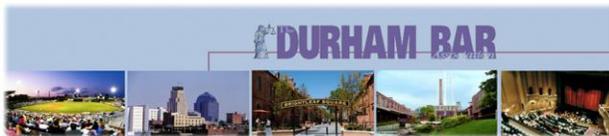


2019 CLE Program

February 6 - 7, 2019, Durham Armory



Wednesday, February 6, 2019

8:00 - 8:45 Registration
9:00 - 10:00 **Saprina Brown-Taylor:** Representing Claimants before the Industrial Commission
10:00 - 11:00 **Thomas Beckett:** Intro to Cooperative Law
11:00 - 11:15 Break
11:15 - 12:15 p.m. **Miriam Markfield:** Craziiness for Lawyers: A Practical Guide
12:15 - 1:15 Lunch on your own

1:00 Afternoon-only Registration
1:15 - 2:15 **Susan Olive:** An Inventive Approach to Mental Health & Substance Abuse (1 hour SA/MH credit)
2:15 - 3:15 **D. Tucker Charns:** Winning Cases by Building Winning Client Relationships
3:15 - 3:30 Break
3:30 - 4:30 **Sarah Rackley Olson & Brandon Garrett:** Presenting on Expert Testimony
4:30 - 5:30 **Erica Jackson:** Shifting Federal Regulation of Cannabis Products

Thursday, February 7, 2019

8:00 - 8:45 Registration
9:00 - 10:00 **Leonor Bailey Hodge:** NC State Bar Trust Accounting (1 hour Ethics/PR)
10:00 - 11:00 **Josh Rowland:** Preventing Data Breaches: An Intro to Information Security for Attorneys
11:00 - 11:15 Break
11:15 - 12:15 p.m. **Nichelle Perry:** Basic Research Tools for Practitioners: Tips for Effective and Efficient Legal Research

12:15 - 1:15 Lunch on your own

1:00 Afternoon-only Registration
1:15 - 2:15 **Carena Brantley Lemons:** Bankruptcy or Bust: Effectively Advising Individuals Prior to Bankruptcy
2:15 - 3:15 **Matthew James:** Taxing the Self-Employed and Small Businesses in 2019
3:15 - 3:30 Break
3:30 - 4:30 **Nichole McLaughlin:** Overview of the State Bar (1 hour Ethics/PR)

Total Hours = 13

PROGRAM RULES & FAQ

1. This Seventh Annual CLE Event is a function of the **Durham County Bar Association**. The DCBA is the voluntary Bar in Durham and is joined separately from the Fourteenth Judicial District Bar.
2. The Registrar for the CLE Event is the Executive Director of the Durham County Bar Association, Bonnie Biggs. There is a registration table at the event for your questions.
3. Partial CLE Credit Forms are available *for those who need them*. They will be collected by the Registrar when you leave. All Partial Credit Forms must be turned in by 4:30 on February 6.
4. Members must remain in a session for which they wish to receive credit. Restrooms are conveniently adjacent to the meeting area, and breaks will be provided, with coffee and snacks. Any phone calls should be handled very briefly, just outside the door of the session, to allow quick return.
5. Lunch breaks will take place each day per the schedule provided herein.
6. Speakers are encouraged to stay on task and finish on time, so that the day's schedule is met.
7. The NC State Bar has issued CLE attendance rules as well as rules for question time. All rules will be adhered to by the program administration and by all speakers.

8. Members failing to follow attendance rules, will not have credit requested on their behalf for that session.
9. An auditor from the NC State Bar CLE Department may appear at any time during the event to verify that all rules and requirements are being met.
10. Members can receive as many as thirteen (13) total hours of CLE credit for this event, *including* two (2) Ethics/Professional Responsibility and one (1) Substance Abuse/Mental Health. Credit hours are “pending approval,” however, many instructors have received credit for their material from previous presentations.
11. Materials for the CLE are downloadable from the web site at durhambar.net prior to and during the event. **No** handouts will be provided by each speaker. Please note this important paper-saving change and **print any documents you wish to use during the CLE, beforehand.**
12. Members of the DCBA may attend any or all sessions free of charge, as the program is paid for via membership dues. **However, each member is responsible for the \$3.50 per hour CLE fee owed to the NC State Bar Department of CLE, which bills members directly once credit has been applied.** *Bills for February 2019 will be sent in March 2020.*

