

**2021  
VPO CLE CONFERENCE**

**Tuesday  
September 14, 2021**



**DELTA HOTELS BY MARRIOTT BURLINGTON  
1117 Williston Road**

**South Burlington, Vermont**

(enter through the doors near the back parking lot)

**VERMONT  
PARALEGAL  
ORGANIZATION**

The VPO will be collecting non-perishable items for the Vermont Foodbank at this event. Please bring something to donate.

**\*\*\*NFPA CLE APPROVED\*\*\***

## REGISTRATION

**Name(s):** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Phone/e-mail:** \_\_\_\_\_  
**Company:** \_\_\_\_\_

**I would like to register for:**

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> Attendance | <input type="checkbox"/> \$110 Member (full day, with lunch)             |
|                                     | <input type="checkbox"/> \$125 Non-Member (full day, with lunch)         |
|                                     | <input type="checkbox"/> \$40 Student Member (full/half day, with lunch) |
|                                     | <input type="checkbox"/> \$75 Member (half day, with lunch)              |
|                                     | <input type="checkbox"/> \$80 Non-Member (half day, with lunch)          |
|                                     | <input type="checkbox"/> I will NOT attend the luncheon                  |

Video recordings of each seminar attended will be provided at no extra cost to all half or full day attendees.

**LUNCH CHOICE (please circle only one)\*:**

- 1) Sugar House Chicken: sauteed boneless chicken breast topped with seasonal apples, VT Cabot cheddar cheese and maple-apple cider demi-glace, with steamed green beans, and oven roasted red bliss potatoes. Tossed garden salad and dessert (warm apple crisp) included.
- 2) Penne Pasta Primavera Alfredo: penne pasta tossed with seasonal fresh vegetables in an Alfredo sauce. Tossed garden salad and dessert (warm apple crisp) included.

\*If you have a specific dietary need, please contact Louise Reese separately.

**I am interested in attending the following Seminars\*:**

9:00-10:30

- Track A: Whistleblower Cases
- Track B: Commercial Transactions and Due Diligence

10:45-12:15

- Track A: A Deeper Look into Logikcull
- Track B: Real Estate Transaction Taxes

2:00-3:30

- Track A: Appellate Rule Changes and Vermont Supreme Court Goes to Odyssey
- Track B: Unusual Situations in Real Estate and What to Do in Response

**\*You can sign up to attend any seminar in any track.**

Send registration with check made payable to Vermont Paralegal Organization to:

Vermont Paralegal Organization, Attn: CLE  
P.O. Box 5755, Burlington, VT 05402  
*Sorry, no refunds after September 7, 2021.\**

**\*Any payment not mailed by Friday, September 3, 2021, should be brought to the event rather than mailed after that date.**

Questions? Contact: Carie Tarte 489-5258 [carie@malevandmaley.com](mailto:carie@malevandmaley.com)  
Louise Reese 859-7063 [lreese@dinse.com](mailto:lreese@dinse.com)

## FACULTY

### **Timothy Doherty, Esq.: Whistleblower Cases**

Tim is a Director at Downs Rachlin Martin in Burlington. His practice focuses on advising corporations and individuals in matters related to white collar defense, complex civil litigation, antitrust compliance, the False Claims Act, and professional licensing. He also has significant experience in conducting internal investigations, drawing on his years of prosecuting business crimes on behalf of the U.S. Department of Justice.

Prior to joining DRM in 2017, Tim served for a decade as an Assistant U.S. Attorney in the U.S. Attorney's Office for the District of Vermont. As a federal prosecutor, Tim prosecuted business crimes, including complicated mail, wire, and bank fraud matters, as well as multi-jurisdictional firearm and drug trafficking cases, from the investigation stage through trial, conviction, and appeal.

Before entering public service, Tim was a litigator at Skadden, Arps, Slate, Meagher & Flom in New York, where he focused on white collar criminal defense and complex litigation.

### **Laurie Noyes – A Deeper Look into Logikcull – a cloud-based document review platform.**

Laurie Noyes has over 20 years of paralegal experience handling a broad range of large and complex commercial litigation matters, including employment matters, regulatory and administrative matters, employment and family-based immigration work, insurance coverage and defense work, eminent domain and condemnation cases, and foreclosures. At her prior firm, Laurie assisted senior attorneys with their work as part of the Vermont Labor Relations Board as well as played an important role in helping the employment law team defend clients from employment-based claims. Immediately prior to joining PF+C,

she spent four years in the financial services industry working as an investment project specialist for the asset management division of a national insurance company. During that time, she earned her MBA in Finance, which appreciably adds to her skillset at PF+C.

