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ALTERNATIVE DISPUTE RESOLUTION COMMISSION

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Rule 31 Continuing Mediation Education Accreditation Request Form

Provider Name: Nashville Bar Association

Address: 150 4th Ave N, Ste 1050, Nashville, TN 37219

Telephone/Fax: 615-242-9272

E-Mail Address: janmargaret.craig@nashvillebar.org

Course Title: Ethical Issues for the Mediator and the Mediated (Video Replay)

Date(s) Held: July 24, 2018

Location(s): Nashville Bar Association, 150 4th Ave N, Ste 1050, Nashville, TN

Fee for Members/Non-Members: \$45/\$89

Does this course have CLE Commission Approval? Yes (see attached)

Session Description	Type of Credit Requested (General Continuing Education, General Mediation Issues, Mediation Ethics, or Family Law)	Start Time	End Time	Credit Approval (Office Use Only)
Ethical Issues for the Mediator and the Mediated	Mediation Ethics	12:15pm	1:15pm	1 hour Mediation Ethics

OFFICE USE ONLY

Total Approved CME: 1 hour Mediation Ethics

Date Approved: July 17, 2018

Tennessee Commission on CLE and Specialization Provider Area



Course Detail View

Basic Information

Short Name:	Ethics CLE Replay
Status:	Approved
TCCLES ID:	214506
Title:	Ethics & Professionalism CLE Video Replay
Date:	7/24/2018 To: 7/24/2018
Location:	Video Replay, TN
General Info:	Ethics & Professionalism CLE Video Replay Tuesday, July 24, 2018 9:00am-4:45pm 7.0 Dual

Earn up to 7 hours of ethics CLE credit in one day! At this "CLE Replay," we will broadcast CLE programs all day at the NBA. Come for as long or as little as you need. No late fee — pay for what you watch!

- Every hour is ethics!
- Live CLE credits
- No late fee
- Pay as you watch
- Wi-fi available
- Online materials
- Coffee and snacks included

9:00am | Ethics and Professionalism: The Cure for Procrastination
Moderated by Stephanie Chavez, Constangy, Brooks, Smith & Prophete, LLP

Stephanie practices law with a single primary objective: to guide and assist her clients in the defense of labor and employment matters. She counsels her clients on how to comply with federal and state laws, prevent lawsuits, and prepare for and proceed with litigation. She represents a wide range of employers and has experience in a myriad of employment matters including employment contracts and non-compete provisions, the Fair Labor Standards Act, the Family Medical Leave Act, and alleged wrongful termination claims. Stephanie also assists clients in responding to administrative complaints and investigations before the Equal Employment Opportunity Commission.

Stephanie recognizes that the employer-employee relationship is ever changing and the laws that pertain to this relationship change as well. For this reason, Stephanie believes it is important not only to address pressing matters for clients, but also to provide current and relevant advice in the areas that are most important to them in order to reduce the amount of matters in the future. Stephanie enjoys working directly with her clients to solve their critical employment issues, which once resolved, allows them the freedom to better operate their business.

Representative Matters

- Represents major trucking transportation, service, and distribution company in defense of EEOC claims.

Honors & Recognitions

- AAUW Selected Professional Fellow (2013-2014)
- Association of Corporate Counsel Scholar (2012)
- Gates Millennium Scholar and Alumna (2004 – present)

Professional & Civic Associations

- American Bar Association
- Lawyer's Association for Women – Nashville Chapter
- Houston Bar Association

Practices

- Employment Litigation
- Prevention & Defense
- Trade Secrets & Unfair Competition

- Wage and Hour Compliance & Litigation

Practice Emphasis

- Defense of EEOC Charges
- Employment Policy Analysis, Formulations, and Advice
- Defense of Grievances in Arbitrations
- Employment Contract Analysis, Preparation, and Enforcement

Industries

- Retail & Hospitality
- Transportation, Airline & Automotive

Education

South Texas College of Law

- J.D., cum laude, 2014
- Certified mediator, Frank Evans Mediation Center
- Completion of Transactional Skill Program
- Dean's List, 2011-2014

Vanderbilt University

- B.A., English and Communication Studies, 2008
- Student journalist for the Vanderbilt Hustler

Bar & Court Admissions

- Tennessee, 2017
- Texas, 2014
- Southern District of Texas (Houston Division), 2015

Languages

- Spanish

The Cure for Procrastination was originally presented by Leigh Ann Roberts. The overview is as follows:

For most practitioners, time is money. Yet many attorneys find themselves unable to cultivate the time management strategies they need to succeed.