FROM THE NCAC – RULES AND REQUIREMENTS

1. An active member of the North Carolina State Bar who does not qualify for an exemption must take 12 hours of approved CLE per calendar year. Of the 12 CLE hours, at least 2 must be devoted to the area of professional responsibility (ethics) or professionalism. At least once every three calendar years, you must complete one hour on substance abuse and debilitating mental conditions. This hour is credited to the 12-hour requirement for the year but not to the 2-hour professional responsibility requirement.
2. Using your State Bar member number and password, you may [login on the CLE website](#) to view your CLE transcript. If you don't have internet access, call the CLE department at (919) 733-0123.
3. You are entitled to one hour of CLE credit for every ten minutes of actual instruction. To report this time to the CLE department, complete “Request for Teacher Credit of an Approved Continuing Legal Education Activity” on the [CLE Forms page](#).
4. If you have a deficit that is cured in January or February of the subsequent year, there is no penalty. If the deficit is not cured within this time frame, you may be subject to monetary penalties or suspension.
5. Members may carry over into the next calendar year up to 12 credit hours, including 2 hours of professional responsibility and 10 hours of general credit hours.

CLE CONTENT AND TIME REQUIREMENTS – FROM THE CLE APPLICATION

1. North Carolina uses a 60-minute hour: 60 minutes are required to equal one CLE credit hour.
2. Only the time of actual instruction counts toward CLE credit hours.
3. Question and answer sessions are considered actual instruction provided such question and answer sessions do not exceed 15 minutes per CLE credit hour.
4. CLE credit, when converted from minutes to hours, will be rounded **down** to the nearest quarter-hour.
5. CLE credit is not given for introductory remarks or breaks.
6. Members may attend partial sessions and receive partial credit. Obtain a partial credit form from the check in desk if this applies to you.

INSTRUCTOR INFORMATION AND CONTENT SUMMARIES

Saprina Brown Taylor

The Law Office of Saprina Brown Taylor

Saprina Brown Taylor received her Bachelor of Science degree, magna cum laude, in Political Science from North Carolina Central University in 1996 and her Juris Doctorate degree from North Carolina Central University School of Law in 1999.

After interning with the Durham County Office of the Public Defender, Saprina launched her legal career as an associate for a general practice firm in Durham, North Carolina. It was there she established her passion for workers' compensation law and social security disability law and would later go on to found her own firm, The Law Office of Saprina Brown Taylor. The Law Office of Saprina Brown Taylor is an injury and disability law firm practicing in the areas of workers' compensation, personal injury, social security disability and veterans' disability.

Saprina has successfully argued cases before the United States Federal District Court, North Carolina State Courts, the North Carolina Industrial Commission and the Office of Hearings Operations.

Saprina is a member of the Alamance County Bar Association, North Carolina Advocates for Justice, National Organization of Social Security Claimants' Representatives (NOSSCR) and Delta Sigma Theta Sorority, Inc. She has served as a member of the Durham County Bar Association Board of Directors, Past President of the George H. White Bar Association and secretary of the West End Community Center Board of Directors. In 2012, North Carolina Central University recognized Saprina in its inaugural 40 Under 40 Awards ceremony for her contributions in the legal field.

Introduction to Workers' Compensation: Representing Claimants Before the NC Industrial Commission

This presentation will provide an introduction to Workers' Compensation and an overview of representing claimants before the North Carolina Industrial Commission. This session will cover the most essential forms and statutes that address injured workers and their rights to recover damages. During the CLE, I will present information about the adjudication and disposition process in workers' compensation claims. I will begin the presentation describing what constitutes a compensable workers' compensation injury. Then, the discussion will include defining terms and concepts under North Carolina General Statute Chapter 97, the Workers' Compensation Act, and a thorough review of Industrial Commission Forms. I will conclude the presentation with questions from the audience members.

