

A panoramic view of the Chicago skyline at dusk, featuring the Willis Tower and other skyscrapers reflected in the water of Lake Michigan. The image is framed by a white curved border at the top and a blue curved border at the bottom.

 NACUA

NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY ATTORNEYS

# 46th Annual Conference

June 25-28, 2006 | Chicago Marriott Downtown Magnificent Mile



## WELCOME TO NACUA'S 46TH ANNUAL CONFERENCE

# Greetings, NACUA Members:

I am pleased to invite you to attend NACUA's 46th Annual Conference June 25-28, 2006 in Chicago, Illinois. Like swallows returning to Capistrano or whales returning to Maui, NACUA members return each year to the Annual Conference. It's a very special time of the year when spring turns into summer and we gather to meet and greet old as well as new friends. Come and enjoy first rate programming and all that the marvelous city of Chicago has to offer. I encourage you to make your plans now to attend!

Your colleagues on the Annual Program Committee and the NACUA staff have worked hard to present you with yet another incredible conference. You can expect to attend sessions on an array of legal issues at all skill levels. The subject matter covered will include Business and Real Property, General Counsel, Labor and Employment, Litigation and Risk Management, Professional Development, Research and Intellectual Property and Student Affairs and Athletics.

For the third consecutive year, we will offer a one and one-half day Pre-Conference Workshop for Lawyers New to Higher Education. A record 133 of you attended the workshop last year where some of NACUA's most experienced speakers provided the basics for lawyers who are new to higher education law practice, or who just wanted a broad overview. We look forward to again providing these learning and networking opportunities to new members in Chicago. New this year to the Conference is a Pre-Conference Roundtable for New and Recently Appointed In-House General Counsel. Each year, approximately 25-50 of us become the new General Counsel/Chief Legal Officer at our institutions, and NACUA is pleased to bring this exciting new service to meet yet another membership need.

The Annual Conference kicks off on Sunday, June 25 with an opening plenary session featuring the distinguished constitutional scholar, Professor David A. Strauss, the Harry N. Wyatt Professor of Law at the University of

Chicago School of Law. Given the recent new additions to the U.S. Supreme Court, Professor Strauss will share his observations about the Court and the implications these changes may have for us as Americans and for higher education law. We are pleased that Professor Strauss will also lead a concurrent session Monday on "Political Labels and Supreme Court Justices."

Later that day, as is our custom, we will come together at the Opening Reception in an informal setting to reflect on the past year and to renew our spirits. But immediately preceding the Reception, I want to encourage you to attend one of NACUA's best-kept secrets: the Honors and Awards Ceremony. It is a special moment where we honor members who have provided exemplary service to NACUA and to the practice of higher education law. If you have not attended this Ceremony before, you will not want to miss another after attending your first in Chicago. Other networking opportunities include a breakfast on Monday and a breakfast and luncheon on Tuesday, Forum sessions devoted to specific practice areas and topics, Special Interest Group meetings and many Discussion Groups. We also will again offer the very popular Affinity Group gatherings during Tuesday's luncheon.

Each year, Capistrano welcomes the swallows and the warm waters of Maui welcome the whales home. This year, the city of Chicago welcomes you home to the Annual Conference. Come and rekindle old friendships, create new ones and recharge your commitment "to advance the effective practice of higher education attorneys for the benefit of the colleges and universities they serve." Chicago awaits you. I look forward to seeing you there!

Henry L. Cuthbert  
First Vice President, NACUA  
Chair, Committee on Annual Program  
Senior University Legal Counsel  
University of Wisconsin-Madison

## Table of Contents

- Schedule at a Glance .....2
- About Chicago.....4
- Thank you to.....5  
our Sponsors
- Special & New.....6  
Member Sessions
- Pre-Conference.....8  
Workshops
- Conference Tracks.....10
- Conference Schedule.....12
- Registration Information..22
- Registration Form.....25
- Conference Highlights.....27  
& Activities

NEW THIS YEAR!

### Pre-Conference Roundtable for New and Recently Appointed General Counsel

If you are the new or recently appointed General Counsel of your institution, you will want to take advantage of this new program. (see description pg 8)

SPECIAL SESSION

### Emerging Trends in Higher Education Law and Practice: A Conversation with Bill Kaplin and Barbara Lee

(see description pg 6)

# Schedule at a Glance

## Saturday, June 24

24 hours	Cyber Café <i>sponsored by Pillsbury Winthrop Shaw Pittman, LLP</i>
8:30 am – 3:45 pm	Committee Meetings
8:45 am – 3:45 pm	Pre-Conference Workshop for Lawyers New to Higher Education
1:00 pm – 5:00 pm	<b>NEW!</b> Pre-Conference Roundtable for New and Recently Appointed In-House General Counsel
3:45 pm – 5:00 pm	Pre-Conference Workshop for Lawyers New to Higher Education Reception

## Sunday, June 25

24 hours	Cyber Café
8:30 am – 11:30 am	Board of Directors Meeting
8:30 am – 11:30 am	Pre-Conference Workshop for Lawyers New to Higher Education ( <i>cont'</i> )
10:00 am – 11:30 am	WACO
11:30 am – 12:45 pm	Lawyers New to NACUA Luncheon
11:45 am – 12:45 pm	Special Interest Groups
1:00 pm – 2:30 pm	Welcome and Opening Plenary Session <i>sponsored by Employment Law Alliance</i>
2:30 pm – 3:00 pm	Break <i>sponsored by Employment Law Alliance</i>
3:00 pm – 4:15 pm	Concurrent Sessions
4:30 pm – 5:30 pm	Honors and Awards Ceremony
6:00 pm – 7:30 pm	Opening Reception <i>sponsored by Sidley Austin Brown &amp; Wood</i>

## Monday, June 26

24 hours	Cyber Café
7:00 am – 9:00 am	Rise and Shine Networking Breakfast
8:00 am – 9:00 am	Special Session! Emerging Trends in Higher Education Law and Practice
9:15 am – 10:45 am	Concurrent Sessions
10:45 am – 11:15 am	Break <i>sponsored by TIAA-CREF</i>
11:15 am – 12:45 pm	Concurrent Sessions
Free Afternoon	

## Tuesday, June 27

24 hours	Cyber Café
8:00 am – 9:00 am	Program Breakfast
9:15 am – 10:30 am	Concurrent Sessions
10:30 am – 11:00 am	Break <i>sponsored by Employment Law Alliance</i>
11:00 am – 12:15 pm	Concurrent Sessions
12:30 pm – 1:45 pm	Networking Luncheon/Affinity Group Luncheons
2:00 pm – 3:15 pm	Concurrent Sessions
3:15 pm – 3:45 pm	Break <i>sponsored by Gardner, Carton &amp; Douglas</i>
3:45 pm – 5:00 pm	Concurrent Sessions

## Wednesday, June 28

24 hours	Cyber Café (until 12:00 Noon)
7:30 am – 8:30 am	Continental Breakfast
8:30 am – 10:00 am	Concurrent Sessions
10:00 am – 10:30 am	Break <i>sponsored by Bowditch &amp; Dewey, LLP</i>
10:30 am – 12:00 pm	Concurrent Sessions
12:00 pm	Conference Adjourns

# Chicago: *Something for Everyone*

Chicago is a city of world-class status and unsurpassed beauty, drawing visitors from around the world. Located on the shores of Lake Michigan, Chicago is home to world-championship sports teams, spectacular live theater, celebrated architecture, thousands of restaurants, and more!

## RESTAURANTS

Chicago offers a virtual United Nations of eating choices. Ethnic neighborhoods such as Chinatown, Greektown, West Rogers Park and Pilsen are among those offering tempting tastes from around the world. Chicago is also proud to be home to award-winning restaurants and world-renowned chefs, as well as world famous deep-dish pizza!

## MUSEUMS

Chicago is world-renowned for its diverse collection of museums exploring history, art, African-American culture, astronomy, natural history and much more. Plan on spending time at Chicago's Museum Campus which conveniently joins the Adler Planetarium & Astronomy Museum, the Shedd Aquarium/Oceanarium and the Field Museum of Natural History.

Beginning May 26, The Field Museum will host *Tutankhamen and the Golden Age of the Pharaohs*. Visitors to the new exhibition—twice the size of the original 1977 exhibition—will view stunning artifacts that portray the splendors of life and death in the 18th Dynasty.

Other Chicago museums include the Chicago Historical Society, the Museum of Science and Industry, the DuSable Museum of African-American History, the Art Institute of Chicago, the Museum of Contemporary Art, the Museum of Contemporary Photography and the Chicago Cultural Center.

## ATTRACTIONS

Chicago is home to a variety of spectacular attractions including Navy Pier, the city's lakefront playground offering the serene setting of the Crystal Gardens and the magnificent beauty of the Smith Museum of Stained Glass Windows.

Chicago is the proud home of two of Major League Baseball's most storied franchises, the 2005 World Series Champion Chicago White Sox and the Chicago Cubs. The White Sox will be at home June 23-25 vs. the Houston Astros and July 3-6

vs. the Baltimore Orioles. The Cubs will be at home June 26-29 for four games vs. the Milwaukee Brewers and on June 30-July 2 for an inter-league series with the Chicago White Sox.

## ARCHITECTURE

From historic landmark buildings to contemporary technological masterpieces, Chicago is built of the unique and innovative designs that have shaped America. To learn more about Chicago's acclaimed architecture, the Chicago Architecture Foundation offers more than 50 walking or bus tours, conducted by knowledgeable guides. If you'd rather sightsee by boat, an architectural boat cruise on the Chicago River shows bridge houses and Loop skyscrapers from a wonderful vantage point. If you prefer a self-guided tour, "Audio Architecture," a taped walking tour of the Chicago Loop is available for rental from the Chicago Office of Tourism at the Chicago Cultural Center.

For more information about Chicago, visit the NACUA Annual conference homepage at <http://www.nacua.org/meetings/ac2006/AboutChicago.html>.

Information provided by Chicago CVB



# Thank You to Our Sponsors

NACUA would like to express our gratitude to the following organizations and law firms for their generous support of the 2006 Annual Conference. Their contributions are essential to NACUA's ability to deliver an annual conference providing strong educational training, professional development, and networking opportunities.

NACUA Annual Conference sponsorship provides organizations and law firms with the unique opportunity to demonstrate their strong support for the higher education community and attorneys who serve colleges and universities, as well as promote their services to a community looking to them for support and solutions.

With five discrete tiers of sponsorship, sponsoring organizations and law firms can select a sponsorship level and activity that best suits them. Each sponsorship level includes various benefits, such as printed acknowledgment in conference materials, recognition on-site at the conference, and complimentary conference CD-ROMs and registrations.

If your firm or organization is interested in serving as a sponsor of NACUA's 2006 Annual Conference, please contact Miriam S. Miller, Manager of Membership and Outreach Services, at 202-833-5948 or via email at [msm@nacua.org](mailto:msm@nacua.org).

---

## PLATINUM LEVEL

### Employment Law Alliance

Bond, Schoeneck & King  
Curiale Dellaverson Hirschfeld & Kraemer LLP  
Edwards Angell Palmer & Dodge  
Gray, Plant, Mooty, Mooty & Bennett, P.A.  
Holland & Hart  
Ice Miller LLP  
Locke, Liddell & Sapp  
Michael Best & Friedrich LLP  
Miller Canfield Paddock & Stone, PLC  
Miller Nash LLP  
Reed Smith  
Santamarina y Steta  
Vedder Price Kaufman & Kammholz

### Sidley Austin Brown & Wood

---

## GOLD LEVEL

Pillsbury Winthrop Shaw Pittman LLP

---

## SILVER LEVEL

Bowditch & Dewey, LLP  
Dow, Lohnes & Albertson  
Gardner Carton & Douglas  
Hogan & Hartson  
TIAA-CREF  
West

---

## BRONZE LEVEL

Bulkley, Richardson and Gelinas, LLP  
Holland & Knight LLP  
Pugh, Jones, Johnson & Quandt, P.C.  
Wildman, Harrold, Allen & Dixon

---

## CRYSTAL LEVEL

Drinker, Biddle & Reath  
Franczek Sullivan P.C.  
Ober | Kaler  
Ropes & Gray  
Womble Carlyle

---

# Special & New Member Sessions

SPECIAL SESSION

## Emerging Trends in Higher Education Law and Practice: A Conversation with Bill Kaplin and Barbara Lee

Monday, June 26, 8:00 am - 9:00 am

Join us for this special session with the authors of the widely used treatise *The Law of Higher Education*. Bill Kaplin, Professor of Law and Special Counsel at the Catholic University of America, and Barbara Lee, Dean of the School of Management and Labor Relations at Rutgers University and Counsel, Edwards Angell Palmer & Dodge, LLP, are completing work on the 4th Edition of their authoritative guide to higher education law, to be published in summer 2006. They will share their observations on new and major trends they see in the direction of higher education law based on their impressions gleaned in preparing the new edition of their book, and respond to audience questions. They will be joined by NACUA President Melinda Grier and CEO Kathleen Curry Santora, who will add insights and information drawn from recently completed NACUA surveys and focus groups. Take advantage of this special opportunity to look into the future of college and university law.

