

Tennessee Attorneys Memo presents the 11th Annual Law Conference for Tennessee Practitioners

Thursday and Friday, November 16-17
Nashville School of Law

Featuring an all-star cast of prominent Tennessee judges and attorneys and 15 hours of CLE credit, including 3 hours of ethics/professionalism.

Fulfill your annual CLE requirement at one event.

HIGHLIGHTS

- Recent developments in tort law, including how *Dedmon v. Steelman* impacts medical damages
- Social media evidence – handy how-tos and real world examples
- Latest on police liability issues
- Admission of unique evidence at trial
- Family law highlights
- Recent developments in construction lien law
- Probate practice tips
- Effective and ineffective discovery practices
- Best estate planning tips and techniques
- Business Court Pilot Project overview
- Appellate practice tips
- What non-bankruptcy attorneys need to know about bankruptcy
- Update from the Board of Professional Responsibility
- Ethical issues in attorney advertising
- Legal ethics and ESI

BONUS: Attendees will receive a binder of the materials during the conference and will be able to download the materials after the seminar.

Attend this two-day satisfaction-guaranteed event and enhance your professional skill set while earning all of your CLE credit for the year.

YOUR FACULTY

Judge John W. McClarty

Court of Appeals, Eastern Section

Chancellor Ellen Hobbs Lyle

Chancery Court/Business Court, Davidson County

Chancellor Russell T. Perkins

Chancery Court, Davidson County

Judge Thomas S. Wright

Circuit Court, Third Judicial District (Greene, Hamblen, Hancock, and Hawkins counties)

Brandon Bass

Law Offices of John Day, PC

Griffin S. Dunham

Dunham Hildebrand PLLC

Christopher S. Dunn

Waller Lansden Dortch & Davis LLP

Donald J. Farinato

Hodges, Doughty & Carson PLLC

Sandy Garrett

Chief Disciplinary Counsel, Board of Professional Responsibility

Michael H. Johnson

Howard, Tate, Sowell, Wilson, Leathers & Johnson PLLC

Brenton H. Lankford

Stites & Harbison PLLC

Rachel Schaffer Lawson

Schaffer Law Firm PLLC

Mark E. McGrady

Farrar & Bates LLP

Melanie M. Stewart

Heaton and Moore PC

Joseph L. Watson

Waller Lansden Dortch & Davis LLP

Call 800-727-5257 to register risk-free
or visit mleesmith.com/TLC

**EARN
CLE
CREDIT
HOURS**

Earn 15 hours of CLE

(12 hours of general and
3 hours of ethics/professionalism)

WHERE

Nashville School of Law
4013 Armory Oaks Drive

FREE PARKING  FREE WI-FI 

For complete directions, visit mleesmith.com/TLC

WHEN

Thursday and Friday,

November 16-17

Registration begins at 7:30 a.m. The conference begins at 8:00 a.m. and concludes at 5:00 p.m.

(There will be morning and afternoon breaks each day, and attendees will have 1 hour for lunch which is included with registration)

CLE: 15 hours of CLE

(12 hours of general and 3 hours of ethics/professionalism)

\$497 (full program), \$427 (full program for additional attendees), \$397 (full program for lawyers 65 and over and lawyers in practice for two years or less) \$447 (full program less ethics), \$297 (Day 1 only), \$297 (Day 2 only), \$147 (ethics only), \$247 (materials)

\$50 early bird discount until October 13

TOPICS

Discovery tips. Get practice pointers from Third Judicial District Circuit Court Judge Thomas Wright on effective and ineffective discovery practices and what judges do and do not want to hear.

Business court. Get an overview from Chancellor Ellen Hobbs Lyle about the practice and procedures in the state's business court.

Updates. Get up to date on the latest developments in the areas of personal injury and family law.

Appellate practice/standards of review. Learn the ins and outs of appellate practice and procedure and the deferential abuse of discretion standard of review from Court of Appeals Judge John McClarty.

Timely issues. Get the latest on how *Dedmon v. Steelman* impacts medical damages, how *Aragon v. Aragon* affects parental relocation in Tennessee, current trends in police practices liability, bankruptcy issues a non-bankruptcy practitioner must know, and how Tennessee's Construction Lien Law may affect your clients.

Evidentiary issues. Get tips and strategies on how to get "unique" evidence admitted at trial and how to get your social media evidence admitted (and keep theirs out).

Probate/estate planning. Get tips on improving your probate practice, as well as tips and techniques to use in estate planning.

