

REPORT: FEDERAL COURTS STREAMLINING ELECTRONIC SYSTEMS

The transition to the next generation of the federal courts' case management/electronic case files system is underway, according to a report from the director of the Administrative Offices of the U.S. Courts. The report noted 33 bankruptcy courts have adopted the Judiciary Financial System to maintain case financial details, and 30 of the courts have converted to the Court Registry Investment System for court registry funds. The report may be accessed at <http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/AdministrativeOffice/DirectorAnnualReport/annual-report-2013.aspx>.

IRS: VIRTUAL CURRENCIES ARE PROPERTY

The Internal Revenue Service (IRS) released Notice 2014-21, guidance advising virtual currencies, such as bitcoin, are property and not currency for tax purposes. However, the notice stipulates wages paid to employees with bitcoin and other forms of virtual currency are taxable and subject to withholding and payroll taxes, as are payments to independent contractors and other service providers. With respect to virtual currency as property, the IRS emphasizes the character of the gain or loss from the sale or exchange of the currency determines whether it is a capital asset for the taxpayer, and a payment made using virtual currency is subject to information reporting to the same extent as any other payment made in property. Notice 2014-21 can be accessed at <http://www.irs.gov/pub/irs-drop/n-14-21.pdf>.

YAHOO REPORT: DROP IN GOVERNMENT REQUESTS FOR DATA

Yahoo experienced a significant drop in the number of government requests for data about its users in the second half of 2013, compared with the first half, according to its semiannual transparency report. The company reported 21,425 requests from 17 countries for information on 32,493 accounts, with the U.S. accounting for one-third of the requests. The figures excluded requests made by the U.S. under national security laws and the Foreign Intelligence Surveillance Act, allowed to be reported only in broad ranges and with a six-month delay. Yahoo also noted its new policy, made effective in July 2013, informing users about government data requests before fulfilling them. The report may be accessed at <https://transparency.yahoo.com/index.htm>.

FCC RELEASES MORE AIRWAVES FOR WI-FI, BROADBAND

The Federal Communications Commission (FCC) released additional airwaves for Wi-Fi and wireless broadband, also allowing a broad range of airwaves to be used for outdoor unlicensed broadband. Unlike airwaves used for mobile phone traffic and are licensed to a specific company, unlicensed spectrum can be used by anyone and have led to innovations such as garage door openers, baby monitors and wireless microphones. The FCC also approved rules allowing it to sell 65 megahertz of airwaves known as Advanced Wireless Services bands at auction this year under new technical rules to make the segments more compatible. In another action, the FCC approved new rules prohibiting the top four broadcast stations in a single market from acting together to negotiate fees with cable networks and could result in higher prices. Cable networks generally pay local affiliates of the major broadcast networks for the right to distribute the broadcast signals in their cable service area. Additionally, the FCC voted to close a loophole in television station ownership rules by stopping a practice

known as joint sales agreements, allowing one station to sell advertising time on another station in the same market, even though the two stations have different owners. The stations use the agreements to cut operating expenses, but the FCC found it appeared the companies were instead circumventing rules limiting the number of stations a single owner can control in a given market. Further details of these FCC actions may be accessed at <http://www.fcc.gov/events/open-commission-meeting-march-2014>.

UN AGENCY TO MEASURE INTERNATIONAL CYBERSECURITY

The United Nations International Telecommunications Union (ITU) launched the Global Cybersecurity Index, an initiative to measure the levels of cybersecurity in member countries. The initiative will provide a comparison of different national cybersecurity strategies and best practices. Its goal is to help foster a global culture of cybersecurity and its integration at the core of information and communication technologies. Based on questionnaire responses received from ITU member countries, a first analysis of cybersecurity development in the Arab region has been compiled and another for the Africa region is in progress, with a goal of releasing a global status this year.

OPENING OF SILICON VALLEY PTO DELAYED

The opening of the Silicon Valley office of the U.S. Patent and Trademark Office (PTO) has been delayed several months, with a new opening date expected in spring 2015. The PTO announced additional time is needed to renovate the space at San Jose City Hall to meet the agency's needs. In addition, current city employees will have to be relocated to make space available. PTO has been operating a smaller, more limited office in Silicon Valley in a

temporary location, but staffing is minimal. It expects to staff the permanent office with 20 Patent Trial and Appeal Board judges and 60 patent examiners. PTO satellite offices were mandated in the 2011 America Invents Act, with other satellite offices located in Dallas, Denver and Detroit.

ABA APPROVES HYBRID JD PROGRAM

The American Bar Association approved a variance in its accreditation rules allowing the William Mitchell College of Law, located in St. Paul, Minnesota, to offer a four-year hybrid JD program allowing students to complete coursework both on-campus and online. The program will launch in January 2015, with enrollment closing on December 1, 2014. Students will take self-scheduled online courses for 11 or 12 weeks and attend a week-long on-campus seminar. They are also expected to participate in internships with local attorneys. The program will also include an option to focus on Indian law or law and business tracks.

SEC ISSUES PLAN TO ENSURE CYBERSECURITY ON WALL STREET

On April 15, the U.S. Security and Exchange Commission (SEC) posted a document containing examples of questions SEC commissioners might ask brokerages and asset managers during inspections to ensure they are prepared to detect and prevent cyberattacks. The document alerts these firms to be prepared to provide a comprehensive list of when they detected malware, suffered a denial of service attack or discovered a network breach since 2013. The SEC also plans examinations of more than 50 firms focusing on cybersecurity issues. The document also indicates the possibility of examiners gathering information about how firms protect customer information, including checking on how customers are authenticated to access online accounts and the security measures protecting PIN numbers.

The document can be accessed at <http://http://www.sec.gov/ocie/announcement/Cybersecurity+Risk+Alert++%2526+Appendix+-+4.15.14.pdf>.

VERIZON ISSUES ANNUAL DATA BREACH REPORT

Verizon released its 2013 Data Breach Investigations Report, relating there were almost 200 hacks in 2013 of the payment systems used by retailers, hotels and restaurants. The report also notes hackers successfully stole data from Point of Sales (POS) systems 198 times last year – down from previous years. In total, Verizon tabulated 1,367 data breaches in 2013 based on statistics from the U.S. government, cybersecurity companies and foreign law enforcement. This year's report also features common incident patterns, including insights from 50 global organizations and more than 63,000 confirmed security incidents. The report can be accessed at <http://www.verizonenterprise.com/DBIR/2013/>.

WHITE HOUSE UPDATES PRIVACY POLICY

The Obama administration released an updated privacy policy, explaining how the government will gather the user data of online visitors to WhiteHouse.gov, mobile apps and social media sites. The policy also clarifies the status of online comments, both tirades and tributes, as being in the open domain. The policy promises the data of online visitors will not be sold, but states it cannot make the same assurances for users of third-party White House sites on Facebook, Twitter or Google. While there are not significant changes to actual practices under the new policy, legal jargon and bureaucratic language have been removed, making it easier for readers to understand. The policy may be accessed at <http://whitehouse.gov/privacy>.

FCC TO OK “FAST LANES” FOR PROVIDERS

The Federal Communications Commission (FCC) announced it would propose new rules to allow companies to pay Internet service providers for special, faster lanes to transmit video and other content to their customers. The proposal puts a big dent in net neutrality – the concept of no discrimination in the provision of legal Internet content by provider and equal access by users. Under the proposal, broadband providers would have to disclose how they treat all Internet traffic and on what terms they offer more rapid lanes. They would also be required to act in a “commercially reasonable manner.” The proposed rules would also require Internet service providers to disclose whether in assigning faster lanes they have favored their affiliated companies. The proposed rules will be released for public comment on May 15, 2014, and the FCC is likely to vote on them by year end.

IN THE COURTS

EXPECTATION OF PRIVACY: INVENTORIED CELL PHONE

State v. Granville, 2014 Tex. Crim. App. LEXIS 237 (February 26, 2014). The Texas Court of Criminal Appeals ruled a search warrant was required to search the contents of an inventoried cell phone. Anthony Granville was arrested for causing a disturbance on the school bus, a Class C offense, and his cell phone was taken during booking and put in the jail property room. Later that day, another officer learned Granville had taken an indecent photograph on his cell phone and took Granville's cell phone from the jail property room and examined its contents without a warrant. The officer turned on the phone, found the photograph and printed a copy

of it, keeping the phone as evidence. Granville was charged with Improper Photography, a felony, and filed a motion to suppress, arguing the officer could not search his cell phone without a warrant. The officer contended he could search anything in the jail property room if he had probable cause. The trial court granted the motion to suppress, concluding Granville had a reasonable expectation of privacy in his cell phone, even when the cell phone was in the jail inventory. The State appealed, and the appeals court affirmed, finding Granville did not lose his reasonable expectation of privacy in the contents of the cell phone when it was stored in the jail property room. The court determined the officer could have seized the phone and held it while he obtained a search warrant, but even with probable cause, he could not activate and search the contents of the inventoried phone without one.

FOURTH AMENDMENT: WARRANTLESS SEARCH OF TEXT MESSAGES

State v. Hinton, 2014 Wash. LEXIS 159 (February 27, 2014). The Supreme Court of Washington ruled police improperly obtained the text messages without a warrant. Police arrested Daniel Lee for possession of heroin and seized his iPhone, which was handed over to a detective at the police station. The detective looked through the iPhone for about 5-10 minutes and saw a text message from "Z-Jon" containing drug terminology. The detective, responding as Lee, exchanged messages with Z-Jon and arranged a meeting to sell him heroin. When Jonathan Roden arrived for the transaction, he was arrested. Then the detective received a message from "Z-Shawn," and again posing as Lee, responded to the message, arranged another drug transaction and arrested Shawn Hinton when he arrived for the meeting. Hinton was charged with attempted possession of heroin, and he moved to suppress the evidence obtained from the iPhone, arguing the detective violated his Fourth Amendment rights and the state constitution and privacy act. The trial

court denied the motion and found Hinton guilty. He appealed on the constitutional issues and the Court of Appeals affirmed. The state Supreme Court granted Hinton's petition for review to decide whether the detective's conduct was unconstitutional. That court held the text messages were improperly obtained by the police without a warrant because Hinton's text message conversations were private affairs protected by the state constitution from warrantless intrusion. The decision was reversed and the conviction vacated without prejudice.

Ed. Note: Jonathan Roden also sought review, and his decision was reversed and his conviction vacated without prejudice on the same grounds.

PUBLIC RECORDS REQUEST: RECORDED INTERVIEWS

Ingram v. State, 2014 Fla. App. LEXIS 2369 (February 21, 2014). The Florida Court of Appeal, Fifth District, found the trial court erred by failing to hold a hearing on the public records request. Lawrence Ingram, serving a life sentence for the sexual battery of a child, made a written public records request to the State Attorney's Office requesting 1) the mirror images made of his hard drive in the form of DVDs or CDs and the analyses and reports from the forensic examination of his home computer, and 2) the recorded interviews of the victim and her mother. As to the recorded interviews, the State responded it was required by an exemption to the Public Records Act to first redact any information identifying the child victim, and it lacked the ability to do so. The State told Ingram he was required to obtain someone with that capability. Ingram again wrote the State, and the State reiterated its position. Ingram filed a motion to compel production of documents and requested a telephonic hearing on the motion, but the trial court dismissed the motion without a hearing. Ingram sought certiorari review of the order denying the motion, arguing the trial court failed to treat his motion as a petition for writ

of mandamus and failed to have a required hearing on his motion. The appeals court agreed with both arguments and quashed the order. Further, to give guidance to the trial court, the court determined if there was a videotaped interview of the minor child, an unredacted copy had to be provided to Ingram, as this information was not exempt from disclosure, and all other records requested had to be redacted in accordance with the statute.

Ed. Note: Kellie Nielan, Assistant Attorney General in the Florida Attorney General's Office, represented the State.

SUBPOENA ENFORCEMENT: ANONYMOUS INTERNET REVIEWS

Yelp, Inc. v. Hadeed Carpet Cleaning, Inc., 2014 Va. App. LEXIS 1 (January 7, 2014). The Virginia Court of Appeals held the trial court properly enforced a subpoena seeking the identities of the anonymous Internet posters. Yelp, a Delaware corporation with its principal place of business in California, is a social networking site allowing its users to post reviews. In order to do so, the user must register with a valid email address, agree to Yelp's Terms of Service and be a customer of the business on which they base their reviews. In October 2012, there were 75 reviews of Hadeed Carpet Cleaning in Virginia posted, and several were critical of Hadeed. Hadeed filed suit against the authors of seven critical reviews, alleging it was unable to match the reviewers with its customer database and could find no record the reviewers were Hadeed customers. Hadeed further alleged they had falsely represented themselves as customers, and the reviewers' comments were defamatory because they falsely stated Hadeed had provided bad service. Hadeed served a subpoena duces tecum on Yelp's registered agent in Virginia, seeking information about the authors of the reviews. Yelp filed written objections to the subpoena, and Hadeed moved to override the objections and enforce the subpoena. The trial court is-

sued an order enforcing the subpoena, finding it had jurisdiction and the subpoena complied with both the First Amendment and Virginia code. Yelp refused to comply in order to protect its users' rights, and Hadeed moved to have Yelp held in contempt. The trial court did so, imposing a monetary sanction and awarding Hadeed attorney's fees, and Yelp appealed, arguing 1) the First Amendment requires a showing of merit on the law and on facts before a subpoena to identify an anonymous speaker is enforced; and 2) the trial court lacked jurisdiction. The appeals court found the First Amendment right to anonymity is subject to a substantial government interest in disclosure, as in the instant case. The court held the trial court properly asserted subpoena jurisdiction over the foreign Internet website company because its registered agent was served with the subpoena, constituting service of process under Virginia law and providing jurisdiction to the court. The order was affirmed.