## New Member Sessions

We are pleased to offer two events designed to acclimate new members to their first Annual Conference and general higher education law issues, as well as meet fellow new members of NACUA. Whether you are a new attorney or an experienced attorney new to higher education law, we highly encourage you to attend the following:

### Pre-Conference Workshop for Lawyers New to Higher Education

Saturday, June 24-Sunday, June 25

This comprehensive and intensive workshop is designed to provide lawyers new to the practice of higher education law with an orientation into key areas of college and university law. For more information, please see page 9.

## Opening Plenary Session: "The New Supreme Court"

Sunday, June 25, 1:00 pm - 2:30 pm

The composition of the United States Supreme Court has changed dramatically over the last year. With the death of Chief Justice William Rehnquist and retirement of Associate



David Strauss

Justice Sandra Day O'Connor, followed by the appointments of Chief Justice John Roberts and Associate Justice Samuel Alito, the Court has its first new members in 10 years. Needless to say, there is intense speculation about the impact these new Justices will have on the Court's jurisprudence. NACUA is pleased to have as our opening plenary session speaker Professor **David A. Strauss**, Harry N. Wyatt Professor of Law at the University of Chicago School of Law. Professor Strauss is a distinguished constitutional scholar and co-editor of *The Supreme Court Review*. He has argued 18 cases before the U.S. Supreme Court and authored numerous scholarly articles on constitutional law and other legal topics. Prior to joining the law school faculty in 1985, he served in the U.S. Department of Justice Office of Legal Counsel and as Assistant to the Solicitor General of the United States. In 1990, Professor Strauss served as special counsel to the Senate Judiciary Committee in connection with

the nomination of Justice David Souter to the Supreme Court, and last fall he testified before the Judiciary Committee during its hearings on the nomination of John Roberts to be Chief Justice.

Professor Strauss will share his thoughts on the confirmation process and the effect the new Justices will have on the Court, including an examination of cases decided prior to and during the Court's 2005 Term, recent trends in the thinking of the Court and its individual members and the dynamics of coalition building and relationships among the Justices. He will also comment on how cases and issues of particular interest to higher education are likely to fare in the new Supreme Court.

Please join us for a thoughtful and thought-provoking examination of the changes in this preeminent American legal institution.

**Professor Strauss will be following up his plenary session address with a separate conference session on Monday, June 26, 11:15 am - 12:30 pm.** His topic will be "Political Labels and Supreme Court Justices." Professor Strauss will discuss whether traditional terms such as "conservative", "liberal", "moderate" and "activist" are truly useful in understanding how individual Justices understand their role on the court and how they decide cases. We are delighted to welcome Professor Strauss for this additional session. See full session description on page 15.

Please note that there is a separate workshop fee of \$119 for members and \$199 for non-members.

**Lawyers New to NACUA Luncheon**  
Sunday, June 25, 11:30 am - 12:45 pm

Join NACUA's Board of Directors and Past Presidents for an informational networking luncheon! The luncheon will give attendees

the opportunity to meet NACUA leaders, as well as fellow new NACUA members. President Melinda Grier will officially welcome new members to the Association and make a brief presentation on NACUA membership benefits and volunteer opportunities. A boxed lunch will be served.

## Computer Resource Sessions

Once again, the Annual Conference features a full set of sessions designed to enhance the computer skills and knowledge of NACUA



Barron K. Henley

members. We are pleased to welcome back to the Annual Conference Barron K. Henley of Henley, March & Unger, Inc. An attorney and “legal technologist” with 15 years of experience, Mr. Henley consults and lectures nation-

wide on legal technology applications and strategies for practice management, document management, file management, mobile lawyering, scanning and imaging and specific software programs. He will be leading the following three sessions on Tuesday, June 27:

### Session 4B: Legal Technology Tips, Tricks, Gadgets and Cool Stuff

Tuesday, June 27, 9:15 am - 10:30 am  
(Regular Session)

New and updated for 2006! Registrants at the 2005 Annual Conference in Orlando loved this session, the fastest 90 minutes you'll ever experience. NACUA members are guaranteed to learn something new and discover that amazing legal technology does not have to cost a fortune. (See full description on page x).

### Session 6H: Digital Document Management, Scanning and Harnessing the Power of Adobe Acrobat

Tuesday, June 27, 2:00 pm - 3:15 pm  
(Limited Enrollment Session)

An ingenious system for paper reduction and file management that will change the way you work. (See full description on page x).

### Session 7I: Blueprint for a Mobile Law Office

Tuesday, June 27, 3:45 pm - 5:00 pm  
(Limited Enrollment Session)

Everything you need for a complete mobile lawyer's toolkit, whether traveling across campus or across the country—from laptops to cell phones and PDAs to portable scanners and more! (See full description on page x)

### Navigating NACUANET and the NACUA Web Page

Session 3H: Monday, June 26,  
11:15 am - 12:45 pm

Session 8H: Wednesday, June 28,  
8:30 am - 10:00 am

The Annual Conference will again feature two limited enrollment sessions devoted exclusively to helping members learn how to get the most out of NACUANET and the resources on the NACUA website. Led by NACUA staff members John Bishop, Karl Brevitz, Melissa Rooker and Loretta Johnson, these sessions will demonstrate the newest features on the NACUA website and how to use some advanced features of NACUANET (including accessing and searching the on-line archives).

### Individual NACUANET and NACUA Web Page Orientation Sessions!

Sign up at NACUA Information Central for 15-minute individual sessions with NACUA staff members. Obtain your NACUA usernames and passwords, subscribe to NACUANET, adjust your personal NACUANET settings, access and edit your membership profile in the NACUA database, or have your questions regarding use of NACUA's electronic services answered.

15-minute sessions may be scheduled during the following time blocks:

- Monday, June 26, 9:15 am - 10:45 am
- Tuesday, June 27, 2:00 pm - 3:15 pm
- Wednesday, June 28, 10:30 am - 12:00 pm

### Cyber Café sponsored by Pillsbury Winthrop Shaw Pittman, LLP

Saturday, June 24, 8:00 am - Wednesday, June 28, 12:00 pm

This year's Cyber Café will be open 24 hours a day from Saturday through Wednesday during the Conference. Please remember, in order to use the Cyber Café, you must wear your NACUA name badge.

## Planning for Your Retirement: Personal Consultations with TIAA-CREF Counselors

Representatives from TIAA-CREF will be available Sunday, June 25 – Tuesday, June 27 for scheduled sessions to confer with TIAA-CREF participants on their personal plans for retirement. A photo I.D. and Social Security number are needed to schedule your personal consultation. Attendees will be able to schedule their sessions in advance of the conference via a special Website (available in the spring), or on-site at the Conference in the Registration Area.

TIAA-CREF is a leading national provider of financial services and one of the world's largest pension systems with more than \$325 billion in assets under management, serving approximately 3.2 million people and 15,000 academic, research, medical and cultural institutions nationwide. TIAA-CREF and its group of companies provide a broad range of products and services including Annuities, Mutual Funds, IRAs, Keogh Plans, Life Insurance, Trust Services and College Savings Programs.

Sign up for Counseling Sessions during the following time blocks:

- Sunday, June 25, 1:00 pm-5:00 pm  
(last appointment begins at 4 pm)
- Monday, June 26, 8:00 am-5:00 pm  
(last appointment begins at 4 pm)
- Tuesday, June 27, 8:00 am-5:00 pm  
(last appointment begins at 4 pm)

NEW THIS  
YEAR!

## Pre-Conference Roundtable for New and Recently Appointed In-House General Counsel

Saturday, June 24, 1:00 pm - 5:00 pm



Each year, between 25 and 50 lawyers are appointed in-house General Counsel at NACUA member institutions. Assuming the many responsibilities of the General Counsel or Chief Legal Officer of a college or university can be a daunting challenge. NACUA is proud to sponsor this new pilot program in conjunction with at the Annual Conference for members beginning their service as institutional General Counsel/Chief Legal Officer. This unique seminar will provide members newly or recently appointed as in-house General Counsel an opportunity to spend an afternoon with a group of NACUA members with many years of experience serving as their institution's Chief Legal Officer. Using an informal, roundtable format, seminar leaders will lead discussion on topics such as:

- General Counsel Relationships with Board, President, Administrators and Faculty
- Key Institutional Policies and Compliance Obligations to Examine
- General Counsel Office Organization and Budgeting
- Time and Matter Management
- Hiring, Evaluation and Retention of Staff
- Management of External Counsel and Fees
- Measuring and Evaluating Performance as General Counsel

Emphasis will be placed on discussion and questions, with many opportunities to exchange ideas and share experiences, problems and successes. The seminar will conclude with a reception for participants and seminar leaders. Attendance is limited to 20 participants newly or recently appointed as the in-house General Counsel/Chief Legal Officer of their institution.

Please join us for this unique program. It is your opportunity to spend an afternoon with other new and experienced General Counsel and to benefit from the knowledge, insights and experiences of colleagues.

### Leaders for this session include seasoned NACUA members:

Pamela Bernard, NACUA Past President, Vice President & General Counsel, University of Florida

Thomas Cline, Vice President and General Counsel, Northwestern University

Marianne Schimelfenig, General Counsel, Saint Mary's College of California

Greggory Keith Spence, Vice President and General Counsel, The New School

*Please note that there is a separate registration fee of \$49. General Counsel who also attend the Pre-Conference Workshop for Lawyers New to Higher Education, scheduled concurrently on Saturday afternoon, may attend the Roundtable for New and Recently Appointed General Counsel without additional charge.*

# Pre-Conference Workshop for Lawyers New to Higher Education

This comprehensive and intensive workshop provides lawyers new to higher education law with an orientation into key areas of practice, including Title VI, student discipline, copyright and faculty concerns. Taught by skilled and accomplished NACUA members, this foundation-building workshop is designed to bring you up to speed whether you are a recent law school graduate or an experienced lawyer advising colleges and universities for the first time. You will learn from the experts, meet new NACUA members and get your questions answered. Take advantage of this incredible opportunity!

**Pre-Conference Workshop Fees:** \$119 for members, \$199 for non-members

**Special Discount on NACUA Handbook:** Registrants of the Pre-Conference Workshop may purchase NACUA's popular *Handbook for Lawyers New to Higher Education* at the special price of \$95—a savings of \$55.

## Pre-Conference Workshop Schedule

### Saturday, June 24

8:45 am – 9:00 am

#### Welcome and Introduction to the Workshop

Kathleen Curry Santora  
CEO, NACUA

Mary E. Kennard  
Second Vice President, NACUA  
Vice President and General Counsel,  
American University

9:00 am – 10:15 am

#### Ethics and Working Within the College and University Environment: A Welcome to the Higher Education Counsel's Office

MODERATOR  
Mary E. Kennard, Vice President and  
General Counsel, American University

SPEAKERS  
Benjamin Rawlins, General Counsel,  
Oregon University System  
Marianne Schimelfenig, General Counsel,  
Saint Mary's College of California

10:15 am – 10:30 am

#### Break

10:30 am – 11:45 am

#### Key Federal Statutes and Regulations: FERPA and the Campus Security Act

SPEAKERS  
Nancy S. Footer, Vice Chancellor &  
General Counsel, University of North Texas  
System  
Robin Parker, General Counsel, Miami  
University

11:45 am – 1:00 pm

#### Lunch

1:00 pm – 2:15 pm

#### Discrimination Law in Higher Education

MODERATOR  
Odessa Jackson, Deputy General Counsel,  
Howard University

SPEAKERS  
Megan Norris, Miller, Canfield, Paddock  
and Stone  
William Thro, State Solicitor General,  
Commonwealth of Virginia

2:15 pm – 2:30 pm

#### Break

2:30 pm – 3:45 pm

#### Student Discipline

MODERATOR

Joel Pierre-Louis, Associate Counsel,  
State University of New York

SPEAKERS

Lucien (Skip) Capone III, University  
Counsel, University of North Carolina  
at Greensboro

Nancy E. Tribbensee, Associate Vice  
President for Legal Affairs, Arizona State  
University

3:45 pm – 5:00 pm

#### Pre-Conference Workshop Reception for Speakers and Registrants

### Sunday, June 25

8:30 am – 9:15 am

#### Copyright Law for Colleges and Universities: The Basics

Georgia Harper, Senior Attorney,  
University of Texas System

9:15 am – 10:00 am

#### Tax Law of Colleges and Universities: The Basics

Sean Scally, University Counsel and Tax  
Attorney, Vanderbilt University

10:00 am – 10:15 am

#### Break

10:15 am – 11:30 am

#### Faculty Concerns

MODERATOR

Nancy Hall-Walker, General Counsel/Vice  
President, Chicago State University

SPEAKERS

Barbara A. Lee, Dean of the School of  
Management and Labor Relations,  
Rutgers, The State University of New  
Jersey