Thomas Beckett

Executive Director of Carolina Common Enterprise

Thomas Beckett has for most of his career worked as an attorney serving the needs of small and startup businesses. He has been professionally focused on cooperatives for the past ten years. He has completed and is certified by the CooperationWorks! Cooperative Business Development Training Program and is certified to present the FastTrac TechVenture program, the Kauffman Foundation's entrepreneurial training curriculum. He also provides business and legal education and guidance to cooperatives throughout North Carolina and the South. He has taught Business Law at Warren Wilson College. He has significant experience working with cooperatives in the region, including worker, consumer, and agricultural startups, as well as nonprofits and other agricultural enterprises.

Thomas currently serves on the Board of Directors of Shared Capital Cooperative Development Fund and CooperationWorks. He co-founded and continues as a steering committee member for the

Cooperative Professionals Guild. He received a Bachelor of Arts degree from Duke University and earned his law degree, and later an MBA, at the University of North Carolina at Chapel Hill.

Introduction to Cooperative Law

The Cooperative business model is regaining currency as a more equitable business structure and community development strategy. It is well-suited for community ownership of assets, from grocery retail to employee ownership. Based on creating material benefit and democratic control rather than financial return on investment, a cooperative legal entity has significant points of contrast and resemblance with the typical business corporation. This presentation will introduce the legal, governance, and financial structures that define the cooperative. We will also explore how cooperatives work in real life and the process of incorporation in North Carolina.

Miriam Markfield

Miriam Markfield is a living human.

Craziness for Lawyers: A Practical Guide

This presentation will be a discussion of how mental health issues affect members of the legal profession and a practical guide to managing mental illness.

Susan Freya Olive

Olive & Olive, P.A.

Susan Freya Olive has practiced for almost 40 years with Olive & Olive, P.A., a North Carolina intellectual property firm that obtains patents, trademarks, domain protection, and copyrights for U.S. and foreign clients, handles licensing transactions, and litigates intellectual property claims. Her clients include major research universities, colleges, academic presses, and other scholarly and research organizations.

She graduated from Brown University and Duke University School of Law; has a background in chemistry, computer science, and biomedical engineering; is admitted to North Carolina's state and federal trial courts; the Courts of Appeals for the Fourth Circuit, Federal Circuit and Armed Forces; and the U.S. Supreme Court; and is a certified trademark specialist.

Ms. Olive's legal victories have made news in the U.S. and in Europe. She has been selected by her peers as North Carolina's top "patent/intellectual property" attorney, elected to North Carolina's "Legal Elite Hall of Fame" and admitted to the national honorary trial lawyers association, Litigation Counsel of America. She was the first woman to head the N.C. intellectual property bar, the N.C. federal bar advisory council, and the N.C. Board of Law Examiners; and has served as president of multiple legal organizations.

She also is active in her community, including service for several years as chair of the Durham, NC homeless shelter and community café and now chairing an endowment foundation for its benefit. She and her husband have three adult children along with a Havana Silk Dog, Besita, who works hard as head of canine development at Olive & Olive.

An Inventive Approach to Mental Health & Substance Abuse

This presentation will provide a unique approach to our mental health/substance abuse credit, using trademarks and patents—mostly from NC—to stimulate our thinking about how we got to where we are, and possible approaches to recognizing and avoiding common problems.

D. Tucker Charns

NC Office of Indigent Defense Services

Tucker Charns has been involved with public defense since 1989 as an assistant public defender in Cumberland County and Durham County, as a private attorney doing court-appointed direct appeals and capital post-conviction work, as an attorney at Prisoner Legal Services and now as a Regional Defender at Indigent Defense Services. As a Regional Defender, she assists attorneys with one-on-one consults, skill development and court staff with attorney appointments. Tucker participates as faculty for the New Misdemeanor Training, New Felony Defender Training and the Trial School at the UNC School of Government and the National Institute of Trial Advocacy's Building Trial Skills program.

