

**TENTATIVE CLE AGENDA
EIGHTH CIRCUIT JUDICIAL CONFERENCE
Omaha, Nebraska
August 7 – 8, 2014**

THURSDAY, AUGUST 7

7:00 a.m. – 8:00 a.m. Historical Society Board Meeting

7:00 a.m. – 8:00 a.m. Law School Alumni Breakfasts

8:15 a.m. – 8:30 a.m. General Session
Grand Central Ballroom

Presentation of Colors
National Anthem

Opening Remarks & Presiding
Honorable William Jay Riley, Chief Judge
Eighth Circuit

Welcome
Honorable Michael G. Heavican, Chief Justice
Nebraska Supreme Court

8:30 a.m. – 9:30 a.m. Keynote Presentation
Lawrence Lessig
Roy L. Furman Professor of Law
Faculty Director, Edmond J. Safra Center for Ethics
Harvard University

9:35 a.m. – 10:35 a.m. Supreme Court Update
Erwin Chemerinsky
Founding Dean and Distinguished Professor of Law
Raymond Pryke Professor of First Amendment Law
University of California, Irvine School of Law

10:45 a.m. – 11:45 a.m. Breakout Sessions

Session A **Bankruptcy – Ethics**
**“Grab Bag: Civility, Fees, Limited Scope of
Representation, and Connections/2014”**
Nancy B. Rapoport
Gordon Silver Professor of Law
William S. Boyd School of Law

Session B **Criminal Law**
Joseph S. Friedberg
Joseph Friedberg Law Office
Minneapolis, MN

THURSDAY, AUGUST 7 (CONTINUED)

Session C

Civil – Appellate Practice Panel

Honorable Michael J. Melloy, Circuit Judge
Eighth Circuit Court of Appeals

Honorable William B. Cassel, Justice
Nebraska Supreme Court
Third Judicial District

Eric J. Magnuson, Partner
Robins, Kaplan, Miller & Ciresi, L.L.P.
Minneapolis, MN

Session D

Intellectual Property Law for Lawyers

Moderator:

A. Christal Sheppard, Assistant Professor of Law
University of Nebraska College of Law

Panel:

Honorable Kathleen M. O'Malley, Circuit Judge
Federal Circuit

Ronald J. Schutz, Partner
Robins, Kaplan, Miller & Ciresi, LLP
Minneapolis, MN

Robert Greene Sterne, Director
Sterne, Kessler, Goldstein & Fox P.L.L.C.
Washington, DC

Session E

**Smart Phone & Social Media Evidence
for Judges & Lawyers**

Kirk C. Stange, Managing Partner
Stange Law Firm
St. Louis, MO

12:00 p.m. - 1:30 p.m.

Conference Luncheon

Presiding:

Honorable William Jay Riley, Chief Judge
Eighth Circuit

Speaker:

**Understanding Brown
(In Celebration of the 60th Anniversary of
Brown v. Board of Education)**

Sherrilyn Ifill, President and Director – Counsel
NAACP Legal Defense and Educational Fund

THURSDAY, AUGUST 7 (CONTINUED)

Presentation of Richard S. Arnold Awards for Distinguished Service and Lifetime Achievement

Speaker:

Honorable Morris S. Arnold, Circuit Judge
Eighth Circuit Court of Appeals

Presented by:

Jennifer L. Gilg, Secretary, Board of Directors
The Association of the Bar of the
United States Court of Appeals for the Eighth Circuit

Presentation of American Inns of Court Circuit Professionalism Award

Presented to:

D.C. “Woody” Bradford, Founding Member
Bradford & Coenen, LLC

Presented by:

Honorable William Jay Riley, Chief Judge
Eighth Circuit

1:30 p.m. - 2:30 p.m.

Breakout Sessions

Session A

Bankruptcy - “Tips for Lawyers: How to Lose Your Case Without Really Trying”

Honorable Terrence L. Michael, Bankruptcy Judge
Northern District of Oklahoma

Session B

Criminal – Sentencing Commission

Honorable Patti B. Saris, Chief Judge
District of Massachusetts
Chair, United States Sentencing Commission

Session C

Expert Gatekeeping - Recent Survey on Judicial Scrutiny of Expert Reliability

Honorable F. A. Gossett, III, Magistrate Judge
District of Nebraska

Andrew W. Jurs, Associate Professor of Law
Drake University Law School

Session D

Legal Writing Lessons from the Late Minnesota Justice John Simonett

Honorable Kevin G. Ross, Judge
Minnesota Court of Appeals

2:30 p.m. – 2:45 p.m.