ESI. Gain insight from Davidson County Chancellor Russell Perkins on ethical issues that arise when attorneys are trying to admit electronically stored information.

Board of Professional Responsibility. Get an insider's perspective from Sandy Garrett, Chief Disciplinary Counsel, on the Board's recent developments.

Lawyer advertising. Get tips on how to market yourself and your law firm ethically and effectively.

Law Conference for Tennessee Practitioners PROGRAM AGENDA

November 16 (Day 1)

ETHICS PORTION OF THE PROGRAM

Legal Ethics and ESI

8:00 A.M. TO 9:00 A.M.

Chancellor Russell T. Perkins

Chancery Court, Davidson County

Chancellor Perkins will discuss some ethical issues that arise when an attorney is trying to admit (or exclude) electronically stored information (ESI) during a trial.

- ESI issues to address in the courtroom
- Duties owed to clients, opposing counsel, and the courts
- Preparation, coordination, and submission
- Weighing the duty to mitigate with the duty to hold evidence for trial
- Duty to produce and preserve
- Spoliation pitfalls
- Sanctions and proportionality
- Protective orders, production, and privilege logs
- Defensible legal holds
- Citing online content properly
- Privileged ESI that is discoverable (and the exceptions)
- Clawback agreements
- Making email evidence usable in the courtroom

Ethical Concerns: Are You in Jeopardy?

9:00 A.M. TO 10:00 A.M.

Sandy Garrett

*Chief Disciplinary Counsel
Board of Professional Responsibility*

Join Ms. Garrett as she discusses current developments in Tennessee, such as proposed rule changes, recent ethics opinions, Tennessee Supreme Court disciplinary cases, fees and trust accounting issues, and social media.

**10:00 A.M. TO 10:15 A.M.
(MORNING BREAK)**

Ethical Issues in Advertising: Surviving in Today's Market

10:15 A.M. TO 11:15 A.M.

Rachel Schaffer Lawson

Schaffer Law Firm PLLC

Lawyer advertising spending has surpassed \$1 billion and gone viral. But it was not always so! Ms. Lawson will discuss the history of lawyer advertising, the current landscape, including the Model Rules and "dos and don'ts," and offer some tips and tricks about how attorneys can advertise effectively on a budget.

Admission/Exclusion of Unique Evidence

11:15 A.M. TO 12:15 P.M.

Melanie M. Stewart

Heaton and Moore PC

The rules of evidence are constantly evolving in response to court decisions, technological advances in discovery, and changes to various state rules. It can be an onerous task to continuously analyze and apply them to your cases. How confident are you in your skills when it comes to gathering and working with expert witness testimony? Let Ms. Stewart walk you through some practical applications of the "Big Six" admissibility questions with regard to unique evidence.

- Collecting evidence through discovery: Evidence considerations
- Character evidence
- Evidence of a person's habit
- Evidence of subsequent remedial measures
- Sexual assault, child molestation, and sex offense cases
- Writings, recordings, and photographs
- Medical records, charts, and x-rays
- Other records, such as business records and public records
- Other unique evidence

**LUNCH 12:15 P.M. TO 1:15 P.M.
(LUNCH IS INCLUDED WITH
REGISTRATION)**

Construction Lien Law

1:15 P.M. TO 2:30 P.M.

Chris Dunn & Joseph Watson

Waller Lansden Dortch & Davis LLP

If you represent general contractors, subcontractors, material suppliers, lenders, or homeowners in your practice, you have to be up-to-date on Tennessee's Construction Lien Law. Let Mr. Dunn and Mr. Watson walk you through some of the most important aspects of the law.

- Tennessee Construction Lien Act history and amendments
- Tennessee lien law fundamentals
- Prime contractors and notice of lien
- Mechanics' and materialmen's liens
- Lien priority
- What is lienable?
- Notices of completion
- Notice of non-payment/remote contractors
- Recording notice of lien

**2:30 P.M. TO 2:45 P.M.
(AFTERNOON BREAK)**

Tort Law Update

2:45 P.M. TO 3:45 P.M.

Brandon Bass

Law Offices of John Day, PC

Mr. Bass will review recent appellate cases in the tort law area, including how *Dedmon v. Steelman* impacts medical damages and the latest on the pre-suit notice requirement in healthcare liability cases.

EARN ALL YOUR CLE CREDIT FOR 2017!

Family Law Highlights

3:45 P.M. TO 5:00 P.M.

Brent Lankford

Stites & Harbison PLLC

Mr. Lankford gets you up to date on highlights in the family law area from the past year, including the Tennessee Supreme Court's *Aragon* decision on parental relocation.

