

Conference Sessions

5th and 14th Amendments

John A. Bermingham, Jr., Esq.

CLE 1.5 • Substantive • Basic

Description: This session will discuss the meanings of the 5th and 14th Amendments. Specific attention will be paid to the Due Process Clause of both amendments, while analyzing historic Supreme Court cases decided under the 5th and 14th Amendments and the individual sections of both amendments.

Advanced Chapter 13 Topics

Jen Lee

CLE 1.5 • Substantive • Advanced

Description: This session is designed as an advanced dive into Chapter 13 practice. An overview of Chapter 13 is provided to understand the types of debts and assets commonly dealt with in Chapter 13. Then we dig into how Chapter 13 plans are crafted, what types of provisions can be included, and how payments are calculated. Once the plan is filed, all kinds of motions and objections can be filed. Understanding how Chapter 13 winds its way through the court system helps to spot issues and draft pleadings often needed in complicated reorganization cases.

A Paralegal's Guide to Best Billing Practices

Kendal Cantrell, ACP

CLE 1.5 • Non-substantive • Basic

Description: How do you get paid while maximizing profitability and keeping the client happy? Proper and ethical billing techniques are vital to the success of any law firm and do not have to be as daunting as they may seem. Let us face it – time is money! This course will teach you the ethics of legal billing, the importance of timely billing and invoicing, and best billing practices and strategies for becoming a savvy timekeeper.

Assisting at Trial

Amy McGuigan, CP, CEDS

CLE 1.5 • Non-substantive • Intermediate

Description: This course will help you set yourself up for a seamless trial from the beginning, including how to prepare for trial and assist in one at the counsel table.

Correctional Use of Force in Prisons

Joseph Koenig

CLE 1.5 • Substantive • Advanced

Description: This session will explore Eighth Amendment standards governing correctional uses of force as interpreted by the court in *Whitley v. Albers* (1986) and *Hudson v. McMillian* (1992), as well as the concept of deliberate indifference and federal statutes that prohibit unnecessary or excessive uses of force. Upon completion, attendees should have a working knowledge of differences in assessing law enforcement uses of force and correctional uses of force, the Eighth Amendment's cruel and unusual standard, elements considered by the court in assessing a correctional use of force, the concept of deliberate indifference applied to correctional uses of force, and elements of an excessive force action under 42 U.S.C. § 1983.

CP Review - Civil Litigation

Jill I. Francisco, ACP

CLE 1 • Substantive • Basic

Description: This session assists those preparing for the Certified Paralegal Exam review for the civil litigation portion of the Knowledge Exam. The session offers a broad and basic view of the fundamentals of civil litigation. It will include discussions in the following areas: (1) jurisdiction (2) the federal rules of civil procedure (3) pleadings (4) discovery (5) motion practice (6) trial process and (7) appeal process.

CP Review - Bankruptcy 101

Jen Lee

CLE 1.5 • Substantive • Basic

Description: This session is designed for professionals who want to better understand bankruptcy and the bankruptcy process. An overview is provided of the most recent update to bankruptcy law, the types of debt handled in different kinds of bankruptcies, and the differences between Chapter 7 and Chapter 13 for individual and sole proprietor debtors. We will review the intake process and the required disclosures as a debt relief agency under the bankruptcy code. In addition, we will review the types of documents to be collected, signing and filing a bankruptcy case, and what happens after filing for both chapters of bankruptcy. A brief discussion at the end will review the discharge and automatic stay issues that come up when handling bankruptcy cases and bankruptcy litigation.

CP Review - Contract Law

Mekka Crawford-Franklin
CLE 1 • Substantive • Basic

Description: This course is designed to examine contract basics by explaining what a contract is and the various contract types. Key elements to most contracts are covered, along with an explanation of how US law governs contractual activity, including enforcement and dispute resolution options and the three requirements of a contract (offer, consideration, and acceptance). The course also examines who can enter a contract, how to approach negotiation, designing a written contract, unfair and improper contracts, contract termination, breach, voiding and rescission claims, and details on special contract situations, including real estate, financing, social contracts, and internet use.