STATUTE INTERPRETATION: "UPSKIRTING"

Commonwealth v. Robertson, 2014 Mass. LEXIS 115 (March 5, 2014). The Massachusetts Supreme Court held a female transit passenger wearing clothing on the private parts of her body is not "partially nude" and not covered by Mass. Gen. Laws ch. 272, § 105(b). Michael Robertson allegedly took a photo of the upper leg of a woman wearing a skirt while on the trolley and was seen by another passenger, who reported the incident to transit police. Later that day, another passenger reported she saw Robertson trying to photograph a woman's crotch area, and she captured images of him doing so and sent them to transit police. Transit police set up a decoy operation on the trolley with a female officer wearing a dress, and Robertson was observed videotaping her crotch area. Officers arrested Robertson and secured his cell phone, noting it had been recording. Robertson was charged with two criminal complaints of attempting to commit the offense of photographing, videotaping or electronically surveilling a nude or partially nude person in viola-

tion of the previously cited statute. Robertson moved to dismiss, which was denied, and he sought interlocutory review. The state Supreme Court agreed with Robertson in interpreting “a person who is partially nude” to mean a person who is partially clothed but who has one or more private parts of the body exposed at the time the defendant secretly photographs her. The court held a female passenger on a trolley wearing a skirt, dress or the like covering those parts of her body is not a person who is “partially nude,” whether or not she is wearing clothing underneath the clothing. The court found the statute, as written, is only concerned with proscribing peeping Tom voyeurism of people who are completely or partially undressed, especially that voyeurism enhanced by electronic devices. The order denying the motion to dismiss was reversed.

Ed. Note: On March 7, 2014, two days after this decision, Massachusetts Governor Deval Patrick signed into law a bill banning “upskirting” by making it illegal to photograph or videotape the “sexual or other intimate parts” of women and children in public.

CYBER STALKING : AUTHENTICATION OF TEXT MESSAGES

McGee v. State, 2014 Tex. App. LEXIS 825 (January 25, 2014). The Texas Court of Appeal, Fifth District, ruled the State satisfied its burden to authenticate the text messages. David McGee called and sent excessive text messages to his ex-girlfriend who was trying to end their relationship. He then pushed her, damaged her car and garage door and tried to damage her cell phone when she called 9-1-1. McGee was arrested for assault and interfering with a 9-1-1 call. Upon release, McGee continued his excessive calls and sent humiliating and threatening texts to her work, home and cell phone. Police were called to the ex-girlfriend’s home numerous times on complaints of criminal mischief, but police had no proof it was McGee. The ex-girlfriend

began recording his calls and saving his text messages and got a protective order against him, but the calls and text messages continued. McGee came to the ex-girlfriend’s workplace, and was arrested for stalking and violation of a protective order. McGee was convicted by a jury of stalking and appealed, arguing there was insufficient evidence he originated the calls and text messages and the trial court erred in admitting 72 text messages sent to the ex-girlfriend because the State did not authenticate them. The appeals court disagreed, finding sufficient evidence to support McGee’s conviction because 1) the ex-girlfriend testified the calls and text messages were from McGee; 2) the ex-girlfriend’s telephone records were in evidence; and 3) the ex-girlfriend testified some of the communications were threatening. The court further found the State satisfied its burden to authenticate the text messages because the ex-girlfriend testified it was the same number McGee used to contact her. The conviction was affirmed.

STATE WIRETAP ACT: POINT OF INTERCEPTION

State v. Ates, 2014 N.J. LEXIS 238 (March 18, 2014). The New Jersey Supreme Court upheld the constitutionality of the state Wiretap Act. Edward Ates was charged with first-degree murder of his son-in-law, among other charges. During the investigation of the crime, law enforcement officers had obtained court orders to intercept phone conversations, including conversations between persons located outside of New Jersey – namely, in Florida and Louisiana. Prior to trial, Ates moved to suppress the conversations with out-of-state persons, arguing law enforcement officers failed to ask the proper authorities in Florida and Louisiana to consent to the wiretaps and asserting the state Wiretap Act was unconstitutional because it permitted state authorities to act outside of their jurisdiction and wiretap individuals with no connections to the State. The motion was denied, and a jury found

Ates guilty on all counts. The trial court sentenced him to life imprisonment subject to 63.75 years of parole ineligibility. Ates appealed, renewing his constitutionality argument, and the Appellate Division affirmed his conviction. The state Supreme Court granted his petition for certification, and also granted leave for the state Attorney General to appear as amicus curiae. The state high court noted the language in the statute (N.J.S.A. 2A:156A-12h) providing a wiretap order “may be executed at any point of interception (defined as the site where the ‘officer is located at the time the interception is made’) within the jurisdiction of an investigative or law enforcement officer executing the order.” Thus, the court found a wiretap order signed by a New Jersey judge can empower investigators located in New Jersey to monitor intercepted conversations in the State, even if both parties to the call are outside the State. The court further noted federal circuit courts and state courts have consistently upheld wiretaps based on the location of the listening post. The court concluded the state Wiretap Act is constitutional under both the federal and state constitutions and affirmed the judgment.

Ed. Note: Deputy Attorney General Daniel Boorstein argued the case for the Office of the New Jersey Attorney General.

FIRST AMENDMENT: EAVESDROPPING STATUTE

People v. Melongo, 2014 IL 114852 (March 20, 2014). The Illinois Supreme Court found 720 ILCS 5/14-2 (2008), defining eavesdropping, was facially unconstitutional. Annabel Melongo was charged with computer tampering in an unrelated case; she failed to show at the arraignment but obtained an official court transcript stating she was present and arraigned. She tried to no avail to have the court reporter change the transcript and was referred to the supervisor, who told her disputes over transcript accuracy should be presented to the

judge. Melongo surreptitiously recorded three subsequent telephone conversations with the supervisor and posted the recordings and transcripts of the conversations on her website. She was charged with three counts each of eavesdropping and of using or divulging information obtained through the use of an eavesdropping device.

Melongo moved to dismiss, arguing an exception to the statute allowed her to record a conversation under reasonable suspicion the other party is about to or has committed a criminal offense, and there is reason to believe the evidence of the offense may be obtained by the recording. The State argued the exception did not apply because the court reporter accused by Melongo was not a party to the recorded conversations, and the trial court granted the State’s motion in limine precluding Melongo from raising the defense at trial. Melongo’s ensuing motion to reconsider and her motion to dismiss on the basis the statute was unconstitutional under the due process clause were also denied. The trial resulted in a hung jury and mistrial and was re-assigned. Melongo filed a motion to declare the statute unconstitutional, raising both First Amendment and due process claims. The court found the statute to be unconstitutional, finding it vague and a violation of due process. The State appealed, and the Illinois Supreme Court held the recording provision of the statute to be facially unconstitutional because it burdened more speech than was necessary to protect conversational privacy. The court also found the provision of the statute criminalizing the publication of the recording to be overbroad and therefore unconstitutional as well. The judgment of the trial court was affirmed.

KNOWING POSSESSION: SHADOW IMAGES

New v. State, 2014 Ga. App. LEXIS 253 (March 27, 2014). The Georgia Court of Appeals found sufficient evidence to support defendant’s

conviction. Matthew New, a former police officer, had encouraged his 14-year-old son and the son's 13-year-old girlfriend to engage in strip wrestling and photographed the event. The son reported the incident to law enforcement, and officers went to the home to speak to New, seizing a computer from the residence. A forensic analysis of the computer revealed images of the strip wrestling as well as numerous images of child pornography. New was charged with and convicted by jury on 35 counts of sexual exploitation of children, two counts of child molestation and one count of enticing a child for immoral purposes. He appealed the exploitation charges, arguing the State failed to prove he knowingly possessed images of child pornography based on the location of the recovered images on his hard drive. The court noted a computer forensics expert had testified at trial the images were found as "shadow copies" in the system volume file created in the daily backups. The expert had also testified only one user account named "Matt" had been consistently utilized on the hard drive, and the guest account profile had never been used. Further, the expert testified LimeWire, a peer-to-peer file sharing program, had been installed on the computer, but it could not be determined if the shadow images of child pornography had only been viewed on a web page or whether it had been downloaded to the computer.

The appeals court found sufficient evidence existed to support the conviction based on the State's presentation of circumstantial evidence of the shadow copies on New's computer, evidencing prior possession of the images. Further, the court found that State presented expert testimony indicating searches for and downloads of child pornography and the number of child pornography images discovered. The court affirmed the conviction, but remanded for resentencing, finding the trial court had not imposed a split sentence on each count.

And see...

The People v. Petrovic, 2014 Cal. App. LEXIS 281 (March 26, 2014). The California Court of Appeals, Second Appellate District, found the evidence supported an inference defendant intentionally used his computer to peruse child pornography. Zoran Petrovic was arrested for a parole violation, and a subsequent forensic review of his computer by his parole agent revealed he had viewed child pornography. Petrovic was convicted of possession of child pornography with a prior conviction for child molestation. He appealed, contending there was no evidence he knowingly possessed child pornography because the evidence only showed he used his computer to visit child pornography sites, and he did not know his computer could automatically save images in a temporary file. The appeals court held the evidence was sufficient to support an inference Petrovic intentionally used his computer to view child pornography and display images on the screen. The court noted a computer expert's report showed Petrovic repeatedly visited child pornography web sites, prohibited by his parole, and his false statement to the parole agent about his lack of access to the Internet indicated consciousness of guilt. Further, the court observed Petrovic made no showing of the inadvertent or unintentional acquisition of the pornographic material, and the expert's testimony stating Petrovic had transferred the images from temporary Internet files to another location supported a finding he had knowledge of and access to the files. The judgment was affirmed.

Ed. Note: Lance Winters, Assistant Attorney General, and Linda Johnson and Gary Lieberman, Deputy Attorneys General, of the California Attorney General's Office, represented the People.

ONLINE SOLICITATION: NO DIRECT CONTACT WITH MINOR

U.S. v. McMillan, 2014 U.S. App. LEXIS 4832 (7th Cir. March 12, 2014). The Seventh Circuit Court of Appeals found the evidence sufficient to

prove defendant intended to persuade a minor to engage in sexual activity. Harry McMillan, a law student at Southern Illinois University School of Law, posted an ad on craigslist soliciting sexual acts for pay and entitled "sell me your teenage daughter." Undercover police investigator Mike Andrews saw the ad and arrested McMillan, charging him with one count of violating 18 U.S.C. § 2422(b) prohibiting the knowing persuasion or enticement of a person under the age of 18 to engage in criminal sexual activity. McMillan was convicted in the U.S. District Court for the Southern District of Illinois and sentenced to 132 months' imprisonment, five years' supervised release and a \$500 fine. He appealed, arguing 1) the statute prohibits contact between a defendant and an underage person, but he only had contact with the father of a teenage girl; and 2) the prosecution failed to show he intended to persuade or entice the minor into the prohibited acts. As to McMillan's first argument, the appeals court found the essence of the statute is the defendant's effect or attempted effect on the child's mind, and the statute does not require the minor to be the direct recipient of the defendant's message. As to the second argument, the court found the online ad and the email exchange between McMillan and the undercover detective was sufficient to prove McMillan intended to persuade a minor to engage in the prohibited acts. The conviction was affirmed.

CONSENT TO SEARCH: CELL PHONE EVIDENCE

U.S. v. Rounds, 2014 U.S. App. LEXIS 6545 (5th Cir. April 9, 2014). The Fifth Circuit Court of Appeals found defendant's motion to suppress was properly denied as he consented to the search. Trevin Rounds contacted a 14-year-old girl on the social networking site Tagged.com and began texting with her. The girl subsequently ran away from home and spent several nights with Rounds in a hotel.

While the two were driving, Rounds' car was stopped for a traffic violation, and the officers ob-

tained consent to search the car and Rounds' iPhone found in the car. The officers took Rounds and the girl to the police station, where the officers again looked through the iPhone and uncovered a video of Rounds having sexual relations with the girl. Rounds was arrested and later found guilty by a jury in the U.S. District Court for the Western District of Texas of possession of child pornography and using a facility of interstate commerce to entice or coerce a juvenile to engage in sexual activity. Rounds appealed, questioning the sufficiency of the evidence and arguing the district court erred in denying his motion to suppress the photo and video evidence from his iPhone. The appeals court found the evidence was sufficient to convict Rounds as his sexually explicit text messages allowed a jury to find he intended to coerce the minor to have a sexual relationship with him. Further, the court found Rounds' motion to suppress photo and video evidence found on his phone was properly denied because the district court determined Rounds had voluntarily consented to the search, and the officers had told him they wanted to examine the phone for evidence of sexual exploitation of the minor. The judgment was affirmed.

