



# 2015 STATE GOVERNMENT ATTORNEYS CONTINUING LEGAL EDUCATION SEMINARS

In Partnership with  
the State of Tennessee  
Department of Human Resources  
and the  
Nashville Bar Association

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The Nashville Bar Association's CLE programs are nationally recognized, having received several of the highest awards for excellence in education from the American Society of Association Directors and the Tennessee Society of Association Directors. The NBA CLE Director is recognized as an expert legal educator by her peers in the international Association of Continuing Legal Education – elected to serve on the Board of Directors, participating as faculty at conferences, and serving in various leadership roles on committees and task forces.

Featuring expert, nationally recognized faculty from the Nashville area and “far away” places, our CLE faculty are skilled at sharing their knowledge and expertise to keep you current on practice issues in state government, the nuts and bolts of the law, local rules and customs, ethics and professionalism, winning practice strategies and key practice procedures. You can trust that the NBA offers you the highest quality seminars in a variety of formats at convenient times and locations.

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# REGISTRATION FORM

Indicate registration choice – package or individual seminars. Agencies will be billed by journal voucher for the cost of the program(s) selected. Follow your agency standard approval process for in-service training. Changing attorney registration option to and from “Special Seminar Package” and “Individual Seminars” will not be accepted after the **August 3, 2015** package registration deadline.

**Cancellation Policy:** Additional charges will be incurred by your agency if cancellations are not made by 5:00 p.m. two business days before the seminar date. Charges will be assessed at the Individual Seminar rate of \$47.00 per CLE hour. Substitutions are permitted after the cancellation deadline without penalty; however, DOHR should be notified before the seminar date to guarantee receipt of written materials at the program.

## SPECIAL SEMINAR PACKAGE

*Must be received by August 3, 2015*

- \$644 Seminar Package  
(Total of 15 CLE Hours)

Includes:

- August 21, 2015  
*Government Practice*  
6.0 CLE Hours
- November 13, 2015  
*Ethics & Professionalism*  
3.0 CLE Hours (DUAL)
- Choice of Additional  
6.0 CLE Hours, see page 2

## INDIVIDUAL SEMINARS

- \$282 August 21, 2015  
*Government Practice*  
6.0 CLE Hours  
Register by August 3, 2015
- \$141 November 13, 2015  
*Ethics & Professionalism*  
3.0 CLE Hours (DUAL)  
Register by November 2, 2015
- \$47 Per CLE Hour:  
Additional NBA Seminars -  
see page 2

NOTE: Package price covers the August 21, 2015 6-hour CLE seminar, the November 13, 2015 3-hour CLE seminar, plus six (6) additional hours of CLE training. Registration form must be completed in its entirety before registration will be accepted or confirmed for seminars. Any form missing the Edison Employee ID or the Edison Agency Billing Code will be returned to the agency's human resource office for completion. E-mail reminders with seminar title, location and time will be sent to each participant registered for CLE training a minimum of 24 hours before each CLE seminar.

Name: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Edison Employee ID: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Edison Agency Billing Code: \_\_\_\_\_ Board of Professional Responsibility Number: \_\_\_\_\_

Mail or e-mail registration to:  
Sharon Buwalda  
TN Department of Human Resources  
James K. Polk Building, 1st Floor  
505 Deaderick Street  
Nashville, TN 37243-0635  
Phone: 615-741-4157 - E-mail: Sharon.Buwalda@tn.gov

Also forward a copy of your registration form to your agency training coordinator.

# ADDITIONAL CLE SEMINARS

NAME: \_\_\_\_\_ BPR# \_\_\_\_\_

AGENCY: \_\_\_\_\_

ENROLLED IN THE PACKAGE? (CIRCLE ONE) YES NO

**INDIVIDUAL SEMINAR(S) ARE AT THE RATE OF \$47.00 PER CLE CREDIT HOUR**  
**Additional Seminars May Be Added to the Schedule**

