



Calm in the Midst of the Storm: Legal Issues Surrounding Student and Employee Mental Health

2018 Education Law Section Annual Meeting

LIVE • LIVE WEBCAST

Friday, April 13, 2018
NC Bar Center, Cary

CLE CREDIT: 6.0 Hours

Includes 1.0 Hour Ethics/
Professional Responsibility

VIDEO REPLAYS, UPDATES & REGISTRATION

www.tinyurl.com/CLE684EDM

Planned by the **NCBA Education Law Section**



SUMMARY: Education attorneys likely did not spend their law school careers immersed in the study of psychology, counseling or other mental health fields. Nonetheless, they are often tasked with addressing the complex intersection of human behavior and the law. This program explores the nuances of mental health related laws as applied to higher education and school law, the practical side of managing student and employee behavior, and even the stress or other mental health struggles that attorneys might encounter themselves in their work. This program includes topics of interest for both the junior education law attorney and the more seasoned practitioner.

The North Carolina Bar Association is accredited by the North Carolina State Bar as a provider of continuing legal education.

NORTH CAROLINA
BAR ASSOCIATION
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Calm in the Midst of the Storm: Legal Issues Surrounding Student and Employee Mental Health

2018 Education Law Section Annual Meeting

#684EDM and #684LWC | April 13, 2018

FOUR WAYS TO REGISTER

ONLINE* www.ncbar.org/CLE • PHONE* 800.228.3402 • FAX* 919.677.1774

MAIL** Attn: Accounting–NCBA, P.O. Box 3688, Cary, NC 27519-3688

*Credit cards only. **Please make checks payable to NCBA.

TUITION | LIVE · WEBCAST · VIDEO REPLAY (VR) | Select format and tuition rate below.

REGISTRANT TYPE	EARLY BIRD TUITION <small>Received one week prior to program date.</small>	REGULAR TUITION <small>Received less than one week prior to program date.</small>	WEBCAST TUITION
NCBA Education Law Section Member	\$215 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	\$265 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	\$290 <input type="checkbox"/> Webcast
NCBA Member	\$235 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	\$285 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	\$310 <input type="checkbox"/> Webcast
NCBA Paralegal Division Member	\$155 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	\$205 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	\$230 <input type="checkbox"/> Webcast
Non-member	\$285 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	\$335 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	\$360 <input type="checkbox"/> Webcast
Full-time LANC Attorney (NCBA Member)	These categories do not qualify for Early Bird tuition.	\$155 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	\$180 <input type="checkbox"/> Webcast
1st Year Licensed in NC (NCBA Member)		\$99 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	\$124 <input type="checkbox"/> Webcast
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<input type="checkbox"/> Law Student Division Member <input type="checkbox"/> Paralegal Division Student Member		\$25 <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	

VIDEO REPLAY LOCATIONS | To register for a Video Replay, visit this program's webpage at www.tinyurl.com/CLE684EDM to view all locations and dates, then enter your selection below.

City: _____ | Date: _____ | Code: #684 _____

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684EDM-B

Print Full Name: _____

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PAYMENT | Registration is processed only after payment is received. Please print clearly.

Enclosed is a check, payable to **NCBA**.

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Friday, April 13, 2018, 8:30a–4:30p

8:30a Registration and Continental Breakfast

8:55 Introduction and Announcements

9:00 Perilous Intersection: ADA, FMLA, Workers' Compensation and REDA

Wm. Joseph "Joe" Austin Jr.

The legal issues that spin out of disability in the workplace do not come in single file. One event may immediately create concurrent questions under the Workers' Compensation Act, Family and Medical Leave Act, and the Americans with Disabilities Act. The circumstances commonly defy quick and easy answers, and as time goes on, the North Carolina Retaliatory Employment Discrimination Act may come into play. Furthermore, there is no uniform code of disability law. A workers' compensation disability may also qualify as a serious health condition under the FMLA but not a disability under the ADA. The nuts and bolts issues under the FMLA eventually give way to more cryptic questions under the ADA. This section attempts to make sense out of the 12-tone scale of the issues that proceed from this legal intersection.