RECORDING OF CONVERSATION: ONE-PARTY CONSENT

*Commonwealth v. Hearn*s, 2014 Mass. LEXIS 206 (April 8, 2014). The Massachusetts Supreme Court found the recording of a conversation between two gang members was proper under the one-party consent exception in Mass. Gen. Laws ch. 272, § 99C(1). Timothy Hearn, a known member of the H-Block gang, was indicted for the murder of a Heath Street gang member and the wounding of another member. The Commonwealth, believing the gangs were involved in the supply and sale of illegal goods, obtained a warrant and recorded a conversation between Hearn and other gang members in which he admitted to the murder. Hearn filed a motion to suppress the recorded conversation, arguing the evi-

dence was insufficient to establish the shooting was a “designated offense” occurring in “connection with organized crime,” and therefore the one-party consent exception to the recording of oral communications without the consent of all parties was inapplicable. The motion judge denied the motion to suppress, and Hearn sought leave to file an interlocutory appeal, making the same arguments, and leave was granted. The state high court found the recorded conversation was proper under the one-party exception as the police officer’s affidavit provided adequate information to conclude Hearn’s gang was an organized criminal group and contained information provided to the officer about Hearn being sent on a mission by senior members of the gang as part of an ongoing feud between turf-conscious criminal organizations involved in the sale of illegal goods. The court affirmed the denial of the motion to suppress, but reversed the motion to suppress with respect to statements Hearn made following his invocation of the right to remain silent.

FOURTH AMENDMENT: BROADNESS OF WARRANT

U.S. v. Gumbs, 2014 U.S. App. LEXIS 5740 (3rd Cir. March 28, 2014). The Third Circuit Court of Appeal ruled the search warrant was not an impermissible general warrant. Akeem Gumbs was indicted on 31 counts of production and possession of child pornography and aggravated rape. At trial, he challenged the propriety of the search warrant, seeking to exclude the laptop, camera and other electronic evidence seized during the search, but his motion was denied. Gumbs was found guilty on all counts in the U.S. District Court for the District of the Virgin Islands and was sentenced to 300 months’ imprisonment and a lifetime of supervised release. He appealed, renewing his impermissible search warrant argument. The appeals court noted the warrant directed officers to seize “images of child pornography and files containing images of child pornography in any form, wherever it may be

stored or found,” and then set forth a list of computer-related devices as possible storage sites for such images or files. The court found Gumbs’ suppression motion was properly denied, as the search warrant, although broad, was not an impermissible general warrant. The judgment was affirmed.

LEGISLATIVE UPDATE

PUBLIC SAFETY COMMUNICATIONS

ALABAMA. On March 19, 2014, Governor Robert Bentley signed HB 54 into law, a bill making interference with official communications between law enforcement agencies, fire services and 911 communications a class C felony, punishable by up to 10 years in prison. The bill, codified as Act 2014-39, includes radio broadcasts, telephone communication and electronic channels allocated by the FCC. It becomes effective on June 1, 2014.

SOCIAL MEDIA PRIVACY

WISCONSIN. On April 8, 2014, Governor Scott Walker signed S.B. 223 into law, a bill prohibiting employers, educational institutions and landlords from requesting or requiring the passwords or other protected access to personal Internet accounts of students, employees and tenants. Viewing, accessing and using information from Internet accounts in the public domain, including social media, is allowed. Any person violating the law is subject to a fine of up to \$1,000. The bill is codified as Act 208.

DISSEMINATION OF DIGITAL IMAGES

WISCONSIN. On April 9, 2014, Governor Scott Walker signed S.B. 367 into law, a bill prohibiting the posting or publishing of a sexually explicit image without consent. A person violating the statute will

be guilty of a Class A misdemeanor. The legislation has been codified as Act 243.

PATENT TROLLING

IDAHO. On March 26, 2014, Governor Butch Otter signed S.B. 1354 into law, a bill making bad faith assertions about patent infringement unlawful. Bad faith threats are defined as: 1) lacking the patent number or name and address of the alleged owner (s); 2) containing a demand for payment of a license fee or a response within an unreasonably short time; and 3) containing an offer to license the patent for an unreasonable amount. The bill grants the Attorney General enforcement authority and also provides for a private cause of action. The bill has been codified as Chapter 277.

ILLINOIS. On April 9, the Senate passed S.B. 3405, a bill to amend the state Consumer Fraud and Deceptive Business Practices Act making unfair or deceptive patent infringement demand letters unlawful. The bill would be effective January 1, 2015. It has been forwarded to the House.

ELECTRONIC COMMUNICATIONS

MARYLAND. On April 3, 2014, the Senate passed SB 924, a bill amending the state Electronic Communications Privacy Act (ECPA). The current ECPA requires a warrant for all content held by an Electronic Communications Service (ECS) for 180 days or fewer, and SB 924 would eliminate the under 180 days clause. SB 924 also eliminates the current ECPA provision allowing for the use of a subpoena with notice, a D order with notice or a warrant for older ECS or Remote Communications Service (RCS) content. The bill has been forwarded to the House. The effective date would be October 1, 2014.

MOBILE PHONE THEFT

CALIFORNIA. On April 1, 2014, the Senate Energy, Utilities and Communications Committee passed S.B. 962, a bill requiring any advanced mobile communications device sold in the State after January 1, 2015 to include a technological solution rendering its essential features inoperable when not in the possession of its rightful owner.

ONLINE SOLICITATION OF A CHILD

DELAWARE. On April 10, 2014, the House passed H.B. 256, a bill making current Code on the online sexual solicitation of a child more specific and elevating the offense from a Class C felony to a Class B felony when the solicitor or promoter meets in person, or attempts to meet in person, with a child. The bill would be effective immediately upon passage. It has been forwarded to the Senate.

DATA BREACH NOTIFICATION

FLORIDA. On April 23, the Senate passed S.B. 1524, a bill requiring notification of a breach to each affected state resident whose personal information was believed to be accessed not later than 30 days after determination the breach had occurred. The bill also delineates the method and contents of notification. If the breach affects more than 1,000 individuals, all credit reporting agencies must be notified as well. A violation of the legislation will be treated as an unfair or deceptive trade practice in any action, in addition to liability for a civil penalty of up to \$500,000. The bill does not provide for a private cause of action. The effective date of the legislation is July 1, 2014.

ONLINE GAMBLING

FEDERAL. On March 26, 2014, Senator Lindsay Graham (R-SC) introduced S. 1259, and Representative

Jason Chaffetz (R-UT) introduced H.R. 4301, bills prohibiting the transmission of wagering information and applicable to Internet gambling. S. 1259 had been referred to the Judiciary Committee, and H.R. 4301 has been referred to the Subcommittee on Crime, Terrorism, Homeland Security and Investigations.

INTERNET GOVERNANCE

FEDERAL. On March 27, 2014, Representatives Marsha Blackburn (R-TN), John Shimkus (R-IL), Todd Rokita (R-IN), Joe Barton (R-TX), Bob Latta (R-OH) and Renee Ellmers (R-NC) introduced H.R. 4342, a bill prohibiting the relinquishment of the National Telecommunications and Information Administrations' responsibility over Internet domain name system functions pending a report to Congress. The bill has been referred to the Committee on Energy and Commerce.

ELECTRONIC DEVICE PRIVACY

FEDERAL. On March 27, 2014, Senator Al Franken (D-MN) introduced S. 2171, a bill requiring companies to secure permission of their users before gathering location data from smartphones, tablets and navigation devices used in cars. Consent would also be required before companies could share the information with third parties. The bill has been referred to the Judiciary Committee.

BLACK BOX DATA PRIVACY

FEDERAL. On April 9, 2014, the Senate Commerce, Science and Transportation Committee passed SB 1925, a bill sponsored by Senator John Hoeven (R-ND) prohibiting a person other than the driver or lessee of a vehicle from accessing data recorded or transmitted by an event data recorder installed in a passenger car unless 1) authorized by a court; 2) all owners or lessees consent; 3) pursuant to an NTSB

investigation; 4) necessary to determine emergency medical response in a crash; or 5) retrieved for traffic safety research. When data is accessed pursuant to the enumerated exceptions, the disclosure of personally identifiable information is prohibited.

NEWS ARTICLES & REPORTS

“Trends in Unwanted Online Experiences and Sexting: Final Report”

This report by the Crimes Against Children Research Center summarizes key findings from the Third Internet Youth Safety Survey. Topics covered include youth reports of unwanted sexual solicitations, online harassment, uninvited exposure to sexual materials and sexting. The report may be accessed at <http://www.unh.edu/ccrc/pdf/Full%20Trends%20Report%20Feb%202014%20with%20tables.pdf>.

“Social Media and Police Leadership: Lessons from Boston”

This report by the National Institute of Justice discusses the Boston Police Department's effective use of social media during the Boston Marathon investigation. It can be accessed at <http://ncjrs.gov/pdffiles1/nij/244760.pdf>.



2014 SUMMER MEETING , Mackinac Island, MI

Attendee List

June 2-5, 2014

Last Name	First Name	TITLE	OFFICE/STATE
ATTORNEY GENERAL			
Bruning	Jon	Attorney General	Nebraska
Conway	Jack	Attorney General	Kentucky
Cooper	Bob	Attorney General	Tennessee
Hood	Jim	Attorney General	Mississippi
Jackley	Marty	Attorney General	South Dakota
Jepsen	George	Attorney General	Connecticut
Louie	David	Attorney General	Hawaii
McDaniel	Dustin	Attorney General	Arkansas
Miller	Tom	Attorney General	Iowa
Mills	Janet	Attorney General	Maine
Morrisey	Patrick	Attorney General	West Virginia
Reyes	Sean	Attorney General	Utah
Schuette	Bill	Attorney General	Michigan
Sorrell	Bill	Attorney General	Vermont
Strange	Luther	Attorney General	Alabama
Suthers	John	Attorney General	Colorado
Van Hollen	J.B.	Attorney General	Wisconsin
Wasden	Lawrence	Attorney General	Idaho
Wilson	Alan	Attorney General	South Carolina
Zoeller	Greg	Attorney General	Indiana

ATTORNEY GENERAL STAFF

Austin	Spencer	Chief Deputy	Office of the Attorney General of Utah
Becker	Bill	Principal Trial Attorney	Office of the Attorney General of Ohio
Bedrosian	Ed	First Assistant Attorney General	Office of the Attorney General of Massachusetts
Bee	Blake	Special Assistant Attorney General	Office of the Attorney General of Mississippi
Bistrow	Rick	Chief Deputy	Office of the Attorney General of Arizona
Bolen	Holley	Chief of Staff	Office of the Attorney General of Nebraska
Brennaman	Nathan	Deputy Attorney General	Office of the Attorney General of Minnesota
Budzik	Matthew	Assistant Attorney General	Office of the Attorney General of Connecticut
Cantor	Jim	Deputy Attorney General	Office of the Attorney General of Alaska
Carlucci	Ernie	Chief of Staff	Office of the Attorney General of Rhode Island
Connors	Trish	Deputy Attorney General	Office of the Attorney General of Florida
Cookson	Dave	Chief Deputy Attorney General	Office of the Attorney General of Nebraska
Dandurand	Joe	Deputy Attorney General	Office of the Attorney General of Missouri
Darkenwald	Scott	Chief of Staff	Office of the Attorney General of Montana
Denham	Mitchel	Assistant Deputy Attorney General	Office of the Attorney General of Kentucky
Douglas	Parker	General Counsel/Chief of Staff	Office of the Attorney General of Utah
Drake	Janet	Senior Assistant Attorney General	Office of the Attorney General of Colorado



2014 SUMMER MEETING , Mackinac Island, MI

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June 2-5, 2014

Last Name	First Name	TITLE	OFFICE/STATE
Gast	Sonny	Communications Representative	Office of the Attorney General of Michigan
Gay	Lori	Executive Assistant	Office of the Attorney General of Michigan
Gee	Erika	Chief of Staff	Office of the Attorney General of Arkansas
Glenn	Betsy	Deputy Attorney General	Office of the Attorney General of New Mexico
Greenlee	Scott	Constituent Relations Representative	Office of the Attorney General of Michigan
Hills	Rusty	Director of Public Affairs	Office of the Attorney General of Michigan
Hopkins	Larry	Chief Administrative Officer	Office of the Attorney General of Indiana
Horn	David	Chief Deputy	Office of the Attorney General of Washington
Isaacs	Carol	Chief Deputy Attorney General	Office of the Attorney General of Michigan
Lanford	Mike	Deputy Attorney General	Office of the Attorney General of Mississippi
Manning	S. Peter	Division Chief	Office of the Attorney General of Michigan
Martin	Anthony	Chief Operating Officer	Office of the Attorney General of West Virginia
McGuigan	Charlie	Chief Deputy Attorney General	Office of the Attorney General of South Dakota
Mertz	Mary	First Assistant Attorney General	Office of the Attorney General of Ohio
Morgan	Geoffrey	Chief of Staff	Office of the Attorney General of Mississippi
Neville	George	Special Assistant Attorney General	Office of the Attorney General of Mississippi
Nurenberg	Beth	Department Analyst	Office of the Attorney General of Michigan
Ormiston	Tam	Chief Policy Deputy	Office of the Attorney General of Iowa
Piper	Adam	Director of Public Affairs	Office of the Attorney General of South Carolina
Rinehart	Sandy	Senior Assistant Attorney General	Office of the Attorney General of Oklahoma
Sadler	Aaron	Public Information Officer	Office of the Attorney General of Arkansas
Schneider	Matthew	Chief Legal Counsel	Office of the Attorney General of Michigan
Schneider	Staci	Chief Of Staff	Office of the Attorney General of Indiana
Spohn	Katie	Deputy Attorney General	Office of the Attorney General of Nebraska
St. John	Kevin	Deputy Attorney General	Office of the Attorney General of Wisconsin
Stensberg	Dean	Director of Public Affairs & Policy	Office of the Attorney General of Wisconsin
Teszlewicz	Barb	Sr Exec Management Assistant	Office of the Attorney General of Michigan
Trenbeath	Tom	Chief Deputy	Office of the Attorney General of North Dakota
Turner	Kevin	Chief Deputy	Office of the Attorney General of Alabama
Winfrey	Kay	Chief Deputy Attorney General	Office of the Attorney General of Maryland
Woods	Mary	Special Assistant Attorney General	Office of the Attorney General of Mississippi
Zinn Rowthorn	Perry	Deputy Attorney General	Office of the Attorney General of Connecticut

