Lew W. Cramer  
CEO and president, Coldwell Banker Commercial Advisors; former director general, U.S. Commercial Service; JD.

International Business Opportunities—Why It Makes Good Business Sense, and Lots of Business Dollars  
Tuesday, August 16, 2016, 8:30–9:30 a.m.  
214 Crabtree Building, Brigham Young University

This class will help class members understand the background, opportunities and challenges of international business and related trade issues that are expanding rapidly in today’s increasingly globalized world. These opportunities arise from growing middle class consumers in emerging economies, enhanced Internet business connections, compressed logistics, all of which have produced a “flatter, smaller world.”

Particularly for many Latter Day Saints, these historic changes provide major entrepreneurial, commercial, and service opportunities.

- Introduction to International Trade
  - Major statistics
  - The United States’ and Utah’s expanding growth with exports, imports, and foreign direct investments
  - Pervasive Impact of international trade on jobs, education, daily life, purchases, etc.

- Opportunities in International Trade
  - 95% of world’s consumers live outside of the United States.
  - 60% of world economic growth in the coming decade will be outside of North America, Europe, and Japan.
  - Many members of the LDS faith are uniquely positioned to be fully engaged with this historic boom in international commerce because of language skills, overseas in-depth experience, entrepreneurial and optimistic outlook, dynamic growth of Silicon Slopes, and unrivaled networking skills
  - Utah has a very dynamic economy, with millions of annual visitors, and thousands of business executives probing why we are so successful, especially in international trade.

- Challenges in International Business
  - Despite the incredible opportunities, nonetheless significant burdens, fears, and concerns create challenges for those interested in international business. Examples include:
    - Difficulty in payment
    - Identifying appropriate partners
    - Shipping, logistics, and transportation issues
    - Cultural and trust issues

- Communication across cultures and time zones
  - The good news is that there are excellent answers and assistance for each of these issues!
Ten Tips to Help You Think, Act and Succeed Globally
Tuesday, August 16, 2016, 9:50–10:50 a.m.
214 Crabtree Building, Brigham Young University

This class will help class members build on the background and heightened awareness of international business shared in the previous class. We will discuss several different helpful tools to increase skills and knowledge that are essential for success in international business, including service opportunities abroad. Information is based on long-tested training seminars hosted regularly by the World Trade Center Utah.

- Take a good look in the mirror. Conduct a thorough and realistic self-assessment of your goals, current capacity, and international readiness.
- Identify resources. Discover the many resources available to help you succeed in your international expansion.
- Learn the lingo. Understand the technical language of exporting and international business.
- Who wants what you’ve got? Research overseas markets to determine demand for your product or service.
- Know the rules of the game. Become aware of laws, regulations, and procedures for your product or service in specific overseas markets.
- Leverage existing platforms. Reach retail customers through existing online commerce platforms.
- Grow as you go. Utilize trade shows and trade missions to explore markets, test demand, and meet potential partners.
- Choose partners carefully. Identify partners who can help develop your strategy, manage market entry, and handle in-country representation.
- Limit the culture shock. Understand the differences in culture and customs for your market in advance.
- Maximize your profits by understanding overseas and logistics costs, the skill of payment negotiation, and how to get paid on time.
Boyd J. Black
Associate general counsel, LDS Church; JD.

**United States and Canadian Legal Issues Affecting The Church of Jesus Christ of Latter-day Saints: Why Does the Church Need Lawyers?**

Tuesday, August 16, 2016, 12:30–1:30 p.m.
214 Crabtree Building, Brigham Young University

The class will cover past and current legal issues involving the Church in the United States and Canada. It will address issues in the following areas:

- Constitutional
- Litigation
- Corporate
- Real Estate
- Investment
- Labor
- Intellectual Property
- Tax, and
- Legislative and Regulatory Matters
Effective Legal Writing
Tuesday, August 16, 2016, 1:50–2:50 p.m.
214 Crabtree Building, Brigham Young University

The presentation will have two main objectives. The first is to convince attorneys that the way we write really does matter. The second objective is to convince each person in attendance that he or she can indeed be an effective writer. The good news is that there is no gene that needs to be inherited in order to be a good writer. Anyone can do it. The bad news is that there is no gene for good writing—it takes a lot of hard work.