Break

THURSDAY, AUGUST 7 (CONTINUED)**2:45 p.m. – 3:45 p.m. Breakout Sessions**

Session A

Appellate Tips from the Clerk's Office: Cindy Harrison, Panel Coordinator of the Eighth Circuit Bankruptcy Appellate Panel and Q & A with the Eighth Circuit Bankruptcy Appellate Panel

Honorable Arthur B. Federman, Chief Bankruptcy Judge
Western District of Missouri and
Chief Judge, Bankruptcy Appellate Panel

Honorable Robert J. Kressel, Bankruptcy Judge
District of Minnesota

Honorable Barry S. Schermer, Bankruptcy Judge
Eastern District of Missouri

Honorable Thomas L. Saladino, Chief Bankruptcy Judge
District of Nebraska

Honorable Charles L. Nail, Jr., Chief Bankruptcy Judge
District of South Dakota

Honorable Anita L. Shodeen, Chief Bankruptcy Judge
Southern District of Iowa

Session B

Child Porn Sentencing

Kurt M. Bumby, Ph.D., Senior Associate
The Center for Effective Public Policy

Michael P. Norris, Assistant U.S. Attorney
District of Nebraska

Troy K. Stabenow, Assistant Federal Public Defender
Western District of Missouri

Session C

Edward Snowden, Hero or Traitor: The History and Legality of the National Security Agency's Domestic Surveillance Program

G. Michael Fenner
James L. Koley '54 Professor of Constitutional Law
Creighton University School of Law

Session D

"Bartleby & Bits: Confidentiality and the Perils of Technology..."

Fr. Greg J. O'Meara, S.J.
Rector of the Jesuit Community and Professor of Law
Creighton University School of Law

FRIDAY, AUGUST 8

7:30 a.m. – 8:30 a.m. Federal Practice Committee Breakfast Meetings

8:45 a.m. General Session
Grand Central Ballroom

Presiding:
Honorable William Jay Riley, Chief Judge
Eighth Circuit

9:00 a.m. - 10:00 a.m. Ethics Presentation
Gregory P. Joseph, Partner
Joseph Hage Aaronson LLC
New York, NY

10:00 a.m. – 10:10 a.m. Break

10:10 a.m. - 11:10 a.m. Breakout Sessions

Session A **Bankruptcy: a Creditor's Perspective, from In-House and Outside Counsel**

Mark T. Benedict, Partner
Husch Blackwell, LLP
Kansas City, MO

Kristina Schaefer, General Counsel
Fishback Financial Corporation
Sioux Falls, SD

Session B **Criminal Law – Immigration**
Kevin Ruser
M.S. Hevelone Professor of Law
University of Nebraska College of Law

Session C **Civil – ADA Panel (EEOC Panel)**
Chai R. Feldblum, Commissioner
U.S. Equal Employment Opportunity Commission

Peggy R. Mastroianni, Legal Counsel
U.S. Equal Employment Opportunity Commission

Session D **U.S. Supreme Court Update for Arbitration Law**
Patrick J. Borchers
Director of the Werner Institute, Professor of Law, and
former Dean, Creighton University School of Law

FRIDAY, AUGUST 8 (CONTINUED)

11:15 a.m. - 12:15 p.m.

Introduction:

U.S. Senator Mike Johanns
State of Nebraska

A Virtual Tour of the Supreme Court

Honorable Samuel A. Alito, Jr., Associate Justice
Supreme Court of the United States

12:20 p.m. – 1:30 p.m.

Lunch

Presiding:

Honorable William Jay Riley, Chief Judge
Eighth Circuit

CLE Speaker:

Watergate 40 Years Later, Legal Ethics and Politics

Lawrence Rafal
Professor of Law and former Dean of Touro College Jacob
D. Fuchsberg Law Center

1:30 p.m. – 3:45 p.m.

Breakout Sessions

1:30 p.m. – 2:30 p.m.

Session A

Bankruptcy

**“Fraudulent Transfers and Preferences:
Leading Edge Considerations”**

Thomas O. Ashby, Partner
Baird Holm LLP
Omaha, NE

Donald L. Swanson, Attorney
Koley Jessen P.C., L.L.O.
Omaha, NE

Session B

Criminal – Appellate Practice Panel

Honorable Michael J. Melloy, Circuit Judge
Eighth Circuit Court of Appeals

Honorable William B. Cassel, Justice
Nebraska Supreme Court
Third Judicial District

Eric J. Magnuson, Partner
Robins, Kaplan, Miller & Ciresi L.L.P.
Minneapolis, MN

FRIDAY, AUGUST 8 (CONTINUED)

Session C **Civil – Werner Institute – Mediation Update/Tips**
Honorable James M. Rosenbaum, District Judge (ret.)
District of Minnesota

Patrick J. Borchers
Director of the Werner Institute, Professor of Law and
former Dean of Creighton University School of Law

2:45 p.m. – 3:45 p.m.

Session A **Eighth Circuit Bankruptcy Case Update**
Gary A. Norton, Attorney
Whitfield & Eddy, P.L.C.
Des Moines, IA

Mark V. Bossi, Partner
Thompson Coburn, LLP
St. Louis, MO

Session B **Trauma Informed Justice Panel**
Honorable Douglas F. Johnson, Judge
Douglas County Juvenile Court
Omaha, Nebraska

Deb Anderson Ph.D., MSW, Training Director
Project Harmony
Omaha, NE

Session C **Civil - Ethics**
Richard P. Dooling
Visiting Professor of Law
University of Nebraska College of Law