



Marijuana Law

Developing Business,
Regulation, Law, and Policy



The law and public policy of marijuana is changing rapidly. Join us in one of the first states to legalize recreational marijuana use to examine these developments.

June 23-24, 2016

University of Colorado School of Law

Wolf Law Building

Boulder, Colorado

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resources
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your practice ■

Decades ago Bob Dylan chorused, “Everybody Must Get Stoned.” Forty years later, almost half the states in this country have laws to legalize medical marijuana. And generalized legalization of recreational use on the state level continues apace. In today’s ever changing legal landscape, is your practice ready to navigate the haze of complex cannabis regulation, law, and policy? Join us for DRI’s Marijuana Law: Developing Business, Regulation, Law, and Policy Seminar, as we guide you through legal considerations faced by businesses and insurers involved in the marijuana industry and employers dealing with the reality of medical recommendations and legalized use.



Matthew Y. Biscan
Program Chair



Stephen O. Plunkett
Law Institute



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have to say about
DRI seminars

<http://www.youtube.com/user/DefenseBar>

PRESENTED BY **DRI’s Medical Liability and Health Care Law, Employment and Labor Law** AND **Insurance Law Committees**



What
You Will
Learn

- Public policy issues
- Regulation of the business and banking landscape
- Comparative law considerations
- Medical use and recommendations
- How legalization affects the workplace
- Insurance issues for the grower and the seller
- Liability concerns and practical approaches to physical security

PROGRAM SCHEDULE

WEDNESDAY, JUNE 22

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception** | Boulder Marriott

THURSDAY, JUNE 23

7:15 a.m. **Registration**

7:15 a.m. **Continental Breakfast**

8:00 a.m. **Welcome and Introduction**

Stephen O. Plunkett, *Bassford Remele*,
Minneapolis, Minnesota

Matthew Y. Biscan, *Satriana & Biscan LLC*,
Denver, Colorado

8:10 a.m. **Marijuana Policy: The Past Is Prologue**

The landscape of marijuana legalization is changing constantly. One driving force behind the policy advances in the U.S.—from medical marijuana to recreational legalization—is the Marijuana Policy Project. This session will provide an overview of the current and pending marijuana laws.

Rob Kampia, *Marijuana Policy Project*,
Washington, D.C.

9:05 a.m. **Hiring, Firing, Drug Testing:
What Is an Employer to Do?**

The legalization of marijuana at the state level presents a conundrum for employers. It is still a schedule 1 drug at the federal level. How does an employer adjust its personnel policies and protect itself from risk, in light of state legalization?

Sheryl J. Willert, *Williams Kastner*,
Seattle, Washington

10:00 a.m. **Refreshment Break**

10:15 a.m. **Growers and Retailers: Insurable Interests?**

What complications for the insurance industry does legalization pose? And how do growers and retailers obtain protection for a product that is otherwise excluded from insurance under traditional underwriting standards?

Brenda P. Wells, PhD, CPCU, AAI, *East Carolina University*,
Greenville, North Carolina

11:10 a.m. **The Changing Landscape of Marijuana Legislation and Driving Under the Influence of Drugs (DUI) Testing**

Drug screens for employers, and sobriety tests for law enforcement, can't remain what they once were in light of legalization. Here are the changes you need to know.

Sarah Urfer, MS, *ChemaTox Laboratory Inc.*,
Boulder, Colorado

12:05 p.m. **Lunch (on your own)**

1:15 p.m. **Under the Mattress? Behind the Greenhouse? What to Do with the Money....**

The marijuana industry is generating incredible amounts of cash, and those in the industry are struggling with how to deal with it. The U.S. Department of the Treasury says pursuing marijuana industry deposits is not a priority. But what hasn't been said is that the federal government won't come after the proceeds of a federal crime. We will discuss and consider the options and proposed solutions to informal and underground banking in the marijuana industry.