CP Review - Criminal Law and Procedure

Mekka Crawford-Franklin
CLE 1 • Substantive • Basic

Description: This course is an introduction to substantive and criminal law that includes criminal statutes, search and seizure, arrest, confessions, citizens' rights, court functions, admissible evidence, and investigative techniques. Emphasis is placed on the practical uses in assisting defense attorneys, including procedural issues for arrest warrants, probable cause hearings, grand juries, and trial issues.

CP Review - Corporate and Commercial

Kelly A. LaGrave, ACP
CLE 1.5 • Substantive • Basic

Description: This session assists those preparing for the Certified Paralegal Exam, focusing on review for the corporate/commercial law portion of the Knowledge Exam. The session offers a broad and basic view of the fundamentals of corporate and commercial law and will include discussions in the following areas: (1) Basic concepts of various types of business entities, including formation, issues of capitalization, management, ownership, public vs. private, and tax implications; (2) Fiduciary duty, duty of care, duty of loyalty, and the business judgment rule; (3) Mergers, acquisitions, joint ventures, consolidation, and dissolution; and (4) Anti-trust issues.

CP Review - Critical Thinking (Skills)

Glenn A. Leier

CLE 1 • Substantive • Basic

Description: This session is a review of a legal memorandum for the CP Skills Exam, the second exam required for obtaining paralegal certification from NALA. Although a keyword list and more than 30 sample multiple-choice questions will be provided, they will not be the focus of the session. The discussion will touch on the importance of proper grammar and clear writing, as well as the need to practice writing memoranda to prepare for the Skills Exam. This course introduces the required format of a memorandum to pass the CP Skills Exam and a step-by-step approach to writing the memorandum. The session will focus on facts, issues, discussion/analysis, and conclusions. The presentation will discuss a facts scenario, hypothetical statutes for writing the memorandum, and a sample memorandum based on the scenario. The sample memorandum will be dissected showing the different parts and format of the memorandum.

CP Review - Estate Planning and Probate

Glenn A. Leier

CLE 1 • Substantive • Basic

Description: This session is a review of the estate planning and probate section of the CP Knowledge Exam. The course will focus on keywords and an outline of this area of law. Bonus materials will include more than 30 sample multiple-choice questions and answer explanations. This course is structured and organized to provide a guide for studying for the CP Knowledge Exam, including keywords, outline, and sample questions. The session will introduce the main estate planning tools such as wills, trusts, powers of attorney, advance directives, and non-probate transfers and the basic requirements of each. Probate administration will be discussed for testate succession and intestate succession.

CP Review - Legal Ethics

Kelly A. LaGrave, ACP

CLE 1 • Legal Ethics • Basic

Description: This session will assist those preparing for the Certified Paralegal Exam, focusing on review for the ethics portion of the Knowledge Exam. The session will focus on the following: (1) ethical responsibilities centering on performance of delegated work (2) paralegal professional responsibility (3) professional relationships (4) client and public contracts and (5) attorney code of ethics and discipline.

CP Review - Real Estate and Property

Glenn A. Leier

CLE 1 • Substantive • Basic

Description: This session is a review of the real estate and property section of the CP Knowledge Exam. The presentation will be an outline focusing on the keywords in this area of law. Participants will also receive more than 30 sample multiple-choice questions and answer explanations. This course introduces a structure to organize participants' study structure for the CP Knowledge Exam, starting with keywords, supplementing with an outline, and then studying multiple-choice questions. The review course will include a discussion of types of ownership and leases that evolved to present-day real estate interests. The discussion includes the main types of property (real property, personal property, and fixtures) and why the law distinguishes the different types of property. The course introduces offers to buy real estate, financing, surveys, legal descriptions, easements, public and private controls on real estate, deeds, residential and commercial leases, and types of lawsuits involving real estate.