November 17 (Day 2)

What Non-Bankruptcy Attorneys Need to Know About Bankruptcy and Other Related Matters

8:00 A.M. TO 9:00 A.M.

Griffin Dunham

Dunham Hildebrand PLLC

The bankruptcy process is Code-driven, and can be confusing, complex, and unforgiving. Understanding how to spot the relevant issues and knowing what questions to ask can be a tremendous economic asset to a client. Whether you represent a potential debtor or creditor, understanding the basic bankruptcy process provides value. Let Mr. Dunham guide you through some basic bankruptcy concepts in order to improve your ability to represent your clients.

- Basic terminology
- Differences between Chapter 7, Chapter 11, and Chapter 13 bankruptcies
- Spot the issues that can affect your client's rights and recovery
- The automatic stay – what is it and what does it do?
- Know if your client can benefit from a Chapter 11
- What if my client's customer files for bankruptcy?
- Is my client's claim against a debtor non-dischargeable?
- Is my client at risk for a preference or fraudulent transfer action?

Probate Practice: What Every Attorney Needs to Know

9:00 A.M. TO 9:45 A.M.

Donald J. Farinato

Hodges, Doughty & Carson PLLC

Probate practice is becoming an increasingly marketable skill due to the aging population and clients' reliance on competent attorneys and other professionals who can smoothly walk them through the process. Mr. Farinato will provide you with not only an understanding of the step-by-step probate process, but also with a hard-won knowledge for managing issues regarding executors, creditor claims, inventory/accounting, beneficiary distributions, and closing the estate.

**9:45 A.M. TO 10:00 A.M.
(MORNING BREAK)**



Effective and Ineffective Discovery Practices

10:00 A.M. TO 11:00 A.M.

Judge Thomas S. Wright

Circuit Court, Third Judicial District (Greene, Hamblen, Hancock, and Hawkins counties)

Judge Wright will offer tips on getting the most out of your discovery.

- Interrogatories
- Be careful what you object to
- Discovery issues judges should never hear
- The emerging world of e-discovery
- Getting accurate answers from your clients

Estate Planning: Tips and Techniques

11:00 A.M. TO 11:45 A.M.

Donald J. Farinato

Hodges, Doughty & Carson PLLC

Let Mr. Farinato walk you through the basics of estate planning and beyond with old and new techniques that practitioners have found to be the most effective in their practice. Find out what makes these estate planning tools "superstars" and gain practical tips for maximizing their uses.

- Wills
- Annual exclusion gifting
- Tax and estate planning for pension and IRA assets
- Using trusts effectively

**LUNCH 11:45 A.M. TO 12:45 P.M.
(LUNCH IS INCLUDED WITH
REGISTRATION)**

Admitting/Excluding Social Media Evidence: Handy How-tos and Real-World Examples

12:45 P.M. TO 1:45 P.M.

Michael H. Johnson

Howard, Tate, Sowell, Wilson, Leathers & Johnson PLLC

- Preservation, spoliation, and authentication obstacles
- Facebook, Twitter, LinkedIn, and Tumblr
- Emails (work-related and personal)
- Video surveillance (private and public)
- Computerized versions of contracts and other documents
- Text messages and voicemail
- Chats and instant messages
- YouTube and Vine
- Instagram, Pinterest, and Snapchat

Appellate Practice Tips

1:45 P.M. TO 2:45 P.M.

Judge John W. McClarty

Court of Appeals, Eastern Section

Judge McClarty will explain the standards of review and discuss the scope of appellate practice.

**2:45 P.M. TO 3:00 P.M.
(AFTERNOON BREAK)**

Section 1983 Defense and Police Liability

3:00 P.M. TO 4:00 P.M.

Mark McGrady

Farrar & Bates LLP

- New Section 1983 liability landmines
- Current trends in police practices liability
- Advanced defense strategies
- Was the official convicted of a criminal act?
- Civil rights exceptions
- Discretionary immunity
- Due process: Recent cases of interest
- Use of body cameras/dash cams
- Videos of police actions
- Excessive and deadly force issues
- Search and seizure case law

The Tennessee Business Court Pilot Project: Two Years Later

4:00 P.M. TO 5:00 P.M.