Susan B. Zaunbrecher, *Dinsmore & Shohl LLP*,
Cincinnati, Ohio

2:10 p.m. **Marijuana and the Licensed Medical Provider**

The state permits the use of medical marijuana, a substance that is illegal under Federal Law and designated as a schedule 1 controlled substance by the DEA. How are state-licensed medical providers caught in the middle?

David (Max) F. Beach, *Perry Johnson Anderson Miller & Moskowitz LLP*,
Santa Rosa, California

3:05 p.m. **Refreshment Break**

3:20 p.m. **Physical Security and Premises Risks**

Practical views on the standard of care for physical security of growing facilities and retail stores and a discussion of the potential for legal liability associated with the provision or failure to provide premises security.

Denise A. Holzka, *Heidell Pittoni Murphy & Bach LLP*,
New York, New York

Lara Puckett, *Total Security Solutions*,
Seattle, Washington

4:15 p.m. **Trial Tactics: Handling Tricky Marijuana Issues**

Your client representative uses medical marijuana to counter the effects of his cancer treatments. The opposing party has a history of marijuana convictions. An eyewitness admits to having used marijuana on the night in question. How should you handle these tricky issues when preparing for trial? From character evidence to disability accommodations, expert toxicology testimony to contributory/comparative fault, courts must weigh how to balance legal marijuana use with its potentially prejudicial effect. Explore the evidentiary questions and evolving arguments when marijuana use becomes an issue in civil litigation.

Steven M. Gutierrez, *Holland & Hart LLP*, Denver, Colorado

5:00 p.m. **Adjourn**

5:05 p.m. **Networking Reception**

6:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

FRIDAY, JUNE 24

7:30 a.m. **Registration**

7:30 a.m. **Continental Breakfast**

8:00 a.m. **Announcements**

Matthew Y. Biscan, *Satriana & Biscan LLC*, Denver, Colorado

8:05 a.m. **Can the Conflict Between State Law and the Federal Code Be Reconciled?**

Considering the broad scope of marijuana business regulation, and the prohibitions of federal law, it is no wonder that the details of rule-making are difficult to follow for the industry, much less counsel. How has Colorado handled the regulatory landscape? Get the details from a lawyer at the center of regulatory reconciliation at the local and congressional levels.

Jeffrey S. Gard, *Gard & Bond LLC*, Boulder, Colorado

9:00 a.m. **Reconciling Legal Marijuana with the ADA**

As a growing number of states legalize the use of marijuana for medical purposes, employ-

ers must navigate an increasingly complex web of laws. This program examines the interplay and tension between medical marijuana usage, an employer's duty to engage in an interactive dialogue, and the duty to provide one or more reasonable accommodations under the federal Americans with Disabilities Act.

Cara Ching-Senaha, *Moscone Emblidge & Otis LLP*, San Francisco, California

9:55 a.m. **Refreshment Break**

10:10 a.m. **Public Employment and Marijuana Use**

What protections are available to public employees in light of legalized marijuana? What are the particular impacts on public safety employees? And what does federal funding mean to local and state employers?

W. Scott Snyder, *Ogden Murphy Wallace PLLC*, Seattle, Washington

11:05 a.m. **Comparing the Landscape: Regulatory Approaches**

Mr. Snyder and Mr. Gard compare and contrast the different approaches to regulation and public policy taken by Washington and Colorado.

Jeffrey S. Gard, *Gard & Bond LLC*, Boulder, Colorado

W. Scott Snyder, *Ogden Murphy Wallace PLLC*, Seattle, Washington

12:00 p.m. **Ethical Implications of Marijuana for Lawyers**

The recent developments in marijuana laws and regulations have created an ethical minefield for practitioners. Can lawyers advise clients who own or provide services to marijuana dispensaries or grow operations? Can lawyers invest in marijuana dispensaries? Can lawyers use marijuana without committing an ethical violation? Does it make a difference whether it is recreational or medicinal marijuana? This presentation will examine how various states have answered these questions and other ethical considerations involving marijuana law.