DATE	CLE CREDIT	SEMINAR TOPIC
<input type="checkbox"/> August 13, 2015	1.5 CLE	Mindfulness - Attorney Stress Reduction
<input type="checkbox"/> August 18, 2015	1.0 CLE	Hon. Frank G. Clement: The Abuse of Discretion Standard
<input type="checkbox"/> August 26, 2015	2.0 CLE	Health Care Topic
<input type="checkbox"/> September 10, 2015	2.0 CLE	From the Bench: Hon. Lynda Jones
<input type="checkbox"/> September 22, 2015	1.5 CLE	The Changing Law of Unmanned Systems (Drones)
<input type="checkbox"/> September 24, 2015	1.0 CLE	Using Mediation Techniques in Bankruptcy Negotiation
<input type="checkbox"/> September 29, 2015	3.0 CLE	ADR Institute
<input type="checkbox"/> October 6, 2015	4.0 CLE	Estate Planning & Probate Practice Institute
<input type="checkbox"/> October 15, 2015	3.0 CLE	Morning: Point Made: How to Write Like the Nations' Top Advocates - Ross Guberman
<input type="checkbox"/> October 15, 2015	3.0 CLE	Afternoon: Four Steps to Standout Legal Writing - Ross Guberman
<input type="checkbox"/> October 22, 2015	4.0 CLE	Employment Law Institute
<input type="checkbox"/> October 29, 2015	4.0 CLE	Family Law Institute
<input type="checkbox"/> November 10, 2015	3.0 CLE	Federal Court Practice
<input type="checkbox"/> November 17, 2015	3.0 CLE	Business Law Topics
<input type="checkbox"/> November 20, 2015	3.0 CLE - Dual	Ethics & Professionalism: Ethics, Lies & Videotape, Part XIII
<input type="checkbox"/> December 10, 2015	3.0 CLE	Morning: Supreme Court Cases and Legal Developments - 2015
<input type="checkbox"/> December 10, 2015	3.0 CLE - Dual	Afternoon: Ethics & Professionalism: The Ethys Awards - Avoiding Ethical Violations

**CLE BY-THE-HOUR MORNING SESSIONS**

<input type="checkbox"/> December 15, 2015	1.0 CLE	CLE-by-the-Hour: Topic to be Announced
<input type="checkbox"/> December 15, 2015	1.0 CLE	CLE-by-the-Hour: Topic to be Announced
<input type="checkbox"/> December 15, 2015	1.0 CLE	CLE-by-the-Hour: Topic to be Announced

**CLE BY-THE-HOUR AFTERNOON SESSIONS**

<input type="checkbox"/> December 15, 2015	1.0 CLE - Dual	CLE-by-the-Hour: Ethics & Professionalism
<input type="checkbox"/> December 15, 2015	1.0 CLE - Dual	CLE-by-the-Hour: Ethics & Professionalism
<input type="checkbox"/> December 15, 2015	1.0 CLE - Dual	CLE-by-the-Hour: Ethics & Professionalism

<input type="checkbox"/> December 17, 2015	6.0 CLE	Topic: Trial Practice
<input type="checkbox"/> December 29, 2015	3.0 CLE - Dual	Topic: Ethics & Professionalism
<input type="checkbox"/> December 30, 2015	3.0 CLE - Dual	Topic: Ethics & Professionalism

Additional Seminars May be Added to the Schedule

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PLEASE RETURN FORM BY E-MAIL: Sharon.Buwalda@tn.gov

**CANCELLATION POLICY:** Additional charges will be incurred by your agency if cancellations are not made by 5:00 p.m. 2 business days before the seminar date. Charges will be assessed at the Individual Seminar rate of \$47.00 per CLE hour. Substitutions are permitted after the cancellation deadline without penalty; however, DOHR should be notified before the seminar to guarantee receipt of written materials at the program.

# 2015 STATE GOVERNMENT ATTORNEYS CLE SEMINARS

## GOVERNMENT PRACTICE SEMINAR

### AUGUST 21, 2015

**PROGRAM PRODUCERS:**           **SUSAN BLAIR**  
CLE Director, Nashville Bar Association  
**CATHERINE CASTER, Esquire**  
Centerstone, SVVF Program  
Co-Chair, NBA State Government Attorneys Committee  
**THERESA DENTON**  
Tennessee Department of Agriculture  
Co-Chair, NBA State Government Attorneys Committee

**REGISTRATION:**               **7:30 - 8:00 a.m.**

**PROGRAM:**                   **8:00 a.m. - 4:15 p.m.**

**CREDIT:**                   **6.0 CLE Hours - General**

**LOCATION:**                   **DOUBLETREE HOTEL NASHVILLE**  
**Ballroom**  
315 4<sup>TH</sup> Avenue North  
Nashville, TN 37219

**NOTE:** Ballroom temperatures are generally set at a cool temperature. Please bring a sweater or jacket to enhance your comfort.