Beverly Ledbetter, Vice President &  
General Counsel, Brown University

11:30 am – 12:45 pm

#### Lawyers New to NACUA Luncheon

	Business (BZ)	Diversity and Civil Rights (CD)	General Counsel (GC)	Labor and Employment (LE)
<b>Sunday</b> <b>3:00 – 4:15</b>	<b>1A</b> Doing Business Overseas: Issues and Guidance on Legal Structures, Tax Implications, and Compliance with Various Laws	<b>1C</b> Sexual, Religious, Racial and Other Harassment	<b>1B</b> Are You Looking at Me? Building an Effective Relationship with Your Board, and Guiding Presidents in Challenging Times	<b>1C</b> Sexual, Religious, Racial and Other Harassment
<b>Monday</b> <b>9:15 -10:45</b>	<b>2A</b> Troubleshooting a Troubled Project: Navigating Your Way Through Design and Construction Contracts	<b>2C</b> FMLA and ADA/ Workers' Compensation: We Know the Law, So How Do We Apply It?	<b>2B</b> Government Relations: Expanding Your Capabilities Through More Arrows in Your Quiver	<b>2C</b> FMLA and ADA/ Workers' Compensation: We Know the Law, So How Do We Apply It?
<b>11:15 - 12:45</b>	<b>3A</b> Problem Gifts and Prudent Investments	<b>3C</b> Current Issues in Age Discrimination	<b>3B</b> ABCs of Training for Department Chairs and Deans	<b>3C</b> Current Issues in Age Discrimination
<b>Tuesday</b> <b>9:15 - 10:30</b>	<b>4A</b> Key Issues in Tax Law: State, Federal and Local	<b>4E</b> Implementing Diversity Best Practices in Admissions, Student Life & Employment: The Devil is in the Details	<b>4B</b> Legal Technology Tips, Tricks, Gadgets and Cool Stuff	<b>4C</b> Snooping, Spying, and Surveillance of Employees
<b>11:00 – 12:15</b>	<b>5A</b> Discussion Group: Commercialization on Campus	<b>5D</b> Baby Boomers, GenXers or Baby Busters: How to Effectively Communicate Among the Generations	<b>5G</b> Forum: Governance and Corporate Compliance	<b>5B</b> Adjunct and Part-Time Faculty: Is Keeping Up with Them a Full Time Job?
<b>1:45 – 3:00</b>	<b>6A</b> Advanced Contracts Administration	<b>6F</b> Learning Disabilities Under the ADA: Substantially Limited When Compared to Whom?	<b>6B</b> General Counsel Annual Reports: So What Have You Done For Me Today? And What Can You Do Tomorrow?	<b>6G</b> Forum: Higher Education Employment Law
<b>3:30 – 5:00</b>	<b>7A</b> Follow the Money: Anti-Terrorism Laws on Campus	<b>7B</b> A Case Study of Intercultural Institutional Conflict: Working with Your Board and President in A Time of Institutional Crisis	<b>7B</b> A Case Study of Intercultural Institutional Conflict: Working with Your Board and President in A Time of Institutional Crisis <b>7I</b> Digital Document Management, Scanning and Harnessing the Power of Adobe Acrobat	<b>7C</b> In a Nutshell: Basic Immigration Questions Counsel May Face in the Hiring Process <b>7H</b> Forum: Politics and Religion on Campus
<b>Wednesday</b> <b>8:45 – 10:00</b>		<b>8F</b> Women in Athletics: Title IX Update, Non-traditional Sports, Employment and Other Issues	<b>8A</b> The “SOX” Are Coming: Sarbanes-Oxley-Style Accountability Measures	<b>8B</b> Discussion Group: When the Union Comes Knocking: Managing a Union Organizing Campaign Under the National Labor Relations Act
<b>10:30 – 12:00</b>	<b>9A</b> South Campus Gateway: A Model for University Engagement and Collaboration with the Private Sector in the Revitalization of its Adjacent Neighborhoods		<b>9B</b> Discussion Group: Shadow Boxing and Shadow Lives: Living with Lawyers and Lawyering on the Governing Board and/or in the President's Office	<b>9C</b> Employee Benefits: A Primer on How to Talk the Talk

Litigation and Risk Management (LR)	Professional Development (PD)	Research/ Intellectual Property (RP)	Student Affairs/ Athletics (SA)
<b>1D</b> Effective Management of the Internal Dispute Resolution Process	<b>1E</b> Discussion Group: Challenging Colleagues and Clients	<b>1F</b> Copyright: Fair Use or Foul? How to Make the Call	<b>1G</b> Forum: Student Affairs Law
<b>2D</b> Preparing for E-Discovery: Don't Let Your U be Zubu 2	<b>2E</b> What to Say When "No Comment" Won't Do: Media Skills for Lawyers	<b>2F</b> Discussion Group: Animal Subject Research: Special Considerations for Maintaining Security Dealing with Activists	<b>2G</b> International Students & Scholars, Big Brother, and You: Coping in the Post 9/11/2001 Era <b>2H</b> Forum: Intercollegiate Athletics and Sports Law
<b>3D</b> Discussion Group: You Want ME to Testify? University Counsel in the Hot Seat	<b>3E</b> Political Labels and Supreme Court Justices <b>3H</b> Navigating the NACUANET & the NACUA Web Page	<b>3G</b> Forum: Research and Technology Transfer Law	<b>3F</b> Discussion Group: Students with Criminal Backgrounds
<b>4D</b> Blowing Whistles in the Wind: What You Don't Know About the False Claims Act Can Hurt You	<b>4E</b> Implementing Diversity Best Practices in Admissions Student Life & Employment: The Devil is in the Details	<b>4F</b> Scary Times for Federal Research: Grants Compliance Investigations, Enforcement and Reform Measures	<b>4G</b> Suicide and Self-Harm: Legal Trends and Risk Management
<b>5C</b> Establishing an Effective Compliance Program: Compliance Hotlines and the Role of the Office of General Counsel	<b>5D</b> Baby Boomers, GenXers or Baby Busters: How to Effectively Communicate Among the Generations	<b>5E</b> Research Involving Human Embryonic Stem Cells	<b>5F</b> You Can't Tell the Players Without a Scorecard: A Primer on the NCAA and NAIA
<b>6C</b> Litigation Year In Review: News from the Front Lines – And the Audience	<b>6D</b> Hot Topics in Ethics <b>6H</b> Digital Document Management, Scanning and Harnessing the Power of Adobe Acrobat	<b>6E</b> From Bio to Nano: Patents and the New Technologies	<b>6F</b> Learning Disabilities Under the ADA: Substantially Limited When Compared to Whom?
<b>7D</b> Behind Enemy Lines: Plaintiffs' Lawyers Teach Us How to Avoid Land Mines	<b>7E</b> Discussion Group: Controlled Chaos: Best Practices in Law Office Management <b>7I</b> Blueprint for a Mobile Law Office	<b>7F</b> Research Misconduct Cases: New PHS Regulations and Comparisons of Different Agency Approaches	<b>7G</b> Privacy, from FERPA to Facebook <b>7H</b> Forum: Politics and Religion on Campus
<b>8C</b> Two New Worries for Campus Risk Managers	<b>8D</b> Five Mistakes You're About to Make: Ethical Issues in Criminal Investigations <b>8G</b> Navigating the NACUANET and the NACUA Web Page	<b>8E</b> Special Subject Populations: Human Subject Research with Children, Prisoners, Pregnant Women and the Decisionally Impaired	<b>8F</b> Women in Athletics: Title IX Update, Non-traditional Sports, Employment and Other Issues
		<b>9D</b> Non-Traditional IP and Tech Transfer: Licensing Copyrights, Biological Materials, Trademarks and Trade Secrets <b>9F</b> Forum: Intellectual Property and Computer Law	<b>9E</b> Spirited Students: Preventing and Managing Risks Resulting from Alcohol

# NACUA 46th Annual Conference Schedule

## KEY CODES

### Tracks

- (BZ) Business
- (DC) Diversity and Civil Rights
- (GC) General Counsel
- (LE) Labor and Employment
- (LR) Litigation
- (PD) Professional Development
- (RP) Research/Intellectual Property
- (SA) Student Affairs/Athletics

### Session Types

- (SDG) Small Discussion Group
- (PNL) Panel Discussion

### Session Levels\*

- (ADV) Advanced
- (BAS) Basic
- (ADV/INT) Advanced/Intermediate
- (BAS/INT) Basic/Intermediate

\*Sessions not labeled are Intermediate

Special Interest Groups are numbered SIG1 – SIG8

## Saturday, June 24

24 hours  
**Cyber Café**  
*sponsored by Pillsbury Winthrop Shaw Pittman, LLP*

8:30 am - 3:45 pm  
**Committee Meetings**

8:45 am - 3:45 pm  
**Pre-Conference Workshop for Lawyers New to Higher Education**  
(see schedule pg 9)

1:00 pm – 5:00 pm  
**New! Pre-Conference Roundtable for New and Recently Appointed In-House General Counsel**

3:45 pm - 5:00 pm  
**Pre-Conference Workshop Reception**  
for Registrants and Speakers

## Sunday, June 25

24 hours  
**Cyber Café**

8:30 am - 11:30 am  
**Board of Directors Meeting**

8:30 am - 11:30 am  
**Pre-Conference Workshop for Lawyers New to Higher Education**  
(continued) (see schedule pg 9)

10:00 am - 11:30 am  
**WACO Meeting**

11:30 am - 12:45 pm  
**Lawyers New to NACUA Luncheon**  
(Pre-Conference Workshop Registrants invited) (see description pg 6)

11:45 am - 12:45 pm  
**Special Interest Groups**

SIG1. Museums, Libraries and Collections  
Maria Simon, School of the Art Institute of Chicago

SIG2. Church-related Institutions  
Ellen K. Munro, Loyola University of Chicago

SIG3. Community Colleges  
Miles LeBlanc, Houston Community College System

SIG4. Campus Real Estate and Development

SIG5. General Counsel  
Gregory Keith Spence, The New School

SIG6. Historically Black Institutions  
Norma B. Leftwich, Howard University

SIG7. Smaller In-House Counsel Offices  
David G. Ellis, Lewis & Clark College

SIG8. Health Sciences/Academic Medical Centers  
Andrew Newton, Medical College of Georgia

1:00 pm - 2:30 pm  
**Welcome and Plenary Session**  
*sponsored by Employment Law Alliance*

Opening Remarks  
Melinda Grier, President, NACUA  
General Counsel, University of Oregon

Welcoming Remarks

Program Update  
Henry L. Cuthbert  
First Vice President, NACUA  
Senior University Legal Counsel, University of Wisconsin-Madison

State of the Association  
Kathleen Curry Santora  
CEO, NACUA

Opening Plenary Address  
“The New Supreme Court”  
Professor David A. Strauss  
Harry N. Wyatt Professor of Law at the University of Chicago School of Law  
(see description pg 6)

2:30 pm – 3:00 pm  
**Break** *sponsored by Employment Law Alliance*

3:00 pm - 4:15 pm

**1A. Doing Business Overseas: Issues and Guidance on Legal Structures, Tax Implications, and Compliance with U.S. Laws (BZ)**

- Types of business conducted overseas: Acquisition/provision of goods and services; Conferences; Publishing; Student and faculty exchanges; Sponsored research; Foreign campuses

- Legal structures: Separate entity or contractual relationship; Entity selection; Tax issues

- Contracting in Foreign Jurisdictions

**MODERATOR**

Peter F. May, The School for International Training (World Learning Inc.)

**SPEAKERS**

Amy Davine Kim, Patton Boggs

Caroline O'Neill, The George Washington University

Claire H. Topp, Dorsey & Whitney, LLP

**1B. Are You Looking At Me? Building A Functional and Effective Relationship with Your Board, Making The Corporate Record and Guiding Presidents and Boards in Challenging Times (GC)(PNL)**

- Board's relationship with the General Counsel and the importance of the corporate record
- Essential legal guidance for board orientations
- Best practices in maintaining the corporate record, including bylaws, minutes, and other corporate documents
- How to guide critical legal or procedural matters during board and committee meetings

**MODERATOR**

Kathleen A. Rinehart, Whyte Hirschboeck Dudek, S.C.

