

13th Annual OBI Conference Agenda

Embassy Suites Des Moines Downtown
101 East Locust Street
Des Moines, IA 50309

Tuesday, October 4, 2016:

4:00-5:00 Board Meeting: Open to the Public, TBD

4:00-5:00 (Optional pre-registration)

5:30-6:30 Meet & Greet Welcome Reception



Wednesday, October 5, 2016:

7:30-8:15 Embassy complimentary breakfast & Registration

8:15-9:00 Welcome Statements

- OBI President: Erin Ross-Johnson
- Iowa Attorney Disciplinary Board Administrator: Tara van Brederode
- Former Iowa Attorney Disciplinary Board Administrator: Charles Harrington – Trends in attorney discipline.
- Attendee introductions

9:00-10:30 Immigration Red Flags

- Lori T. Chesser, Immigration Dept. Chair Davis Brown Law Firm
- Nikki M. Mordini, Davis Brown Law Firm, Drake Law School Adjunct

Immigration is a complex, multifaceted field of law with layers of information to learn before an attorney can properly practice and an investigator can properly investigate. Knowing where to start on an IM case can be burdensome without familiarity of the process. Experienced immigration attorneys, Lori Chesser and Nikki Mordini, will speak on common forms of relief, eligibility requirements and hurdles, and what can become a trap for misconduct in those matters. They will also explain the role of case law, *Matter of Lozada*, in the court and disciplinary systems, and how *Lozada* can be used by fraudulent complainants claiming ineffective assistance of counsel to facilitate a ploy.

10:30-10:45 Break

10:45-11:45 Immigration Case Analysis: Richard Mendez - prosecution through reinstatement

- Tre Critelli - Administrator for the Iowa Supreme Court's Commission on the Unauthorized Practice of Law
- Wendell Harms - Ethics Counsel Iowa Supreme Court Attorney Disciplinary Board

Mr. Critelli and Mr. Harms will address the unique issues arising in the prosecution and reinstatement of Mr. Richard Mendez, a non-Iowa lawyer practicing immigration law in Iowa, *Iowa Supreme Court Attorney Disciplinary Board v. Richard Clay Mendez* (14-0426).

11:45-12:00 Travel offsite for catered lunch – DART D-Line Downtown Shuttle

12:00-1:30 Lunch, Senate Committee Room 116, Iowa State Capitol

12:15-12:45 Guest Speaker

- Iowa Supreme Court Chief Justice Mark S. Cady

From *In the Matter of Ralph* (1839) to *Varnum v. Brien* (2009) Chief Justice Cady will speak on Iowa's role as a leader in the history of civil rights advancements.

1:30-1:45 Travel back to Embassy Suites – DART D-Line Downtown Shuttle

1:45-3:00 The Lure of Client Funds to Support Gambling Addiction

- David Dales – Iowa Department of Public Safety Special Agent in Charge
- Wendell Harms – Ethics Counsel Iowa Supreme Court Attorney Disciplinary Board

SAC Dales will discuss information on warnings signs that could indicate a gambling addiction in attorneys. He will delve into gaming regulations, information about players clubs and other resources that may be available to investigators when suspicious trust accountings point to possible addictive behaviors.

Iowa attorney Michael Reilly was revoked for converting a juvenile client's personal injury settlement for his own use to support his gambling addiction. Mr. Harms will discuss the case history along with Mr. Reilly's application for reinstatement as among the first of revoked Iowa attorneys to seek reinstatement in *Iowa Supreme Court Attorney Disciplinary Board v Michael Gerard Reilly* (05-1365).

3:00-3:15 Break

3:15-4:45 Sexual Misconduct: The Predator and their Prey

- Elizabeth Quinlan - Assistant Ethics Counsel for the Iowa Supreme Court Attorney Disciplinary Board
- Det. Susie Owens - Ames, IA Police Department
- Terry Cowman - Iowa Department of Public Safety Special Agent in Charge
- Dr. Anthony Tatman, Ph.D.- Clinical Services Director And Licensed Psychologist for the Iowa Department of Correctional Services' Fifth Judicial District

This session will study the elements of sexual offense, to include common thread characteristics of offenders, identification of predator goals, as well as what personal weaknesses and external conditions might draw a victim into a condition of exploitation. The session will advise of key skills for working with victims as witnesses, such as how to gain witness trust so as to "get the full story" or set of circumstances that comprised the attorney's misconduct. Details from notable Iowa cases will serve as topic application.

5:00-6:00 Embassy Complimentary Evening Reception

Thursday, October 6, 2016:

7:15-8:15 Embassy Complimentary Breakfast

8:15-8:30 Elections and Presentation on OBI's new website

- Jim Easoz – OBI at-large Director

8:30-9:45 Cyber Vulnerabilities to Firms and Agencies

- Jordan Loyd – Special Agent Federal Bureau of Investigation

Is your law firm or agency office safe from hackers and digital attacks? FBI Special Agent Loyd will present information on the current threats related to Cyber-based attacks and high-technology crimes and how to combat them. This will include cyber terrorism, network intrusions, cyber fraud and identity theft made to vulnerable law firms.

9:45-10:15 “But al thing which that shineth as the gold / Nis nat gold...” (All that glitters is not gold.) -Chaucer, ‘Cannon Yeoman’s Tale’

- Tre Critelli - Administrator for the Iowa Supreme Court’s Commission on the Unauthorized Practice of Law

Mr. Critelli will examine the prosecution of *Iowa Supreme Court Attorney Disciplinary Board v Robert A. Wright, Jr.* (2013). In this case, Mr. Wright had a client who received an email that claimed he was the heir to a decedent’s millions in Nigeria, also known as the “Nigerian get rich quick scam”. Along the way toward this client’s attempt to collect his “inheritance”, Mr. Wright suckered other clients to turn over a portion of their personal injury settlements as a loan to pay for the “Anti-Terrorist Certificate” with the promise the loan would be returned with a generous bonus upon the first client’s receipt of his “inheritance”.

10:15-10:30 Break

10:30-12:00 Hacked! Iowa Judicial Branch Network Shows Gaps in Security

- Mark Headlee – Director of Iowa Judicial Branch Information Technology
- Tyler Miller – Information Security Office Iowa Judicial Branch Technology

This session will demonstrate a practical application of how susceptible law firms and their client data are to hackers. Mr. Headlee and Mr. Miller will discuss their decision, with the State Court Administrator, to hire a company to hack into the Judicial Branch’s online network and physically infiltrate various secured areas around the state without informing their own security staff. They will explain the various attacks deployed and how effective they were. They will offer conclusions about what they learned and changes implemented to strengthen Iowa’s Judicial Branch network and facilities.

12:00-1:30 Lunch (on your own)

1:30-3:00 Mortgage and Real Estate Fraud

- Joseph Lorek – Special Agent Kansas City Office of Inspector General, U.S. Department of Housing & Urban Development (OIG-HUD)
- Kris Kanakares – Assistant to the Special Agent in Charge, Kansas City OIG-HUD

Mr. