the right thing to do is. It also requires that one be able to implement the chosen action and to do so in the right way for the particular situation. This year's Lecture, presented by Daisy Hurst Floyd, the University Professor of Law and Ethical Formation at Mercer University School of Law, will provide an overview of research into how the best lawyers are able to call upon multiple capacities to act ethically, and how law schools are using that research to help law students develop the capacity for ethical action. Following the Vogel Lecture, incoming UND Law Dean Michael McGinniss will moderate a panel discussion about these topics with Professor Floyd and UND Law Professors Patti Alleva and Julia Ernst

[Michael S. McGinniss](#) (Program Moderator)

Dean-Appoint and Associate Professor of Law, University of North Dakota School of Law

[Daisy Hurst Floyd](#) (Vogel Lecturer and Panelist)

University Professor of Law and Ethical Formation, Mercer University School of Law

[Patti Alleva](#) (Panelist)

Rodney & Betty Webb Professor of Law, University of North Dakota School of Law

[Julia L. Ernst](#) (Panelist)

Associate Professor of Law, University of North Dakota School of Law



Michael S. McGinniss is the incoming Dean and an Associate Professor of Law at the University of North Dakota School of Law, where he joined the faculty in 2010 after serving for twelve years as a Disciplinary Counsel for the Supreme Court of Delaware. He has taught courses on Professional Responsibility, Evidence, Conflict of Laws, Remedies, and Advanced Legal Ethics. His research and scholarship has primarily focused on questions concerning the professional, ethical, and moral responsibilities of lawyers, including most recently *Expressing Conscience with Candor: Saint Thomas More and First Freedoms in the Legal Profession*, published in 2019 in the *HARVARD JOURNAL OF LAW & PUBLIC POLICY*. He has also recently published *Advice in the Lawyer-Client Relationship*, in *THE OXFORD HANDBOOK OF ADVICE* (2018); *The Character of Codes: Preserving Spaces for Personal Integrity in Lawyer Regulation*, 29 *GEO. J. LEGAL ETHICS* 557 (2016); and *A Tribute to Justice Antonin Scalia*, 92 *N.D. L. REV.* 1 (2016). At the School of Law, his honors have included the J. Philip Johnson Faculty Fellow Award (2011-2018), a UND Foundation North Dakota Spirit Faculty Achievement Award, and nominations for the UND Outstanding Faculty Scholar Award (2013) and Outstanding Graduate Teaching Award (2014). He is also serving his third three-year term as a member of the North Dakota Joint Committee on Attorney Standards, and in January 2018 was appointed to serve a two-year term as Chair.



Daisy Hurst Floyd is University Professor of Law and Ethical Formation at Mercer University School of Law, where she served as Dean from 2004 to 2010 and again from 2014 to 2017. She received her B.A. and M.A. in Political Science from Emory University and her J.D. from the University of Georgia School of Law. After graduating from law school, she practiced law in Atlanta with the firm of Alston, Miller, and Gaines, and then served on the faculties of the University of Georgia School of Law and Texas Tech University School of Law before coming to Mercer Law School in 2004.

Professor Floyd is the author of numerous law review articles and is a frequent speaker at academic and law conferences. Her teaching and research interests include Ethics, Legal Education, Civil Procedure, and Evidence. She has a particular interest in the ways in which higher education shapes students' ethical development and in the possibilities for cross-disciplinary collaboration within higher education. Professor Floyd was named a Carnegie Scholar by The Carnegie Foundation for the Advancement of Teaching in support of her research on the development of professional identity among American law students.

Professor Floyd is admitted to the State Bars of Georgia and Texas and is an elected Fellow of the American Bar Foundation, the Lawyers Foundation of Georgia, and the Texas Bar Foundation. She has served on numerous professional committees, including the ABA President's Council on Diversity in the Profession, the State Bar of Georgia Diversity Program Committee, and the Macon Bar Association Advisory Committee. She currently serves on the Board of Directors of Middle Georgia Justice, a new initiative to better meet the need for civil legal services in Central Georgia, on the Advisory Board of Georgia Appleseed Center for Law and Justice, and the Board of Directors of the Institute for Continuing Legal Education in Georgia. She is a Master of the William Augustus Bootle Inn of Court.



Patti Alleva, the Rodney & Betty Webb Professor of Law at the University of North Dakota School of Law, is soon to complete her thirty-second year of teaching. She earned her J.D. from Hofstra Law School, where she was Articles Editor of the HOFSTRA LAW REVIEW. After graduation, she clerked for Chief Judge Clarkston S. Fisher of the U.S. District Court for the District of New Jersey, and then practiced law in New York City at Proskauer Rose in the Litigation Department for six years before coming to North Dakota to teach law in 1987. Her primary courses have been Civil Procedure, Federal Courts, Advanced Civil Litigation, Trial Advocacy, and Professional Visions. A multi-award-winning teacher, Professor Alleva is one of only 26 law professors featured in the book *WHAT THE BEST LAW TEACHERS DO* (Harvard University Press 2013). Much of her work — lived and published — has focused on legal education reform to improve student learning. Professor Alleva has promoted these ends both locally and nationally. Her curricular projects at the law school have included two pioneering courses designed to help students develop professional self-awareness and respect for learning as a professional skill. She has also led the law school's faculty development efforts to study and capitalize upon the latest theories and research supporting effective teaching and learning. Relatedly, Professor Alleva has worked to promote professional mindfulness through law and literature seminars with both state and federal judges, using the unique power of literature to explore the human condition and the challenging social justice issues of the day. Her recent publication (with Professor Jennifer A. Gundlach), *Learning Intentionally and the Metacognitive Task*, 65 J. OF LEGAL EDUC. 710 (2016), was noted by TAXPROF BLOG as one of the best legal education articles of 2016.



Julia L. Ernst is an Associate Professor of Law at the University of North Dakota School of Law, which she joined 2011. She teaches Constitutional Law, Legislation, International Human Rights Advocacy, and Gender and the Law, and she also coordinates and teaches in the law school's innovative Professional Foundations course. Her research explores constitutional law, human rights, and gender. As a member of the SBAND Women Lawyers Section (WLS) Executive Committee, she coordinates the WLS regional networking gatherings and hosts the WLS Speed Mentoring Program during the SBAND Annual Meeting. She also helped organize the WLS Leadership Retreat in November 2018 and brought a dozen UND School of Law students to the WLS Judicial Service Program in Bismarck in 2017. Previously, she taught at Georgetown University Law Center and was the executive director of a legal fellowship program. She has served on the editorial board of *Perspectives Magazine* published by the ABA Commission on Women in the Profession, as vice-chair of the Women's Rights Committee in the ABA's Section of Civil Rights and Social Justice, and on a U.S. State Department advisory commission. She also worked for a member of Congress and a public interest legal organization in Washington, DC, practiced environmental law with Dickinson Wright in Detroit, Michigan, and attended the United Nations Fourth World Conference on Women in Beijing, China. She earned her LL.M. from Georgetown, J.D. and M.A. from University of Michigan, and B.A. from Yale. She lives in Grand Forks with her family and is a member of Sharon Lutheran Church.

Friday, June 14th

9:00 a.m. – 9:15a.m.

[ABA President Bob Carlson](#)



Bob Carlson, a shareholder with the Butte, Montana, law firm of Corette Black Carlson & Mickelson, P.C., is president of the American Bar Association, the world's largest voluntary professional organization with more than 400,000 members.

Carlson has served in many national and state bar leadership positions, including as president of the State Bar of Montana from 1993 to 1994. From 2012 to 2014, he was chair of the ABA's policymaking House of Delegates, the association's second-highest elected office. He has served two terms on the ABA Board of Governors and its Executive Committee, chairing its Executive Compensation Committee. Carlson has also served in the ABA House of Delegates as both Montana's state bar delegate and state delegate and as a delegate at large. He is a life patron fellow and

past state chair of the Fellows of the American Bar Foundation and was a member of the Executive Council of the National Conference of Bar Presidents.

Carlson's other previous ABA leadership positions include service as chair and member of the ABA Day in Washington Planning Committee, chair and member of the Standing Committee on Meetings and Travel, and member of the Standing Committee on Bar Activities and Services, Commission on Racial and Ethnic Diversity in the Profession, Council of the ABA Section of International Law, and co-chair of the ABA Section of Litigation's ABA Resource Committee. He was Board of Governors liaison to the ABA Standing Committee for Bar Activities and Services, Dispute Resolution Section, and Commission on Homelessness and Poverty.

In addition to serving as president of the State Bar of Montana, Carlson has chaired the state bar's Board of Trustees and, since 1995, has served as a member of the Montana Supreme Court's Character and Fitness Commission. Since 1994, he has been a member of the University of Montana Law School's Clinical Board of Visitors. Carlson has served as lawyer representative to the Federal District of Montana, as Montana co-chair of the Ninth Circuit's Lawyer Representatives Coordinating Committee, and as chair of the state bar's Ad Hoc Committee on Discipline.

Carlson's other professional affiliations include the International Association of Defense Counsel, Defense Research Institute, Montana Defense Trial Lawyers Association, and former board member of the Montana Justice Foundation. He is also a former board member of the Butte Emergency Food Bank, past president and former board member of the Butte Exchange Club, former member and vice president of the Butte Uptown Association, and former board member of the University of Montana Alumni Association.

Carlson's civil trial and mediation practice primarily involves insurance defense, products liability and insurance coverage. Before entering private practice, he was staff attorney for the Montana Department of Business Regulation and a law clerk for the Montana Supreme Court. He earned his B.A. with honors from the University of Montana and his J.D. from the University of Montana School of Law.

Friday, June 14th

11:00 a.m. – 12:30 p.m. Friday Morning Plenary Session - 1.5 CLE Credits, *Crystal Ballroom I & II*

[Jonathan Shapiro](#)

Lawyers, Liars, and the Art of Storytelling



Jonathan Shapiro is an Emmy and Peabody Award winning television writer and producer. After serving for a decade as an organized crime federal prosecutor and Assistant US Attorney, Mr. Shapiro started writing for television in 2001 on the ABC Network series *The Practice* and *Boston Legal*. Among his credits, he is the creator and executive producer of the Golden Globe Award winning Amazon Prime series *Goliath*, now in its third season, and executive producer of the DirectTV series, *Mr. Mercedes*, based on the Stephen King trilogy. Shapiro was a writer producer of the NBC series *The Blacklist* (2016-2019). His book credits include *Deadly Force: A Lizzy Scott Novel* (2015) and *Lawyers, Liars, and the Art of Storytelling*, a memoir about rhetoric (2014). His first play, *Sisters in Law*, based on the relationship between Sandra Day O'Connor and Ruth Bader Ginsburg, finished a sold-out month-long run at the Phoenix Theater,

Arizona, April 2019, and will be staged for another month-long run at The Wallis-Annenberg, Los Angeles. Shapiro earned his law degree from the University of California Berkeley School of Law, and undergraduate and graduate degrees from Harvard University. He was a Rhodes Scholar at Oriel College, Oxford University, and currently teaches as an adjunct law professor at the UCLA School of Law.
