



A Little Bit of Old, A Little Bit of New

2021 Administrative Law Section Program

Friday, March 26, 2021
Live Webcast

North Carolina: 3.50 MCLE Hours

Includes:

1.50 Ethics/Professional Responsibility

Planned by the NCBA Administrative Law Section

Learn a little bit of old and a little bit of new at the *2021 Administrative Law Section Program*. This CLE features “staple” case law and legislative updates commonly included in administrative law annual CLE agendas of years past, but these sessions cover new material from the appellate court decisions rendered and legislative updates occurring since last year’s Administrative Law Section Program.

In addition, learn about the unique regulatory and criminal liability issues facing the regulated public of the Alcoholic Beverage Control Commission.

Finally, national speaker Marcellus Braxton — a Black lawyer and higher education professional — discusses why systemic discrimination and inequity require us to rethink the role of intent and impact in our policies and laws.

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8:55 AM–1:10 PM

8:55 Welcome and Introductions

9:00 Legislative Updates
Ferrell

This session highlights recent and pending legislative items of interest to attorneys practicing in the administrative law areas. Learn about the significant changes for administrative agencies, and those practicing before them, related to the state's emergency regulations arising from the pandemic.

9:30 Break

9:40 Case Law Updates
Pinyan

Keep up to date on North Carolina and federal cases impacting those practicing administrative law.

10:10 Break

10:20 When a Licensing Board Comes Knocking at Your Door: The Dos and Don'ts of Responding to a Disciplinary Investigation
Schneider

Learn from a lawyer experienced in practicing before the State Bar and occupational licensing boards about strategies and approaches to defending professionals who have been notified of potential disciplinary action.

10:50 Break

11:00 The Intersection of Regulation, Criminal Laws and Administrative Law: Alcohol Permitting, Liquor Licensure and Violation Cases
Lassiter

Hear from an attorney who worked for the NC Alcoholic Beverage Control Commission for a decade before going into private practice to represent clients in hearings before the ABC Commission or OAH. Learn about the administrative law side: how businesses (restaurants, bars, clubs, etc.) must apply for and obtain a permit/license before serving or selling alcohol. Then, learn about the criminal law side: issues those same businesses encounter with local police and ALE officers. The session concludes by coming full circle back to the administrative law realm: contested case hearings and permit/license violation cases before the ABC Commission or OAH.

11:30 Break

11:40 Why Systemic Discrimination and Inequity Require Us to Rethink the Role of Intent and Impact in our Policies and Laws*

Braxton

In law school, we often learned about the difference between intent and impact. We know that some laws, policies and structures have a certain impact on entities or people that were not explicitly stated or intended. Consider that perhaps we do ourselves a disservice by treating intent as an individual, standalone factor without also considering historical context. White supremacy, racial hierarchy and anti-Blackness have been present for centuries, and we need to revise how we examine a policy or law's intent in light of these systemic inequities.

1:10 Adjourn

* Indicates portion providing Ethics/Professional Responsibility credit

Speakers

- Marcelus Braxton, Capital University School of Law, Columbus, OH
- David P. Ferrell, Nexsen Pruet LLC, Raleigh
- Glenn B. Lassiter Jr., Glenn Lassiter Law, Pittsboro
- Clinton R. Pinyan, Brooks Pierce McLendon Humphrey & Leonard LLP, Greensboro
- Alan M. Schneider, Cheshire Parker Schneider PLLC, Raleigh

Planners

- Christina D. Cress, Bailey & Dixon LLP, Raleigh
- John R. Szymankiewicz, Matheson & Associates PLLC, Raleigh
- Frank X. Trainor, NC Board of CPA Examiners, Raleigh