This class will focus on:

- General principles of writing
- Specific suggestions regarding grammar,
- Specific suggestions regarding word choice,
- Specific suggestions regarding editing,
- and more.
The United States is burdened by an outdated and inefficient immigration system that was conceived in and for the 20th Century. A key component of the United States' future competitiveness in the 21st Century is streamlining, modernizing, and rationalizing its immigration system. Although securing our borders is an indispensable part of that effort, the discussion must not stop there because the entire immigration system is broken and needs an overhaul. Although opinions will differ widely over how exactly to overhaul that system, one thing remains clear: the key to fixing a broken system is having a better understanding about how our current immigration system functions. This panel of distinguished experts in United States immigration law will provide a thorough and practical overview of current immigration law and policy, including:

- Immigration options for uniting and keeping families together;
- Temporary and permanent visa options for United States employers to tap into the global pool of talent and labor to fill unmet labor needs;
- Options for those who are fleeing persecution in their home countries due to political opinion, gender, race, and religious beliefs;
- Options for individuals who are facing deportation; options for individuals who have been victims of domestic violence and other violent crimes, including human trafficking;
- Options for undocumented individuals who have lived in the United States for many years to legalize their immigration status and common barriers that prevent them from being able to do so;
- Regulatory obligations United States companies face to ensure that they employ a legal workforce and comply with immigration-related laws; and
- So much more.

Whether a practicing attorney who is considering this as a practice area or someone who just wants more knowledge about this important area of law, participants will walk away from this session with a greater understanding of United States immigration law and policy and why it is so important for our country, our economy, and all of us.
Bankruptcy Basics: What Every Individual Should Know About Consumer and Corporate Bankruptcy
Wednesday, August 17, 2016, 8:30–9:30 a.m.
214 Crabtree Building, Brigham Young University

- What is bankruptcy?
  - Advantages and disadvantages of bankruptcy
  - Centralized forum
  - Statutory framework
  - Very public process—assets, liabilities, transactions for last several years disclosed
  - Fresh start

- Framework
  - Bankruptcy Code
  - Federal law that leaves state law property and related rights intact
  - Reorganization vs. liquidation

- The “chapters”
  - Chapter 7—liquidation; trustee appointed; available to individuals and corporate entities; discharge to individuals
  - Chapter 9—municipal restructuring; available to defined set of governmental entities; requires an additional “enabling statute”; Utah presently does not have such a statute
  - Chapter 11—reorganization; available to corporate entities and individuals (usually high-wealth individuals); plan of reorganization to repay creditors and restructure debts
  - Chapter 12—family farmers and fishermen restructuring
  - Chapter 13—individual restructuring; available to individuals with steady income; 3-5 year repayment plan; get to keep your house and car; discharge for individuals upon completion of repayment plan
  - Chapter 15—international entities

- Basic concepts applicable to all “chapters”
  - Automatic stay
  - Debt adjustment
  - Retaining some assets, liquidating others
  - Executory contracts
  - Discharge

- Current events
Caring for Our Elders: Protecting Assets from Long Term Care Costs
Wednesday, August 17, 2016, 9:50–10:50 a.m.
214 Crabtree Building, Brigham Young University

This class will help class members understand different ways to protect and shield assets (to allow for supplemental care) from the exponentially growing costs of nursing home and assisted living care.

- Introduction to governmental resources to assist with long term care costs
  - Medicaid Benefits
  - Veterans Aid and Attendance
- Proactive planning for Long Term Care costs
  - Long Term Care Insurance
  - Asset Protection Trusts
    - Medicaid Asset Protection Trust
    - Veterans Asset Protection Trust
    - Domestic Asset Protection Trust
- Crisis Planning Approaches
  - Medicaid-qualified annuities
  - Planning options with the residence
  - Other techniques
- Problems created by existing estate plans (or by no estate plan at all)
  - POAs with restrictive gift tax provisions
  - No estate planning - conservatorship/guardianship issues/costs
- What Not to Do
  - Don't simply deed your house to your children
    - Capital gains considerations
    - Asset protection issues
    - Control
- Don't roll the dice
  - Chances that at least one spouse will need long term care
- Estate Recovery Problems
F. McKay Johnson  
Attorney, Durham Jones & Pinegar; JD, LLM.

Estate Planning: Conveyor Belts, Dump Trucks and Accidents  
Wednesday, August 17, 2016, 11:10 a.m.–12:10 p.m.  
214 Crabtree Building, Brigham Young University

- Popular estate planning myths
- 10 things your attorney won’t tell you
- The law sets you up for an accidental estate plan
- Jointly owned properties are accident-prone
- Beneficiary designation forms are accident-prone
- Accidents happen with (and without) a last will
  - Revocable trusts are prone to “pilot errors”
  - Funding failures
  - Thinking errors
  - Design flaws:
    - You have too few trusts
    - You have too many trusts
Divorce and Family Law (Panel Discussion)
Wednesday, August 17, 2016, 1:50–3:50 p.m.
214 Crabtree Building, Brigham Young University