Ask yourself, do you or are you:

- Punctual- do you find you are often in a rush or late completing projects?
- Plan- do you begin projects early enough to have time to plan and brainstorm?
- Delegate- do you know what tasks can be delegated to others and how to delegate with skill?
- Goal-oriented- do you create well-defined goals and understand how to prioritize?

These traits aren't just aspirational for Tennessee lawyers, they are required for consistent compliance with the Tennessee Rules of Professional Conduct for attorneys. Under the Rules, attorneys are required to be prompt, diligent and thorough in their preparation and representation. Rules 1.3 and 1.4 mandate that attorneys are diligent in their representation of a client, and that those same clients be kept informed in a timely manner. And, at least in Tennessee, these professional requirements are taken very seriously. Historically, over half of all complaints filed by the public against Tennessee attorneys relate to responding to clients in a timely manner and without undue delay.

And, for attorneys, getting a handle on time and focus management issues means not only staying in compliance with the Rules of Professional Conduct, but it also means we:

- Have more energy
- Don't procrastinate
- Don't get bogged down in perfectionism
- Are more decisive
- Say "NO" and "YES" to the right things

Sharpen your saw, work smarter and take an inventory of your own time and focus management strategies. Learn more about how to improve not only your own approach to managing time but also how to better mentor and lead others at your firm or organization on this topic.

10:00am | Ethics and Professionalism: Conflicts and Recent Discipline
Moderated by Stephanie Chavez, Constangy, Brooks, Smith & Prophete, LLP

Conflicts and Recent Discipline was originally presented by Eileen Burkhalter Smith. The overview is as follows:

This hour of Ethics will focus on conflicts of interest, including identifying conflicts of interest under Rules of Professional Conduct 1.7 and 1.8 (and possibly 1.9), determining when a conflict will be imputed to other lawyers under Rule 1.10, and deciding what is to be done when a conflict arises. Sample hypotheticals will be presented for the audience to determine if a rule has been violated. Finally, examples of discipline imposed for conflicts of interest will be discussed.

11:15am | Ethics and Professionalism: Ethics, Social Media & YOU!
Moderated by Kelly L. Frey, Nelson Mullins Riley & Scarborough LLP

Kelly Frey is a partner in Nelson Mullins Riley & Scarborough LLP's Nashville office where he assists clients in corporate acquisitions/divestitures, corporation transactions, and corporate compliance. He represents companies in various information technology and intellectual property transactions, including licensing, outsourcing, technology law, and vendor relationship and management. He helps with corporate governance matters and assists companies...

in creating sustainable, cost-effective, and defensible internal controls to mitigate compliance risks. Mr. Frey also represents several indie film production and media companies and has served as executive producer for several feature films.

In the technology sector, Mr. Frey is one of fewer than 10 attorneys in private practice to be named a Fellow in the World Technology Network (selected by more than 1,000 internationally recognized experts and futurists who are current Fellows for innovative legal work recognized to be of "the greatest likely long-term significance"). He is the author of Frey on Technology Transactions and Intellectual Property and dozens of other books and articles on technology, compliance, and law.

Mr. Frey recently completed judging for the National Academy of Television Arts & Sciences (Emmys). He is a member of the Nashville/Midsouth chapter of NATAS and this year judged entries in the Societal Concerns category in the Southern chapter and Feature News Reporting in the Mid-Atlantic chapter of NATAS. He represents a number of TV and film producers, including the recently released PBS program "Perfect 36 – When Women Got The Vote" and the healthy eating documentary "Eating You Alive" (featuring Academy winner James Cameron and Academy nominee Samuel L. Jackson). Mr. Frey is past-president of the Nashville Film Festival (an Oscar qualifying and one of the top 10 film festivals in the US) and is known locally as "The Film Guy."