**SPEAKERS**

Pamela J. Bernard, University of Florida

Barbara A. Lee, Rutgers, The State University of New Jersey

**1C. Sexual, Religious, Racial and Other Harassment (DC)(LE)**

- Legal Update: An overview of the latest cases addressing the definition of hostile environment; implications of the First Amendment; and the difference between inappropriate and unlawful behavior
- Latest Prevention Techniques: The newest campus policies and procedures
- Responding to Complaints and Conflicts: Proper investigation techniques; anonymous complaints; standard of proof; the role of counsel

**MODERATOR/SPEAKER**

Stephen J. Hirschfeld, Curiale Dellaverson Hirschfeld & Kraemer LLP

**SPEAKERS**

Danielle Hess, University of Idaho

Karen McAndrew, Dinse, Knapp & McAndrew

**1D. Effective Management of the Internal Dispute Resolution Process (LR)(PNL)**

- University counsel's role in guiding the process and advising decision makers while maintaining the attorney-client privilege
- Working with incomplete, conflicting, or nonsensical written procedures
- Managing overlapping dispute resolution procedures, simultaneous internal or outside investigations and litigation
- Handling involvement by outside interest groups

**MODERATOR**

Tracy M. Smith, University of Minnesota

**SPEAKERS**

Ellen M. Babbitt, Babbitt & Melton

Susan L. Wheeler, James Madison University

**1E. Discussion Group: Challenging Colleagues and Clients (PD)(SDG)**

- The "lawyer-averse" administrator who refuses to involve counsel until things go wrong
- The lawyer on the board of trustees who second-guesses counsel's analysis and advice
- The "shadow lawyer" who usurps university counsel's role as legal advisor to the campus and spreads misinformation
- The administrator who obtains but then ignores your advice
- Clients who don't believe in confidentiality

**LEADERS**

Dennis H. Blumer, The George Washington University

Nancy S. Footer, University of North Texas System

Benjamin E. Rawlins, Oregon University System

**1F. Copyright: Fair Use or Foul? How to Make the Call (RP)(BAS/INT)**

- Overview of ownership and fair use basics
- Assisting faculty and student compliance
- Avoiding infringement
- Maximizing use of "fair use"

**MODERATOR**

Cathy Kiselyak Austin, Gardner, Carton & Douglas

**SPEAKERS**

Jack Bernard, The University of Michigan

Darren S. Cahr, Gardner, Carton & Douglas

**1G. Forum: Student Affairs Law**

**LEADER**

E. Lee Davis, Georgia Southern University

4:30 pm – 5:30 pm

**Honors and Awards Ceremony**

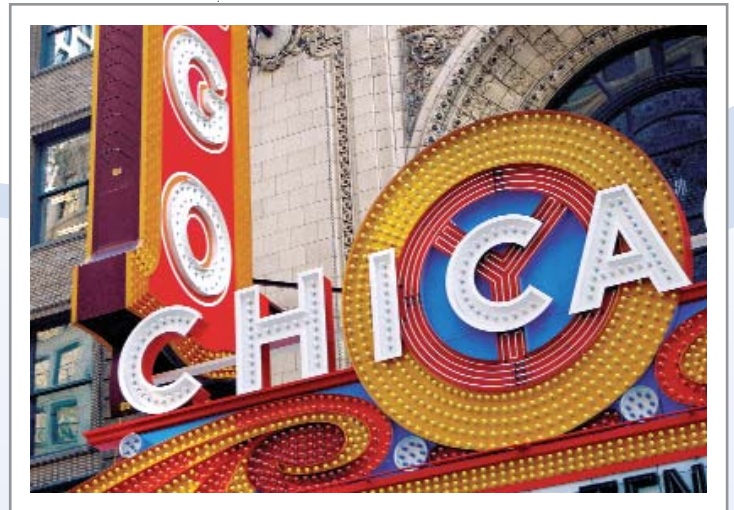
(see description p. 27)

6:00 pm – 7:30 pm

**Opening Reception**

sponsored by Sidley Austin Brown & Wood

(see description p. 27)



Monday, June 26

24 hours  
Cyber Café

7:00 am - 9:00 am  
**Rise and Shine Networking Breakfast**  
(see description p. 27)

8:00 am - 9:00 am  
**SPECIAL! Emerging Trends in Higher Education Law and Practice: A Conversation with Bill Kaplin and Barbara Lee**  
(see description p. 6)

9:15 am -10:45 am  
**Individual NACUANET and NACUA Web Page Orientation Sessions**  
(please sign up at the Registration Desk)  
(see description p. 7)

9:15 am -10:45 am  
**2A. Troubleshooting a Troubled Project: Navigating Your Way Through Design and Construction Contracts (BZ)(ADV)**

- Pre-Contract – Putting together the Project Team  
Evaluating project delivery systems; Pre-qualifying contractors and design professionals; Developing the scope of work and RFP; Preconstruction services
- Contract Administration  
Documenting progress and issues; Communication; Scheduling; Applications for payment and withholding payment; Project administration; Ownership of documents; Indemnification; Confidentiality
- Disputes  
Scheduling delay and loss of productivity claims; Differing site conditions; Design defects/omissions; Mechanic's liens; Material deliveries/cost increases; Liquidated and consequential damages
- Termination and Suspension

MODERATOR  
Jenee M. Straub, Wildman, Harrold, Allen & Dixon

SPEAKERS  
Shannon J. Briglia, Moore & Lee, LLC  
Gregory R. Faulkner, Brown Raysman Millstein Felder & Steiner LLP

**2B. Government Relations: Expanding Your Capabilities Through More Arrows in Your Quiver (GC)(BAS)(PNL)**

- Using national associations to foresee changes to, or opportunities to change, regulations and laws
- Working with associations and their Government Affairs offices to draft desired regulatory and statutory changes
- Coordinating with the associations and Government Affairs offices in commenting on proposed regulatory and statutory changes
- Working with Government Affairs offices to advocate University positions at the federal and state levels

MODERATOR  
Jose D. Padilla, DePaul University

SPEAKERS  
Dorothy K. Robinson, Yale University  
Peter Rouse, Chief of Staff, Office of Senator Barak Obama  
Michael Waring, Executive Director of Federal Relations, The University of Michigan - Ann Arbor

**2C. FMLA and ADA/Workers' Compensation: We Know the Law, So How Do We Apply It? (DC)(LE)(ADV)(PNL)**

- Overview of the FMLA and ADA and new legal developments
- Recent cases and issues relating to retaliation claims and accommodations
- Institutional policies and common mistakes
- Case studies

MODERATOR  
Jacqueline Conforti Barnett, Pennsylvania State System of Higher Education

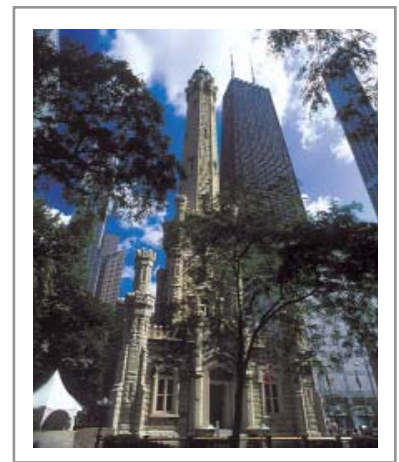
SPEAKERS  
Elizabeth C. Bunting, University of North Carolina  
Darrell R. VanDeusen, Kollman & Saucier

**2D. Preparing for E-Discovery: Don't let your U be Zulu 2! (LR)(ADV)**

- The institution's obligation to preserve, review and produce electronic data and documents
- Litigation holds - who, what, when, why and how, including sample forms and checklists
- Litigation holds - "in theory" versus "in practice" (finding the balance between keeping both the judge and your clients placated)
- Coordinating the roles of counsel, administration, staff, and IT
- Sanctions for non-compliance

MODERATOR  
Alan Garfinkel, University of Pittsburgh

SPEAKERS  
Douglas F. Seaver, Hinckley, Allen & Snyder  
Susan Westover, California State University



**2E. What to Say When "No Comment" Won't Do: Media Skills for Lawyers (PD)**

- Helping your client work with the media and breaking news - and how your client can best utilize legal counsel
- How to effectively interact with the press as legal counsel
- Crisis management/coordination
- Impact of sunshine laws
- Working with various media, including print, broadcast and emerging media (e.g., blogs)
- Perspectives from members of the press

MODERATOR  
Jack C. Doppelt, Professor, Medill School of Journalism, Northwestern University

SPEAKERS  
Goldie Blumenstyk, Senior Writer, *The Chronicle of Higher Education*  
Elsa Kircher Cole, National Collegiate Athletic Association  
Christine Martin, Vice President for Institutional Advancement, West Virginia University

**2F. Discussion Group: Animal Subject Research – Special Considerations for Maintaining Security and Dealing with Activists (RP)(SDG)**

- Assessing security for campus facilities and researchers
- Taking the high ground with PR efforts
- Re-starting the research enterprise after an attack
- Potential impact of growing animal law movement
- Responding to open records/open meeting requests

LEADERS  
Richard W. Bianco, Office of Vice President of Research, University of Minnesota  
Grainne Martin, University of Iowa

## 2G. International Students & Scholars, Big Brother, and You: Coping in the Post 9/11/2001 Era (SA)

- International students and Social Security Numbers
- International students and scholars and drivers' licenses
- SEVIS reporting and responses to queries from Immigration & Customs Enforcement
- Arrests and detentions of international students
- Traveling as a foreign national: Students and scholars traveling in and re-entering the U.S.
- Processing for visas at U.S. consulates/embassies – background checks, visa violations, and issues revolving around specific consulates

### MODERATOR/SPEAKER

Benjamin M. Griffiths, University of Wisconsin-Madison

### SPEAKERS

Ellen Dussourd, Director of the International Student and Scholar Office, University at Buffalo

Mark P. Popiel, Director of Immigration Services, University at Buffalo

## 2H. Forum: Intercollegiate Athletics and Sports Law

### LEADER

Kenneth Andre McKanders, Eastern Michigan University

10:45 am – 11:15 am

## Break

*sponsored by TIAA-CREF*

11:15 am - 12:45 pm

## 3A. Problem Gifts and Prudent Investments (BZ)(ADV)

- Fiduciary duties and accountability: Levels and management of risk; Securities laws; UMIFA; Are taxable investments prudent?
- Problem gifts: Control over investment; Restrictions and conditions; Unwinding a gift
- Investment: Commingling CRT funds with endowment funds; Variety of investment vehicles; Investment policy language; UBIT considerations; Performance-based compensation of investment managers

### MODERATOR

Sally S. Harwood, Michigan State University

### SPEAKERS

Gordon L. Beeman, The University of Michigan  
Quin R. Frazer, Gardner Carton & Douglas LLP  
A.L. (Lorry) Spitzer, Ropes & Gray

## 3B. ABCs of Training for Department Chairs and Deans (GC)(PNL)

- What do Department Chairs and Deans need to know about the law?
- Teaching the basics of hiring, firing, promotion, harassment, discrimination and compliance
- How to develop and implement a training program for senior academic administrators

### MODERATOR

Ann H. Franke, WiseResults, LLC

### SPEAKERS

Steven Poskanzer, President, SUNY College at New Paltz

Nancy E. Tribbensee, Arizona State University

## 3C. Current Issues in Age Discrimination Law (LE)

- Disparate impact claims under the ADEA
- Early retirement incentives and RIF's: Do we need to change course?
- Getting the release language right, or, if IBM can't, how can we?
- Recent developments and best practices

### MODERATOR

Beverly E. Ledbetter, Brown University

### SPEAKERS

Jill L. Rosenberg, Orrick, Herrington & Sutcliffe  
Gerald D. Skoning, Seyfarth Shaw

## 3D. Discussion Group: You Want ME to Testify? University Counsel on the "Hot-Seat" (LR)(SDG)

- Whether university counsel should always avoid becoming a witness
- How to avoid becoming a witness
- How to be an effective witness
- The consequences of testifying
- How to protect your communications as privileged
- Why and when you might waive the privilege
- Can you limit the scope of your waiver?
- Can you testify and still participate as counsel for the University?

### LEADERS

Pamela J. Bernard, University of Florida  
Stephen S. Dunham, Johns Hopkins University  
John M. Myers, Montgomery, McCracken, Walker & Rhoads

## 3E. Political Labels and Supreme Court Justices (PD)(BAS)(PNL)

- What does it really mean to refer to the judicial philosophy of a Justice as "conservative," "liberal," "moderate" or "activist"?
- Are these labels useful at all in understanding the jurisprudence of the Court?
- How has the meaning of those terms evolved over time?
- Are there better terms for helping us understand how Justices view their role on the Court?
- What are the most accurate descriptions of the judicial philosophies of the current Justices of the court as evidenced by their opinions and other writings?
- How do these distinct philosophies—if they really are distinct philosophies—affect the way the Justices are likely to decide the cases that are of most importance to higher education?