SAGE

Baker	Thurbert	Partner	McKenna Long & Aldridge
Carter	Steve	Former Attorney General of Indiana	
Cody	Mike	Attorney	Burch, Porter, And Johnson PLLC
Del Papa	Frankie Sue	Former Attorney General of Nevada	
Diamond	Jerome	Attorney	Diamond & Robinson, P.C.
Edmisten	Rufus		Edmisten, Webb & Moore
Edmondson	Drew		Gable Gotwals
Harvey	Peter	Partner	Patterson Belknap Webb & Tyler LLP



National Association of Attorneys General

2014 SUMMER MEETING , Mackinac Island, MI

Attendee List

June 2-5, 2014

Last Name	First Name	TITLE	OFFICE/STATE
Kelley	Frank	Founding Partner	Kelley Cawthorne
Ketterer	Drew	Former AG Of Maine	Andrew Ketterer Law Firm
Kilgore	Jerry	Senior Advisor	McGuireWoods Consulting LLC
Lynch	Patrick	Partner	Patrick Lynch Group, LLC
McCollum	Bill	Attorney	Dentons US LLP
McKenna	Rob	Public Policy Group Co-Chair	Orrick, Herrington & Sutcliffe LLP
Miller	Andy		
Moore	Mike	Attorney	Mike Moore Law Firm, LLC
Troy	Tony	Attorney	Eckert Seamans Cherin & Mellott LLC
Turpen	Mike	Attorney	Riggs, Abney, Neal, Turpen, Orbison & Lewis
Ullrich	Bill	Corporate Counsel	Behavioral Health Professionals, Inc
Van De Kamp	John	Counsel	Mayer Brown LLP
Walkup	Knox	Partner	Wyatt, Tarrant & Combs LLP
Woods	Grant	Former Arizona Attorney General	Grant Woods/Apollo Education Group

CORPORATE/NONPROFIT

Arthur	Steve	Vice President	Stateside Associates
Ashworth	Bill	Sr. Legal Director Public Policy	Yahoo! Inc.
Bonnell	Chris	Government Affairs	Capella Education Company
Brighton	Dustin	Vice President	Stateside Associates
Buchsbaum	Andy	Regional Executive Director	National Wildlife Federation
Burchett	John	Director of Public Policy & Govt Affairs	Google, Inc.
Burke	Brian	Sr. Director, State Government Affairs	Microsoft
Cannatti	Ben	President	Caleb Consulting
Castellani	Lisa		Silent Tears
Castellani	Bob		Silent Tears
Clark	Daniel	Vice President	Escon Capital
Compretta	Jonathan	Attorney	Mike Moore Law Firm LLC
Costello	John	Attorney	Locke Lord LLP
Cowen	Lee	President	Cowen Consulting LLC
Cunningham	Tom	Partner	Locke Lord LLP
Dias	Tony	Counsel	The Sherwin Williams Company Jones Day
Faulk	Page	VP Legal Reform Initiatives	US Chamber Institute For Legal Reform
Flinn	Colleen	Consultant	Escon Capital
Floyd	Karen		Silent Tears
Foulkes	Michael	Director of State & Local Govt Affairs	Apple, Inc.
Foy	David	Director of Government Affairs	Reed Elsevier/LexisNexis
Garrett	Melissa	AVP Government Affairs	Bridgepoint Education
Green	Markus	Assistant General Counsel	Pfizer Inc.
Gross	Steve	Vice President State Relations	Wine Institute
Guimond	Jeff	Partner	Patrick Lynch Group, LLC
Hastie	Rod	Sr. Director Governmental Relations	Hunton & Williams



2014 SUMMER MEETING , Mackinac Island, MI

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June 2-5, 2014

Last Name	First Name	TITLE	OFFICE/STATE
Hingst	Erik	Director	Walmart
Horak	Chris	Vice President	Comcast
Houck	Steve	Executive Director	State Center
Kalani	Lori	Partner	Dickstein Shapiro LLP
Kelly	JB	Partner	Dickstein Shapiro LLP
Kendell	Nicole	District Director	Altria
Ketterer	Andrew		
Litteral	Dan	VP & Deputy General Counsel	Apollo Education Group Inc.
Lodge	Steve	Senior Director, Outreach	American Beverage Association
Loomis	Bonnie		TPG Public Affairs/Silent Tears
Mac Murray	Helen	Attorney	MacMurray, Petersen & Shuster
Markels	Gail	President	Markels Strategies
Moran	Brian	Attorney	Orrick, Herrington & Sutcliffe LLP
Morris	Elyce	AVP Ext Relations & Legal Counsel	Bridgepoint Education
Pisano	Paul	Sr. VP Industry Affairs	National Beer Wholesalers Association
Pitts	John	Attorney Advisor, Intergovernmental Affairs	Consumer Financial Protection Bureau
Rainey	John	District Director	Altria Client Services, Inc.
Rennick	Tamarra	Associate General Counsel	State Farm Mutual Automobile Insurance Companies
Reznek	Sarah		Bingham Consulting Group
Smith	Maghan		TPG Public Affairs/Silent Tears
Stern	Cynthia	Managing Director State Advocacy	Eris Group
Stone	Patrick	Senior Director State Advocacy	PhRMA
Tampio	Chris	Senior Advisor	Dickstein Shapiro LLP
Taylor	Helen	State Director - Michigan	The Nature Conservancy
Tucker	Kim Ervin	Consultant	Ervin Consulting

MINISTRY OF TAIWAN DELEGATION

Weng-Jong	LEU	Director	Department of Legal System of The Ministry of Justice
Yi-Chun	LIN	Prosecutor	Taipei District Prosecutors Office
Hui-Ling	TU	Prosecutor	Taipei District Prosecutors Office
Da-Ho	YEN	Prosecutor General	The Supreme Prosecutors Office

SPEAKERS

Adams	Jas	Adjunct Law Professor	Willamette University College of Law
Bagenstos	Samuel	Professor of Law	University of Michigan Law School
Barnes	Michael	Executive Director	CLAAD
Bursch	John	Chair, Appellate & Supreme Court Practice	Warner Norcross & Judd LLP
Chadderton	Lindsay	Director Aquatic Invasive Species	The Nature Conservancy's Great Lakes Project
Christopherson	Susan Marie	Professor	Cornell University
Dantonio	Mark		Michigan State University
DioGuardi	Kara		Art House Entertainment
Eadie	John	Director	PDMP Center of Excellence at Brandeis University
Ekstrom	Jack	Vice President	Whiting Petroleum Corporation



2014 SUMMER MEETING , Mackinac Island, MI

Attendee List

June 2-5, 2014

Last Name	First Name	TITLE	OFFICE/STATE
Galloway-Williams	Shauna	Executive Director	Julie Valentine Center/Silent Tears
Gilbert	Dan	Chairman and Founder	Rock Ventures and Quicken Loans, Inc.
Hamburg	Steven	Chief Scientist	Environmental Defense Fund
Haslam	Aaron	Managing Associate	Frost Brown Todd, LLC
Khoury	Shane	Dep Director/General Counsel	Arkansas Oil & Gas Commission
Orr	Kevyn	Emergency Manager	City of Detroit
Swift	Anthony	Attorney	Natural Resources Defense Council
Vieth	Victor	Executive Director Emeritus	Gundersen National Child Protection Training Center

STAFF: NAAG

McPherson	Jim	Executive Director	National Association of Attorneys General
Toth	Chris	Deputy Executive Director	National Association of Attorneys General
Heller	Theresia	Director of Finance	National Association of Attorneys General
Lama	Al	Chief of Staff	National Association of Attorneys General
Tharp	Marjorie	Director of Communications	National Association of Attorneys General
Hering	Michael	Deputy Chief Counsel for MSA Pymt	National Association of Attorneys General
Schweitzer	Dan	Supreme Court Counsel	National Association of Attorneys General
McManimon	Erin	Director of Meetings & Events	National Association of Attorneys General
Liquori	Francesca	NAGTRI Program Counsel	National Association of Attorneys General
Manning	Jeanette	NAGTRI Program Counsel	National Association of Attorneys General
Hunter	Jeffrey	Executive Assistant to Exec Director	National Association of Attorneys General
Sarshad	Derek	Association Services Coordinator	National Association of Attorneys General
Stone	Rachel	Communication Assistant	National Association of Attorneys General



National Association of Attorneys General

Speaker Biographies (Alphabetical Order*)

Jas Adams

Adjunct Law Professor, Willamette University College of Law
Aquatic Invasive Species: Beware of the Hitchhiker Under Your Boat

A Phi Beta Kappa graduate of Reed College and Boalt Hall Law School alumnus, Jas Adams has practiced law in the private, public interest and public sectors for 37 years, the last 25 in the Oregon Attorney General's Office. After many years of civil and criminal appellate practice there, he retired as attorney-in-charge of the Natural Resources Section. In 2012 he received the "Ten Fingers in the Dike" award from the Oregon Invasive Species Council for conceiving, writing and helping enact the Oregon legislation that created an administrative civil search model for mandatory boat inspection stations for preventing the spread of aquatic invasive species (AIS) through the movement of recreational boats being transported along highways, by eliminating criminal liability for those who cooperated in being stopped without reasonable suspicion and inspected without probable cause, for purposes of AIS decontamination. He was a member of the working group that helped create Model Legislative Provisions for AIS control drafted under the auspices of the Association of Fish and Wildlife Agencies and the National Sea Grant Law Center.

Samuel Bagenstos

Professor of Law, University of Michigan Law School
Supreme Court Update

Samuel Bagenstos serves as professor of law at the University of Michigan Law School. He teaches and writes about constitutional and civil rights litigation. From 2009-2011, he was a political appointee in the U.S. Department of Justice, where he served as the principal deputy assistant attorney general for civil rights, the number-two official in the Civil Rights Division. In that role, he promulgated significant regulations, negotiated groundbreaking settlements, and personally argued major cases in federal district courts and courts of appeals. In his "spare time," Professor Bagenstos continues to consult with civil rights organizations and remains an active appellate and Supreme Court litigator in civil rights and federalism cases. He has also testified before Congress on several occasions. He is a graduate of the University of North Carolina and of the Harvard Law School, and he clerked for Judge Stephen Reinhardt on the Ninth Circuit and Justice Ruth Bader Ginsburg on the U.S. Supreme Court.

Michael Barnes

Executive Director, Center for Lawful Access and Abuse Deterrence
Prescription Drug Monitoring Programs: An Exploration of Best Practices Opportunities for Collaboration

Michael C. Barnes is the executive director of the Center for Lawful Access and Abuse Deterrence (CLAAD), a national not-for-profit organization working to reduce prescription drug abuse. He is the primary author of the National Prescription Drug Abuse Prevention Strategy, a member of the National Rx Drug Abuse Summit's 2012 through 2014 advisory boards, and a founding board member of the American Academy of Pain Medicine Foundation. He previously served as confidential counsel in the White House Office of National Drug Control Policy. Mr. Barnes obtained his Juris Doctor degree from Virginia's George Mason University School of Law. He earned a master's degree in International Economic Policy as a Rotary Scholar at La Universidad de Belgrano in Argentina, and received his bachelor's degree summa cum laude from Flagler College in Florida.

John J. Bursch

Chair, Appellate & Supreme Court Practice, Warner, Norcross & Judd
Supreme Court Update

John J. Bursch chairs the Appellate & Supreme Court Practice at Warner Norcross & Judd LLP, one of Michigan's largest law firms. A former Michigan Solicitor General, John has argued eight times in the U.S. Supreme Court, including five times in 2013 alone. He has also argued many dozens of times in other state and federal appellate courts, successfully litigating several billion-dollar cases. John is the principal author of the Michigan Supreme Court's "Guide for Counsel," a past chair of the American Bar Association's Council of Appellate Lawyers, and a two-time winner of the NAAG "Best Brief" award for his submissions in the Supreme Court. John frequently represents states, state officials, and local governments on issues of substantial public importance. He also serves as litigation counsel to Canada.

Lindsay Chadderton

Director, Aquatic Invasive Species, The Nature Conservancy's Great Lakes Project
Aquatic Invasive Species: Beware of the Hitchhiker Under Your Boat

Lindsay Chadderton has worked for The Nature Conservancy's Great Lakes Project for the last seven years, where, as the aquatic invasive species director he has been responsible for developing and managing the conservancy's Great Lakes aquatic invasive species program. Based in South Bend at the Notre Dame Environmental Change Initiative, he works on various collaborative invasive species research projects ranging from developing approaches to manage the trailered boat and organism in trade pathways to developing control strategies for round goby and rusty crayfish. He was part of the four-person team that developed the environmental DNA surveillance methods used to track the invasion of Asian carp in the Chicago Area Waterway System and the Great Lakes. Lindsay also leads a management advisory board comprised of representative of Great Lakes state, provincial and federal resource management agencies that inform many of these research efforts. For the last several years he has also chaired the Great Lakes Aquatic Nuisance Species Panel's Research Committee. Prior to joining the Nature Conservancy Lindsay worked for 16 years for the Department of Conservation (DOC) in New Zealand, a federal agency functionally equivalent to

a combination of the USFWS, USFWS, National Park Service and state DNRs. Lindsay earned a B.S. and M.S. in Zoology from Canterbury University in Christchurch New Zealand.