CP Review - Torts

Jill I. Francisco, ACP

CLE 1 • Substantive • Basic

Description: This session assists those preparing for the Certified Paralegal Exam to review for the torts portion of the Knowledge Exam. Learning objectives include the following: (1) knowing the definition of a tort, including the difference between a tort and a criminal act (2) understanding how and where different types of cases are filed and tried (3) understanding intentional torts, negligence, and strict liability (4) studying the Federal Torts Claim Act, and (5) understanding how common law and state statutory law define the boundaries of tort law.

CP Review - US Legal System

Mary Katherine Mayer, ACP

CLE 1 • Substantive • Basic

Description: This session will provide a better understanding of the origins of the U.S. legal system and what is contained within the legal system in hopes that students will pass the CP Exam.

Defending Elder Law Fraud Claims

Jean Gustafson

CLE 1.5 • Substantive • Advanced

Description: Participants will learn how to better assist attorneys during complicated appeals of allegations in criminal law, elder law, fraud, misrepresentation, and elder abuse.

Ethical Considerations in Criminal Law Cases

Amy McGuigan, CP, CEDS

CLE 1 • Legal Ethics • Intermediate

Description: This session will cover best practices for avoiding ethical violations and UPL and protecting yourself (and your attorney) from violations of the protective order.

Information Governance, Data Privacy, and In-House Compliance

Carl Morrison, ACP

CLE 1.5 • Substantive • Intermediate

Description: One of these things is not like the other – or is it? In-house legal operations professionals and paralegals understand that more and more data is created and maintained every day. How do you manage the ever-growing mound of data? What happens when that data contains personal and confidential information for your customers, your employees, and your business clients? What laws and regulatory bodies govern this data, and how do you protect it? In this session, Carl will help you understand the challenges around maintaining this Gordian Knot of data, creating a successful information governance program, and understanding what laws can affect that data.

Police Use of Force

Joseph Koenig

CLE 1.5 • Substantive • Advanced

Description: This session will explore Fourth Amendment standards governing police uses of force as interpreted by the court in *Tennessee v. Garner* (1985) and *Graham v. Connor* (1989) and federal statutes that prohibit the unnecessary or excessive use of force. Upon completion, attendees should have a working knowledge of the objective reasonableness standard in assessing police uses of force, lethal force used to prevent the escape of a fleeing suspect, elements of an excessive force action under 42 U.S.C. § 1983, the concept of under color of law in excessive force prosecution, and the concept of qualified immunity in excessive force defense.

Roe v. Wade

John A. Bermingham, Jr., Esq.

CLE 1.5 • Substantive • Basic

Description: This session will discuss the evolution of the right to privacy and how the Constitution inferred that the right to privacy is a fundamental right. Additionally, the attendees will be introduced to the Supreme Court cases that led to the *Roe v. Wade* decision and how the right to privacy played a key role in the Supreme Court's ruling. Furthermore, attendees will understand how *Roe v. Wade* became the groundwork for other privacy rights that were constitutionally protected. An analysis will be done on what eventually led to the *Dobbs v. Jackson Women's Health Organization* case and why the Supreme Court overturned *Roe v. Wade*. Lastly, the discussion will revolve around recognizing where the future is headed and what states are doing now that *Roe v. Wade* is no longer law.

Rules of Evidence

Mary Katherine Mayer, ACP
CLE 1.5 • Substantive • Basic

Description: There will be a discussion about the Federal Rules of Evidence, when they started, why, and when they were updated. Another discussion will focus on hearsay, authentication, and relevance. Participants should come away with a grasp of the way in which evidence is introduced, reasons for many evidentiary limitations, and how the evidentiary rules are applied. They will be more effective in helping prepare for litigation and have a better understanding of what information can make it to the jury.