**ROOM RESERVATIONS:** A courtesy block of rooms are available at the special base rate of \$189 (not including applicable state and local taxes). Reservations must be made by **Monday, July 27, 2015**. When you reserve your room, request the **Nashville Bar Association August 21, 2015** seminar rate.

**PARKING:** Parking fees are not included in registration fee

**NOTE:** The Hotel offers limited valet parking for overnight and day use attendees. The cost for Hotel overnight parking is \$30.00 per vehicle, per night, and \$18.00 for meeting attendees, per day. These fees do not include applicable state and local taxes. Local attendees are advised to park across the street at the "Hotel Court Event and Self Park" (formerly Public Square Parking Garage) located at the corner of Deaderick and 4th Avenues, across the street from the Hotel.

8:00 - 8:15 a.m.           **WELCOME and INTRODUCTION OF FIRST SESSION**

**8:15 – 9:15 a.m. SUNSHINE AND GOVERNMENT PRACTICE**

The public policy of Tennessee’s “Sunshine Law” directs that meetings of governing bodies are to be open and public. Learn about the law’s requirements and application to agency meetings.

**FIND ANSWERS TO YOUR QUESTIONS:**

1. What is a public meeting?
2. What is required to notice a public meeting?
3. What is public access?
4. What are the requirements to meet electronically?
5. What are the recent cases?
6. What are the procedures to cure an opening meeting violation?

**FACULTY:** **JANET KLEINFELTER**  
Office of the Attorney General and Reporter

**PRODUCERS:** **THERESA DENTON**  
Tennessee Department of Agriculture  
**MAX FLEISCHER**  
Tennessee Department of Environment and Conservation

**9:15 – 10:15 a.m. OPEN RECORDS AND YOUR RESPONSIBILITY**

In situations considered to be “media worthy,” the staff attorney is often asked if certain documents or materials can be released to the press and/or public. The staff attorney wants to comply, but needs time to examine and determine the type of information requested for release. The next day the staff attorney’s name appears in print and other media as the governmental representative that won’t release the requested paper or materials.

This session will help you to avoid the open records pitfalls.

**LEARN:**

1. How to identify public records and determine when to release information
2. How to assess what is and is not secure information
3. Guidelines on the use of electronic devices during meetings
4. How the public perceives their rights towards the access of information

**FACULTY:** **DEBRA FISHER**  
Executive Director  
Tennessee Coalition for Open Government

**PRODUCER:** **SAM EDWARDS**  
Greater Nashville Regional Counsel

**10:15 – 10:30 a.m. BREAK**

**10:30 – 11:30 a.m. PREMISES LIABILITY ON STATE PROPERTY**

Government-owned property constitutes a great portion of real property in Tennessee. As a state attorney with the duty of representing a government entity in property matters, it is imperative to know the basics of risk management as well as the protocols for public safety.

Expert presenters explain risk management in terms of a government entity’s duties to the public, the type of notice required by the state to the public, and the circumstances where liability may shift from the governmental agency to the public or individual.

**FIND OUT:**

1. What constitutes constructive notice for premises liability (icy sidewalk on school property)?
2. What constitutes constructive notice for liability for flooding due to an obstructed drainage ditch?
3. Is the state immune, if an intoxicated person present on state property poses a danger to other persons present on state property? What is the scope of the property owner's duty to protect the general public?
4. If a tree on state property falls on a motorist crossing a bridge, who is liable -- the local government or the state?

**FACULTY:** DONALD CAPPARELLA  
Dodson Parker Behm & Capparella, P.C.  
JASON GICHNER  
Dodson Parker Behm & Capparella, P.C.