Tucker is a NC native and a graduate of UNC-Chapel Hill School of Law. She has received additional training through Gideon's Promise and is a NC State Bar Certified Specialist in state criminal law. She is a contributing editor for the fourth edition of *Klinksum on Criminal Defense Motions* manual. Tucker is passionate about client-centered advocacy, family and ice hockey.

Winning Cases by Building Winning Client Relationships

Each legal practice has some concerns distinct from other law practices: family law has custody and equitable distribution; personal injury has contributory negligence and loss of wages; employment law has contractor versus employee; and for criminal defense there are search and seizure issues. No matter the practice, we all want to win our cases.

This discussion will not be about the usual trial skills needed to successful. It will focus on the most important legal skill there is: building winning client relationships. And it will not be about the list of what everyone already knows what to do, such as returning phone calls and keeping a client updated. Instead, it will be an interactive talk about critical moments that affect every part of client representation. It will be ethics-based and will build on trials skills you already have.

Sarah Rackley Olson

NC Office of Indigent Defense Services

Sarah Olson has served as the IDS Forensic Resource Counsel since 2010. As Forensic Resource Counsel, she assists public defenders and private appointed counsel with understanding and challenging, where appropriate, the scientific evidence in their cases. By specializing in scientific evidence, Sarah is able to improve counsel's ability to understand complex evidence and achieve better outcomes in their cases. She shares information through individual case consults, her forensic website, and continuing legal education programs.

Prior to working as Forensic Resource Counsel, Sarah was an Assistant Public Defender in Durham, NC where she represented clients in Durham's District and Superior Courts. After law school Sarah completed a fellowship with the Fair Trial Initiative where she worked as a part of defense teams representing clients in capital cases throughout North Carolina. She has served as Chair of the Criminal Defense Section for the NC Advocates for Justice (NCAJ), Co-Chair of the NCAJ Diversity and Inclusion Taskforce, and as Co-Chair of the Forensic Science Resource Committee for the National Association of

Criminal Defense Lawyers. Sarah is a North Carolina native who graduated summa cum laude from Wake Forest University in 2001 and earned her law degree from Berkeley Law at the University of California in 2006.

Brandon Garrett

Duke University School of Law

Brandon L. Garrett is the L. Neil Williams Professor of Law at Duke University School of Law, where he has taught since 2018. He was previously the Justice Thurgood Marshall Distinguished Professor of Law and White Burkett Miller Professor of Law and Public Affairs at the University of Virginia School of Law, where he taught since 2005. His research and teaching interests include criminal procedure, wrongful convictions, habeas corpus, corporate crime, scientific evidence, civil rights, and constitutional law. Brandon’s work, including several books, has been widely cited by courts, including the U.S. Supreme Court, lower federal courts, state supreme courts, and courts in other countries. Brandon also frequently speaks about criminal justice matters before legislative and policymaking bodies, groups of practicing lawyers, law enforcement, and to local and national media. Brandon attended Columbia Law School, where he was an articles editor of the Columbia Law Review and a Kent Scholar. After graduating, he clerked for the Hon. Pierre N. Leval of the U.S. Court of Appeals for the Second Circuit. He then worked as an associate at Neufeld, Scheck & Brustin LLP in New York City.

Presenting on Expert Testimony

Litigating Forensic Evidence in NC under New Rule 702

This presentation will address challenges to expert testimony. The presenters will give an overview of common issues in forensic evidence, highlighting themes of error rates, proficiency testing, and juror perceptions of forensic testimony. Recent North Carolina case law related to expert testimony will be discussed. Attorneys will learn about resources available to make challenges to unreliable forensic evidence and learn strategies for litigating its admissibility.

Litigating Forensics Conclusions and Error Rates

Forensics experts present conclusions in their reports and in court, but often do so in categorical terms. They say that evidence is “identified” as coming from a source or that it is a “match” without clearly explaining what that means. In disciplines like DNA testing, statistics are presented to explain the probabilistic weight of the evidence. Not so for most traditional forensics. In this presentation, I will explain why this raises scientific questions and why jurors may be misled by such categorical statements. I will also describe mock jury studies that shed light on what happens if jurors do hear information about how evidence is not actually categorical, but rather probabilistic. When they hear about error rates, proficiency, or probabilities, they weigh evidence much more cautiously and carefully. This is true even for evidence like fingerprint evidence that is traditionally given great weight by jurors. I will discuss case law under Rule 702 concerning these questions regarding the application of methods to the evidence in a case and how to think strategically about litigating how conclusions are expressed regarding forensic evidence.

