Wednesday, May 29, 2019

2:00PM – 5:30PM  Registration, light reception and “Dutch-Treat Dine Around” signup
7:00PM – 9:00PM  Dutch-Treat Dine Around - various Vancouver venues
                 Hosted by the Conference Planning Committee

Thursday, May 30, 2019

7:00AM – 5:00PM  Registration
7:00AM – 8:30AM  Networking Breakfast
7:00AM – 8:30AM  Canadian/U.S. International Regulators’ Roundtable
8:45AM – 9:00AM  Welcome and Opening Remarks
                 Alice Neece Mine, Chair
                 Center for Professional Responsibility
                 Conference Planning Committee
9:00AM – 10:20AM Plenary: The Future of the Practice of Law
                 Join William D. Henderson, professor at Indiana University Maurer School of Law
                 and author of the Legal Market Landscape Report for the California State Bar, as he
                 leads a discussion with Shannon Salter, Chair of the Civil Resolution Tribunal,
                 Canada’s first online tribunal resolving small claims, condominium disputes, and
                 motor vehicle accident disputes. Bill and Shannon will discuss how online dispute
                 resolution operates for those in need of solutions from the legal system; how it has
                 been used by the public, viewed by the bar, and implemented by Canadian courts.
                 They will also discuss how the program’s effectiveness is measured and whether
                 and how online dispute resolution can affect the justice gap.
10:20AM – 10:40AM  Break
10:40AM – 12:00PM Breakout #1
                 Litigation Financing
                 Litigation financing is the new vogue in professional responsibility circles. At the same
                 time, it remains an enigma for many observers. This panel will review the basic ethical
                 and legal background on litigation finance; explore various financing structures;
                 discuss the current state of the market; critique Formal Opinion 2018-5 of the New
                 York City Bar Association; and review case law on the discoverability of the funding
                 documentation. Moderated by Lucian T. Pera, Adams and Reese LLP. Speakers are:
                 Professor Anthony Sebok, Cardozo School of Law, Yeshiva University; Charles Agee,
                 founder and CEO of Westfleet Advisors; and Andrew Cohen, Vice President of Burford
                 Capital.
Breakout #2
Harassment and Discrimination in the Rule 8.4(g) and #MeToo Era

Discrimination and harassment are employment issues that are faced by many organizations that employ lawyers, including law firms, corporate law departments, and government agencies. What’s the breadth and depth of the issue in these organizations? How do these issues present themselves? When does the same conduct present an issue of professional misconduct? Join moderator Chuck Lundberg, Lundberg Legal Ethics and panelists Kelly Dermody, Lieff Cabraser Heimann & Bernstein; Wendy Muchman, Illinois Attorney Registration and Disciplinary Commission; and Dayna Underhill, Holland & Knight as they confront the issues that harassment and discrimination raise under Model Rules 5.1, 8.3 and 8.4(g); discuss how firms, other employers of lawyers and the legal profession itself should respond to these issues; explore the role of general and ethics counsel in addressing and preventing the problems; and review recommended practices for addressing and preventing harassment and other discriminatory conduct in organizations that employ lawyers.

LUNCH (On Your Own)

Plenary: How Lawyers Will Practice in the Future?

Mil·len·nial (miˈlenēəl): noun a person reaching young adulthood in the early 21st century ("the industry brims with theories on what makes millennials tick").

Whether, as the cover of Time Magazine proclaimed, you believe that they are the "Me Me Me Generation," or as a Pew Research study reported a generation of complex and introspective individuals who are innovative and open-minded, the fact remains that those who loosely fall in the millennial generation are the next wave of practicing lawyers. The big question being, how will Millennials recruit, manage and prioritize in their new managerial position? Join Dolores Dorsainvil, Assistant Disciplinary Counsel, D.C. Office of Disciplinary Counsel; Christina M. Jones, Office of the Attorney General for the District of Columbia; Jenny K. Mittelman, Deputy General Counsel for the State Bar of Georgia, and Michael Zhang, Litigation Counsel, Illinois Attorney Registration and Disciplinary Commission, as they explore what it will be like to participate in both workplaces and professional organizations run by those of the Millennial generation.

