In Tune or Off Key: Law, Government, Constitutional Rights and Responsibilities

LIVE and WEBCAST
Friday, February 22, 2019
North Carolina Bar Center
8000 Weston Parkway
Cary

Register Today!
Save 10% if registration is received by February 1, 2019.
www.tinyurl.com/CLE774GPM

Program includes the 2019 Constitutional Rights & Responsibilities and Government & Public Sector Sections Annual Meetings

TOTAL CLE CREDIT
6.0 HOURS
1.0 HOUR Ethics/Professional Responsibility
Fine-tuning the relationships between the law, attorneys, citizens, government and the Constitution can seem as if it requires that perfect pitch so few of us have. The maestros in the sound booth adjust the volume, tone, rhythm and other elements of music, musicians and instruments as they record. Similarly, attorneys work to adjust the sometimes-competing elements of the music of our law, government and democracy, leading to harmony or discord.

This program presents a full day’s concert of sessions dealing with the legal music of our lives. Topics include:

- A view from the bench regarding Section 1983, government and citizen suits
- Protecting voting rights and empowering citizens in environmentally vulnerable areas
- Data privacy and legal ethics
- Administrative searches and warrants
- Injunctive relief when citizens participate in democracy
- Protecting rights and citizens from debtors prison

Come join us on Friday, February 22, as we turn up the volume on our knowledge of these chords of law.
# AGENDA

**FRIDAY, FEBRUARY 22, 2019 | 8:15 a.m. – 4:45 p.m.**

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<tr>
<td>8:15</td>
<td>Registration and Continental Breakfast</td>
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| 9:00  | **The Times They Are a-Changin’ – A View from the Bench: 42 USC 1983** Judge Gibney  
Citizens sue governments for violations of constitutional rights, governments defend themselves, and there are attorneys on both sides. Judge Gibney discusses how these parties and issues present themselves to federal judges, offering the judicial perspective and practice tips. |
| 10:00 | **I Fought the Law and the Law Won – Court Costs, Fees and the Constitution** Becker and Markham  
Anyone who has to go to court may have to pay court costs and fees. There are constitutional restrictions on the imposition of court costs and fees. The UNC School of Government recently produced a Monetary Obligations judicial bench card. Two experts discuss constitutional implications of common North Carolina monetary sentencing practices. They also provide instruction on how to use and apply the new bench card. |
| 10:15 | **Tell Me, Who Are You? ‘Cause I Really Wanna Know: The Ethics of Data Privacy for Lawyers?** Cordell and Woodlief  
Attorneys have long been familiar with the State Bar’s rules on confidentiality of client information. Changes in cellphone data tracking, technology, social media, the Internet, the dark web and cybersecurity breaches expand the scope of what attorneys need to know about ethics and privacy of client data. The *State v. Perry* case includes discussion of Fourth Amendment searches, third-party business records and expectations of privacy. Learn from experts about the professional ethics of data privacy. |
| 12:15 | **Government & Public Sector Section Annual Meeting**  
Aimee C. Scotton, County of Randolph, Greensboro, 2018-2019 Section Chair, presiding |
| 12:30 | **Constitutional Rights & Responsibilities Section Annual Meeting**  
Patricia C. Perkins, Elon University School of Law, Greensboro, 2018-2019 Section Chair, presiding  
Presentation of the Grainger Barrett Award |
State and local governments have a need to conduct administrative searches, for example, in the context of publicly owned easements (with access over private property), basement backups entirely on private property and lead pipe removal. And, when necessary, those same governments seek administrative search warrants to gain access to private property for a variety of reasons. Drones may be used for such searches and the law in that area is developing. Hear about the constitutional protections for citizens and constraints on government as administrative searches and warrants are sought, obtained and denied.

Citizens have the right under both the state and federal constitutions to protest. Sometimes, government must try to put limits on some aspects of protests. Injunctive relief litigation related to public participation in democracy involves all three levels of government, with litigation often taking place in federal court. This overview of issues, examples and practice tips help attorneys for all parties who may be involved.

Hurricane Florence re-emphasized the vulnerability of North Carolina’s rural areas to recurring flooding and environmental issues, compounding already-disproportionate poverty rates, lack of transportation access, limited local government budgets, and loss of employers and other economic opportunities. The panel addresses the interplay of logistical issues, environmental justice and voting rights in storm-affected communities. They examine barriers to justice and potential solutions to better protect the rights of rural residents.
**SPEAKERS**

- **Judge John A. Gibney Jr.**, U.S. District Court for the Eastern District of Virginia, Richmond, VA
- **Cristina Becker**, American Civil Liberties Union of North Carolina, Durham
- **Matthew A. Cordell**, VF Corporation, Greensboro
- **Nicolette Fulton**, City of Raleigh City Attorney’s Office, Raleigh
- **Kym Hunter**, Southern Environmental Center, Chapel Hill
- **Adrienne Kennedy**, Seeds of Hope, Fayetteville
- **James M. Markham**, UNC School of Government, Chapel Hill
- **Daniel F. “Dan” McLawhorn**, City of Raleigh City Attorney’s Office, Raleigh
- **Daniel E. Peterson**, Parker Poe Adams & Bernstein LLP, Charlotte
- **Emily Seawell**, American Civil Liberties Union of North Carolina, Raleigh
- **Alan D. Woodlief Jr.**, Elon University School of Law, Greensboro

**CLE AND PUBLICATION SCHOLARSHIPS**

Full and partial scholarships are available for attorneys experiencing a financial hardship of any kind. Apply at [www.ncbar.org/cle/scholarship](http://www.ncbar.org/cle/scholarship).