Education

- University of Tennessee College of Law, JD (1982)
- Vanderbilt Graduate Medical School, MS, Human Pathology (1978)
- Vanderbilt University, BA (1973)

Admissions

- Tennessee

Practice Areas

- Banking & Financial Services
- Communications & Media
- Corporate & Securities
- Cybersecurity & Privacy
- Outsourcing
- Sports
- Technology
- Trademarks & Copyrights

Industries

- Banking & Financial Services
- Sports
- Technology

Ethics, Social Media & YOU! was originally presented by Sean J. Martin. The overview is as follows:

Whether you use social media for advertising, investigating cases, raising awareness of legal issues, or political ranting, social media impacts your practice. This seminar will discuss the ethical implications of social media for attorneys and law firms. The do's and do not do's may surprise you.

Entertaining, informative.

After attending this seminar, you should be sufficiently scared to make a social media post without thinking it through a little more thoroughly. This will benefit any lawyer who uses social media for any purpose beyond posting cat videos or food pics.

12:15pm | Ethics and Professionalism: Ethical Issues for the Mediator and the Mediated
Moderated by Mark S. Cherpach, Deputy General Counsel, Tennessee Department of Finance and Administration

Mark S. Cherpach graduated from Villanova Law School in 1980 and was admitted to the Tennessee Bar in October 1980. He worked for the Tennessee Valley Authority for over eight years. After working for a Knoxville law firm and a year as a visiting instructor at Villanova Law School, he began work at the State of Tennessee in 1990 and has been employed there since then. He has worked on administrative litigation involving health care law as well as in house issues, such as human resources and insurance. He worked with Susan Blair of the Nashville Bar Association on Government Attorney CLE programs a few years ago and has been one of the presenters at a State Government CLE on mediation. He has also participated in several mediations in his legal career involving HR, contracts, and construction cases.

Ethical Issues for the Mediator and the Mediated was originally presented by Gail Vaughn Ashworth and John R. Tarpley. The overview is as follows:

What would you do? You are in a mediation, and a difficult ethical issue has arisen unexpectedly!

Join two experienced mediators for a presentation addressing real life ethical issues for the mediator and the mediated. This lively and fast-paced session of case studies highlight ethical issues in everyday mediations.

1:30pm | Ethics and Professionalism: Fighting to stay in the USA: One immigrants struggle before the U.S. Supreme Court
Moderated by Frank Friedman

Attorney Frank Friedman's Friedmans, Inc. is a locally owned and operated army navy outdoor store. Mr. Friedman is a member of the Nashville Bar Association.

Fighting to stay in the USA: One immigrant's struggle before the U.S. Supreme Court to stay in the United States was originally presented by Patrick McNally. The overview is as follows:

Join us for one-hour ethics CLE as Patrick McNally tells his client Jae Lee's story leading to a victory before the U.S. Supreme Court. The case centered on ineffective assistance of counsel, and Mr. McNally's presentation will reveal the ethical issues involved in a case that contains elements of appellate procedure, immigration, and criminal defense.

Jae Lee's story started out with trial counsel providing affirmative misadvice on immigration consequences upon accepting the prosecutor's plea offer. Trial counsel did not understand his ethical obligation to provide informed advice on immigration consequences to Mr. Lee, a non-citizen defendant. During post-conviction litigation, trial counsel has an ethical obligation to be truthful and to serve the interest of his past client.

Mr. McNally has several observations regarding how Mr. Lee's former trial counsel complied with ethical responsibilities during the post-conviction proceedings. Another topic is whether deficient performance of counsel—a violation of the Sixth Amendment right to effective assistance of counsel—equated to a bar complaint for unethical conduct.

Ethical Points:

- What is criminal defense counsel's ethical obligations to provide informed advice regarding immigration consequences incidental to acceptance of a plea offer for the non-citizen defendant?
 - o Padilla v. Kentucky case holds defense counsel is required to provide informed advice on immigration consequences and failure to do so is deficient performance of counsel's obligations.
 - o Rule 11 of the Tenn. Rules of Criminal Procedure and Rule 11 of Federal Rules of Criminal Procedure are rules regarding advice on immigration consequences.
- Are immigration consequences collateral to or an integral component of criminal defense attorney's Sixth Amendment obligation to ensure non-citizen defendant knowingly and intelligently enters a guilty plea?