**PRODUCER:** MARY FOUST  
Office of the Attorney General and Reporter

**11:30 – 12:50 p.m. LUNCH (On Your Own)**

**1:00 – 2:00 p.m. BEHIND EVERY LAWYER ARE A LOT OF OBJECTIONS WAITING TO BE MADE**

The discovery phase of a case can be intimidating. Quickly assessing and making appropriate and timely objections can be crucial to your case.

Gain knowledge and practice tips from an experienced litigator.

**THIS SESSION WILL HELP YOU:**

1. Understand when it is necessary to make objections
2. Know what objections can be made
3. Decide how to respond to opposing counsel's objections
4. Learn when to instruct a witness not to answer
5. Recognize when to bring objections to the court's attention

**FACULTY:** LESLIE BRIDGES  
Office of the Attorney General and Reporter

**PRODUCER:** CAROLYN SMITH  
Office of the Attorney General and Reporter

**2:00 – 3:00 p.m. SOVEREIGN CITIZEN MOVEMENT**

Learn the origins and practices of the Sovereign Citizen Movement in the United States and its impact on state government practice.

**FIND OUT:**

1. How Sovereign Citizens typically interact with state government
2. Methods that you can use when responding to Sovereign Citizens

**FACULTY:** BRIAN GRISHAM  
Director  
Tennessee Law Enforcement Training Academy and POST Commission

**PRODUCER:** LEIGH FERGUSON  
Administrative Office of the Courts

**3:00 – 3:15 p.m. BREAK**

Learn what they did or didn't do during the 1st session of the 109th General Assembly. If you think you know, then think again. Nathan will tell all.

**FIND OUT:**

1. The “state book” – almost
2. Insure twice and twice uninsure
3. Guns everywhere except in the “immediate vicinity” of school activities and the Legislative Plaza
4. Are we or are we not to elect the AG - Act 1?
5. City “Islands”
6. And more!

**FACULTY:**

**NATHAN RIDLEY**  
Bradley Arant Boult Cummings, LLP

**PRODUCERS:**

**SAM EDWARDS**  
Greater Nashville Regional Counsel  
**AARON ROCHELLE**, Esquire

**AUGUST 21, 2015**  
**STATE GOVERNMENT PRACTICE SEMINAR**  
**PLANNING COMMITTEE**

**CATHERINE CASTER**  
**THERESA DENTON**  
Co-Chairs, NBA State Government Attorneys CLE Committee

**SUSAN BLAIR**, Nashville Bar Association  
**CATHERINE CASTER**, Centerstone, SVF Program  
**THERESA DENTON**, Department of Agriculture  
**SAM EDWARDS**, Greater Nashville Regional Council  
**LEIGH FERGUSON**, Administrative Office of the Courts  
**MAX FLEISCHER**, Department of Environment and Conservation  
**MARY FOUST**, Office of the Attorney General and Reporter  
**CAROLYN SMITH**, Office of the Attorney General and Reporter

In 2015, The Nashville Bar Association's State Government Attorneys CLE Committee will develop nine hours of continuing legal education. The Committee members are representative of various agencies, boards, commissions, and entities within the three branches of state government.

In addition to the CLE programs, the committee functions as a meeting place for attorneys from various governmental entities to discuss and resolve commonly shared issues in state government. If you are interested in joining the Committee, please contact the Committee Co-chairs:

**Catherine Caster:** [cathy.caster@centerstone.org](mailto:cathy.caster@centerstone.org)  
**Theresa Denton:** [theresa.denton@tn.gov](mailto:theresa.denton@tn.gov)

# STATE GOVERNMENT ATTORNEYS CLE SEMINAR DESCRIPTIONS

SEMINAR DESCRIPTION UPDATES WILL BE DISTRIBUTED TO YOU AS THEY ARE FINALIZED.

SEMINAR DESCRIPTIONS ARE POSTED ON THE NBA WEBSITE.  
YOU CAN VIEW THE 2015 SEMINARS AT: [WWW.NASHVILLEBAR.ORG](http://WWW.NASHVILLEBAR.ORG) - CLICK ON THE CLE TAB  
ADDITIONAL SEMINARS MAY BE ADDED TO THE SCHEDULE - See page 2 for current listings

August 18, 2015

VIEW FROM THE BENCH: HON. FRANK G. CLEMENT, JR.