### SPEAKER

Professor David A. Strauss, Harry N. Wyatt Professor of Law, University of Chicago School of Law

## 3F. Discussion Group: Students with Criminal Backgrounds (SA)(SDG)

- Background checks in the admissions process
- Discovery of criminal background after admission
- What to do with the information after you have it
- Professional programs and internships
- Accreditation issues
- Student life and housing issues

### LEADERS

Steve Milam, The Milam Firm  
Robin L. Parker, Miami University  
John J. Reilly, Case Western Reserve University

## 3G. Forum: Research and Technology Transfer Law

### LEADERS

Jill Bush Raines, University of Oklahoma Health Sciences Center  
Robert E. Bienstock, University of New Mexico

## 3H. Navigating NACUANET and the NACUA Web Page (PD)

John R. Bishop, Director of Information Services, NACUA  
Karl F. Brevitz, Director of Legal Resources, NACUA  
Loretta Johnson, Coordinator of Legal Reference and Information Services, NACUA  
Melissa Rooker, Assistant Director of Legal Resources, NACUA

## Free Afternoon and Evening

## Tuesday, June 27

### 24 hours Cyber Café

8:00 am - 9:00 am

#### Program Breakfast

(see description p. X)

9:15 am - 10:30 am

#### 4A. Key Issues in Tax Law: Federal, State and Local (BZ)

- Proposed tax-exempt organizations reforms and legislation
- Current audit issues
- Charitable giving
- Unrelated business income tax
- Compensation and benefits
- Tax-exempt bond issues
- Joint ventures

##### MODERATOR

Joseph Irvine, The Ohio State University

##### SPEAKERS

Bertrand M. Harding, Law Offices of Bertrand M. Harding, Jr.  
Sean P. Scally, Vanderbilt University

#### 4B. Legal Technology Tips, Tricks, Gadgets and Cool Stuff (GC)

- Software that adds functionality to programs you're already using
- Tools for a paperless or paper-reduced office
- Tools for protecting yourself against hackers, viruses and spyware
- Encryption tools for your computer, email and passwords
- Great web sites you've probably never heard of
- Tips for getting the best deals on legal technology
- Where to get technical advice for free or very little money
- Gadgets you didn't realize you needed (until now)

##### SPEAKER

Barron K. Henley, President, Henley March & Unger Consulting, Inc.

#### 4C. Snooping, Spying and Surveillance of Employees (LE)(BAS)

- Campus security vs. employee privacy rights
- What you can do, must do and can't do
- From basic office searches to advanced technology
- Troubling new technology

##### MODERATOR

Beth Tyner Jones, Womble, Carlyle

##### SPEAKERS

Joseph W. Ambash, Seyfarth Shaw  
Simao J. Avila, University of California

#### 4D. Blowing Whistles in the Wind: What You Don't Know About the False Claims Act Can Hurt You (LR)

- Preventing mistakes from turning into FCA actions
- Preventing disgruntled employees from turning into whistleblowers
- Preventing civil enforcement actions from turning into criminal enforcement actions
- Preventing Qui Tam actions
- A survey of state law whistleblowing and Qui Tam type actions
- Recent federal cases, including: *United States of America ex rel. Jeffrey E. Main v. Oakland City University*

##### MODERATOR

Pierce E. Buller, University of Pennsylvania

##### SPEAKERS

Susan L. Burke, Burke Pyle LLC  
Michael B. Goldstein, Dow, Lohnes & Albertson  
Michael P. Granston, Assistant Director, Commercial Litigation Branch, U.S. Department of Justice

#### 4E. Implementing Diversity Best Practices in Admissions, Student Life and Employment: The Devil is in the Details (DC)(PD)(PNL)

- "Best practices" for implementing the principles of the Michigan cases in recruiting and retaining students and employees
- How are schools determining their "critical mass"?
- What changes have been made to admissions staffing and processes?
- How are schools coordinating the other aspects of diversity?
- Bridge programs, targeted financial aid and admission to selective majors
- What legal techniques can you use to hire and retain a diverse workforce?

##### MODERATOR

Christine Hughes, Emerson College

##### SPEAKERS

Arthur L. Coleman, Holland & Knight  
Steven Glenn Olswang, University of Washington  
Erica Sanders, Associate Director, Office of Undergraduate Admissions, University of Michigan – Ann Arbor

#### 4F. Scary Times for Federal Research: Grants Compliance Investigations, Enforcement and Reform Measures (RP)(PNL)

- Federal "hot button" areas of concerns
- Recent settlements/audits and enforcement actions
- Roles of federal entities involved in investigation and enforcement efforts
- Guidance to university counsel on how to prevent investigations and steps to take if an investigation is initiated

##### MODERATOR/SPEAKER

Ann K. Adams, The George Washington University

##### SPEAKERS

Stephanie M. Graham, Northwestern University  
Robert J. Kenney, Hogan & Hartson

#### 4G. Suicide and Self-Harm: Legal Trends and Risk Management (SA)(PNL)

- Recent developments
- Disability, counseling center and student housing issues
- Privacy & confidentiality
- Hospitalizations
- Withdrawal
- Parental/family notification
- Post-suicide protocols

##### MODERATOR

Jean E. Barrett, Georgia State University

##### SPEAKERS

Linda J. Schutjer, The George Washington University  
Nancy E. Tribbensee, Arizona State University

10:30 am - 11:00 am

### Break

sponsored by *Employment Law Alliance*

11:00 am - 12:15 pm

#### 5A. Discussion Group: Commercialization of Campus (BZ)(SDG)

- Institutional policies and controls
- Commercialization by affiliated entities
- Competition with private business
- Exit strategies

##### LEADERS

Robert J. Haverkamp, The Ohio State University

Ada Meloy, New York University

#### 5B. Adjunct and Part-Time Faculty—Is Keeping Up with Them a Full-Time Job? (LE)

- Defining “part-time”
- Employee or independent contractor?
- Re-appointment rights? Can it be quasi tenure?
- Hiring practices
- Union organization and representation – bargaining units, negotiation issues
- Employee benefits
- Applicability of university policies

##### MODERATOR

Carol L.J. Hustoles, Western Michigan University

##### SPEAKERS

Edward A. Brill, Proskauer Rose

Terrance J. Nolan, New York University

Gregory Keith Spence, The New School University

#### 5C. Establishing an Effective Compliance Program: Compliance Hotlines and the Role of the Office of General Counsel (LR)

- Oversight, governance, “Compliance Committees” and leadership
- Assessing risk and your “compliance culture”
- Codes of conduct
- Communication among offices
- Education/promotion of responsible conduct
- “Hot lines” and help lines
- Background checks or other pre-employment screening
- Monitoring and trending
- Reporting corrective action

##### MODERATOR

Thomas J. Schumacher, University of Minnesota

##### SPEAKERS

Peter J. Harrington, Harvard Medical School

Christopher W. Holmes, Baylor University

#### 5D. Baby Boomers, Gen Xers or Baby Busters: How to Effectively Communicate Among the Generations (PD)(PNL)

- How does each group understand and respond to the same message?
- How do the different groups view the role of managers and employer/employee loyalty?
- What motivates each age group (more time or more money)?
- How do we handle conflict resolution among different age groups?
- Ideas for recruiting and retaining employees in a cross-generational manner

##### MODERATOR

Kaye L. Koonce, Trident Technical College

##### SPEAKERS

Thomas A. Butcher, Grand Valley State University

Imogene Cathey, University of Florida

Nana Nakano, California State University

#### 5E. Research Involving Human Embryonic Stem Cells (RP)(PNL)

- Federal funding and facilities and equipment use issues
- Legislative update
- Consent issues and donor screening/tracking
- Establishing ESCROs and other oversight mechanisms and policies
- Intellectual property issues and MTAs
- Ethics issues

##### MODERATOR

Alexander E. Dreier, Hogan & Hartson

##### SPEAKERS

Carl Gulbrandsen, Managing Director, Wisconsin Alumni Research Foundation

Jonathan D. Moreno, Professor, Center for Biomedical Ethics, University of Virginia

Greta Schnetzler, University of California – San Francisco

#### 5F. You Can’t Tell the Players Without a Scorecard: A Primer on the NCAA and NAIA (SA)(BAS)

- History
- Governance and guiding principles
- Student-athlete eligibility
- Grants-in-aid and other financial support
- Academic standards
- Recruiting
- Extra benefits
- Investigations and appeals
- New developments and future directions

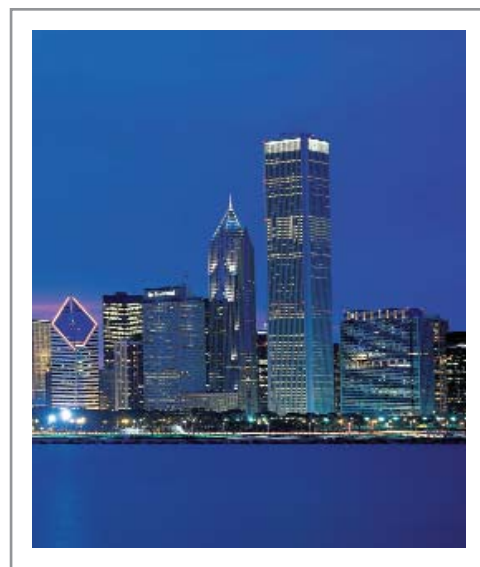
##### MODERATOR

Meg Reeves, Oregon State University

##### SPEAKERS

Steven J. Adamczyk, University of Arizona

Jim Carr, Chief Operating Officer, National Association of Intercollegiate Athletics



#### 5G. Forum: Governance and Corporate Compliance

##### LEADER

D. William Moreau, Jr., Barnes & Thornburg, LLP

12:30 pm - 1:45 pm

#### Networking Luncheon

12:30 pm - 1:45 pm

#### Affinity Group Luncheons

12:30 pm - 1:45 pm

#### 2007 Program Committee Meeting

2:00 pm - 3:15 pm

#### Individual NACUANET and NACUA Web Page Orientation Sessions

(please sign up at the Registration Desk)  
(see description pg 7)

2:00 pm - 3:15 pm

#### 6A. Advanced Contracts Administration (BZ)(ADV)(PNL)

- Contracting policies and procedures
- Issues regarding delegation of contracting authority
- Apparent authority
- Use of web sites
- Best practices, contracts manuals, clause banks, checklists, and form or model contracts
- Review and approval processes
- Innovative contract provisions
- What’s different about “big” contracts?

##### MODERATOR

Christine Bates, The University of Akron

##### SPEAKERS

Jason B. Rogers, Belmont University

Margareth Schubert, Loyola University of Chicago

Matthew Walton, Arizona State University



**6B. General Counsel Annual Reports:  
So What Have You Done For Me Today?  
And What Can You Do Tomorrow?  
(GC)(ADV)(PNL)**

- Objectives of your annual report: what your President/Board wants to know and what you need them to know
- Successful formats and techniques for written and in-person annual reports; issues of attorney-client privilege
- Benchmarking for the General Counsel's office
- Benefits of annual reports
- Involving the President and other administrators in the preparation or presentation of the annual report

**MODERATOR**

Frank Roth, Lehigh University

**SPEAKERS**

James J. Mingle, Cornell University  
Paul J. Ward, Arizona State University

**6C. Litigation Year In Review: News from  
the Front Lines – And the Audience (LR)**

- What happened in last year's college and university litigation "ground war"?
- How often did higher education institutions win or lose in court?
- How much did they end up paying?
- How long does it take to get to summary judgment, trial, or the settlement table?
- What should we be worrying about for next year?

**MODERATOR**

Kenneth L. Davidson, Northern Illinois University

**SPEAKERS**

Robb Jones, United Educators Insurance  
Bruce W. Melton, Babbitt & Melton

**6D. Hot Topics in Ethics (PD)**

- The changing role of the lawyer – advocate, counselor, regulator, cop, whistleblower, conscience
- Litigation misconduct – discovery abuse, document retention and destruction, frivolous claims and defenses, sanctions
- Civil and criminal investigations – internal procedures and external threats
- Privilege and confidentiality – unique challenges in the college/university environment

**MODERATOR**

Beth A. Harris, University of Chicago

**SPEAKERS**

John N. Gallo, Sidley Austin Brown & Wood  
Donald M. Lewis, Halleland Lewis Nilan & Johnson  
Professor Carolyn Shapiro, Chicago Kent College of Law

**6E. From Bio to Nano: Patents and the  
New Technologies (RP)**

- Patent law reform
- Recent patent cases relevant to universities

**MODERATOR**

Beth Lynn Maxwell, University of Texas System

**SPEAKERS**

Ross S. Garsson, Winstead Sechrest & Minick P.C.  
Denise M. Kettelberger, Merchant & Gould

**6F. Learning Disabilities Under the ADA:  
Substantially Limited When Compared to  
Whom? (DC)(SA)(ADV)**

- The evolution of learning disabilities law
- *Betts vs. University of Virginia* and its lessons
- Providing and maintaining student disability services

**MODERATOR/SPEAKER**

Jeanne M. Kincaid, Drummond, Woodsum & MacMahon

**SPEAKERS**

Richard C. Kast, University of Virginia  
Henry Morris, Arent Fox  
Anne M. Reber, Director of Disability Services, Texas A&M University - College Station

**6G. Forum: Higher Education  
Employment Law**

**LEADER**

Jaffe D. Dickerson, Littler Mendelson, P.C.