Chancellor Ellen Hobbs Lyle

Davidson County Chancery Court/Business Court

The Tennessee Business Court Pilot Project, presided over by Chancellor Ellen Hobbs Lyle, began taking cases on May 1, 2015. The Pilot Project has procedures, technology, and dockets specifically designed for and adapted to business cases. Let Chancellor Lyle walk you through the Pilot Project's first two years in operation. Chancellor Lyle will provide you with a survey of business law issues that have come up in cases in the Business Court Pilot Project in addition to providing a roadmap for the Pilot Project.

- How is a Davidson County case assigned to the Pilot Project?
- How is a case from a county other than Davidson County assigned to the Pilot Project?
- What cases have been heard in the Pilot Project?
- What cases are excluded?
- What are some of the features of the Pilot Project?
- A look ahead to the future of business courts in Tennessee

Presented by:

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P U B L I S H E R S

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**Call 800-727-5257 to
register risk-free or visit
mleesmith.com/TLC**

Yes! Please register me for the **11th Annual Law Conference for Tennessee Practitioners**. Take advantage of this entire program and get ALL your CLE (15 hours) for 2017!
Or choose what best fits your schedule with this flexible, information-packed program.

- Full program \$497** (Both days for total of 15 hours CLE credit, including 3 hours of DUAL CLE credit) (\$427 for additional attendees from the same firm)
- Full program, less ethics \$447** (Both days for total of 12 hours GENERAL CLE credit, no DUAL CLE credit)
- \$397** (full program for lawyers 65 and over and lawyers in practice for two years or less)
- Day one \$297 - Thursday only** (7.5 hours of CLE credit/including 3 hours of DUAL credit)
- Day two \$297 - Friday only** (7.5 hours of CLE credit)
- Ethics/professionalism session (Thursday morning) \$147** (3 hours of DUAL CLE credit)
- Materials only \$247**

\$50 early bird discount until October 13 on full conference registration

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10 REASONS TO ATTEND THIS CONFERENCE

- 1. Quality presenters.** You will hear from prominent Tennessee attorneys who are all recognized as top in their field.
- 2. Judicial perspective.** You'll hear from Court of Appeals Judge John McClarty, Third Judicial District Circuit Court Judge Thomas Wright, and Davidson County Chancellors Ellen Hobbs Lyle and Russell T. Perkins.
- 3. Practical information.** You'll get information you can put to use immediately in your day-to-day practice, such as dealing with social media evidence, probate and estate planning tips, effective discovery practices, how to admit and exclude "unique" evidence, and how to deal with bankruptcy issues affecting your clients.
- 4. Timely information.** You'll get the latest developments in the areas of family law, tort law, and construction lien law. And, you'll hear the latest on Section 1983 defense in police liability actions.
- 5. Dynamic interaction.** You'll be encouraged to ask questions and present your own situations for discussion.
- 6. Advertising.** You'll learn how to advertise your legal services both ethically and in a cost-effective manner.
- 7. Ethics.** Our ethics program features Davidson County Chancellor Russell Perkins, Chief Disciplinary Counsel Sandy Garrett, and attorney Rachel Schaffer Lawson – so you'll get ethics information from the perspective of a judge, the Board of Professional Responsibility, and an attorney.
- 8. Useful materials.** You'll receive a notebook of materials and will have the ability to download the materials after the conference.
- 9. Convenient location.** The Nashville School of Law is located just off I-65 and I-440, near the downtown Nashville area, and provides you with plentiful, free parking and free Wi-Fi.
- 10. CLE.** You can earn all of your annual CLE credit – 12 hours of GENERAL and 3 hours of DUAL credit.

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CLE INFORMATION

This program has been approved by the Tennessee Commission on Continuing Legal Education for a maximum of 15 hours of credit (12 hours of GENERAL and 3 hours of ethics/professionalism).

Cancellation Policy

- A \$50 processing fee applies to ALL conference cancellations.
- Registrants are responsible for the entire program fee for a cancellation made after 5:00 p.m. three weeks prior to the event (whether or not you attend the program or fail to cancel).
- An alternate may attend in place of the original registrant.

HERE'S WHAT YOUR COLLEAGUES SAID ABOUT LAST YEAR'S LAW CONFERENCE FOR TENNESSEE PRACTITIONERS

"TAM conferences are the best, and this conference is always top-notch!!"

"Great mix of topics, very engaging speakers, excellent conference, as always."

"Always love hearing from the judges – TAM always has the best judges in the state on its programs."

"Loved getting all (15 hours) of my CLE in one 2-day event."

"The notebook of materials is worth the price – I am constantly referring back to the notebook in my daily practice."

"Excellent as always – enjoyed having different speakers present on different topics and subject matters in one-hour segments."