Breakout #3
Counseling the Counselors: Retaining Associates, Reenergizing Partners, Mentoring Law Students and Renewing Our Commitment to Lawyer Wellness

We all know what the data says: lawyers are more stressed now than ever. With associates and partners leaving firms to achieve a better work/life balance, and others declining due to mental health, substance use disorders or difficult life transitions, how do we improve our profession’s response to these burgeoning concerns? Can we develop successful strategies at the law school level? Please join our panelists’ discussion of approaches designed to avoid burnout, address
cognitive decline, access available resources and facilitate effective mental health and substance use disorder interventions. Speakers are: Derek LaCroix, Executive Director, Lawyers Assistance Program, Canada; Craig Caesar, partner, Baker Donelson and former chairman of the Executive Committee of the Louisiana Lawyers Assistance Program; and Janet Stearns, Dean of Students, University of Miami School of Law. Moderated by Aria Eee, Deputy Bar Counsel, Maine Board of Overseers of the Bar.

Breakout #4
Advance Waivers

Allison Martin Rhodes, Holland & Knight, will moderate a detailed discussion exploring what works and what has not worked when law firms draft and execute advance waivers. Joining Allison are Michael Stewart, Deputy General Counsel, SheppardMullin and Katrin Miller Rothgery, Conflicts and Ethics Counsel, Brownstein Hyatt Farber Schreck, LLP.

5:00PM – 5:30PM  Michael Franck Award Ceremony
5:30PM – 7:00PM  Reception

Friday, May 31, 2019

7:00AM – 5:00PM  Registration
7:00AM – 8:45AM  Networking Breakfast
9:00AM – 10:20AM  Breakout #5
Future of the Unified Bar: What’s Happening Today and What Could Be Its Future?

For almost a century the legal profession has been licensed and regulated predominantly by a “mandatory” or “unified” bar organization. However, approximately 20 states regulate lawyers without a mandatory bar association. The mandatory bar association has been under attack recently by lawyers arguing that compelled membership in a bar association is not only unnecessary, but violates a bar member’s First Amendment rights when a mandatory bar association spends compelled dues revenue on non-germane causes with which the bar member disagrees. At the same time, mandatory bar associations face anti-trust concerns after the Supreme Court’s decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission. Has the time come to do away with mandatory bar associations or do they remain viable entities for professional regulation and client protection?

This panel will explore the legal issues and discuss the future of the mandatory bar as a professional regulatory scheme. Join panelists Janet Welch,
Executive Director of the State Bar of Michigan; Sarah Harrington of Goldstein & Russell; Bridget Gamme, Center for Public Interest Law, University of San Diego; and University of Arizona College of Law Professor Ted Schneyer as they discuss the First Amendment and anti-trust issues currently swirling around unified bars. Topics to be dissected include how Janus v. State, County, and Municipal Employees might affect Fleck v. Wetch on its remand to the Eighth Circuit U.S. Court of Appeals and how state and federal litigation between TIKD and The Florida Bar could define the practice of law and prosecution for unlicensed practice for the future. Moderated by James McCauley, Ethics Counsel, Virginia State Bar.

Breakout #6
Disaster Response Planning: It's Not Just for Florida

World temperatures are rising. Extreme weather conditions have become the norm. As owners of law firms and advisors to clients, what should lawyers be ready for? Hear from Elizabeth Tarbert, Ethics Counsel to The Florida Bar; Michael H. Rubin of McGlinchey Stafford; and Wendy Huff Ellard of Baker Donelson as they discuss the issues presented and the advice they give their clients.

10:20AM – 10:40AM
Break
10:40AM – 12:00PM

Breakout #7
Rule 8.4(a) and Attempted Rule Violations

Model Rule of Professional Conduct 8.4(a) appears to create an ethical violation for an attempt to engage in unethical conduct. What does this language mean in today’s disciplinary milieu? Join Nellie Barnard, Holland & Knight; Don Campbell, Collins Einhorn; and Peter Jarvis, Holland & Knight as they explore this topic.