Susan Christopherson

Professor, Cornell University

Oil & Gas Transportation: Pipelines, Trains, Trucks, and Boats

Susan Christopherson is a professor in the Department of City and Regional Planning at Cornell University. She is a geographer whose career has been based on commitment to the integration of scholarly work and public engagement. Her recent work has been in the area of human-environment relations related to the development of unconventional sources of energy. Since 2010, she has received a series of grants from the Park Foundation and the Heinz Endowments to direct research on the economic and social consequences of natural gas and oil development in the United States. She is currently a member of a National Research Council committee on risk governance in shale gas and oil development. Her most recent research is on crude oil transportation risks, particularly as they affect the Great Lakes and the Hudson River regions.

Jack Conway

Kentucky Attorney General

Moderator, Prescription Drug Monitoring Programs: An Exploration of Best Practices and Opportunities for Collaboration

In November 2011, voters elected Jack Conway to a second term as the 49th attorney general of the Commonwealth of Kentucky. Jack is committed to working with local leaders and law-enforcement officers to make Kentucky a safer place to live, work and raise a family.

As attorney general, Jack has followed through on his commitment to vigorously prosecute child predators and crack down on Internet crimes. In June 2008, Jack created a Cybercrimes Unit to investigate online solicitations of minors, scams and identity theft. The Cybercrimes Unit has launched more than 250 child pornography investigations and seized more than nearly 300,000 images and videos. The Cybercrimes Unit also processes digital evidence found on cell phones and computers – reducing the turnaround time for investigators. It is estimated that 80 percent of crimes now involve some sort of digital forensic evidence. The Cybercrimes Unit holds training for police and prosecutors across Kentucky in how to process and preserve that evidence. Attorney General Conway also visits schools in every corner of the Commonwealth to educate students, teachers and parents about how to safely use social-networking sites.

Attorney General Conway has kept his pledge to help fight illegal drugs in Kentucky communities. He reorganized sworn officers in the Department of Criminal Investigations to focus on combating drug abuse. He received the "Soaring Eagle" award from Operation Unlawful Narcotics Investigations, Treatment and Education (UNITE) for his efforts to fight prescription drug abuse. The office of the attorney general also received UNITE's "Most Valuable Agency" award for its participation in joint investigations.

In August of 2009, Conway announced the formation of Kentucky's first statewide prescription drug task force. The task force participated in the largest drug abuse in Kentucky history and coordinates efforts with federal, state, and local law enforcement officers to keep prescription pills out of the hands of our children and out of our communities. Conway has travelled to schools across Kentucky with parents who've lost their children to prescription drug overdoses

to educate students about the dangers of misusing pain pills from their friends' or family members' medicine cabinets.

Attorney General Conway co-chairs the National Association of Attorneys General (NAAG) Substance Abuse committee with Florida Attorney General Pam Bondi and is a member of the NAAG Consumer Protection, Energy and Environment, and Veterans Affairs committees.

Even facing 30 percent budget cuts, since taking office in January 2008, Medicaid fraud collections are up 600 percent during Attorney General Conway's term. Jack has recovered more than \$215 million on behalf of taxpayers for the Kentucky Medicaid Program, intervened to halt more \$800 million dollars in proposed utility rate increases and received almost \$7 million in consumer protection restitution and fines.

Prior to his election, Jack worked as a private attorney. He spent six years in senior-level cabinet positions in former Kentucky Governor Paul Patton's administration. Jack worked closely with lawmakers to craft comprehensive school-safety legislation and helped author legislation that imposed and enforced tougher sentences on violent offenders.

Jack is a graduate of St. Xavier High School in Louisville, Ky. He holds an undergraduate degree in Public Policy from Duke University. While in college, he studied at Cambridge University in England. He graduated with honors from the National Law Center at George Washington University. While in Washington, D.C., he worked with the U.S. attorney's office on criminal justice issues and for the House Banking Committee.

Bob Cooper

Tennessee Attorney General

Moderator, Aquatic Invasive Species: Beware of the Hitchhiker Under Your Boat

Robert E. Cooper, Jr., was sworn in as attorney general for the state of Tennessee on Nov. 1, 2006. He was appointed by the state Supreme Court to serve an eight-year term. Among the accomplishments of the office since the appointment of Attorney General Cooper:

-A task force formed by the attorney general's office and other state agencies in 2008 has collected \$169 million for the state in healthcare provider fraud cases ranging from off label marketing of drugs, fraudulent billing, kickbacks to physicians and other illegal activities.

-The office obtained a default judgment of almost \$11 million against a nationwide group that targeted Ft. Campbell soldiers with predatory sales and lending practices and took action against a national electronics product company alleging the company targeted at least 4,500 primarily low-income Tennessee consumers with high pressure sales tactics and failed to disclose key contract terms.

-The attorney general led state agencies to form a working group on foreclosures and filed suit against "foreclosure rescue" operations in Memphis.

-In the area of environmental enforcement, the office targeted violations of construction storm water permits which threatened Tennessee's rivers and streams and pursued litigation to stop rock harvesting by private companies on state property.

Prior to his appointment, Attorney General Cooper served as legal counsel to Gov. Phil Bredesen from 2003 to 2006. Before joining the governor's office, he was a partner at Bass, Berry Sims, PLC, in Nashville where he specialized in business, constitutional and regulatory litigation. Prior to his work at the firm, he served as clerk for U.S. District Judge Louis F. Oberdorfer in Washington, D.C. Attorney General Cooper has served as an adjunct professor at Vanderbilt University Law School teaching campaign finance and election law.

Attorney General Cooper is a Chattanooga native. He holds a bachelor's degree from Princeton University, where he graduated magna cum laude, and a law degree from Yale University. Between college and law school he worked as a reporter in North Carolina for The Raleigh Times.

Mark Dantonio

Head Football Coach, Michigan State University
Wednesday Lunch Guest Speaker

Mark Dantonio, who is entering his eighth season as head coach at Michigan State University (MSU), has restored the pride and tradition of Spartan football while transforming the program into an annual Big Ten Championship contender.

A Zanesville, Ohio, native with Midwest ties, Dantonio led Michigan State to a record-setting season in 2013. MSU won a school-record 13 games, defeated No. 5 Stanford in the 100th Rose Bowl Game, beat No. 2 Ohio State in the Big Ten Championship Game for the school's eighth Big Ten title, and finished No. 3 in both national polls, the highest ranking for the Spartans since 1966. Michigan State (13-1) became just the third team in Big Ten history to win at least 13 games in a season (Minnesota, 1904; and Ohio State, 2002).

In its first-ever Bowl Championship Series appearance, Michigan State rallied from its largest deficit of the season - twice trailing Stanford by 10 points - for a 24-20 victory over the Cardinal in the 100th Rose Bowl Game. The Spartans closed out the 2013 season with a 10-game winning streak.

After leading the Spartans to their second Big Ten Legends Division title in three years, Dantonio guided MSU past previously undefeated and second-ranked Ohio State in the Big Ten Championship Game, 34-24, to win the school's eighth Big Ten Championship and earn a berth in the Rose Bowl Game for the first time since 1988. Bowl eligible for a school-record seventh consecutive season, the Spartans finished fourth in the final Bowl Championship Series standings, marking the highest BCS ranking in school history. In addition, Michigan State became the first school in Big Ten history to win all eight of its conference games by double digits.

Dantonio, who has 34 years of collegiate coaching experience, has coached in 18 bowl games. He has led Michigan State to a school-record three consecutive bowl wins (2012 Outback Bowl against No. 18 Georgia; 2012 Buffalo Wild Wings Bowl against TCU; 2014 Rose Bowl Game against No. 5 Stanford). Dantonio has participated in four New Year's Day games as a head coach (2009 Capital One Bowl, 2011 Capital One Bowl, 2012 Outback Bowl, 2014 Rose Bowl), and has led Michigan State to Top 25 finishes in four of the last six seasons (2008: No. 24 both polls; 2010: No. 14 both polls; 2011: No. 10 USA TODAY/No. 11 AP; 2013: No. 3 both polls).

Dantonio, who owns a 64-29 record (.688) at Michigan State since his arrival in 2007, already ranks among MSU's all-time leaders in career wins (fourth) and winning percentage (fifth). He is the only coach in MSU history to lead multiple teams to double-digit win seasons (11 in 2010 and 2011; 13 in 2013). Among Spartan coaches who have coached at least 10 Big Ten games, Dantonio owns the best winning percentage (.679, 38-18 record).

Dantonio earned 2013 Big Ten Coach of the Year honors from both the media and coaches, as the Spartans finished their conference schedule with a perfect 8-0 record for the first time in school history. Dantonio also was named a finalist for the Eddie Robinson Coach of the Year, Paul "Bear" Bryant Coach of the Year, Bobby Bowden Coach of the Year and Liberty Mutual Coach of the Year. In addition, he was named one of 16 semifinalists for the Maxwell Football Club Coach of the Year and was tabbed Big Ten Coach of the Year by Sporting News and CollegeFootballNews.com.

Mitchel Denham

Assistant Deputy Attorney General, Kentucky Attorney General's Office
Innovative Outreach Initiatives

Mitchel T. Denham is the assistant deputy attorney general supervising the criminal divisions of the Kentucky Attorney General's Office. As assistant deputy, Mitchel oversees the Department of Criminal Investigations, the Office of Special Prosecutions, the Office of Criminal Appeals, the Office of Medicaid Fraud and Abuse Control, the Prosecutor's Advisory Council, and the Office of Victim's Advocacy. He also advises Attorney General Jack Conway on public policy matters, drafts legislation, and handles complex civil and criminal litigation in both state and Federal Courts. Mitchel also serves as Attorney General Conway's designee on the KASPER Advisory Council and the Recovery Kentucky Task Force.

Prior to his appointment as an assistant deputy, Mitchel served as the executive director of the attorney general's office of Medicaid Fraud & Abuse Control where, in addition to his duties as director, he took an active role in the investigation and prosecution of fraud and elder abuse cases.

Prior to his service at the attorney general's office, Mitchel worked as a staff attorney for Jefferson Circuit Court and served as an assistant commonwealth's attorney in Jefferson County, Kentucky where he was a deputy division chief and senior narcotics prosecutor. Mitchel is a native of Maysville, Ky., and a graduate of Centre College in Danville, Ky., where he received his B.S. in Economics. He graduated from the University Of Kentucky College Of Law in 2003. He also serves as a Trustee on the Louisville Children's Hospital Foundation.

Kara DioGuardi

Songwriter, Art House Entertainment
Silent Tears: Assessing and Improving the Response to Child Sexual Abuse

Kara DioGuardi is a Grammy-nominated hit songwriter, producer, Warner Brothers music executive, publisher, author, and TV personality. As one of the most successful contemporary songwriters in the world, Kara's songs have appeared on more than 160 million albums. She has had over 50 charting singles with artists such as Pink, Christina Aguilera, Kelly Clarkson, Carrie Underwood, Katy Perry, Rascal Flatts, Gwen Stefani, Celine Dion, The Band Perry, and Darius Rucker. Kara was also a judge on seasons 8 and 9 of the hit FOX show "American Idol."

Her book, "A Helluva High Note: Surviving Life, Love & American Idol" was released in 2011. In 2007, Kara partnered with the Phoenix House, a national drug rehabilitation center, to create recording studios in five of their facilities and allow their residents an emotional safe haven to help them in their recovery. She also works closely with the Columbus Citizen's Foundation and has funded a scholarship in her family's name to help financially-challenged students from Italian descent attend college.

John Eadie

Director, PDMP Center of Excellence, Brandeis University
Prescription Drug Monitoring Programs: An Exploration of Best Practices and Opportunities for Collaboration

For 44 years, John Eadie has served in management, executive, and consulting capacities in the field of public health. As director of the Division of Public Health Protection in the NY State Department of Health from 1985 to 1995, he directed the state's pharmaceutical diversion program, including the PDMP. He co-founded both the Alliance of States with Prescription Monitoring Programs (ASPMP) and the National Association of State Controlled Substances Authorities (NASCSA), served as president for both organizations and held other posts. Since leaving state service in 2001, he has served as a consultant on PDMPs, including serving as the administrative reviewer for the Massachusetts PMP. Mr. Eadie has published multiple articles, made numerous presentations, and served in many different arenas as an expert.

Jack Ekstrom

Vice President, Whiting Petroleum Corporation
Oil & Gas Transportation: Pipelines, Trains, Trucks, and Boats

Jack R. Ekstrom is vice president, Corporate and Government Relations, for the Whiting Petroleum Corporation. He joined the company in 2008 as executive director, Corporate Communications and Investor Relations. From 2000 – 2008 he served in management positions in Corporate Communications and Government Affairs for Pioneer Natural Resources, Evergreen Resources and Forest Oil. He is a director of the Colorado Oil & Gas Association and vice chairman of the Western Energy Alliance. He is past chairman of the Western Business Roundtable and past president of the Denver Petroleum Club. Mr. Ekstrom has 39 years of experience in the oil and natural gas industry. He holds a B.A. from Augustana College in Rock Island, Ill., and he completed post-graduate studies at the University of Utah. He is an honorably discharged veteran of the U.S. Army.