Nancy L. Cohen, *Lewis Brisbois Bisgaard & Smith LLP*, Denver, Colorado

James Sudler, *Office of Attorney Regulation*, Denver, Colorado

1:00 p.m. **Adjourn**

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **11.75** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.



A limited number of discounted hotel rooms have been made available at the **Boulder Marriott, 2660 Canyon Boulevard, Boulder, CO 80302.**

Take advantage of the group rate of **\$259 Single/Double** in one of two ways:

- 1) Reserve online: Visit dri.org and go to the **DRI Marijuana Law Seminar** page and click on the "Book Hotel" tab.
- 2) Or **contact the hotel directly at 303.440.8877** and mention the **DRI Marijuana Law Seminar.**

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **May 25, 2016**, to be eligible for the group rate. Requests for reservations made after **May 25** are subject to room and rate availability.

Registration Policy

Save \$100 when you register by May 25, 2016. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI app. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **June 3, 2016** (*please allow 10 days for processing*). Registrations received after **June 3, 2016**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **June 3, 2016**. Cancellations received after **June 3** and on or before **June 10, 2016**, will receive a refund, less a \$100 processing fee. Cancellations made after **June 10** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined on the registration form. The registration fee for additional registrants from the same firm or company is **\$695**, regardless of membership status. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Marijuana Law Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

FACULTY

David (Max) F. Beach, Perry Johnson Anderson Miller & Moskowitz LLP, Santa Rosa, California

Matthew Y. Biscan, Satriana & Biscan LLC, Denver, Colorado

Cara Ching-Senaha, Moscone Emblidge & Otis LLP, San Francisco, California

Nancy L. Cohen, Lewis Brisbois Bisgaard & Smith LLP, Denver, Colorado

Jeffrey S. Gard, Gard & Bond LLC, Boulder, Colorado

Steven M. Gutierrez, Holland & Hart LLP, Denver, Colorado

Denise A. Holzka, Heidell Pittoni Murphy & Bach LLP, New York, New York

Rob Kampia, Marijuana Policy Project, Washington, D.C.

Stephen O. Plunkett, Bassford Remele, Minneapolis, Minnesota

Lara Puckett, Total Security Solutions, Seattle, Washington

W. Scott Snyder, Ogden Murphy Wallace PLLC, Seattle, Washington

James Sudler, Office of Attorney Regulation, Denver, Colorado

Sarah Urfer, MS, ChemaTox Laboratory Inc., Boulder, Colorado

Brenda P. Wells, PhD, CPCU, AAI, East Carolina University, Greenville, North Carolina

Sheryl J. Willert, Williams Kastner, Seattle, Washington

Susan B. Zaunbrecher, Dinsmore & Shohl LLP, Cincinnati, Ohio

View faculty bios online at <http://www.dri.org/Event/20160181> (Marijuana Law Seminar webpage); click on "Speaker List" tab.

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No one gets you connected like DRI.

Access the **DRI Committee Communities** for **Medical Liability and Health Care Law, Employment and Labor Law** and **Insurance Law** at <http://community.dri.org/home> to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

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Boulder, Colorado

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Are you a first-time attendee at this DRI seminar? Yes No

How many attorneys _____ What is your primary
are in your firm? _____ area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking events, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. You can order additional copies of the course materials on CD-ROM by checking the appropriate box below or going online at dri.org.

	On or before May 25, 2016	After May 25, 2016	<i>For inclusion on the preregistration list and to receive course materials in advance, register by June 3, 2016.</i>
<input type="checkbox"/> Member	\$795	\$895	
<input type="checkbox"/> Nonmember	\$1,025	\$1,125	
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<input type="checkbox"/> Group Discount*	\$695 (*as defined on page 3)		

ADDITIONAL COURSE MATERIALS

Member \$75 Nonmember \$95 (Illinois residents, please add 9.25% sales tax. Shipping charges for U.S. and Canada only: \$6.50)

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