- Jurisdiction and Recognition of Decrees
  - Residency Requirements
  - Full Faith and Credit
- Property Division
  - Factors Considered
  - Separate Property
  - Marital Property
  - Mixed Property
  - Tax Consequences of Property Division
- Spousal Support
  - Amount/Need
  - Types of Spousal Support
  - Termination of Spousal Support
  - Tax Consequence or Spousal Support
- Child Support
  - Independent from Visitation Rights
  - Termination of Duty Support
  - Tax Consequences of Child Support
- Child Custody
  - UCCJEA– Uniform Child Custody Jurisdiction and Enforcement Act
    - Purpose
    - Initial Custody Determination
    - Exclusive Continuing Jurisdiction
    - When Court May Decline Jurisdiction
    - Temporary Emergency Jurisdiction
  - Best Interest of the Child Standard
  - Joint Custody
  - Visitation
- Modifications of a Decree
- Enforcement of a Decree
1. Branding in an online environment and building powerful brands
   a. Consistency in the message and use of trademarks
   b. Taking into account domain names
   c. Ease of infringement
   d. Being vigilant in protecting brands online
   e. Establishment of guidelines for use of trademarks, both internally and with licensees and other third parties
   f. Choosing a mark: distinctive and merely descriptive marks
   g. Trademarks and apps

2. Trademark protection and infringement
   a. Benefits of federal trademark registration
   b. Federal registration process, including clearance of trademarks
   c. Correct use of trademark symbols
   d. What constitutes infringement
      i. How to avoid infringement
      ii. What steps to take to stop others from infringing
   e. Strategies for protecting brands in general

3. Introduction to the new world of generic top level domain names, and their impact on branding
   a. What are ngTLDs?
   b. How do they impact brands?
   c. What are the risks associated with brands used in domain names?
   d. What are some strategies to protect brands?
Legal Roadmap for Authors, Musicians, and Artists: Basics of the Laws
Thursday, August 18, 2016, 9:50–10:50 a.m.
214 Crabtree Building, Brigham Young University

Basics of the Laws:

- Copyright
  - What are Copyrights and what do they protect?
  - Idea vs. Expression
  - How to obtain and retain copyright protection
  - Collaboration and Inclusion of other's work
  - Work for hire
  - Infringement Issues
  - The internet
  - Public Domain and "Copyleft"
  - Exemplary Cases

- Trademarks

- Right of Publicity
Legal Roadmap for Authors, Musicians, and Artists: Creativity as a Business
Thursday, August 18, 2016, 11:10 a.m.–12:10 p.m.
214 Crabtree Building, Brigham Young University

Creativity as a Business:

- Assignment and Licensing
- Employees, Contractors, and Collaborators
- Publishing and Distribution Agreements
- Self-Publishing
- What to do when someone infringes your rights
- What to do when someone claims that you infringe theirs
- Case Studies
- The future of creative media laws in a "global internet village"
Planning for Success in the Practice of Law

Thursday, August 18, 2016, 1:50–2:50 p.m.
214 Crabtree Building, Brigham Young University

This class will explore the characteristics of a successful law firm and how awareness of changing trends in the law practice and appropriate planning can help ensure continued growth and success.

A successful law firm doesn’t just happen by accident, and it doesn’t just magically manage itself. This class will focus on the key characteristics of successful law firms and how to manage towards success. Drawing on 36 years of practicing law and 25 years of building and managing one of the top law firms in Utah, Mr. Durham will discuss principles of law firm management critical to success. The underlying thesis is that a law firm is a business as well as a profession, and its success is as much a function of effective management as mastering substantive legal knowledge.

This class will benefit a lawyer in any size law firm and will focus on the following six points:

A. Anticipating the Future
B. Understanding current forces impacting the practice of law
C. Survival – Adapting to Change
D. Emerging Trends in the Practice of Law
E. Characteristics of Successful Law Firms
F. The Strategic Planning Process
Nathan D. Alder
Attorney, Christensen & Jensen; JD.

Tamara A. Fackrell
Attorney, Private Practice in Mediation and Family Law; JD; PhD

Marcy Fetzer
Visiting Assistant Professor, Organizational Leadership and Strategy, BYU; PhD

Kent Scott
Attorney, Babcock, Scott and Babcock; JD.

Getting to Resolution: Techniques to Identify and Overcome Challenges in Mediation (Panel Discussion)
Thursday, August 18, 2016, 3:10–5:10 p.m.
214 Crabtree Building, Brigham Young University

• Challenges in Mediation
  o Difficult people and the use of destructive verbal behaviors
  o Cultural differences and misinterpretations in communication
  o Dealing with uncooperative parties
  o Emotions
  o Attorney needs versus the client’s
  o Lack of candor
  o Anchors
  o Impasse

• Techniques to address challenges in mediation
  o Preparation
  o Listening skills
  o Promoting cooperation
  o Preventing uncooperative actions
  o Saving face

• Successful preparation techniques – It’s more than just showing up
  o Understanding the “myth of justice” versus the law
  o Third-party opinions
  o Preparing clients for negotiation
  o Having difficult conversations with the client
Making Discoveries, Seeing More
Friday, August 19, 2016, 8:30–9:30 a.m.
214 Crabtree Building, Brigham Young University

Lawyers and scholars can learn to make discoveries, to see more, and to get better results for themselves, for their profession, and for their clients, by becoming more alert and conscientious in following principles such as the following:

- We must work a little harder and more effectively. Seeing more takes targeted work. Most of my discoveries have come after a lot of hard work, reading, pouring over materials again and again until the light finally goes on.