**HOTEL INFORMATION**

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

**TownePlace Suites by Marriott**
120 Sage Commons Way, Cary

- **Nightly Rate**: $114 studio queen with sleeper sofa (Sunday–Thursday)
- **Reservations**: 919.678.0005
- **Ask for the NCBA corporate rate.**

**Embassy Suites (limited availability)**
201 Harrison Oaks Boulevard, Cary

- **Nightly Rate**: $169 single/double
- **Reservations**: 919.677.1840 or [www.tinyurl.com/NCBA-Embassy](http://www.tinyurl.com/NCBA-Embassy)
- **Corporate Account Code**: 2691626

**PLANNERS**

- **Susanna S. Birdsong**, American Civil Liberties Union of North Carolina, Raleigh
- **Irena Como**, American Civil Liberties Union of North Carolina, Raleigh
- **Scott W. Gaylord**, Elon University School of Law, Greensboro
- **Gregg F. Schwitzgebel III**, North Carolina League of Municipalities, Raleigh
- **Ann B. Wall**, North Carolina Department of the Secretary of State, Raleigh
NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

We extend our sincere gratitude to the NCBA Constitutional Rights & Responsibilities and Government & Public Sector Sections as well as the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the highest quality.

Upcoming Technology Program for All Legal Professionals:

Mastering Microsoft Word in the Law Office

When legal instruments require complex formatting, most Microsoft Word users struggle to get the document to look the way they want. Users often describe it as a "wrestling match" or having to "outsmart the program." Some advanced features like automatic paragraph numbering, tables of contents, and tables of authority seem inaccessible or broken. Because legal professionals require so much out of Word, they often feel extremely frustrated by it.

If you’re sick of the struggle, this program — designed by a lawyer — is to help legal professionals master and control Word.

Wednesday, February 20, 2019
North Carolina Bar Center, Cary

CLE Credit: 6.0 Hours Technology credit

Contact the CLE Department at 800.228.3402 for details or visit www.tinyurl.com/CLE823MWP.

EARLY ARRIVALS RECEPTION
Thursday, February 21, 2019
5:15 – 6:30 p.m.
Dean’s Kitchen+Bar
1080 Darrington Drive
Cary, NC 27513
Online: www.tinyurl.com/CLE774GPM | By phone: 800.228.3402
By mail: Attn: Accounting–NCBA, 8000 Weston Parkway, Cary, NC 27513

**STEP 1: Tell us who you are.** (Please print clearly.)

Print Full Name: ____________________________________________
Address: __________________________________________________
City, State and ZIP: __________________________________________
Daytime Phone Number: ______________________________________
Email Address: _____________________________________________
NC State Bar No. (Required for MCLE Credit): _____________________

**STEP 2: Select your tuition rate.** (Register early and save 10%. Payment must be received three (3) weeks prior to program date to qualify for the early rate.)

- **Standard Rate:**
  - ☐ $350 / ☐ $315 Early

- **NCBA Member:**
  - ☐ $290 / ☐ $260 Early

- **Constitutional Rights & Responsibilities Section Member:**
  - ☐ $270 / ☐ $245 Early

- **Government & Public Sector Section Member:**
  - ☐ $270 / ☐ $245 Early

- **CLE Premier Pass:**
  - ☐ $0

**STEP 3: Select your learning format.**

- ☐ Live (774GPM)  ☐ Webcast (774LWC)  ☐ Video Replay (See below.)

Video Replay registration (if selected).

Video Replays are scheduled for this program. The agenda may not include certain breakouts/tracks shown at the original program. For a list of dates and locations visit [www.tinyurl.com/CLE774GPM](http://www.tinyurl.com/CLE774GPM) and indicate your choice below.

Location: _______________ Date: ________ Code: __________

**STEP 4: Complete your payment information.**

(Registration is complete only after payment is processed. Please print clearly.)

I am registering for this program at the tuition rate checked above.

- ☐ Enclosed is a check, payable to NCBA.  ☐ Please charge my credit card.

Card Number: ____________________________ Exp. Date: _______
Total Amount: _______ Signature: _________________________________

Discounts may be available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 800.228.3402 for details.
REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped based on venue size and may include an overflow room with additional seating. CHANGES TO EXISTING REGISTRATIONS: Should an attendee need to cancel his or her registration to a Live, Webcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a $75 administrative fee. An attendee may choose to transfer his or her registration at a program to the Live, Webcast or Video Replay format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute his or her registration to a Live or Video Replay program only. Substitution means sending another person to attend the Live or Video Replay program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 800.228.3402. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations, including On Demand registrations, cannot be cancelled, substituted or transferred once purchased. NO-SHOWS: Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a $75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. MISCELLANEOUS: The NCBA reserves the right to cancel or reschedule programs at any time. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee’s image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.