Laurie assists PF+C clients and attorneys with all phases of litigation, from inception through discovery and mediation/trial. Her responsibilities include client and witness contact, document examination management, drafting pleadings and responding to discovery, analyzing medical and other records, case investigations, as well as performing various kinds of legal and technical research. Laurie's work is integral to the management of discovery involving electronic stored information ("ESI").

**Emily Wetherell, Vermont Supreme Court Deputy Clerk and Staff Attorney: Appellate Rule Changes and Vermont Supreme Court Goes to Odyssey.**

Emily Wetherell, Esq., has worked at the Vermont Supreme Court since 2006, first as a staff attorney and then as the Deputy Clerk of the Court. Her current responsibilities include supervising the Court's administrative staff, overseeing facilities and administrative systems, supporting various rules committees, researching legal issues, and drafting opinions. Previously, Emily was an Associate Professor of Legal Writing at Vermont Law School, clerked for Associate Justice John A. Dooley, and served as a Peace Corps volunteer in Ukraine. She regularly testifies before the Legislative Committee on Judicial Rules and has presented educational sessions on appellate practice and rules requirements to the bar and to judges. She has a J.D. from Vermont Law School and a [B.Sc.](#) in chemistry and biology from Queen's University in Kingston, Ontario.

## **Paul Brodowski, Vermont Department of Taxes: Real Estate Transaction Taxes**

Paul Brodowski is the Real Estate Transfer Tax Section Chief for the State of Vermont. He has been employed with the tax department for over five years, and has spent the last three years handling real estate transactions. Paul received a MBA, accounting concentration, from Northeastern University in Boston, Massachusetts.

## **James Knapp, Esq. - Unusual Situations in Real Estate and What to Do in Response**

Jim is the Vermont State Counsel for First American Title Insurance Company. Previously he served as the Interim Director of the Property Valuation & Review division of the Vermont Department of Taxes and he was of counsel to the Burlington firm of Mickenberg, Dunn, Lachs & Smith, PLC, advising clients in a broad range of issues related to real estate acquisitions, financing, development and dispositions and matters related to the formation and management of business organizations. Mr. Knapp has also consulted with the Vermont Bar Association's Practice Management Program, advising attorneys and firms about resources to help with the application of technology to the practice of law and the management of law offices. Mr. Knapp has held the position of state counsel to and underwriter for Chicago Title Insurance Company and Stewart Title Guaranty Company. Mr. Knapp began his practice as an associate and then as a shareholder at the Burlington law firm of Gravel & Shea. He has lectured for the Vermont Bar Association, the Vermont Paralegal Organization and other professional education providers on title examination practice and procedure, boundary law, common interest ownership projects, current developments in title examination, title insurance, and land use regulation. In addition, Mr. Knapp has participated as a co-presenter in presentations on professionalism and ethics. Mr. Knapp has taught the advanced real property law course as part of

the adjunct faculty at Champlain College and a course in Law Practice Management at Vermont Law School. Mr. Knapp is a member of the Vermont Bar Association Title Standards Subcommittee and the Professional Responsibility Section. He earned his B.A. degree in history, with highest distinction, from the University of Maine at Orono and his J.D. degree, magna cum laude, from Syracuse University College of Law.

### **Jeremy Farkus, Esq. and Catherine Dingle, Esq. – Commercial Transactions and Due Diligence**

Jeremy's practice focuses on commercial real estate law, in which he represents developers, property owners and municipalities in the acquisition, financing, permitting, development, management, leasing and sale of a wide variety of commercial, residential, hotel, resort and office properties. Jeremy's practice additionally includes general commercial transactional law, including entity formation and management, secured financings, and mergers and acquisitions. He also works with individuals and businesses to obtain state and municipal land use permits, and represents property owners in the establishment and management of condominiums and common interest communities. Jeremy concentrates an aspect of his practice on representing telecommunications companies in their network development operations, including negotiating leases for the use of land, towers and building rooftops for the purpose of siting telecommunications facilities.