Breakout #8
Strengthen and Update Internal Risk Management

The practice of law entails numerous risks. Many of those risks can be reduced by a wide range of methods and these methods should keep pace with rapidly evolving standards and issues. We all could use a tune-up for 2019. Join speakers Douglas Richmond, Managing Director at Aon Risk Solutions; Arthur Burger, Chair, Professional Responsibility Practice Group, Jackson & Campbell, P.C.; and German Gomez, Assistant General Counsel, Hogan Lovells as they show us how to re-evaluate and improve our risk management procedures including: methods for spotting potential conflicts and sound decision-making when potential conflicts are flagged; when and how to seek informed consent; erecting and monitoring genuine ethics screens; updating the standard retainer agreement; addressing dissatisfied clients and potential claims; teaming up with your carrier; and more. Moderated by Emil J. Ali, Carr Butterfield, LLC.
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<td>12:00PM – 2:00PM</td>
<td>Lunch <em>(On Your Own)</em></td>
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<td>2:00PM – 3:20PM</td>
<td><strong>Plenary: Where Will Technology Take Us Next?</strong></td>
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<td>Technology is changing the way we live our lives and the way we practice law. What’s the forecast for future technology in the legal arena? Join Dan Pinnington, President &amp; CEO of LAWPRO, as he moderates this panel featuring Eli T. Marchbanks, co-founder of Basic Counsel and Joshua Lenon, Lawyer in Residence and Data Protection Officer at Clio.</td>
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<td>3:20PM – 3:40PM</td>
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<td>3:40PM – 5:00PM</td>
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<td><strong>Considering the Future of Rule 5.4</strong></td>
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<td>Rule 5.4 and the relationship between lawyers and nonlawyers has been a topic of discussion for over 20 years, but interest seems to once again be building. Interest has increased for many reasons, including the complex and interdisciplinary nature of clients’ problems, the increased use of technology in the delivery of legal services, and developments outside the U.S. The ABA Commission on the Future of Legal Services, APRL’s recently formed Future of Lawyering Committee, and others have looked at issues surrounding Rule 5.4. With Rule 5.4 issues back on the table, what insights can we draw from the prior experiences of the ABA and others? What can we learn about the most productive and effective way to engage the profession, regulators, and others in this discussion? What issues need to be teed up first? Who needs to be engaged in the discussion? Can regulatory experimentation work in the U.S.? What are the issues that need to be addressed to intelligently and effectively evaluate the continued viability and effectiveness of these prohibitions? If we want to engage in the most productive and effective possible discussion and decision-making on these issues, how do we do that?</td>
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<td>Join moderator Professor Laurel Terry, Penn State Dickinson Law, as she leads the conversation with Merri Baldwin, Rogers Joseph O'Donnell; Alli Gerkman, Institute for the Advancement of the American Legal System; Arthur J. Lachman, Attorney at Law and co-chair, APRL Future of Lawyering Committee; and Darrel Pink, former Executive Director of the Nova Scotia Barristers’ Society.</td>
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<td>3:40PM – 5:00PM</td>
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<td>Does mandating that lawyers secure professional liability coverage protect the public? Does mandatory disclosure of coverage protect clients? Oregon and Idaho require that lawyers in private practice in their states carry professional liability insurance and a number of other states require</td>
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disclosure of insurance status. California and Washington are examining the possibility. Speakers Randall A. Miller, Miller Law Associates and chair of the State Bar of California Malpractice Insurance Working Group; Carol J. Bernick, Chief Executive Officer, Oregon Professional Liability Fund; Maureen Braley, the Associate Director of the Idaho State Bar; and Douglas J. Ende, Chief Disciplinary Counsel at the Washington State Bar Association will discuss the public protection, ethics, economic and market issues presented when lawyers are required to secure and/or disclose whether they carry professional liability insurance. Moderated by Prof. Susan Saab Fortney, Professor of Law and Director, Program for the Advancement of Legal Ethics, Texas A&M University, School of Law.

5:00PM – 7:00PM  Reception

MCLE Credit Hours

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI and WV.

These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for TBD CLE credit hours (including TBD ethics hours) in 60-minute states, and TBD credit hours (including TBD ethics hours) in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit http://ambar.org/CPREvents or contact Annie Kuhlman at Annie.Kuhlman@americanbar.org.

SCHOLARSHIPS: A limited number of scholarships are available to defray the tuition expenses for lawyers who are unable to attend the program due to financial hardship. Contact us at cpr@americanbar.org for details. Scholarship requests must be received by April 19, 2019.