A MORE PRACTICAL ABUSE OF DISCRETION STANDARD OF REVIEW & WHY APPELLATE DEFERENCE MAY DEPEND ON COMPLIANCE WITH TENN. R. CIV.P.52.01

REGISTRATION: 11:00 a.m.

SEMINAR: 11:30 – 12:30 p.m.

CREDIT: 1.0 CLE hour - General

LOCATION: NASHVILLE BAR ASSOCIATION  
CONFERENCE CENTER  
One Nashville Place, Suite 1050  
150 Fourth Avenue, North  
Nashville, TN  
615-242-9272

PARKING:  
& Transportation  
(parking fees not included  
in registration fees)

1. Fourth Avenue next to One Nashville Place (“Garage Full” does not apply to NBA visitors)
2. Fourth Avenue across from One Nashville Place
3. Commerce Street
4. Main Library (between 6<sup>th</sup> and 7<sup>th</sup> Avenues)
5. Ride the FREE Music City Circuit ([www.nashvillemta.org](http://www.nashvillemta.org)) See map on page 11

**OVERVIEW:** You will be introduced to a relatively new three-prong analysis of discretionary decisions, the purpose of which is to avoid result-oriented decisions or seemingly irreconcilable precedents. Pursuant to this analysis, appellate courts review discretionary decisions to determine: (1) whether the factual basis for the decision is properly supported by evidence in the record, (2) whether the trial court properly identified and applied the most appropriate legal principles, and (3) whether the trial court’s decision was within the range of acceptable alternatives.

You will also learn how the appellate court’s deference to a discretionary decision may depend on whether the trial court fails to comply with Tenn. R. Civ. P. 52.01 by not identifying specific subsidiary facts sufficient to disclose the steps by which the trial court reached its ultimate conclusion on each factual issue.

## YOU WILL BENEFIT KNOWING:

1. That the abuse of discretion standard is a “review constraining concept” implying less intense appellate review with less likelihood of reversal on appeal; nevertheless, the abuse of discretion standard of review does not immunize a trial court’s decision from meaningful appellate review.
2. That the abuse of discretion standard, which was adopted in 1931, had become “muddled and imprecise with the passage of time,” and why a relatively new three-prong analysis provides a more practical standard by which to review discretionary decisions.
3. That the rationale for the Tenn. R. Civ. P. 52.01 mandate, which requires trial courts to “find the facts specially” and “state separately its conclusions of law” in cases tried without a jury, is to afford the reviewing court a clear understanding of the basis of the trial court’s decision.
4. That a record which includes the requisite findings of fact and conclusions of law enhances the authority of the trial court’s decision by providing an explanation of the trial court’s reasoning.
5. How the trial court’s failure to make findings of the subsidiary facts sufficient to disclose the steps by which the trial court reached its decision impairs the review process and may impact the reviewing court’s deference to a discretionary decision.
6. What you should do when the trial court fails to make any (or sufficient) findings of fact.

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September 22, 2015

## THE CHANGING LAW OF UNMANNED SYSTEMS (DRONES)

**REGISTRATION:** 11:30 a.m.

**SEMINAR:** 12:00 – 1:30 p.m.

**CREDIT:** 1.5 CLE hours - General

**LOCATION:** NASHVILLE BAR ASSOCIATION  
CONFERENCE CENTER  
One Nashville Place, Suite 1050  
150 Fourth Avenue, North  
Nashville, TN  
615-242-9272

**PARKING:** 1. Fourth Avenue next to One Nashville Place (“Garage Full” does not apply to NBA visitors)  
& Transportation 2. Fourth Avenue across from One Nashville Place  
(parking fees not included in registration fees) 3. Commerce Street  
4. Main Library (between 6<sup>th</sup> and 7<sup>th</sup> Avenues)  
5. Ride the FREE Music City Circuit ([www.nashvillemta.org](http://www.nashvillemta.org)) See map on page 11

**OVERVIEW:** The law regarding unmanned systems is rapidly developing, as regulators and law makers attempt to keep pace with technology. The commercial use of drones is governed by a complex overlapping legal structure involving the FAA, Executive Orders, and State law. In addition, hobby users of drones face increasing challenges from criminal statutes governing the use of images collected with unmanned vehicles.