Catherine Dingle is a founding member of MSK. She has extensive experience with a wide range of complex commercial transactions, including commercial finance. Catherine has assisted clients in expanding their businesses and acquiring assets throughout Vermont, New York, New England, and Canada. Her practice also includes representing local Vermont companies and regional, Canadian, and other foreign businesses and banks in complex commercial transactions, such as large credit facilities, mezzanine financing, private equity investments, tax-exempt bond

transactions, new market tax credit transactions, and the purchase, sale and leasing of commercial property.

Catherine began practicing law in Montreal. Prior to private practice, she worked on Parliament Hill in Ottawa and served as Legislative Assistant to the Honorable Donald J. Johnston, a minister in Prime Minister Pierre Trudeau's cabinet.

### **Nanci Smith, Esq. – Guest Speaker on Collaborative Law**

Nanci Smith has been practicing law since 1992, when she graduated from Vermont Law School. Nanci worked in civil and criminal litigation as well as family law in Montpelier and Rutland in her early years. When Nanci began her solo practice in 2005, she concentrated exclusively in family law and divorce. Nanci is a member of the Vermont Bar Association and International Academy of Collaborative Professionals.



## AGENDA

**8:30 – 9:00**

Registration (continental breakfast, including coffee, tea, and juice)

**9:00-10:30**

<b>Track A</b>	<b>Track B</b>
Whistleblower Cases – Timothy Doherty, Esq.	Commercial Transactions and Due Diligence – Jeremy Farkus, Esq. and Catherine Dingle, Esq.

**10:30 – 10:45** Morning Break

**10:45-12:15**

<b>Track A</b>	<b>Track B</b>
A Deeper Look into Logikcull – Laurie Noyes	Real Estate Transaction Taxes – Paul Brodowski, Vermont Department of Taxes

**12:30 – 1:45**

Plated Lunch and Guest Speaker: Nanci A. Smith, Esq. on Collaborative Law and its Impact on Outcomes.

**2:00-3:30**

<b>Track A</b>	<b>Track B</b>
Appellate Rule Changes and Vermont Supreme Court Goes to Odyssey – Emily Wetherell, Esq.	Unusual Situations in Real Estate and What to Do in Response – James Knapp, Esq.

**It is not necessary to sign up for one track. You can choose to attend any seminar in any track.**

## **LITIGATION TRACK A:**

### **Whistleblower Cases**

Qui tam lawsuits, where a whistleblower lawsuit is brought under the False Claims Act, may reward whistleblowers if the government recovers funds that would otherwise be lost to fraud.

This session will discuss how to prosecute or defend such lawsuits, including necessary investigation, fast and effective analysis for the facts, data presentation to government authorities, and representation through trial where appropriate.

### **Appellate Rule Changes and Vermont Supreme Court Goes to Odyssey**

This session will cover recent appellate rule changes that can impact any filings with the Vermont Supreme Court that recently moved to the use of Odyssey for its electronic filing. This session will also cover any differences in electronically filing for Vermont Supreme Court compared to the Superior Courts.

### **A Deeper Look into Logikcull – a cloud-based document review platform**

This session will walk us through the complete process of a document review and production, from data upload to document output, using Logikcull, a cloud-based document review platform that is essentially set up for self-use where the user conducts the searches and prepares the production.

## **REAL ESTATE TRACK B:**

### **Commercial Real Estate Transactions and Due Diligence**

This session will cover the due diligence process for commercial real estate transactions, including the drafting of closing checklists, and preparing settlement statements.

### **Real Estate Transaction Taxes**

Part I of this program will look at (a) resources on the Tax Department website from basics to where to find rules, regulation, rulings and technical bulletins; and (b) basic elements of transfer tax, land gains tax and non-resident withholding requirements. In Part II of the program, representatives from the Tax Department will address topics related to recent questions raised by Real Estate practitioners. We expect there will be time for questions from the audience. To facilitate the program, please send your questions on the Real Estate Transaction Tax topics to Jim Knapp at First American Title Insurance Company. [jimknapp@firstam.com](mailto:jimknapp@firstam.com). He will collate the questions and provide them to the Tax Department in advance of the program.

### **Unusual Situations in Real Estate and What to Do in Response**

In this seminar, Jim will discuss unusual situations that may arise in real estate matters, including scenarios that deal with solar transactions, Current Use, and enhanced life estate and the new statute that went into effect in 2020. This session is also expected to include a discussion about old undischarged or defectively discharged mortgages, and broken property descriptions.