- o To provide the Sixth Amendment guarantee of effective assistance of counsel.
 - What are a lawyer's ethical obligations upon learning he/she provide erroneous advice which the defendant relied upon when entering a guilty plea?
- o What is the ethical duty to the client during post-conviction litigation?
 - Does a violation of the Sixth Amendment right to effective assistance of counsel equate to unethical conduct?
- o Is a bar complaint obliged?
 - Ethical considerations when proving deficient performance by trial counsel is prejudicial to the defendant warranting vacating the guilty plea.

2:30pm | Ethics and Professionalism: Apps for Attorneys
Moderated by John Williams, Tune, Entekin & White, P.C.

Davidson College, B.A., 1969
Vanderbilt Law School, J.D., 1972

John has a diverse practice involving government relations and regulatory work, as well as litigation in state and federal courts. He represents clients on issues that involve compliance with local, state and federal environmental laws and rules. He appears frequently before state and local environmental boards and in state and federal courts on issues involving compliance with statutes and rules governing water, air, solid waste, and hazardous waste.

John assists clients with the registration of their trademarks and copyrights in the U. S. Patent and Trademark Office and the U. S. Copyright Office, respectively. He also represents clients in trademark and copyright infringement matters, which often involve litigation in federal courts.

John represents the firm's clients in other areas of litigation in state and federal court. He has handled cases under several federal statutes, including the Civil Rights Act, the Medicare statute, the Cable Piracy statute, and the Fair Labor Standards Act. He has represented clients in state court matters involving covenants not to compete, contract disputes, annexation disputes, easement and road disputes, defamation, and other business torts.

Another area of John's practice involves the representation of health care organizations at the state legislature and before state regulatory boards. He has drafted legislation for those clients and lobbied it successfully to passage by the Tennessee General Assembly.

In 2003 John was certified by the Tennessee Supreme Court's Alternative Dispute Resolution Commission as a mediator in the field of General Civil Mediation.

John has contributed numerous articles to legal journals. He was honored by the Tennessee Bar Association in 2003 and again in 2014 with the Justice Joseph W. Henry Award, presented annually to the author of the year's best article in the Tennessee Bar Journal. In 2005 he served as editor-in-chief of the Nashville Bar Journal.

John is a member of the American, Tennessee, and Nashville Bar Associations and is a Fellow of the Nashville Bar Foundation. He is admitted to practice in Tennessee and in all the following federal courts: the U. S. District Courts for the Eastern, Middle, and Western Districts of Tennessee, the U. S. Courts of Appeals for the Fifth, Sixth, and Federal Circuits, and the U. S. Supreme Court. He holds an "AV" rating from Martindale-Hubbell.

Apps for Attorneys was originally presented by Sean J. Martin. The overview is as follows:

In this app-packed hour, Mr. Martin will show you the apps practicing attorneys absolutely must have as well as some they only should have. He will also address TBPR Rule 7.1 - Communication and present tech processes and workflows which help attorneys comply and avoid complaints related to failure to communicate, which is among the most common of complaints against attorneys.

3:45pm | Ethics and Professionalism: Moving Your Practice Into the Cloud
Moderated by K. Denise Nichols, Esq., The Primacy Firm, PLLC

In 2010 Nichols formed The Primacy Firm, PLLC, a boutique entertainment law firm catering to the Nashville creative community. Clients include songwriters, publishing companies, artists and industry executives. Prior to launching her firm, Nichols spent over ten years with Arista Records, a new company on the Nashville music landscape in the early 90's led by industry icon Tim DuBois. The label quickly made a name for itself, launching the careers of such greats as Alan Jackson, Brooks &

Dunn and Brad Paisley. Following her tenure at Arista, Nichols moved to artist management, joining the firm representing Brooks & Dunn, along with Terri Clark, Pat Green and Jason Aldean. She remained with the company while attending law school, leaving in the fall of 2009 to prepare for the bar exam.