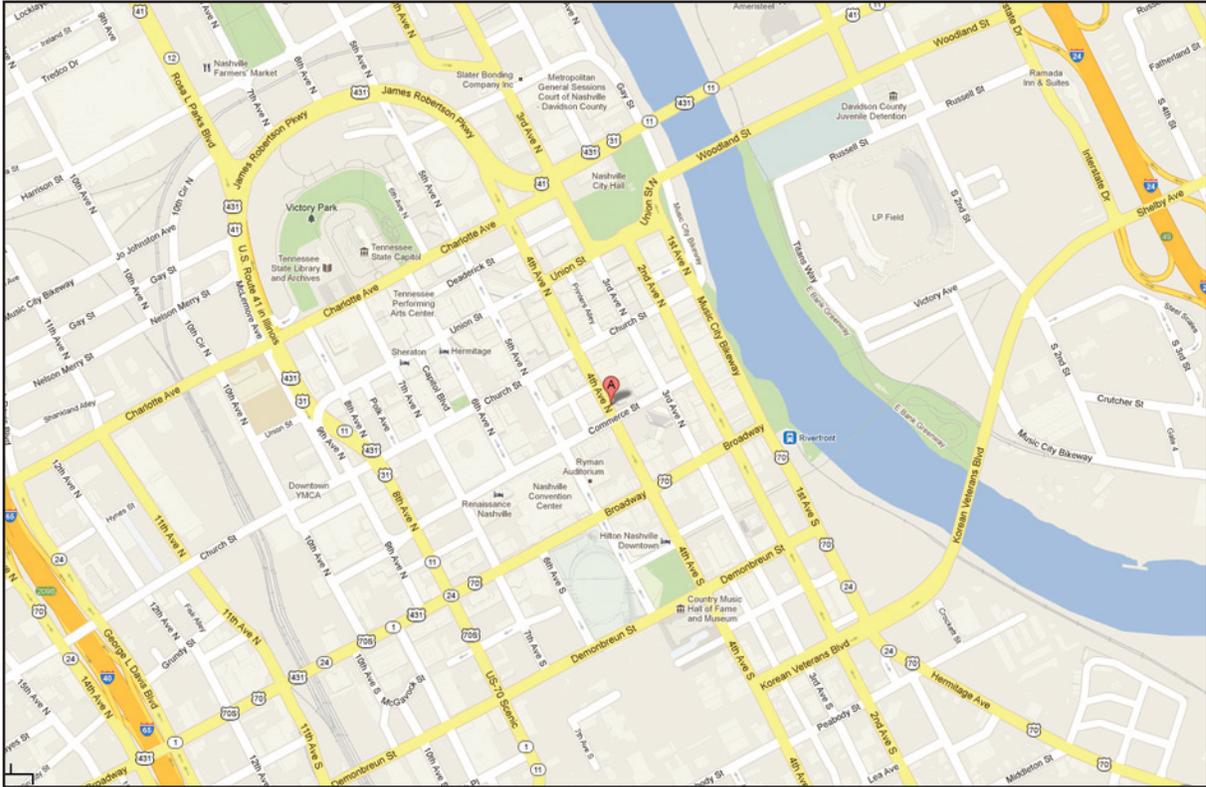
### FIND OUT:

1. What your clients can do in the current regulatory environment to incorporate drones into their business model
2. How your clients can prepare to meet coming changes to State and Federal law
3. The criminal penalties your clients can face for violation of Tennessee laws governing privacy and flight safety
4. “Self-help” remedies that may be available to individuals concerned about drone privacy

**FACULTY:** JAMES MACKLER  
Bone McAllester Norton PLLC  
Founder, Unmanned Systems Practice Focus

**PRODUCER:** WENDY LONGMIRE  
Ortale, Kelley, Herbert & Crawford

**Nashville Bar Association**  
**CONFERENCE CENTER, One Nashville Place**  
**150 FOURTH AVENUE, Suite 1050**  
**Nashville, TN 37219**  
**615-242-9272**



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