10:00 Break

10:15 Making Heads or Tails of Animals on Campus: Legal Requirements and Practical Considerations for Handling Student Requests to Bring Animals to Campus

Meredith E. Green

Colleges and universities are facing an increasing number of requests by students to bring animals to campus and administrators must sift through a maze of laws and regulations that apply to such requests. Our speaker discusses the labyrinthine network of federal and state laws applicable to service and assistance animals, with a particular emphasis on what constitutes an assistance animal and the legal framework for evaluating a student's request to bring one to campus.

11:00 When Conflict Breeds Conflict: The Competing Roles of Legal Representatives and Mental Health Professionals When Patients Sue Their School

Samantha "Sam" Sears and Deborah A. "Deb" Smith

What happens when students who receive schools' mental health services sue their schools for matters directly or indirectly related to those services? The speakers discuss the unique legal, professional and ethical challenges that emerge in these contexts and review both lawyers' and mental health professionals' obligations to each other, the student/patient and the school.

12:00p Education Law Section Annual Meeting

John D. Leidy, Hornthal Riley Ellis & Maland LLP, Elizabeth City, Section Chair, presiding

12:15 Networking Lunch

- 1:00 **Lawyer's Mental Health and Planning for Transition***
Bradley N. Schulz
In this day and age, transition comes in many forms—be it a decision to retire, a decision to change career paths, or having to make a change after being faced with medical or cognitive ability struggles. This session discusses planning for transition, implementing transition and life after transition. The speaker also discusses the State Bar's Rules of Professional Conduct involving the sale of a law practice, non-practicing, retired and attorney emeritus status, and the ethical guidelines involving the closing of a law practice when transition takes place.
- 2:00 **Managing the Emotional Complexities of Sensitive Internal Investigations**
Colin Shive
School lawyers are often called upon to investigate serious allegations of violence or sexual misconduct, but may not be prepared for the emotional and mental health implications of such investigations. This presentation explores scenarios that may unfold during sensitive internal investigations and addresses legal and practical considerations for managing them.
- 2:45 **Break**
- 3:00 **Student Threat Assessment: Dos, Don'ts and Maybes**
Jonathan Sauls and Kara E. Simmons
This session provides an overview of the applicable laws relevant to threat assessment. Additionally, the presenters discuss best practices for educational institutions and how threat assessment is conducted at the University of North Carolina at Chapel Hill.
- 3:45 **Case Law/Legislative Update**
Brian C. Shaw
Brian Shaw returns for his popular update on case law and legislation relevant to education law practitioners.
- 4:30 **Adjourn**