Nichols earned her Juris Doctorate from the Nashville School of Law. She is a graduate of Belmont University, holding a Bachelor of Science in Liberal Studies, with a minor in Sociology. She is licensed to practice law in the state of Tennessee.

Boards and Organizations

- Association of Independent Music Publishers (AIMP), former Board Member
- Country Radio Broadcasters, Associate Counsel
- SOURCE, Hall of Fame Committee Member and former Board Member
- Academy of Country Music (ACM), Member
- Country Music Association (CMA), Member
- The Grammys (NARAS), Member
- Leadership Music, Alumna
- Nashville Bar Association (NBA), Member
- Tennessee Bar Association (TBA), Member
- Adjunct Professor, Belmont University, Mike Curb College of Entertainment and Music Business

Moving Your Practice Into the Cloud was originally presented by Jordan McQuown and William T. Ramsey. The overview is as follows:

You no longer have to purchase software and servers for your office. Today, you can rent software or server access via the Internet and thereby avoid any up-front costs. This process is often referred to as "moving to the cloud." Of course, your client data would also be stored on the rented or hosted servers. In this seminar, you will hear about the pros, cons, risks and ethical issues of doing this with your practice. Options for using cloud storage to share data among parties for specific cases will also be discussed.

Venue:

Nashville Bar Association
150 4th Ave N, Ste 1050
Nashville, TN 37219

Provider:

Nashville Bar Association
(615) 242-9272
www.nashvillebar.org

Tennessee Accreditation Information

Course Sessions

Day	Time	Title	Hours	Type
1	9:00 AM-10:00 AM	Ethics and Professionalism: The Cure for Procrastination	1.00	DUAL
1	10:00 AM-11:00 AM	Ethics and Professionalism: Conflicts and Recent Discipline	1.00	DUAL
1	11:00 AM-11:15 AM	Break	0.25	BRK
1	11:15 AM-12:15 PM	Ethics and Professionalism: Ethics, Social Media & YOU!	1.00	DUAL
1	12:15 PM-1:15 PM	Ethics and Professionalism: Ethical Issues for the Mediator and the Mediated	1.00	DUAL
1	1:15 PM-1:30 PM	Break	0.25	BRK
1	1:30 PM-2:30 PM	Ethics and Professionalism: Fighting to stay in the USA: One immigrants struggle	1.00	DUAL
1	2:30 PM-3:30 PM	Ethics and Professionalism: Apps for Attorneys	1.00	DUAL
1	3:30 PM-3:45 PM	Break	0.25	BRK
1	3:45 PM-4:45 PM	Ethics and Professionalism: Moving Your Practice Into the Cloud	1.00	DUAL

Total Hours

Dual Hours	Ethics/Prof Hours	General Hours	Maximum Hours
7.00	0.00	0.00	7.00

Law Codes

Category	Description
F11	Ethics
F159	Mediation
F201	Conflicts of Interest
F205	Professionalism
F22	Skills
F23	Trials
F249	Technology
F263	Client Relations
F264	Communications
F266	Public Speaking

Detail Information

Admission and Registration

Fees:	\$315.00 (Members), \$623.00 (Non-Members)
Contact:	Marie Zelhart, (615) 242-9272(Phone), www.nashvillebar.org/CLE
Difficulty:	Intermediate
Restrictions:	none

Accreditation Requirements

Advertised:	100% Lawyers, 0% In-House Lawyers, 0% Other:
In House:	No Outsiders are 0% of Faculty Clients are 0% of Audience

Classroom Information

Writing Surface:	Yes
Delivery:	Faculty in Room with Participants
Evaluation:	Participant Critique
Materials:	100 Pages, Looseleaf, Before Program

Disclaimer: TCCLES does not warrant this information. Contact the provider to confirm date, location and credit hours for any course. Credits listed as 'EP' count toward the three-hour Ethics/Professionalism requirement only. Credits listed as 'Dual' may be counted as EP or general CLE requirements as needed by each attorney. General credits only count toward the 12-hour general CLE requirement.

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