**6H. Digital Document Management,  
Scanning and Harnessing the Power of  
Adobe Acrobat (PD)**

- Learn how to efficiently store, find, retrieve and manage all of your electronic documents and files
- Never search for a file again, and find the information you need instantly
- Find any word processor document you've ever drafted
- Comparison of main document management programs and approaches
- What you need, what it costs, where to get it, and how to use it
- What you can do with Adobe Acrobat including:

- Creating PDFs from an electronic file, a web page or a scanner
- Using PDFs as the document format when negotiating an instrument with opposing counsel
- How to email PDFs to others for review and comment
- Legal-specific document annotation tools that come with Acrobat 7
- PDF security

**SPEAKER**

Barron K. Henley, President, Henley March & Unger Consulting, Inc.

3:15 pm – 3:45 pm

**Ice Cream Break**

sponsored by Gardner, Carton & Douglas

3:45 pm - 5:00 pm

#### 7A. Follow the Money: Anti-Terrorism Laws on Campus (BZ)(BAS)

- Anti-money laundering provisions related to student and other campus accounts and stored value cards
- Applicability of the Bank Secrecy Act (BSA) to university credit unions and other activities
- Sanctions and Countries: what universities should know about OFAC
- Specially Designated Nationals and Blocked Persons (SDNs)
- Deemed exports: what universities should know
- Granting agencies' and foundations' certification requirements
- Reports to federal agencies: SARs and CTRs
- National security letters

##### MODERATOR

Jamie Lewis Keith, Massachusetts Institute of Technology

##### SPEAKERS

Mary Elizabeth Peters, Hogan & Hartson  
Abbey V. Richards, The George Washington University

#### 7B. A Case Study of Intercultural Institutional Conflict: Working with Your Board and President in a Time of Institutional Crisis: Are We Having Fun Yet? (DC)(GC)(ADV)(PNL)

- Wish you hadn't \_\_\_\_ (You fill in the blank)!
- When and why you need to involve your public relations department
- Getting buy-in from the board
- Making it to the other side and keeping the "day" job, including yours!

##### MODERATOR

Kathleen Curry Santora, NACUA

##### SPEAKERS

Patricia B. Bartscher, San Francisco State University  
Richard D. Legon, President, Association of Governing Boards of Universities and Colleges  
Elizabeth (Libby) J. Keefer, Columbia University

#### 7C. In a Nutshell: Basic Immigration Questions Counsel May Face in the Hiring Process (LE)(BAS)

- Hiring for tenure-track (and other) positions - what can I ask and when can I ask it?
- Knowing Your ABC's (and F, J, O...)
- So you've hired someone, when can they begin work?
- Pitfalls of purposes of the I-9
- Tenure and visa status
- Recent developments in labor certifications

##### MODERATOR

Randall J. Ney, University of Iowa

##### SPEAKERS

Russell C. Ford, Strickland Brockington Lewis LLP  
Helen Konrad, McCandlish Holton

#### 7D. Behind Enemy Lines: Plaintiffs' Lawyers Teach Us How to Avoid Land Mines (LR)(INT/ADV)(PNL)

- Common mistakes made by institutional defendants
- Special pitfalls for in-house counsel
- How outside counsel can make a situation worse
- What makes plaintiffs tick?
- How fee and cost considerations affect the litigation process
- Top ten lessons to learn from behind enemy lines

##### MODERATOR

Vernon L. Francis, Dechert, Price & Rhoads

##### SPEAKERS

Joseph Golden, Sommers Schwartz, P.C.  
Patricia V. Pierce, Willig, Williams & Davidson

#### 7E. Discussion Group: Controlled Chaos: Best Practices in Law Office Management (PD)(SDG)

- Overview of best practices in law office management
- David v. Goliath: different strokes for different folks
- Matter, document, task and knowledge management
- Technology and business processes
- Who's working on what? Communication within the law office
- Personnel practices

##### LEADERS

Lynette Kosky, Business Administrator Senior, University of Michigan – Ann Arbor  
Craig Parker, The Catholic University of America  
Larry C. Smith, Section Director, American Bar Association  
Karen J. Stone, University of North Florida

#### 7F. Research Misconduct Cases: New PHS Regulations and Comparison of Different Agency Approaches (RP)

- Research misconduct processes and procedures
- The new research misconduct rules
- Recent cases of note

##### MODERATOR

David L. Harrison, University of North Carolina

##### SPEAKERS

Susan L. Carney, Yale University  
Christian Mahler, Acting Legal Counsel, U.S. Department of Health and Human Services

#### 7G. Privacy, from FERPA to Facebook (SA)

- Privacy Implications of Blogs, Facebook, and other Next New Thingamabobs
- Security of education records stored in university and personal computers
- Student disciplinary records and transcripts
- Outsourcing traditional registrar functions
- Recent FPCO advice on FERPA, privacy, and technology

##### MODERATOR

Margaret O'Donnell, The Catholic University of America

##### SPEAKERS

Phyllis Karasov, Moore, Costello & Hart  
Steven J. McDonald, Rhode Island School of Design

#### 7H. Forum: Politics and Religion on Campus

##### LEADER

Laurence Pendleton, Colorado State University

#### 7I. Blueprint for a Mobile Law Office (PD)

- The hardware you need including: Standard laptop v tablet PC; Differences between Intel's alphabet soup of laptop processors; Notebook locks and encryption tools; Cell phones and PDAs (handheld computers); Headsets and headphones; Portable printers; USB flash drives; Portable scanners; Portable wireless routers; Remote access options for reaching your office; Full explanation of wireless, wi-fi and Bluetooth technologies.

##### SPEAKER

Barron K. Henley, President, Henley March & Unger Consulting, Inc.

Wednesday, June 28

24 hours

### Cyber Café

(until 12:00 Noon)

7:45 am - 8:30 am

### Continental Breakfast

8:30 am - 10:00 am

#### 8A. The "SOX" Are Coming: Sarbanes-Oxley-Style Accountability Measures (GC)

- Federal and state efforts to adopt Sarbanes-Oxley-like good governance and accountability regulations for non-profits (including colleges and universities)
- Regulatory, investigative, and litigation challenges
- Proactive efforts and best practices for colleges and universities

##### MODERATOR

Jonathan R. Alger, Rutgers, The State University of New Jersey

##### SPEAKERS

Todd L.C. Klipp, Boston University  
Dorothy K. Robinson, Yale University

#### 8B. Discussion Group: When the Union Comes Knocking: Managing a Union Organizing Campaign Under the NLRA (LE)(ADV)(SDG)

- Implementation and enforcement of no solicitation and campus access rules
- Understanding "appropriate units" and strategic considerations in defining them
- Implementing an effective campaign theme and strategy
- Resources available to assist the institution in a campaign
- Dealing with the newly affirmed federal employer reporting requirements under the LMRDA

##### LEADERS

Stephen Brodsky, Pace University  
John Gaal, Bond, Schoeneck & King  
Terrance J. Nolan, New York University

#### 8C. Two New Worries for Campus Risk Managers (LR)(INT/ADV)

##### Managing the Digital Campus

- Responding to government/ law enforcement inquiries, requests and subpoenas
- Dealing with possible illegal activity on your campus network
- Handling computer security breaches

##### Disaster Planning: Fail to Plan, Plan to Fail

- "It can't happen here" –Lessons learned from recent disasters
- Effective disaster management practices
- Recognizing the human impact of a disaster

##### MODERATOR

Jaffe D. Dickerson, Littler Mendelson PC

##### SPEAKERS

Mark DiVincenzo, Massachusetts Institute of Technology  
Kim Winston Nimmo, Senior Risk Services Consultant, United Educators Insurance

#### 8D. Five Mistakes You're About To Make: Ethical Issues in Criminal Investigations (PD)(ADV)

- When do university employees need separate representation?
- "Corporate" Miranda warnings—who can you represent?
- Joint defense agreements—how do you share privileged info/work product with other defendants?
- When do you pay for defense and indemnification of an employee? When do you stop?
- What if the prosecutor wants your client to "cooperate" by waiving privilege?
- What is obstruction of justice? How do you avoid it?

##### MODERATOR

Patricia T. Bergeson, Rosalind Franklin University of Medicine and Science

##### SPEAKERS

Dan R. Dubitzky, Dubitzky & Zarky  
Dean J. Polales, Ungaretti & Harris  
Joseph F. Savage, Goodwin Procter LLP  
Cyrus Vance, Morvillo Abramowitz Grand Iason & Silberberg, PC

#### 8E. Special Subject Populations: Human Subject Research with Children, Prisoners, Pregnant Women and the Decisionally Impaired (RP)(ADV)

- Overview of regulatory requirements for research involving vulnerable subjects
- Recent OHRP compliance actions and guidances for special subject populations
- Developing IRB policies and best practices for research
- An overview of state laws

##### MODERATOR

Alexander E. Dreier, Hogan & Hartson

##### SPEAKERS

Kristina Borrer, Director, Division of Compliance Oversight, U.S. Department of Health and Human Services  
Theresa J. Colecchia, University of Pittsburgh

#### 8F. Women in Athletics: Title IX Update, Non-traditional Sports, Employment and Other Issues (DC)(SA)

- Update of Title IX as it applies to athletics with emphasis on recent Dept of Education Policy Clarification and NCAA response
- Participation by women in traditionally male sports (e.g., wrestling and football)
- Issues unique to women in a male-dominated culture
- Hiring and searching for female directors of athletics
- Women as legal advisors to the athletic department
- Equitable treatment of female and male student-athletes

##### MODERATOR

Robin Green Harris, Ice Miller LLP

##### SPEAKERS

Neena Chaudhry, Staff Counsel, National Women's Law Center  
Mark Murphy, Director of University Athletics, Northwestern University  
Julie D. Vannatta, The Ohio State University

#### 8G. Navigating NACUANET and the NACUA Web Page

John R. Bishop, Director of Information Services, NACUA  
Karl F. Brevitz, Director of Legal Resources, NACUA  
Loretta Johnson, Coordinator of Legal Reference and Information Services, NACUA  
Melissa Rooker, Assistant Director of Legal Resources, NACUA

10:00 am – 10:30 am

### Break

sponsored by Bowditch & Dewey, LLP

10:30 am - 12:00 pm

### Individual NACUANET and NACUA Web Page Orientation Sessions

(please sign up at the registration desk)  
(see description pg 7)

10:30 am - 12:00 pm

### 9A. South Campus Gateway: A Model for University Engagement and Collaboration with the Private Sector in the Revitalization of its Adjacent Neighborhoods (BZ)(PNL)

- Challenges, complexities and opportunities of collaboration
- Mixed-use project issues
- Political, economic and legal issues: site assemblage, financing, design, taxation, operations/management and marketing
- Key issues, alternatives and lessons learned

#### MODERATOR

Mary Anne Smith, Illinois Institute of Technology

#### SPEAKERS

Christopher M. Culley, The Ohio State University

Terry D. Foegler, President, Campus Partners, Ohio State University

### 9B. Discussion Group: Shadow Boxing and Shadow Lives: Living with Lawyers and Lawyering on the Governing Board or in the President's Office (GC)(SDG)

- How to guide the inquiry
- Conflicts of interest: Who decides? Then what?
- Managing incompatible outside roles and interests of board members
- How the general counsel can help the board and institutional clients stay focused on policy and administrative responsibilities rather than lawyering

#### LEADERS

Kenneth Andre McKanders, Eastern Michigan University

Ellen K. Munro, Loyola University of Chicago

John Simon, Chairman of the Board of Trustees, DePaul University

### 9C. Employee Benefits: A Primer on How to Talk the Talk (LE)(BAS)

- Overview of major laws impacting employee benefit plans: decoding the acronyms (Internal Revenue Code; ERISA; state laws; labor laws (USERRA, ADA, ADEA, FMLA, etc.)
- What is an employee benefit plan? understanding the programs you have:
  - Typical public and private university/college examples
  - Retirement plans (401(a), 401(k) 457(b)
  - Welfare plans; health, life, disability, etc.
  - Deferred compensation plans
  - Retiree benefits, ERIPS
- Resources: expanding on the basics: internet, publications, seminars

#### MODERATOR

Jonathan E. Clune, Yale University

#### SPEAKERS

Elena Langrill, Maryland Office of the Attorney General

Tara Schulstad Sciscoe, Ice Miller LLP



### 9D. Non-Traditional IP and Tech Transfer: Licensing Copyrights, Biological Materials, Trademarks and Trade Secrets (RP)(BAS)

- Non-patent technology transfer and licensing
- Copyrights, trademarks and other IP assets in University portfolio

#### MODERATOR

Miles J. Postema, Ferris State University

#### SPEAKERS

Michael A. Mitchell, The Ohio State University

Wesley D. Blakeslee, Johns Hopkins University

### 9E. Spirited Students: Preventing and Managing Risks Resulting from Excessive Alcohol Consumption (SA)(PNL)

- Effects of alcohol on student achievement
- Institutional liability
- Student codes of conduct
- Comprehensive institutional models designed to effectively address alcohol and other drug use through an interdisciplinary institutional response

#### MODERATOR/SPEAKER

Kimberly Novak, Assistant Director for Student Risk Management, Arizona State University

#### SPEAKERS

Karen Moses, Director, Wellness and Health Promotion, Arizona State University

John Schwartz, United Educators Insurance Reciprocal Risk Retention Group

### 9F. Forum: Intellectual Property and Computer Law

#### LEADERS

Harold J. Evans, Williams & Anderson PLC  
Gloria Phares, Patterson, Belknap, Webb & Tyler

12:00 pm

Conference Adjourns

## Registration Summary

NACUA expects participants to register and pay in advance of the Conference. NACUA accepts checks, MasterCard and Visa (sorry, we do not accept American Express). NACUA does not accept purchase orders as a form of payment. All attendees will receive a confirmation of their registration from the NACUA office. If you do not receive a confirmation, please contact the National Office at (202) 833-8390 to make sure you are registered. If, after you have registered, you find that you are unable to attend and the cancellation deadline has passed, you may have an eligible colleague attend as your substitute. NACUA does not accept split registrations. Additional registration forms as well as the entire Conference registration brochure may be downloaded from the NACUA web site at <http://www.nacua.org>.