- We must formulate more precise, potentially answerable questions and then keep searching for those answers. If you don’t ask the right question, how will you ever recognize the right answer?

- Notice little details. As Heraclitus once said, the truth loves to hide. In these little details are often found treasures of knowledge, even hidden treasures.

- Go on high alert when you notice interesting oddities or anomalies. Oddities are clues to something going on below the surface, for the truth is usually stranger than fiction. Don’t be like the man who kept walking around the same lamppost looking for his lost keys. When asked, why do you keep looking around the post when it’s obvious that your keys aren’t there he said, “Yes, but the light is really good here.”

- Learn from others, including those of other faiths. Brigham Young said: “It is our duty and calling . . . to gather every item of truth and reject every error. Whether a truth be found with professed infidels, or with the Universalists, or the Church of Rome, . . . the Quakers, the Shakers, or any other of the various and numerous different sects and parties, all of whom have more or less truth, it is the business of the Elders of this Church . . . to gather up all the truths in the world pertaining to life and salvation, to the Gospel we preach, to mechanism of every kind, to the sciences, and to philosophy, wherever it may be found . . . and bring it to Zion.”

- Work as a team, identify a project, assemble a team, and see what you find. Care less about who gets the credit than what results are achieved.

- Give authoritative or scriptural ideas credit; assume they are true until proven otherwise. A steady diet of skepticism leads nowhere. As we believe less and less about more and more, we eventually believe nothing about everything.

- We must be open to more. We must be willing to be surprised. We don’t know it all. Exciting to know there’s more to come, that old things can be seen in new ways. It is good to believe that God will yet reveal many great and important things.

- We see more by keeping opposing things in a constructive, dynamic balance. We get in trouble when we think that life is a true-false test and we have to pick the single answer to each of life’s problems.

- See more new things in old texts by seeing in them true principles that can, still today, serve us well in finding practical solutions to modern problems. It is only in application, by experience, that one can truly see and learn.
Cybersecurity and Privacy Update for Lawyers
Friday, August 19, 2016, 9:50–10:50 a.m.
214 Crabtree Building, Brigham Young University

Cybersecurity and privacy are cutting-edge topics continually in the news. Data breaches, regardless of their cause, can have far-reaching and expensive consequences. In this one-hour class, I will teach about key laws and the increasing level of regulatory enforcement in this field. We will discuss steps that clients should take to protect themselves and what professional obligations lawyers have to protect the confidential information of their clients.

- What’s Making News in 2015 and 2016
- Potential Legal Consequences of a Data Breach
- Key Laws and Regulatory Enforcement
- Helping Protect Clients
Introduction
  - Many speeches and articles on professionalism and civility
  - Use Clayton Christensen’s “How To Measure Your Life” as a template
  - Studies that lawyers are unhappy in their professions
  - Relation of professionalism and personal happiness
  - Our Identity

What Are Your Personal Organization Principles and Values?
  - The “Invisible Hand”
  - Models and Mentors
    - Where do we get honest feedback?
  - Compartmentalization
  - The Myth of the Adversary System Ethic
  - The Objective/Subjective Dynamic

Your Relation to Clients
  - When was the last time you turned down a client?
  - When was the last time you sent a client to another, better qualified lawyer?
  - Are you a specialist or a problem solver?
  - When was the last time you did any significant pro bono work for a client, neighbor or friend?
  - How often are you do you find satisfaction in client relations?

Your Relation to Opposing Lawyers
  - When was the last time you complimented an opposing lawyer in person?
  - When was the last time you raised your voice to an opposing lawyer?
  - When was the last time you took an opposing lawyer to lunch?
  - How often do you criticize or disparage opposing counsel to your client or partners?
  - Some specific suggestions on professionalism and civility measures.
    - Rules and reality
    - Acting rather than being acted upon
    - Responding to uncivil and untrustworthy adversaries

Your Relation to Your Partners

Concluding Suggestions
  - Is there a higher standard for LDS attorneys and, if so, what is it?
    - The danger of announcing our religious affiliation and especially our current callings in adversarial settings.
  - The connection of honesty and professionalism
  - The Marlin Jensen principle