Sibling Rivalry: How to Successfully Manage a Case Against Troublemakers in the Family

Jean Gustafson
CLE 1.5 • Substantive • Advanced

Description: Attendees will learn the motives behind family members suing each other and how to successfully bring and defend a guardianship or trustee action for the client's best outcome.

Smart Assistants and the Constitutional Expectations in the Smart Age

Mbilike Mwafulirwa
CLE 1.5 • Substantive • Intermediate

Description: Every day, smart assistants like Siri and Alexa respond to routine requests. They call Uber, order pizza, and so on. What about this request: "Alexa, who killed John?" Is that request going too far? No, actually. That very question was the subject of a murder prosecution in Arkansas. A victim died in a home that had Alexa operational. The police suggested that, while recording its user's voice commands, Alexa also captured other background sounds—possibly the critical moments of a crime. The police demanded the user's Alexa data from Amazon. In another case, the FBI wanted to access a user's iPhone, so it asked a court to force Apple to create software to break into the iPhone. Considered together, those two cases compel us to consider and answer two questions. Can the government compel disclosure of a user's data in their smart devices? If so, under what circumstances?

Smoke and Mirrors: Constitutional Ideals When Fact and Fiction Can't Be Separated

Mbilike Mwafulirwa

CLE 1.5 • Substantive • Intermediate

Description: You have heard a thing or two about fake news, but have you heard about deepfakes? Deepfakes are fake video and audio, mostly posted and shared online, that make any person appear to do or say something they did not. A major premise of our concept of truth depends on believing and accepting what we see or hear. So profound is that premise that our entire justice system desperately depends on it. In litigation, whether civil or criminal, audio and video evidence is now standard. Thus, the questions this course explores are what do we do as a people, as a society, and as key participants in the legal system if we can no longer believe and trust what we see or hear? What legal tools are there to deal with deepfakes?

Taming the Legal Spend Beast: Outside Counsel Management Through Effective & Efficient Methods

Carl Morrison, ACP

CLE 1.5 • Non-substantive • Intermediate

Description: How do legal operations leaders balance the demands of corporate finance when our background consists primarily of law firm experience? In-house legal operations leaders rely on data and efficiency when making outside counsel decisions, but that does not mean the cost is becoming less important. In this session, Carl Morrison will discuss the most common hurdles to effective outside counsel management from both sides of the legal coin (in-house and law firm) and how best to determine whether to stay in-house or use external support. Now more than ever, legal operations has a crucial role in outside counsel management and adds strategic value. Let us explore measuring performance, outcomes, and return on investment against legal spending and matter management.

Text and Smartphone Evidence from Identification to Production

Amy McGuigan, CP, CEDS

CLE 1.5 • Substantive • Intermediate

Description: This course will cover how to collect text messages and other information from a cell phone, when you should do it yourself, and when an expert needs to be called in.

The A-Z's of Foreign Subpoenas

Kendal Cantrell, ACP

CLE 1.5 • Substantive • Intermediate

Description: Almost all litigation will involve the issuance of a subpoena at some point in time. Quite often, the need arises to issue a subpoena in another state.

Understanding the ins and outs of the foreign subpoena process is critical to achieving success in getting the subpoenas issued, served, and ultimately complied with by the responding party. This course will help you become more confident in your foreign subpoena skills and set you up for becoming the go-to source in your firm for issuing out-of-state subpoenas.

The Post Pandemic Real Estate Paralegal - The Seasoned One

Jeremy Holley

CLE 1.5 • Substantive • Intermediate

Description: The intermediate post-pandemic real estate paralegal will receive an in-depth explanation of some of the most standard title industry matters.

The Post Pandemic Real Estate Paralegal - Your Beginning Years

Jeremy Holley

CLE 1.5 • Substantive • Basic

Description: The beginner post-pandemic real estate paralegal will receive an overall explanation of many standard title industry topics and commonly used terms for billable hours.