### Register Early and Save \$50!

All registrations with payment received on or before April 28, 2006 will qualify for Early Registration fees, for a savings of \$50. From April 29 to May 31, the Regular Registration fee will apply. After May 31, all registrations require the On-Site Registration fee.

### Register With Others and Save \$50!

Is more than one representative at your institution attending the conference? Register representatives from the same member institution to receive a discount of \$50 for each additional member after the primary registrant.

### Your Registration Fee Includes:

- Online access to session materials in advance of the Conference
- Entry to all sessions
- On-site session handouts
- Online access to post-conference materials and audio for three months
- Honors and Awards Ceremony\*
- Sunday evening Opening Reception\*
- Monday morning Networking Breakfast\*
- Tuesday morning Program Breakfast\*
- Tuesday afternoon Networking Luncheon\*
- All coffee and refreshment breaks
- 24-hour use of the Cyber Café

\*If you plan to attend the Honors and Awards Ceremony, Opening Reception, Networking Breakfast on Monday, Program Breakfast on Tuesday, and/or the Networking Luncheon on Tuesday, please indicate your attendance on your registration form in order to assist us in planning.

### Fees

Only registrations received on or before the April 28, 2006 deadline will qualify for the Early Registration fee. The Regular Registration fee will then apply for registrations received between April 28, 2006 and May 31, 2006. After May 31, 2006 the On-Site Registration fee will apply. If mailing the registration form, send with payment to NACUA, P.O. Box 791118, Baltimore, MD 21279-1118.

### Daily Registration Fees

Please Note: This discount is offered for one day only. If you attend more than one day, you must pay the FULL Conference fee.

Sunday, June 25	\$140
Monday, June 26	\$160
Tuesday, June 27	\$290
Wednesday, June 28	\$160

### Early Registration Fee

Received on or before April 28

NACUA Member	\$590
NACUA Member Additional Person	\$540
NACUA Non Member	\$840

### Regular Registration Fee

Received on or before May 31

NACUA Member	\$640
NACUA Member Additional Person	\$590
NACUA Non Member	\$890

### On-Site Registration Fee

Received after May 31

NACUA Member	\$690
NACUA Member Additional Person	\$640
NACUA Non Member	\$940

Note: If your institution applies for membership on or before August 31, 2006, \$250 of your registration fee may be credited to your 2006-07 membership dues payment.

### Cancellation Policy

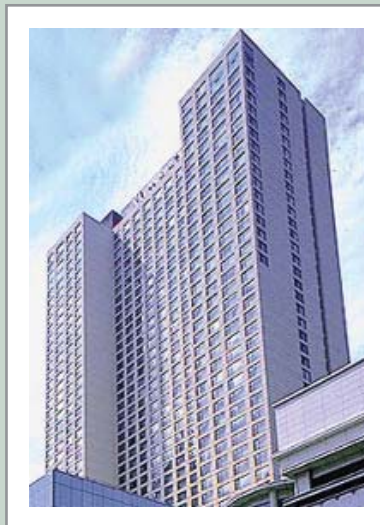
All requests for cancellations must be received in WRITING, via fax or email, no later than Wednesday, May 31 at 5:00 PM (EDT), in order to receive a full refund (minus an administrative fee of \$50.00). Requests for cancellations received after May 31 will be considered on a case-by-case basis and are subject to approval by

## About the Hotel

**Chicago Marriott Downtown  
Magnificent Mile  
540 North Michigan Avenue,  
Chicago, Illinois 60611  
Phone: 312-836-0100**

To make a reservation at the NACUA conference rate of \$199 single/\$225 double occupancy please call the Marriott at 312-836-0100 before May 30, 2006.

Soaring 46 stories into the downtown Chicago skyline amid the world-famous shops and restaurants on Michigan Avenue, the Chicago Marriott Downtown Magnificent Mile rises to every occasion. The hotel puts you in the middle of it all. Retire here after a long day of business or shopping along the Magnificent Mile. The Chicago Marriott houses three restaurants and lounges, so you don't even have to leave the hotel to satisfy your appetite or gather with colleagues. You'll love the stylish and contemporary upgrades we've made to our guest rooms and suites during our recent \$15 million renovation. Everything from sleek desks to flat-screen TVs, cozy beds and vibrant artwork reflects the timeless charm of Chicago. The hotel also boasts spectacular city views from every room, and breathtaking skyline views from our luxurious suites views from our rooms.



NACUA and are not guaranteed. Requests for cancellations after May 31 and by June 7 that are approved by NACUA will qualify for a 75% refund of the registration fee (minus an administrative fee of \$50.00). Requests for cancellations after June 7 and by June 14 that are approved will qualify for a 50% refund of the registration fee (minus an administrative fee of \$50). Requests for cancellations after June 14 that are approved will qualify for a 30% refund of the registration fee (minus an administrative fee of \$50). If requests for cancellation are not received by June 30, no refunds or credits will be issued *for any reason, with no exceptions*. All refunds will be processed after the Conference.

## Conference Materials

### Written Materials Available in Multiple Formats!

#### 1. Pre-Conference Web Access

All registered attendees will receive a unique username and password in an email from Conference Archives to access session materials before they come to the conference. This access will be available in early June.

*Included in your registration fee.*

#### 2. Onsite Written Materials

Written materials will be available in all session rooms to attendees in that session. Empty binders will be distributed at registration for collection of these materials.

*Included in your registration fee.*

#### 3. Complete Binder of Written Materials

The traditional Conference binder will again be available for purchase. Please Note: Registrants who order the Conference binder will ship directly to the address provided on your registration form after the Conference. This will ensure that binders are truly complete and contain all session materials, including any additional materials distributed on-site by Conference presenters. While at the Conference, pick up individual outlines for the sessions you attend in the session rooms.

To order a Conference binder, check the appropriate box on the registration form and include the purchase price with the amount remitted. *Binders will ship 3-6 weeks after the Conference.*

*Cost: \$49.00*

#### 4. Searchable CD-ROM

NACUA will again offer the entire Conference on CD-ROM. Loaded with all the written materials and PowerPoints, as well as audio of most Conference sessions, the CD-ROM is the most comprehensive archive of the Conference available. The CD-ROM will ship *approximately 2-4 weeks* after the Conference and can be used on your desktop or laptop computer.

*Cost: \$59.00*

#### 5. Post-Conference Web Access

After the Conference, all registrants will be able to continue to use their usernames and passwords received earlier to access the online materials to which the audio and onsite materials will be added shortly after the Conference. This service will be available for three months following the Conference.

*Included in your registration fee.*

## Who is Eligible to Attend?

You must be an attorney representing a higher education institution or organization to register for the Annual Conference.

#### NACUA Member Attorneys

If you are a member attorney from a NACUA Member Institution or Associate Member Institution, or if you are an Associate Individual Member, you are eligible to register at the Conference Member rate. All registrants must be included on their institution's NACUA membership roster to be eligible for the member rate. Additional Institutional Representatives must obtain the permission of your institution's primary representative before registering for the Conference.

#### Non-Member Attorneys Representing or Employed by a NACUA Member Institution

If you are a non-member attorney representing a college, university, or organization that is a NACUA Member, you are eligible to register at the Non-Member rate. NACUA will confirm your registration with your institution's primary representative prior to processing your registration. You may expedite your registration by including a signed letter from your institution's Primary Representative with your registration form.

#### Non-Member Attorneys Representing A Non-Member Institution

If you are a non-member attorney representing a college or university that is not a NACUA member, you are eligible to register at the Non-Member rate if you are eligible for NACUA membership. In order to gain eligibility to attend the Conference, you must include a letter with the following information with your registration form:

- Your interest in higher education law.
- An affirmation that you meet NACUA's commonality of interest requirements, which can be found at [http://www.nacua.org/membership/policies/Commonality\\_of\\_Interest\\_def.pdf](http://www.nacua.org/membership/policies/Commonality_of_Interest_def.pdf).

If you are a non-member attorney representing an organization that is eligible for Associate Institutional membership, your organization must be formally approved for NACUA membership before you can attend the Conference. To ensure that your organization's application is reviewed prior to the Conference, please submit your organization's completed application to Miriam S. Miller, Manager of Membership and Outreach Services, by Friday, April 14.

All non-member attorneys must send their registration forms to Miriam S. Miller's attention. NACUA will contact all non-member attorneys directly to notify them about the status of their registration and to gather additional information, if necessary.

Questions about eligibility may be directed to Miriam S. Miller, Manager of Membership and Outreach Services, at 202-833-5948 or [msm@nacua.org](mailto:msm@nacua.org).

## Travel Arrangements

#### Airline Arrangements

Please arrange any flights through the carrier of your choice. The Chicago Marriott Downtown is located approximately 45 minutes from O'Hare (ORD) or Midway International Airport (MDW).

## If traveling from O'Hare International Airport:

### Ground Transportation

#### By Train:

The Chicago Transit Authority's (CTA) Blue Line provides 24-hour access between downtown Chicago and O'Hare International Airport. Trains run approximately every 8 minutes from 5 am to 11 pm Monday through Friday, and approximately every ten minutes from 5 am to 11 pm on weekends. Currently, a one-way fare for the 45-minute ride is \$1.75 and \$.25 for a transfer. The CTA station is located at the lowest level of the Main Parking Garage (next to elevator center 4) and is accessible by pedestrian tunnels located in Terminals 1, 2, and 3. From Terminal 5, take the Airport Transit System (ATS) to Terminal 3 and follow the signs. For additional CTA information:

Phone: (312) 836-7000

TTY: (312) 836-4949

E-mail: ctahelp@transitchicago.com

The Blue Line platform at O'Hare International Airport is accessible to people with disabilities. Other CTA stations on the Blue Line that are equipped with elevators

from O'Hare International Airport to downtown Chicago are at the Rosemont, Cumberland, Harlem, and Lake and Jackson stations.

#### By Shuttle:

Continental Airport Express offers daily shuttle service from O'Hare International Airport between downtown Chicago and north suburban locations from 6 am to 11:30 pm. Departures are about every 5 to 10 minutes. The fare to the city is approximately \$25.00. An information counter and pickup is located in the baggage claims areas of Terminals 1, 2, and 3, and outside U.S. Customs in Terminal 5.

Lift-equipped vehicles are available on request for those passengers with disabilities.

Advanced notice is strongly urged.

To contact Continental Airport Express, call (773) 247-1200 or (888) 284-3826.

#### By Taxi:

Taxicabs are available from the lower level curb front of all terminals. Shared ride service is available. There are no flat rates

because all taxicabs run on meters. Expect to spend approximately \$35 to \$40 for a taxicab ride to downtown Chicago. For wheelchair accessible vehicles, please call United Dispatch at (800) 281-4466.