*Indicates portion providing Ethics/Professional Responsibility credit

FINE PRINT • REGISTRATION Registrations are limited by space, and may include a live video broadcast overflow room. **TRANSFERS** Registrants may transfer from a Live program, Video Replay, Webcast, Webinar or Phone/Audio Streaming Program without penalty within three business days after the program date. **CANCELLATIONS** Cancellations must be received by 9:00 a.m. the third business day prior to the program to qualify for a refund (less \$75 administrative fee). Those not attending will receive the digital program materials in full consideration of tuition paid. **MCLE CREDIT** The North Carolina Bar Association is an accredited CLE sponsor under the MCLE Regulations promulgated by the NC State Bar Board of Continuing Legal Education. This program is approved (but not sponsored) by the Board for the designated number of CLE hours. Each attorney must maintain a record of his/her attendance for the NC State Bar annual report. MCLE credit is reported by NCBA only if a NC State Bar number is provided. Your CLE tuition includes mandatory State Bar fees used to support the State Bar's Mandatory Continuing Legal Education program, the Chief Justice's Commission on Professionalism and the Chief Justice's Equal Access to Justice Commission. Your tuition also includes digital access to all program materials. **DIGITAL PROGRAM MATERIALS** You will receive a notification email when digital materials are available to download. To retrieve digital materials, log in and select "Your Course Materials" on the CLE website. All of the materials for this program will be available for download in advance of the program. **VIDEO REPLAYS** To qualify for the Early Bird tuition, registration must be received one week prior to program date. NC State Bar rules require a minimum number of preregistered active State Bar members. NCBA reserves the right to cancel any video program prior to the program date if registrations do not meet the NC State Bar requirement. Some sites require additional registration or evaluation forms. Visit www.tinyurl.com/CLE684EDM to confirm video replay registration and program start times. CLE credit hours at Video Replays are subject to change. Video replay program attendees may purchase the printed manuscript at cost. Due to printing and shipping lead times we are unable to accommodate requests for print materials made fewer than seven (7) days prior to any video replay program. **PERSONS WITH DISABILITIES** We make every effort to ensure that our programs are held in facilities which are fully accessible to persons with disabilities. If you plan to attend our program and need special facilities or assistance relating to a disability, please contact the CLE Department at least one week prior to the date of the program. **INCLEMENT WEATHER** We make every effort to notify registrants when a program is canceled or delayed due to weather. If inclement weather is forecast, please check your local news listings or contact event venue. NCBA programs will follow the work schedule of the hosting institutions, to include delayed openings. **CLE SCHOLARSHIPS** A limited number of scholarships are available to members in financial need. Contact Membership Services at 1.800.662.7407 or email akemple@ncbar.org. **EVENT SPONSOR AND EXHIBITOR OPPORTUNITIES** Interested in meeting the attendees of this program? Become an exhibitor or sponsor! Contact Jennifer Shapiro at CLESponsorship@ncbar.org for detailed information about these opportunities and their benefits. **FOR MORE INFORMATION, VISIT WWW.NCBAR.ORG/CLE.**

Program Information



Planners

- **Wm. Joseph “Joe” Austin Jr.**, Narron O’Hale & Whittington PA, Smithfield
- **Sarah O. Edwards**, University of North Carolina at Charlotte Office of Legal Affairs, Charlotte
- **Dionne T. Jenkins**, Winston-Salem/Forsyth County Board of Education, Winston-Salem

Speakers

- **Wm. Joseph “Joe” Austin Jr.**, Narron O’Hale & Whittington PA, Smithfield
- **Meredith E. Green**, Furman University, Greenville, SC
- **Jonathan Sauls**, University of North Carolina, Chapel Hill
- **Bradley N. Schulz**, Schulz Stephenson Law, Beaufort
- **Samantha “Sam” Sears**, University of North Carolina, Charlotte
- **Brian C. Shaw**, Schwartz & Shaw PLLC, Raleigh
- **Colin Shive**, Tharrington Smith LLP, Raleigh
- **Kara E. Simmons**, University of North Carolina, Chapel Hill
- **Deborah A. “Deb” Smith**, Union County Public Schools, Monroe

We extend our sincere gratitude to the NCBA Education Law Section as well as the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the very highest quality.

Hotel Information

Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and may sell out.

- **Embassy Suites, 201 Harrison Oaks Boulevard, Cary**
Nightly Rate: \$169 single/double and includes evening manager’s reception and full, cooked-to-order breakfast
Reservations: 919.677.1840 or www.tinyurl.com/NCBA-Embassy
NCBA Corporate Account Special Rate Code: 2691626
Please note: The rates may vary according to guest room availability.
- **TownePlace Suites by Marriott, 120 Sage Commons Way, Cary**
Nightly Rate: \$114 studio queen with sleeper sofa (Sunday–Thursday) and includes complimentary hot breakfast. All rooms have a fully equipped kitchen.
Reservations: 919.678.0005 | **Ask for the NC Bar Association corporate rate.**

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Education Law



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“A great and always timely topic. All speakers were top-notch.”

“Very good program, excellent materials.”

“Great program. A good mixture of K-12 and Higher Ed.”

-Attendees, 2017 Education Law Section Annual Meeting



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