

KMK Law Annual Legal Update Agenda

Thursday, December 8, 2022

We look forward to seeing you back in person this year. This program is not available virtually.

HILTON CINCINNATI NETHERLAND PLAZA (35 W. FIFTH STREET, CINCINNATI), PAVILION ROOM

» 11:30 a.m. - 11:35 a.m.

Welcome

Lunch will be available until 12:45 p.m.

Master of Ceremonies:



Shannon D. Lawson

Business Representation & Transactions Partner
KMK Law

» 11:35 a.m. - 12:20 p.m.

Updates to Ohio Real Estate Tax Law, Development Incentives, and Underwriting Concerns

CLE 0.75 hours (General)

This presentation will provide an update to the recently enacted legislation which significantly limits the ability of Ohio school districts' right to file tax appeals in Ohio. The panel will discuss what impact, if any, we expect to see on development activity, and the potential challenges property owners will face with a newly enacted law. The panel will also provide updates on Ohio incentives and discuss best practices to obtain the maximum incentive package available. Finally, the panel will bring lender experience to the table and discuss underwriting concerns in the post-COVID economy.

Panel Moderator:



Barrett P. (Bear) Tullis

Real Estate Partner
KMK Law

Panelists:



Thomas M. (Tom) Tepe, Jr

Real Estate Partner
KMK Law



Brandon K. Simmons

Managing Director
KMK Consulting



Emily Wurtenberger Schott

Real Estate Partner
KMK Law

» 12:20 p.m. - 1:05 p.m.

Professionalism In the Courtroom: A view from the Ohio Supreme Court

CLE 0.75 hours (Professional Conduct)

Justice DeWine will provide do's and don'ts for attorneys on effective courtroom practice. His presentation will draw on examples from cases in the Ohio Supreme Court as well as in other courts. He will provide practical tips for use in courtroom advocacy as well in briefing.

Speaker:



Justice Patrick DeWine

Supreme Court Justice
The Supreme Court of Ohio

» 1:05 p.m. - 1:15 p.m.

Break

» 1:15 p.m. - 1:45 p.m.

Sports League Team, Venue, Event, and Player Sponsorship Agreements

CLE 0.50 hours (General)

This presentation will provide an overview of the legal terms and conditions commonly found in professional and college sports league, team, event, and player sponsorship agreements. First, we will review the key assets or entitlements commonly included in league, team, venue, event, and player sponsorship agreements. We will also explain the most commonly negotiated legal provisions in such agreements, including exclusivity, commercial category definition, term, termination, renewal rights and rights of first refusal, IP rights and approvals, and unavailable benefits/force majeure and provide tips on how to negotiate these provisions to protect your clients' interests.

Panelists:



Nicholas L. (Nick) Simon

Business Representation & Transactions Partner
KMK Law



Michael S. Goldman

Business Representation & Transactions Attorney
KMK Law

» 1:45p.m. - 2:30 p.m.

Ohio Case Law Update - 2022

CLE 0.75 hours (Professional Conduct)

Justice Fischer will review Ohio matters and recent Ohio case law related to both professionalism and ethics. The presentation will include significant audience participation and dialogue, covering lawyer disciplinary cases from the past year, and will discuss with the audience the issues practicing lawyers might want to consider based on those cases.

Speaker:



Justice Patrick Fischer

Supreme Court Justice
The Supreme Court of Ohio



CLE Credit

Ohio: This course is pending approval by the Supreme Court of Ohio Commission on Continuing Legal Education for 5 total CLE hours, with and 2.5 hours of attorney professional conduct instruction.

Kentucky: This course is pending approval by the Kentucky Bar Association Commission on Continuing Legal Education for 5 total CLE hours, with 2.5 hours of ethics instruction.

Indiana: This course is pending approval by the Supreme Court of Indiana Office of Admissions and Continuing Education for 5 total hours, including 2.5 hours of ethics instruction.

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» 2:30 p.m. - 3:00 p.m.

A Glimpse Behind the Curtain: The Inner Workings of an Appeal – From Briefing to Oral Argument to Mandate

CLE 0.50 hours (General)

To have an informed appellate litigation strategy, one must understand the inner workings of an appellate judge's chambers. The obstacles and opportunities created by the collaborative process of appellate decision making are key considerations when determining whether to appeal a trial court decision. Understanding the process also allows litigants to craft superior angles of attack on negative judgments and/or bolster the judgments they have to defend in an appeal. Further, when there are issues that may repeat in the litigant's industry, there are long-term strategies that the litigant should consider -- including filing discretionary appeals to a Supreme Court and appearing as an Amicus Curiae in cases where the precedent will affect the industry. Having an effective case-specific and/or long-term strategy is nearly impossible without knowing how the process of decision making works.

Speaker:



Paul R. Kerridge
Litigation Attorney
KMK Law

» 3:00 p.m. - 3:10 p.m.

Break

» 3:10 p.m. - 4:10 p.m.

What Does it Mean to Have a "Professional Identity" as a Lawyer?

CLE 1.0 hour (Professional Conduct)

We understand our ethical obligations, but what more goes into forming a professional identity? The ABA has recently revised ABA Standard 303 to require that law schools provide "substantial opportunities" for the "development of a professional identity" and provide education to law students on "bias, cross-cultural competency, and racism." These two new requirements do not necessarily overlap, or do they? Are there core values and responsibilities of a legal professional that constitute the components of "professional identity?" This Legal Update session will share information about the new ABA requirements and explore the myriad ways that law schools are planning to fulfill them. This session will also provide an opportunity for attendees to discuss how current legal professionals can help new lawyers form their professional identity.

Speaker:



Mary J. Davis
Dean and Ashland-Spears Distinguished Research
Professor of Law
University of Kentucky J. David Rosenberg College of Law

» 4:10 p.m. - 4:25 p.m.

Preparing for Compliance with Corporate Beneficial Ownership Reporting: The Corporate Transparency Act

CLE 0.25 hours (General)

This presentation will provide a brief overview of the newly enacted legislation implementing the beneficial ownership reporting requirements of the Corporate Transparency Act. This rule, part of the Anti-Money Laundering Act of 2020, will require a broad range of U.S. legal entities, and non-U.S. legal entities registered to do business in the U.S., to report certain information on its beneficial owners to FinCEN. All legal entities that have been formed or conduct business in the U.S., including through subsidiaries, and their legal advisors, should be aware of the rule and its implication on corporate and financial transactions that involve the creation or acquisition of legal entities. This presentation will outline who must report, what information they must report, when they must report, and the penalties for violating the reporting requirements.

Speakers:



Allison A. (Allie) Westfall
Business Representation & Transactions Partner
KMK Law

» 4:25 p.m. - 4:55 p.m.

Top Cases Every Attorney Should Know This Year

CLE 0.50 hours (General)

The presentation will focus on recent decisions that impact the business community, specifically: (a) supreme court decisions or appellate court cases docketed for supreme court review; (b) appellate and district interpretation of recent supreme court decisions; and (c) state supreme court decisions or decisions generating commentary.

Speakers:



Joseph M. (Joe) Callow, Jr.
Litigation Partner
KMK Law

» 4:55 p.m. - 5:00 p.m.

Conclusion/CLE Wrap-Up

Speaker:



Shannon D. Lawson
Business Representation & Transactions Partner
KMK Law