Shauna Galloway-Williams

Executive Director, Julie Valentine Center
Silent Tears: Assessing and Improving the Response to Child Sexual Abuse

Shauna Galloway- Williams is the executive director of Julie Valentine Center, Child Abuse and Sexual Assault Recovery Center, and co-chair of the Silent Tears SC Task Force. Shauna has more than 18 years of experience in the field of mental health, specializing in child abuse and sexual assault. As a licensed professional counselor, she conducts forensic interviews, provides expert witness testimony, conducts training in the field of child abuse and sexual assault, and facilitates groups for non-offending caregivers. Shauna received her B.A. in Psychology at Winthrop University and her M.Ed. in Counseling at Clemson University. Shauna serves as immediate past board president of the SC Network of Children's Advocacy Centers

and is an adjunct faculty member of the University of SC Upstate Child Advocacy Studies Program. Shauna is passionately committed to helping children and families to navigate the storm of child abuse and sexual assault and to see an end to these crimes in our community.

Dan Gilbert

Chairman and Founder, Rock Ventures and Quicken Loans Inc.
Thursday morning Plenary Speaker

Dan Gilbert is founder and chairman of Rock Ventures LLC, the umbrella entity for his portfolio of business and real estate investments. He is also founder and chairman of Quicken Loans Inc., the nation's second largest mortgage lender, and majority owner of the NBA Cleveland Cavaliers. Rock Ventures and its more than 110 affiliated companies across the country employ more than 21,000 team members.

In 2013, Detroit-based Quicken Loans closed a record \$80 billion in home loan volume and, for the fourth consecutive year, earned J.D. Power's highest rating for customer satisfaction among all U.S. home loan lenders. Quicken Loans is also ranked in the top-5 of FORTUNE Magazine's "100 Best Companies to Work For" and is recognized as #1 on Computerworld magazine's "100 Best Places to Work in IT."

Dan began moving his family of companies to Detroit's central business district in 2010 in an effort to help lead the transformation of a great American city. Since then, he has invested more than \$1.3 billion to purchase and renovate 50 commercial properties accounting for more than 8 million square feet in the city's urban core. Thousands of jobs have been created, and today more than 12,000 Rock Ventures team members work in downtown Detroit.

Dan founded Rock Gaming, a developer and owner of unique urban casinos in Cleveland, Cincinnati, and Baltimore. The company acquired Detroit's Greektown Casino-Hotel in April 2013.

In March 2013, Rock Ventures, in collaboration with the Downtown Detroit Partnership and Detroit Economic Growth Corporation, unveiled and implemented a visionary place-making and retail plan centered on creating activity and vibrant, distinct destinations to draw people to the region using a multifaceted approach to the planning, design and management of public spaces.

Dan is a founder and principal of Detroit Venture Partners (DVP), a venture capital firm that funds start-up and early-stage technology companies in Detroit. He is also a founding partner of Detroit-based private equity group Rockbridge Growth Equity LLC, which invests in growing businesses in the financial services, Internet technology, consumer-direct marketing, and the sports and entertainment industries across the United States.

In September 2013, Dan was named co-chair of the Blight Removal Task Force, a group appointed by the Obama Administration to create a detailed plan to remove all blighted structures and lots in the City of Detroit. He also serves as vice chairman of the non-profit M-1 RAIL initiative, improving downtown and midtown Detroit's transportation infrastructure with a 6.6 mile light rail system designed to spur economic development. Dan launched Bizdom, a nonprofit entrepreneurial accelerator that trains, mentors and finances business builders in their start-up enterprises in Detroit and Cleveland.

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Dan serves on the boards of the Cleveland Clinic, the Washington D.C.-based Children's National Medical Center, and the Children's Tumor Foundation, which is focused on finding a cure for the genetic disorder neurofibromatosis.

Steven Hamburg

Chief Scientist, Environmental Defense Fund
To Frack or Not To Frack? That is the Question

Steven Hamburg joined the Environmental Defense Fund (EDF) as the chief scientist after a 25-year academic career at University of Kansas and Brown University. His research specialty is biogeochemistry and he received his graduate degrees from Yale University. For his service as a lead author for the Intergovernmental Panel on Climate Change (IPCC), he was formally recognized as a contributor to the 2007 Nobel Peace Prize. He has also been awarded an Environmental Merit award by the U.S. Environmental Protection Agency Region I on two occasions. He currently co-chairs the Royal Society's Solar Radiation Management Governance Initiative, is co-chair of USDA's National Agriculture Research, Economics, Extension and Education Advisory Committee and board chair of the Hubbard Brook Research Foundation among other advisory activities. He has supervised over 50 student theses/dissertations and authored over 100 scientific articles.

Aaron Haslam

Managing Associate, Frost Brown Todd, LLC
Prescription Drug Monitoring Programs: An Exploration of Best Practices and Opportunities for Collaboration

Aaron is a managing associate with Frost Brown Todd (FBT) in Cincinnati, Ohio. He works in the Government Services and Health Care groups. Aaron represents government agencies, health care entities and healthcare professionals. In addition, he is a consultant with CivicPoint, a newly formed subsidiary of FBT. At CivicPoint, Aaron provides consulting and lobbying services to organizations throughout Ohio. Aaron is the former executive director of the State Medical Board of Ohio. As executive director, he directed the day-to-day operations of an agency responsible for licensing and regulating of over 67,000 licensees with an annual budget of \$9 million dollars and 82 employees. Aaron previously worked for Attorney General Mike DeWine supervising his Prescription Drug Abuse & Diversion Initiative. He also served as coordinator for Attorney General DeWine's Special Prosecutions Unit. Aaron has served as a special assistant U.S. attorney and is a former county prosecutor. Aaron received his J.D. from the Cleveland-Marshall College of Law and his Bachelor of Science degree in Psychology from Wright State University.

Shane Khoury

Deputy Director & General Counsel, Arkansas Oil & Gas Commission
To Frack or Not To Frack? That is the Question

Shane Khoury serves as the deputy director, general counsel and hearing officer for the Arkansas Oil and Gas Commission. Mr. Khoury has served as a policy advisor to the governor for regulatory affairs, and was previously engaged in private practice. Mr. Khoury currently serves as chair of the Council of State Oil and Gas Attorneys, and is a former chair of the Legal and Regulatory Affairs Committee of the Interstate Oil and Gas Compact Commission. Mr. Khoury has served as a member on the National Council for Electricity Policy, and as an

alternate on the Southern States Energy Board. Mr. Khoury received his B.A. in Political Science from Arkansas State University, and his Juris Doctorate from the University of Arkansas William H. Bowen School of Law in Little Rock.

Francesca Liquori

Program Counsel, National Attorneys General Training and Research Institute (NAGTRI)
The Proper Use of Deception as an Investigative Method in Civil and Criminal Investigations

Francesca Liquori is program counsel for the National Attorneys General Training and Research Institute (NAGTRI), a branch of the National Association of Attorneys General (NAAG). In that capacity, she is responsible for initiating, coordinating and executing NAGTRI trainings, conducting research, and writing and editing various publications. Francesca also acts as an instructor at NAGTRI trainings. Additionally, Francesca is the NAGTRI liaison to NAAG's Criminal Law Committee and Substance Abuse Committee, and is the Association's point of contact on DNA issues.

Francesca received her Bachelor of Science degree in Industrial and Labor Relations from Cornell University. She graduated from St. John's University School of Law in 2007.

Following law school, Francesca was appointed by Robert Morgenthau as an assistant district attorney at the Manhattan District Attorney's Office in New York. Initially, Francesca was assigned to the Office of the Special Narcotics Prosecutor, a specialized unit enjoying citywide jurisdiction, where she investigated and tried cases involving felony narcotics and weapons charges, and was responsible for supervising and prosecuting long-term investigations into narcotics gangs. Following her time with the Special Narcotics Prosecutor, Francesca transferred to a trial bureau and was a member of several specialized units within the District Attorney's office including the Special Victims Bureau and the Cybercrime and Identity Theft Unit, where she prosecuted a variety of offenses, including serious sexual assaults, domestic violence and attempted murder. During her time at the district attorney's office, Francesca also acted as a trial mentor and was a member of the Summer Hiring Board.

Francesca Liquori was born and raised in New York and is a member of the New York State bar.

David Louie

Hawaii Attorney General
Moderator, Attorneys General Roundtable

David Louie has been Hawaii's attorney general since Jan. 14, 2011. He was appointed to a four-year term by Hawaii Gov. Neil Abercrombie.

Mr. Louie graduated from Occidental College (cum laude) in 1973 with an A.B. in Sociology, and received his J.D. from Boalt Hall School of Law at the University of California, Berkeley, in 1977. While in law school, he worked as an intern at the Asian Law Caucus in San Francisco, Calif., Common Cause in Washington, D.C., and the Federal Public Defender in San Francisco, Calif.

From 1977 to 1988, Mr. Louie was an attorney at Case & Lynch, practicing in the areas of civil litigation, personal injury, insurance defense, commercial litigation, contract disputes and construction defect litigation. He became a partner at the firm in 1984.

In 1988, Mr. Louie was one of the founders of the Honolulu law firm of Roeca Louie & Hiraoka. From 1988 through 2010, Mr. Louie has been the managing partner of the firm, practicing in the areas of civil litigation, insurance defense, construction defect litigation, commercial litigation, legal malpractice, directors and officers liability, prison litigation, product liability, and aviation litigation. During this time, Mr. Louie has tried numerous jury trials to verdict, obtaining many defense verdicts, a \$2 million affirmative award, and awards of hundreds of thousands of dollars in attorney's fees and costs for his clients.

Mr. Louie served as the president, vice-president, and director of the Hawaii State Bar Association (HSBA)(1995-2001) and has been vice-president, secretary-treasurer, and a director of the Hawaii Defense Lawyers Association (1993 to present). He served as a lawyer representative for the U. S. Court of Appeals (Ninth Circuit)(2005-2008). He was the Northwest Regional governor for the National Asian Pacific American Bar Association (NAPABA) (2008-2010) and has served in various capacities as the president, treasurer, and director of the NAPABA Hawaii Chapter (1995 to present). He served as a director (1998-2006) and the chair (1999-2005) of the State of Hawaii Aloha Tower Development Corporation. He served as the vice chair of the Hawaii Supreme Court Rule 19 Special Committee on Judicial Performance (1999-2010).

Mr. Louie is a member of the Federation of Defense and Corporate Counsel (FDCC), where he is currently a co-chair for the Premises Liability Section, and a past chair of the Diversity Committee. He is also a member of the Association of Defense Trial Attorneys, the Defense Research Institute and the American Bar Association (ABA). Mr. Louie has been a faculty member and frequent lecturer for numerous continuing legal education seminars for the HSBA, FDCC, NAPABA, ABA, Pacific Law Institute, Professional Education Systems, Inc. and the National Business Institute. He has authored a number of published articles regarding legal issues.

Peter Manning

Division Chief, Michigan Department of Attorney General
Aquatic Invasive Species: Beware of the Hitchhiker Under Your Boat

Peter Manning is the division chief of the Environment, Natural Resources, and Agriculture (ENRA) Division in the Michigan Department of Attorney General. The ENRA Division represents three state departments: the departments of Environmental Quality, Natural Resources, and Agriculture and Rural Development. The division also handles Native American treaty rights matters and represents the public in utility and insurance matters. He has practiced environmental and natural resources law with the attorney general's office for 20 years. He has a bachelor's degree from Michigan State University in political science and a law degree from the University of Michigan.

Dustin McDaniel

Arkansas Attorney General

Speaker, Innovative Outreach Initiatives; Moderator, Oil & Gas Transportation: Pipelines, Trains, Trucks, and Boats

Dustin McDaniel is the 55th Arkansas attorney general. He was first elected in November 2006 and re-elected to a second term in November 2010. He was sworn in to his second, four-year term in January 2011.

McDaniel is a lifelong Arkansan who was raised in Jonesboro and attended public school there. He holds a bachelor's degree from the University of Arkansas at Fayetteville. He received his law degree from the University of Arkansas at Little Rock Bowen School of Law.

Before entering law school, he was a uniformed patrol officer with the Jonesboro Police Department. Upon graduation, he practiced law at his family's law practice, McDaniel and Wells, in Jonesboro, before being elected to the Arkansas House of Representatives in 2004.

Dustin is married to Bobbi McDaniel and has one daughter, Emma Grace, and two stepchildren, CJ and Alex Fowler. He is an avid hunter and private pilot. He lives in Little Rock and owns a farm in Craighead County.

McDaniel is one of the longest-serving attorneys general in Arkansas history. He is active in the National Association of Attorneys General, where he served as co-chair of the Tobacco Committee and chairman of that association's Southern Region. He currently co-chairs the NAAG Energy and Environment committee. He is a past co-chairman of the Democratic Association of Attorneys General.

Kevyn Orr

Emergency Manager of the City of Detroit
Tuesday Guest Lunch Speaker

Kevyn Orr has practiced law in the areas of business restructuring, financial institution regulation, and commercial litigation for three decades. Throughout his career he has demonstrated the ability to handle all aspects of complex and precedent-setting matters.

m13. 3.14. 11/2/13 Kevyn was appointed emergency manager of the city of Detroit on March 14, 2013 and was charged with restructuring the city. His previous restructuring experience has included his service as the chief government legal officer of a failed financial institution and a special master to oversee the operations of a real estate development firm. He also has assisted clients with government requests for proposals and inspector general audits.