#### By Car:

Rental car agencies are located on the lower level near the baggage claim areas of Terminals 1, 2, and 3. From Terminal 5, rental car agencies are available by courtesy telephones located on the lower level. Many rental car agencies also offer courtesy buses to various automobile pick-up/drop-off areas. During the FACE construction project, please look for signs possibly indicating a temporary relocation of the rental car areas or courtesy phones. *Please see box for contact information on rental agencies servicing O'Hare.*

### RENTAL AGENCIES

Alamo	(800) 327-9633
Avis	(800) 331-1212
Budget	(800) 527-0700
Dollar	(800) 800-4000
Enterprise	(800) 867-4595
Hertz	(800) 654-3131
National	(800) 227-7368
*Thrifty	(800) 527-7075

\* Thrifty does not serve O'Hare International Airport

### PARKING AT THE HOTEL:

The Chicago Marriott Downtown offers three options for parking:

- Self-parking for \$22 per day with no in/out privileges
- Daily Valet parking for \$27 with in & out privileges
- Overnight Valet parking for \$35 with in & out privileges

#### By Car:

Rental car agencies are located inside the terminal, Lower Level Arrivals. Rental car pick-up and drop-off points are located on Level 2 of the Midway Airport Parking Garage. *Please see box for contact information on rental agencies servicing Midway.*

## If traveling from Midway International Airport:

### Ground Transportation

#### By Train:

The Chicago Transit Authority (CTA) Orange Line serves the Southwest Side of Chicago and connects Midway Airport with downtown Chicago in about 30 minutes. The one-way fare is \$1.75, \$.25 additional for transfer to a bus route. Fare cards can be purchased at the Midway Orange Line station. Follow signs from the airport terminal to the rail station. Orange Line trains operate between Midway Airport and Downtown as follows:

From Midway to Library station (downtown):  
Monday - Friday: first train 3:55 am; last train 12:55 am. Saturdays: first train 4:35 am; last train 12:51 am. Sundays & Holidays: first train 5:35 am; last train 11:31 pm.

From Library station (downtown) to Midway:  
Monday - Friday: first train 4:19 am; last train 1:26 am. Saturdays: first train 5:01 am; last train 1:26 am. Sundays & Holidays: first train 6:06 am; last train 11:00 pm.

Trains run frequently: Every 5 to 7 minutes weekday rush hours, every 15 to 20 minutes early mornings/late evenings and every 10 minutes most other times. For more information please call (312) 836-7000.

#### By Shuttle:

Continental Airport Express offers daily shuttle service between Midway and downtown Chicago and north suburban locations from 6 am to 11:30 pm. Departures are about every 15 minutes. The fare to the city is approximately \$19.00. An information counter is located at Lower Level Arrivals door LL3. The pickup location is located outside door LL3, inside lane.

Lift-equipped vehicles are available on request for those passengers with disabilities. Advanced notice is strongly suggested. To contact Continental Airport Express, call (312) 454-7800 or (800) 654-7871.

#### By Taxi:

Taxicabs are available from the lower level curb front of all terminals. Shared ride service is available. There are no flat rates because all taxicabs run on meters. Expect to spend approximately \$25 to \$28 for a taxicab ride to downtown Chicago. For wheelchair accessible vehicles, please call United Dispatch at (800) 281-4466.

# NACUA 2006 ANNUAL CONFERENCE REGISTRATION FORM

## 1. PERSONAL INFORMATION *(Please print or type. List only one person per form.)*

Full Name: \_\_\_\_\_

Badge Name: \_\_\_\_\_

Institution or Law Firm Name for Badge (please list only one): \_\_\_\_\_

Law Firm (if applicable): \_\_\_\_\_

Member Institution (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Day Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

## 2. OTHER INFORMATION AND SPECIAL NEEDS

### Required Attendee Verification

- I am the primary representative of my member institution.
- I am an Associate Individual Member
- I affirm that I have received approval from the primary representative of my institution to attend the Annual Conference.
- I am not a member of NACUA but am eligible to attend. *(You must submit a letter of intent with your registration form.) (See "Eligibility" on page X.)*

### Other Information

Do you have any special needs that require accommodation? Please explain: \_\_\_\_\_

Do you have any dietary restrictions? Please explain: \_\_\_\_\_

Who should be contacted in case of an emergency? Name: \_\_\_\_\_

Day telephone: \_\_\_\_\_

## 3. SESSIONS

Indicate those sessions you tentatively plan to attend by circling one per time-period. This does not limit you to, nor reserve a spot for you, in a particular session.

### Sunday, June 25:

11:45 am – 12:45 pm	SIG1	SIG2	SIG3	SIG4	SIG5	SIG6	SIG 7	SIG8
1:00 pm – 2:30 pm	Welcome & Plenary Session							
3:00 pm – 4:15 pm	1A	1B	1C	1D	1E	1F	1G	

### Monday, June 26:

9:15 am – 10:45 am	2A	2B	2C	2D	2E	2F	2G	2H
11:15 am – 12:45 pm	3A	3B	3C	3D	3E	3F	3G	3H

### Tuesday, June 27:

9:15 am – 10:30 am	4A	4B	4C	4D	4E	4F	4G	
11:00 am – 12:15 pm	5A	5B	5C	5D	5E	5F	5G	
2:00 pm – 3:15 pm	6A	6B	6C	6D	6E	6F	6G	6H
3:45 pm – 5:00 pm	7A	7B	7C	7D	7E	7F	7G	7H 7I

### Wednesday, June 28:

8:30 am – 10:00 am	8A	8B	8C	8D	8E	8F	8G	
10:30 am – 12:00 pm	9A	9B	9C	9D	9E	9F		

## CLE Credits

NACUA is submitting this Conference for approval to the appropriate agencies of the states that certify continuing legal education programs (AL, AK, FL, GA, ID, IA, KS, KY, LA, ME, MN, MT, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA and WI). NACUA certifies that this program has been presumptively approved and conforms to the standards prescribed by the rules and regulations of the state bars of AZ, AR, CA, CO, DE, IN, MS, MO, NV, NH, NM, NY, RI, VT, WV and WY.

Please mark your registration form if you would like NACUA to file for CLE Credit on your behalf and reconfirm your bar number and state at the workshop site. There is a \$5.00 per state administrative and application fee for all attorneys requesting this service.

\*Attorneys requesting CLE credit in Rhode Island will be invoiced by NACUA for an additional \$1.50 per credit hour claimed following the Annual Conference.

## 4. EVENTS:

Please indicate if you plan on attending the following events:

- Honors & Awards Ceremony (Sunday, 4:30 pm)
- Special Session with Kaplin & Lee (Monday, 8:00 am)
- Networking Breakfast (Monday, 7:00 am)
- Program Breakfast (Tuesday, 8:00 am)
- Networking Luncheon (Tuesday, 12:30 pm)

Name: \_\_\_\_\_

**5. CONFERENCE FEES:** Fill in all shaded boxes that pertain to your registration.

	Early on or before April 28	Regular April 29 - May31	On-Site after May 31	
MEMBER: First person	\$590.00	\$640.00	\$690.00	=\$
MEMBER: Add'l person	\$540.00	\$590.00	\$640.00	=\$
NON-MEMBER	\$840.00	\$890.00	\$940.00	=\$

**b. Conference Speaker Fees** (Note: These prices are for speakers only. If you are not a speaker, you will be charged any additional fee due, based on the above schedule of fees.)

MEMBER SPEAKER		\$590.00	=\$
MEMBER SPEAKER: Add'l Person		\$540.00	=\$
SPEAKER CDROM (Speakers receive one complimentary CDROM of the conference)			=\$0.00

**c. Daily Registration Fee** (Note: Offered for one day only; if attending for more than one day, you MUST pay full conference fee above.)

Sunday, June 25	\$140.00	=\$
Monday, June 26	\$160.00	=\$
Tuesday, June 27	\$290.00	=\$
Wednesday, June 28	\$160.00	=\$

**d. Pre-Conference Workshop for Lawyers New to Higher Education**

Saturday, June 24 – Sunday, June 25 (Note: Registration fee includes binder of written materials and CDROM)

Member Registration Fee	\$119.00	=\$
Non-Member Registration Fee	\$199.00	=\$

**e. Pre-Conference Roundtable for Recently Appointed In-House General Counsel and CLO's** Saturday, June 24 (Limited Exclusively to General Counsel)

Registration Fee	\$49.00	=\$
------------------	---------	-----

**f. Conference Materials** (see pg \_\_) (Note: Binder will be shipped AFTER the Conference (see pg 23 for details) (Note: Hard Copies of materials distributed in session rooms at no charge.) \*Rates below are for Conference registrants only

CD-ROM	\$59.00	=\$
Full Binder of Written Materials (must be pre-ordered and will be shipped after the conference)	\$49.00	=\$

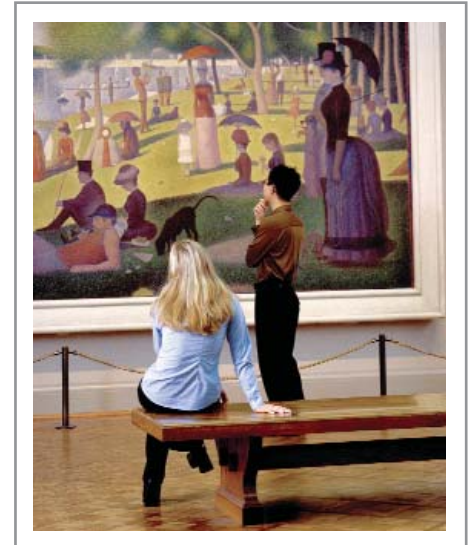
**g. Opening Reception** (see pg \_\_)

	#Attending	Cost	
Paid Registrant	Yes	included	=\$ 0.00
Adult Spouse/Guest(s)	#	X \$20.00	=\$
Child (ages 6-12)	#	X \$10.00	=\$
Child (5 and under)	#	Free	

**h. Request for CLE Credit** (see pg \_\_) Please fill in this portion only if you wish NACUA to file for CLE credit on your behalf. There is a \$5.00 per-state administrative and application fee for all attorneys requesting this service.

State:	Bar Number:	\$5.00	= \$
State:	Bar Number:	\$5.00	= \$
State:	Bar Number:	\$5.00	= \$

**TOTAL FEE TO ACCOMPANY REGISTRATION** = \$  
(add up costs from Section 5 above)



**6. PAYMENT**

Payment must accompany registration form. Registrations sent without payment will not be processed. All registrations will receive confirmation.

- Check enclosed (payable to NACUA)
- Charge:
  - MasterCard  Visa
 (Sorry, we do not accept American Express)

Card Number \_\_\_\_\_

Exp. Date \_\_\_\_\_

Print name as it appears on card \_\_\_\_\_

Signature \_\_\_\_\_



MAIL CHECK OR CREDIT CARD  
PAYMENT along with completed registration  
form (both sides) to:

NACUA  
P.O. Box 791118  
Baltimore, MD 21279-1118  
Tel: (202) 833-8390  
Fax: (202) 296-8379

# Special Activities/ Conference Highlights

## NACUA Information Central

Be sure to make time at the Conference to visit NACUA Information Central! NACUA Staff will be available to answer your questions about membership services, including upcoming programs, on-line resources, the "Legal Reference Service," volunteer opportunities and more. Attendees can browse NACUA's full publication library and purchase copies of publications, as well as pick up copies of recent NACUANOTES, on-line service tutorials and membership benefits information. Members can also sign up for one-on-one meetings with the NACUA staff about on-line services.

## Honors and Awards Ceremony

Sunday, June 25, 4:30 pm – 5:30 pm  
NACUA invites attendees and their guests to join us as we recognize NACUA's 2005-2006 Honors and Awards recipients. This ceremony will include recognition of the inaugural First Decade Award, a new award created to recognize the contributions of member attorneys who have been with NACUA ten or fewer years, as well as recognition of Distinguished Service, Fellow and Life Member Awardees.



### Opening Reception

**at the Chicago Marriott Downtown**  
Sunday, June 25, 6:00 pm – 7:30 pm

This annual event continues the tradition of providing all attendees the opportunity to reunite with NACUA friends and colleagues on the first evening of the Annual Conference. Remember to show your school pride by wearing your choice of collegiate wear! Again this year, we will provide a "Kids Corner" with kid-friendly food. The opening reception is free to all paid attendees. There is a fee for spouses and guests to attend this event.

*Cost: Free to all paid attendees; \$20.00 for adult guests; \$10.00 for children ages 6 – 12; Free for children 5 and under.*

## Rise and Shine Networking Breakfast

Monday, June 26, 7:00 am – 9:00 am  
Monday's breakfast provides the perfect opportunity for attendees to catch up with their colleagues. There is no program during this breakfast.

## Association Leadership and Membership Recognition Breakfast

Tuesday, June 27, 8:00 am – 9:00 am  
Join your NACUA colleagues for Tuesday's Association Leadership and Membership Recognition Breakfast. The program will include:

- Remarks from outgoing President Melinda Grier (University of Oregon)
- Remarks from incoming President Georgia Yuan (Smith College)
- Results of Nominations and Elections
- Recognition of NACUA member volunteers and retirees
- Preview of the 2007 Annual Conference in San Diego

All members who attend the breakfast will be entered into a drawing for their institution to receive a complimentary registration for the 2007 Annual Conference.



NATIONAL ASSOCIATION  
OF COLLEGE AND  
UNIVERSITY ATTORNEYS

NACUA'S MISSION

*“to advance the effective practice  
of higher education attorneys for  
the benefit of the colleges and  
universities they serve”*



# 46th Annual Conference

June 25-28, 2006 | Chicago, Illinois



National Association of College  
and University Attorneys  
One Dupont Circle, N.W., Suite 620  
Washington, DC 20036-1134