Erica Jackson

K&L Gates LLP

Erica Jackson’s practice focuses on Food and Drug Administration (FDA) regulatory, enforcement, compliance and transactional matters, providing strategic counsel to pharmaceutical, medical device, biologic, cosmetics, dietary supplement, and food manufacturers, as well as other related health care

entities. In addition, she advises clients on health care fraud and abuse compliance and matters involving the Centers for Disease Control and Prevention (CDC), Drug Enforcement Administration (DEA), the Federal Trade Commission (FTC), the Centers for Medicare and Medicaid Services (CMS), the U.S. Department of Agriculture (USDA), and similar state regulatory agencies.

Erica has an educational background in law, public health, health policy and public policy. Prior to joining the firm, she was a corporate counsel for Genentech, Inc. for more than two years. In addition, she was an associate in the Washington, D.C. office of an international law firm, where she concentrated her practice on FDA and health care matters. During law school, Erica was a law clerk with the World Health Organization in Geneva, Switzerland, the Office of General Counsel of the US Department of Health and Human Services Regional IV office in Atlanta, GA, and a multinational pharmaceutical company in the Metro Atlanta area. Further, she is a frequent speaker and author on FDA and life sciences industry matters.

Shifting Federal Regulation of Cannabis Products

This presentation will provide an overview of the roles of the FDA and other federal agencies in regulating the research, development and marketing of medical marijuana, along with a discussion on the DEA's rescheduling process for controlled substances and its past actions related to marijuana. This presentation will also provide information on key proposed congressional legislation focused on relaxing medical marijuana regulations and considerations for stakeholders in light of this shifting regulatory landscape.

Leonor Bailey Hodge

North Carolina State Bar

Leonor Bailey Hodge is presently Trust Accounting Compliance Counsel for the NC State Bar. She was previously Deputy Counsel at the NC State Bar. Her background includes seven years as a partner at Manning, Fulton & Skinner. She holds a business degree from Howard University and a JD from Temple University's James E. Beasley School of Law.

Trust Accounting

This presentation will satisfy the requirement that, prior to signing any trust account check, a lawyer or supervised nonlawyer must take a one-hour trust account management CLE approved by the State Bar for this purpose. This hour does not need to be repeated, provided that the hour was earned after June 2016.

Josh Rowland

Attorney

Josh Rowland is an Attorney and Cyber Security Consultant in Durham, North Carolina. Josh has worked in the information security field for nine years, supporting one of the largest financial investment firms in the United States. Josh recently graduated North Carolina Central University's evening law program and is currently working as a law clerk for ThreatSketch, a cybersecurity and risk management company located in Winston-Salem. Josh also serves as teaching support specialist for NC State's Poole College of Management Data Privacy and Security course, helping students in the MBA program learn data privacy regulations and how to successfully integrate data security controls. Josh enjoys teaching attorneys and legal staff the importance of cybersecurity and protecting client data and offers CLE courses through The Right Thing CLE, based out of NY.

Cybersecurity and Data Privacy Education for Legal Professionals

This course will cover basic cyber/information security education and relevant data privacy laws, with a specific focus on issues encountered in the legal profession.

Nichelle Perry

North Carolina Central University School of Law

Nichelle “Nikki” Perry is the Director of the Law Library and Assistant Professor of Law at North Carolina Central University School of Law. Nichelle teaches Advanced Legal Research, Law Practice Technology and serves as co-faculty advisor to the North Carolina Central University Law Review. Nichelle has served on several regional and national library committees and is currently a member of the SEAALL Diversity and Inclusions Committee. She received her Master of Library Science and Juris Doctor degrees from North Carolina Central University and her B.A. from State University of New York at New Paltz.