Upon graduation from law school in 1983, Kevyn joined a Miami, Fla., law firm as a litigator and became a shareholder of that firm in 1988. In 1991, he joined the litigation department of the Federal Deposit Insurance Corporation and shortly afterward transferred to the Resolution Trust Corporation (RTC). *RTC*

In 1994, Kevyn became the assistant general counsel for complex litigation and bankruptcy at the RTC and in that capacity he litigated and supervised numerous high-profile cases

concerning various provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, as well as related federal statutes. He also supervised complex investigatory and bankruptcy matters handled by the agency. Those duties included serving as the agency's chief lawyer responsible for the agency's participation in the Whitewater investigation related to the failure of the Madison Guaranty Savings and Loan of Little Rock, Ark.

Kevyn joined the Department of Justice in 1995 as deputy director of the Executive Office for United States Trustees. In February 2000, he became the director of the United States Trustees Program and was responsible for supervision of the program.

In 2001, Kevyn joined the Jones Day law firm where he served on the firm's Advisory Committee and was the firm-wide partner for hiring and diversity.

Kevyn is a member of the bars of Florida and the District of Columbia, the American Bar Association, and the American Bankruptcy Institute, where he serves on the institute's law review advisory board. He holds a Bachelor of Arts degree in Political Science (1979) and a law degree (1983) from the University of Michigan.

Bill Schuette

Michigan Attorney General
Summer Meeting Host

Bill Schuette was elected as Michigan's 53rd attorney general in November 2010 and took office Jan. 1, 2011.

Bill has extensive experience in both federal and state government and has served Michigan in the executive, legislative and judicial branches of government.

Bill Schuette's commitment to public service began when he was elected to the U.S. House of Representatives. At the age of 31, he was one of the youngest congressmen in America. During his three terms in Congress, Schuette served on the House Budget Committee, the House Agriculture Committee and the Select Committee on Aging.

Following his terms in Congress, Bill was Michigan's Republican candidate for the U.S. Senate. Bill served as director of the Michigan Department of Agriculture when John Engler was governor. His policy responsibilities were diverse, ranging from agribusiness export development to environmental stewardship initiatives for production agriculture.

While director of Agriculture, Bill and his wife Cynthia created the Michigan Harvest Gathering, a food and fund drive to help feed hungry people throughout Michigan. Joining with the Food Bank Council of Michigan, the Michigan Harvest Gathering has raised more than \$8.9 million and 9 million pounds of food for Michigan families since 1991. The Michigan Harvest Gathering has been recognized nationally for its innovative public-private partnership.

Bill Schuette was a member of the Michigan Senate for eight years, representing Michigan's 35th Senate District. Bill served on the Judiciary Committee, the Technology and Energy Committee, the Gaming and Casino Oversight Committee and was chairman of the Economic Development Committee and Chairman of the Reapportionment Committee.

Bill was selected by President George W. Bush to be his personal representative to Australian-American Friendship Week. While in Australia on behalf of President Bush, Bill represented the United States in honoring American and Australian service men and women who fought and died during the battle of the Coral Sea, which was a strategic battle in the South Pacific during World War II.

Bill Schuette was also elected to the Michigan Court of Appeals and served for six years as one of 28 appellate judges in Michigan. Upon his departure from the bench, Bill joined the law firm of Warner, Norcross & Judd as senior counsel.

Bill Schuette has been a member of various boards and organizations in his community and throughout Michigan. Currently, he serves as vice president of the Rollin M. Gerstacker Foundation and is a trustee of the Elsa U. Pardee Foundation and the Gerald R. Ford Presidential Foundation. Bill also serves on the Board of Trustees of Albion College.

A native of Midland, Mich., Bill Schuette graduated cum laude from Georgetown University, receiving a bachelor's degree in the Foreign Service. He also studied at the University of Aberdeen in Scotland. Bill earned his law degree from the University of San Francisco and received an honorary Doctor of Laws degree from Northwood University.

Schuette and his wife, the former Cynthia Grebe, are the parents of Heidi and Bill.

Dan Schweitzer

Supreme Court Chief Counsel, National Association of Attorneys General
Moderator, Supreme Court Update

Dan Schweitzer oversees the work NAAG does helping states present cases effectively before the U.S. Supreme Court. His principal responsibility is to assist state appellate litigators who appear before the Court. Toward this end, he organizes and participates in moot courts, edits 40-50 state briefs filed each year in the Court, edits the weekly *Supreme Court Report*, and provides strategic and technical assistance to state attorney general offices. He argued his first case before the Supreme Court, as amicus curiae in *Artuz v. Bennett*, 531 U.S. 4 (2000).

Among his publications are *Preparing Cert Petitions and Oppositions* (NAGTRI 2008); *The Differing Approaches of Chief Justice Roberts and Justice Alito on the Scope of State Power*, 9 *Engage* 52 (2008); *Fundamentals of Preparing a United States Supreme Court Amicus Brief*, 5 *Journal of Appellate Practice and Process* 523 (2003); and *Alden, College Savings Bank and Florida Prepaid: What They Hold and What They Mean to the Future of Federal-State Relations*, *NEEJ* (Sept. 1999).

He received his B.A. from the University of Pennsylvania and his law degree from Harvard Law School.

Bill Sorrell

Vermont Attorney General
Moderator, *To Frack or Not To Frack? That is the Question*

A native and resident of Burlington, Vermont, Attorney General William H. Sorrell graduated from the University of Notre Dame (AB, magna cum laude, 1970) and Cornell Law School (JD,

1974). Bill served as Chittenden County deputy state's attorney from 1975-1977; Chittenden County state's attorney, 1977-78 and 1989-1992; engaged in private law practice at McNeil, Murray & Sorrell, 1978-1989; and served as Vermont's secretary of administration, 1992-1997. As state's attorney, he personally successfully prosecuted several significant matters, including the first case allowing the admissibility of DNA evidence in a Vermont State Court and a 10-year-old homicide in which the victim's body had never been found. In May of 1997 Governor Howard Dean appointed General Sorrell to fill the unexpired term of former Attorney General Jeffrey Amestoy, who had been named Vermont's chief justice. Bill has been re-elected to full terms in November 1998, 2000, 2002, 2004, 2006, 2008, 2010 and 2012.

Bill served as president of the National Association of Attorneys General (NAAG) from June 2004 to June 2005. Prior to his presidential year, he served as the chair of the NAAG Tobacco Committee and co-chair of its Consumer Protection Committee. In June 2003 he was chosen by his fellow attorneys general to receive NAAG's Kelley-Wyman Award, given annually to the "Outstanding Attorney General" who has done the most to further the goals of the nation's attorneys general. In 2008 the American Legacy Foundation endowed in his name an annual lecture on tobacco issues. In 2009, the Vermont Medical Society recognized Bill as its "Citizen of the Year" and for 2010, the National Humane Society recognized him for Humane Law Enforcement. Bill is chair of the NAAG Mission Foundation Board; was formerly chair of the board of the American Legacy Foundation; has served on Vermont's Judicial Nominating Board; as president of United Cerebral Palsy of Vermont; secretary of the Vermont Coalition of the Handicapped; and on the board of the Winooski Valley Park District.

Luther Strange

Alabama Attorney General

Moderator, Oil & Gas Transportation: Pipelines, Trains, Trucks and Boats

Attorney General Luther Strange was raised in Sylacauga and Homewood, Ala. He earned the rank of Eagle Scout at the age of 13. Active in sports, he attended Tulane University on a basketball scholarship. He then headed to Scotland where he worked on a ship as a merchant marine to help pay his way through law school. He and his wife, Melissa, have been married for 32 years and are the proud parents of two sons.

Prior to his election as Alabama's 49th attorney general, Luther Strange earned the reputation as one of Alabama's leading lawyers. He represented Hyundai when they located in Alabama along with many other companies, creating jobs across Alabama. The law firm he founded was named one of the top ten firms in the Southeast for economic development.

As attorney general, Strange is committed to serving the people of Alabama with honesty and integrity while upholding the rule of law that is the foundation of our legal system. As Alabama's top law enforcement official, Attorney General Strange works closely with state and local law enforcement officers and district attorneys to protect Alabamians. He is the coordinating counsel for the Gulf States in the landmark litigation against BP for the oil spill.

John Suthers

Colorado Attorney General

Moderator, Attorneys General Roundtable; Moderator, To Frack or Not To Frack? That is the Question

John W. Suthers has served as Colorado's 37th attorney general since January 2005, where he is chief legal counsel and advisor to state government and its many agencies, boards and commissions. He headed the Economic Crime Division before being elected district attorney for the Fourth Judicial District in Colorado Springs. He also served as U.S. attorney for the District of Colorado, executive director of the Colorado Department of Corrections, and was a partner in a private law firm. In his tenure as attorney general, Mr. Suthers has initiated successful programs to protect children from Internet predators, reduce mortgage and foreclosure fraud, and combat drug abuse in Colorado. He graduated magna cum laude from the University of Notre Dame with a degree in Government and from the University of Colorado Law School. Mr. Suthers has authored six books including "No Higher Calling, No Greater Responsibility: A Prosecutor Makes His Case" (Fulcrum Publishing; 2008), an analysis of the prosecutor's role in the justice system.

Anthony Swift

Attorney, Natural Resources Defense Council

Oil & Gas Transportation: Pipelines, Trains, Trucks, and Boats

Anthony Swift is an attorney at the Natural Resources Defense Council (NRDC), where he works with NRDC's international program on energy issues. He coordinates NRDC's campaign against the proposed Keystone XL tar sands pipeline and works with an international coalition opposing the expansion of tar sands production. He has expertise in petroleum markets, fossil fuel subsidies, federal environmental review processes, crude-by-rail and pipeline regulatory issues. Anthony has testified before the U.S. House of Representatives' on pipeline regulations, Keystone XL, energy security and climate; Canada's National Energy Board (NEB) on Enbridge's Northern Gateway pipeline proposal; the Nebraska Senate on pipeline siting issues; and the National Academy of Sciences on pipeline safety issues. Prior to working at NRDC, Anthony worked as a policy analyst for the Office of the Secretary of Transportation where he worked on alternative fuels, efficiency standards and the National Environmental Policy Act review process. He has a law degree from the University of Pennsylvania and a B.A. in Biology and Political Science from Austin College.

J.B. Van Hollen

NAAG President and Wisconsin Attorney General

J.B. Van Hollen, Wisconsin's 43rd attorney general, was elected on Nov. 7, 2006, and took office on Jan. 1, 2007. After winning re-election by an overwhelming majority, he began his second, four-year term on Jan. 1, 2011.

Since taking office, Attorney General Van Hollen has prioritized forensic DNA analysis at the State Crime Lab, cutting the average turnaround time for sexual assault cases in half. Overall, the average DNA case turnaround time is a third of what it was.

As attorney for the State of Wisconsin, its officers and agencies, Van Hollen has emphasized integrity and adherence to the rule of law. During a time when partisan politics has increasingly

polarized the people of Wisconsin, Van Hollen has kept focused on enforcing and following the laws as written without regard to the underlying political and public policy debates. Professionally reasoned legal advice and client representation is now a hallmark of the Department's work.

Attorney General Van Hollen has vowed that fighting crime also would define his work as attorney general. A philosophy of first principles, limited government, and the Department's role as an "exist to assist" state agency has guided his tenure as attorney general. In June 2013, he became president of the bipartisan National Association of Attorneys General (NAAG). His presidential initiative is "America's Promise: Keeping Our Kids Safe."

Van Hollen graduated from St. Olaf College in 1988 with undergraduate degrees in Political Science and Economics. He earned his law degree two years later from the University of Wisconsin Law School.

Van Hollen began his public service career as an assistant state public defender in Spooner, Wis. In 1991, he became a federal prosecutor, serving as an assistant U.S. attorney for the Western District of Wisconsin. Governor Tommy Thompson appointed Van Hollen as district attorney in Ashland County, where he served for six years. He was subsequently appointed by Governor Thompson to serve as Bayfield County district attorney. Van Hollen was later elected to the position, enjoying bipartisan support as Bayfield County's only elected Republican. Prior to becoming attorney general, J.B. was appointed U.S. attorney for Wisconsin's Western District in 2002 and served there until 2005.

J.B., his wife Lynne, and their children, Byron and Madelyn, live in Waunakee. He enjoys hunting, physical fitness (including participating and finishing Madison's Ironman Competition), and is a voracious reader.

Van Hollen served as grand master of Wisconsin's Grand Lodge of the Free and Accepted Masons, one of the most ambitious philanthropic organizations in the United States and has served on the George Washington Masonic National Memorial Association Board of Directors, an association committed to the legacy of America's Revolutionary War General and First President of the United States.

Victor Vieth

Executive Director Emeritus, National Child Protection Training Center
Silent Tears: Assessing and Improving the Response to Child Sexual Abuse

Victor Vieth serves as the executive director emeritus of the National Child Protection Training Center (NCPTC), which is a department of Gundersen Health System. It is a state of the art training complex located on the campus of Winona State University (WSU). NCPTC includes five moot court rooms, four forensic interview rooms and a "mock house" in which to conduct simulated child abuse investigations. NCPTC staff provides intensive instruction for undergraduate students and current professionals in the field on how to better recognize, react, and respond to children who are being abused. The Center trains approximately 15,000 child protection professionals each year.

Mr. Vieth has trained thousands of child-protection professionals from all 50 states, two U.S. territories, and 17 countries on numerous topics pertaining to child abuse investigations,

prosecutions and prevention. He gained national recognition for his work in addressing child abuse in small communities as a prosecutor in rural Minnesota. He has been named to the President's Honor Roll of the American Professional Society on the Abuse of Children. The Young Lawyers Division of the American Bar Association named him one of the "21 Young Lawyers Leading us Into the 21st Century." Mr. Vieth has been instrumental in implementing 22 state and international forensic interview training programs and dozens of undergraduate and graduate programs on child maltreatment.

Mr. Vieth has published countless articles related to the investigation, prosecution and prevention of child abuse and neglect. He is author of "Unto the Third Generation," a bold initiative that outlines the necessary steps we must all take to eliminate child abuse in America in three generations.

Mr. Vieth graduated magna cum laude from WSU and earned his Juris Doctor from Hamline University School of Law (HUSL).

Alan Wilson

South Carolina Attorney General

Moderator, Silent Tears: Assessing and Improving the Response to Child Sexual Abuse

Alan Wilson was elected South Carolina's 51st attorney general on Nov. 2, 2010, and took office on Jan. 12, 2011, becoming the nation's youngest attorney general.

This marks his third stint in the office. Previously, he served as a prosecution division intern under Charlie Condon and as an assistant attorney general under Henry McMaster.

As South Carolina's attorney general, Wilson is the state's chief prosecutor, chief securities officer, and the state's chief legal counsel. The office is comprised of more than 200 employees and nearly 75 attorneys who manage nearly 8,000 active case files.

He has assembled an unprecedented coalition consisting of the attorney general's office, the State Law Enforcement Division, every sheriff, the Police Chief's Association, and all 16 solicitors. Together, they are actively advancing legislative priorities to ensure South Carolina is the safest place to live, work, and raise a family.

As attorney general, Wilson has defended the Constitution and the laws of this state even if it means challenging the federal government. He has protected South Carolina's right-to-work, helped lead the 26-state challenge to the federal health care mandate, and successfully safeguarded South Carolina's voter identification and immigration laws in court.

Today, he is actively engaged in state and federal litigation to provide safe harbor to South Carolina's ports, shield the state's energy interests at Yucca Mountain, as well as a constitutional challenge of Dodd-Frank.

Prior to his election, Wilson served as an assistant solicitor and as an assistant attorney general before entering private practice with the Columbia firm of Willoughby & Hoefler, P.A. He began his legal career working for the late Judge Marc H. Westbrook.

Growing up, public service was paramount in the Wilson house. Alan and his three brothers have all achieved the rank of Eagle Scout. All four presently serve our nation in uniform.

Wilson joined the National Guard immediately after graduating from college. He was called to serve in Iraq where he led troops through enemy fire and earned the Combat Action Badge. Today, he continues his military service by providing legal support for soldiers and assisting in the prosecution of military crimes as a Lt. Colonel in the Judge Advocate General Corps.

He is a graduate of Francis Marion University and the University of South Carolina School of Law. Wilson and his wife, Jennifer, have two young children, Michael and Anna Grace.

Greg Zoeller

Indiana Attorney General

Moderator, Aquatic Invasive Species: Beware of the Hitchhiker Under Your Boat; Speaker, Innovative Outreach Initiatives

Greg Zoeller was elected Indiana's 42nd attorney general in November 2008 and sworn into office Jan. 12, 2009. Zoeller was reelected to a second term in November 2012 and sworn in for a second term on Jan. 14, 2013. Prior to being elected attorney general, Zoeller served as the chief deputy to his predecessor, Steve Carter, making him the first to have served in the office prior to being elected.

A commitment to service marks the career of Attorney General Zoeller and is also the mark he is making on the office of the attorney general. With a focus on consumer protection, Zoeller has expanded the Do Not Call statute to include wireless telephones, increased protections for teachers in returning discipline to the classroom and fought for homeowners facing foreclosures. Battling scam artists with proactive investigations and aggressively seeking to shut down fraudulent businesses preying on Hoosiers has made Indiana known as a state for consumer predators to avoid.

As co-chair of the Human Trafficking Committee and a member of Training Committee for the National Association of Attorneys General, Zoeller serves in a national leadership position. He also serves on the US Department of Justice Executive Working Group to develop greater collaboration and coordination of state and federal criminal justice agencies. Zoeller is a member of Indiana's Criminal Justice Institute helping law enforcement agencies with a focus on victim's rights.

An advocate for the most vulnerable in society, Zoeller developed a partnership with members of the legal profession in the March Against Hunger, an annual campaign to support Indiana's food banks. During his first year in office Zoeller established an outreach program bringing the services of the attorney general to communities throughout the state with a focus on serving the elderly, those facing foreclosure and other financial crisis, recent immigrants and our youth who are targeted by scam artists and other predators.

Zoeller had previously served as assistant to Vice President Dan Quayle in the White House from 1989-1991 and earlier served then-Senator Quayle in both Washington and Indiana in legislative and executive capacities since 1982. His other government experience includes serving as special assistant to the U.S. Attorney General, Richard Thornburg, in 1988 and as senior counsel to the U.S. House of Representatives Committee on Government Reform and

Oversight in 1998.

Zoeller served on a U.S. delegation to NATO in Brussels, Belgium as the vice president of the Indiana Council of World Affairs in 1992 and led Airlift Indiana, a private relief mission, to Bangladesh and another relief mission to Honduras following natural disasters in those countries.

A native of New Albany, Indiana, Zoeller graduated from Indiana University School of Law at Bloomington in 1982. He is married to Kerrie (Turner) and has three children, Gretchen, Katherine, and Michael. They are members of Christ the King Catholic Church.

**Bios received as of May 21, 2014*



Executive Summary

Mission

To ensure that every Colorado student, parent, teacher and community member has access to a safe and anonymous way to report any concerns to their safety or the safety of others, with a focus on early intervention and prevention through awareness and education.

Background

Shortly after the tragedy at Columbine High School in April of 1999, Colorado State officials convened a commission to complete an inquiry into events surrounding the school attack and proposed strategies to help prevent future school violence. The Columbine Commission recommended an anonymous process whereby students or others could contact authorities to share concerns about potential threats of violence or other harmful behavior. According to the Commission's findings, young people are reluctant to report threats due to a student culture that fosters and enforces a "code of silence." Colorado is at the forefront in breaking the code of silence prevalent in schools today.

Safe2Tell™ was started to allow students to anonymously report threats to their own, and others, safety. The Colorado non-profit organization educates students on the dangerous outcomes of remaining silent and gives them an anonymous mechanism for sharing information about any threat of violence or potential injury. Safe2Tell™ provides students and adults in all Colorado communities an increased ability to both prevent and report violence by making safe, ANONYMOUS calls.

Research shows that in 81% of violent incidents in U.S. schools, someone other than the attacker knew it was going to happen but failed to report it.

As a result of the Safe2Tell™ program's successes, the Colorado General Assembly passed Senate Bill 07-197 (see § 16-15.8-101 et seq., C.R.S) to protect the anonymity of the hotline and ensure confidence of callers. The assurance that calls cannot be traced and that appropriate action will be taken helps persuade young people to move away from the "code of silence" culture. Safe2Tell™ uses peer pressure in a positive way by empowering young people to recognize that loyalty to friends sometimes means taking threats seriously and asking for help on their behalf. Safe2Tell™ provides a reporting tool, empowering bystanders to act early for effective, safe intervention. Safe2Tell™ also offers proven strategies to influence change in infrastructures, thereby improving the culture and climate of schools and communities.

The Need

Youth violence, according to the seminal Surgeon Generals Report on Youth Violence, is a highly visible problem that affects all segments of our society. Because of its impact on victims, their friends and family, and society at large, youth violence has been designated a public health concern, thereby emphasizing the need for effective prevention. Communities now focus on collaborative prevention efforts with support from multiple systems: justice, education, health, mental health, and human services. Safe2Tell™ provides a unique bridge between these agencies and the youth who may need help to avert an act of violence or injury.

According to the US Secret Service *Safe School Initiative* study of school shootings and other school-based attacks, perpetrators exhibited concerning behavior to others prior to the violent incident in 93% of the cases.

Youth violence incorporates many different behaviors, including bullying, cyber bullying, sexting, animal cruelty, weapons, fire starting, dating violence, assault, homicide and suicide. According to the Centers for Disease Control and Prevention's (CDC) Injury Center, youth who are victims of violence or who witness violence in their communities fall prey to not only injury or death in the worst instances, but other serious consequences like posttraumatic stress disorder, depression, and substance abuse. The annual costs associated with youth violence exceed \$158 billion in the United States.

We know that targeted school shootings rarely happen without some sort of warning sign. The U.S. Secret Service conducted the *Safe School Initiative*, a study of school shootings and other school-based attacks finding that usually "at least one other person had some type of knowledge of the attacker's plan." Most of those individuals who had prior knowledge were peers of the perpetrators. This suggests that peers often know about potential threats to their safety and risky behaviors of their friends and classmates, and often fail to alert authorities about their suspicions. Research conducted by the U.S. Secret Service on school violence shows that if students think that telling a teacher about a situation that may pose danger to the school will result only in punitive action against that individual, they are more likely to keep quiet. If, on the other hand, they think that the result would be to get some help for that person, or their identity will remain anonymous, then they are more willing to talk. The importance of developing an effective intelligence system cannot be overstated.

Research conducted by the Center for the Study and Prevention of Violence at CU-Boulder (CSPV) indicates that the two most effective prevention strategies to prevent school violence are (1) creating and sustaining a safe school climate; and (2) developing an effective intelligence-gathering system. Creating a safe school climate includes: implementing evidence-based programs based on need; adopting prevention and intervention activity to deal with bullying; planning and creating a culture of safety and respect; enabling students to develop trusting relationships with at least one adult; and finding a mechanism to sustain this kind of climate. Typically, this process starts by assessing the existing school climate, administering a survey to establish the perceptions of students, teachers and other staff about these characteristics of the school. Moreover, safe schools take a strong, caring stance against the code of silence.

In addition to addressing issues surrounding violent behaviors, prevention and reporting programs are effective in other areas that limit youth's ability to succeed, such as bullying and substance abuse. High school dropouts are 3.5 times more likely to be arrested than high school graduates and more than eight times as likely to be incarcerated. Incarceration data shows that 80% of all inmates in a criminal justice facility enter with a substance abuse problem (School Library Journal, *Crime Linked to Dropout Rates*, www.schoollibraryjournal.com/article/CA6590701.html, 8/27/2008). Young people are the first to know before adults when someone is engaging in risky or life threatening behaviors, but are often afraid to tell someone. When someone remains silent, the safety and lifetime successes of students are at stake.

Current cultural tendencies promote a practice of not becoming involved in other people's issues or problems. Adults and children now live in an environment where there exists less of a sense of civic responsibility to intervene on the behalf of others. In order to break the code of silence, effective programs improving the culture and climate of schools and communities need to change the philosophy that anyone can do what they want without others speaking up. It is vital to have intentional conversations that will empower children and teens to speak up, without fear of retaliation, embarrassment or labeling. Bystanders need to know there is hope and help, with caring adults ready to intervene and advocate for their support.

Programs

The goal of Safe2Tell™ is to intervene at the earliest possible point in the life a young person who is struggling, helping them when they need it before the situation turns into a tragedy. Safe2Tell™ serves as the statewide hotline for concerns in Colorado. The Safe2Tell™ hotline was developed specifically to encourage those with information about a possible event to report it. All reports are anonymous, protecting the identity of the caller, and each one is followed up to determine what action, if any, was taken. Tips are submitted anonymously by phone; all information is taken seriously; and appropriate action is taken in response to credible information. Anonymity is key. Both state law and the procedures established by Safe2Tell™ for receiving and forwarding tips guarantees the anonymity of every caller.

Calls are answered twenty-four hours a day, seven days a week at a Colorado State Patrol communication center. The answering point is live and provides an opportunity for a two-way dialogue with trained experts who document as much information as possible with an opportunity for additional information to be called in as necessary. To ensure complete anonymity, there is no caller ID or call tracing. When action is warranted, information is immediately forwarded to local school officials, mental health professionals, and law enforcement agencies, as appropriate.

Safe2Tell™ then goes the extra step and follows up with the school that received the tip to ensure that it was investigated and that action was taken. The assurance that calls cannot be tracked and that appropriate action will be taken is helping persuade young people to move away from a code of silence and to take a stand. One benefit of empowering students to help create their own safe school environment is increased academic performance.

General's Office. Safe2Tell™ program staff work under the organization's 501c3 non-profit state with guidance of a voluntary, multi-disciplinary Board of Directors. Safe2Tell™ calls are answered under the CO Dept of Public Safety at the CO State Patrol Communications Center in Denver. The Colorado State Patrol of Pueblo 911 Communication Center answers Safe2Tell™ web reports. Text tips are answered by the Jeffco Communications Center. During the 2011-12 school year, Safe2Text capabilities were made available in Adams and Denver counties, where communication centers were trained to receive texting reports.

Strategic partners include the CDPHE Office of Suicide Prevention, the CO Dept. of Education, The Center for the Study & Prevention of Violence, the CO Assoc. of School Resource Officers, the CO Assoc. of School Executives and the CO Assoc. of School Safety & Law Enforcement Officials.

For more information about Safe2Tell™, please visit our website at www.safe2tell.org.

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