**Basic Research Tools for Practitioners:
Tips for Effective and Efficient Legal Research**

It is more important than ever for attorneys to know how to use flat-fee, low-cost and free legal resources effectively and efficiently. Google is not the answer to all your legal research needs. This presentation will effectively explore Google Scholar and the legal research platform Fastcase.

Carena Lemons

The Lemons Law Firm, PLLC

Carena Lemons received a Bachelor of Arts Degree from the University of South Carolina, where her major was Political Science with a minor in Psychology. Carena got her Juris Doctorate from North Carolina Central University School of Law. She is an attorney with over 16 years of experience in the areas of business, nonprofit, contract drafting, legal advisement, bankruptcy law, employment law, entertainment law, criminal law, traffic law, family law and abuse neglect dependency law. Carena currently serves on the Board of Directors for Durham Orange Women Attorneys (DOWA). She is a former member of the 14th Judicial District Bar Grievance Committee where she investigated bar grievances in her district. Carena currently focuses her law practice, The Lemons Law Firm, PLLC, on bankruptcy, employment and entertainment law. She is also a cycling instructor, creator and host of a television talk show, an actress, a minister and sings on the praise team at her church. Despite all her involvement, she still finds time to read Regency and Victorian period romance novels. She is married to John and they have two amazing daughters together.

**Bankruptcy or Bust:
How to Effectively Advise Individuals Prior to Bankruptcy**

This panel will help non-bankruptcy practitioners properly advise their clients if and when bankruptcy is necessary and the correct way to protect their assets in a bankruptcy proceeding. Additionally, practitioners will learn how child support works in the process and which bankruptcy chapter is most helpful to their clients.

Matthew James

North Carolina Central University School of Law

Matthew T. James is the Director of the Low Income Taxpayer Clinic at North Carolina Central University School of Law where he instructs and supervises students and represents clients experiencing

IRS controversies. Matthew regularly teaches the Fundamentals of Federal Income Taxation course and acts as a Supervising Attorney for the Power of Attorney and Wills Clinics and a Site Supervisor and trainer for the Volunteer Income Tax Assistance (VITA) Program. He was awarded the NCCU School of Law Pro Bono Program Pro Bono Attorney of the Year award in 2018. Prior to his roll as Director, he served in various capacities with the Low Income Taxpayer Clinics at NCCU Law and at the University of Denver.

Matthew earned a B.A. in Business with a concentration in Management and a minor in Spanish from Baker University in Kansas. After running the operations and logistics department for an international safety training company, he returned to academia to concurrently earn his J.D. and Master of Laws in Taxation from the University of Denver Sturm College of Law. He is licensed to practice in North Carolina and before the United States Tax Court.

Matthew frequently presents on various tax topics related to individuals, self-employed, and pass-through entities. He has always had a special interest in working with low income taxpayers and not only helping clients obtain services but also educating them in order to better their overall life.

Taxing the Self-Employed and Small Businesses in 2019

As we enter 2019 we will begin to see the results of one of the largest tax overhauls in nearly 30 years. The implications of these changes range from significant under withholding of tax for wage-earners to missed deductions and higher tax liability for small businesses. This presentation will help keep yourself abreast of the provisions related to self-employed and small businesses in order to best guide your clients.

Nichole P. McLaughlin

North Carolina State Bar

Nichole P. McLaughlin has been employed as a staff attorney with the North Carolina State Bar since June 2004. Originally from New Jersey, she graduated from Drew University with a B.A. in English in 1993. She obtained her J.D. from Seton Hall University School of Law in 1996 and obtained her North Carolina bar license in 1999. As Assistant Ethics Counsel, she gives informal ethics advice to lawyers about their own future conduct via telephone or email, prepares formal ethics opinions and advises the Ethics Committee. Nichole is also the Judicial District Bar Liaison, a role created to improve communication between the State Bar and judicial district bars. Prior to joining the Bar, she was in private practice for five years with Donaldson & Black, P.A. in Greensboro and handled asbestos workers' comp cases.

An Overview of the North Carolina State Bar

This presentation will provide a summary of State Bar programs and a detailed explanation of the ethics and grievance processes.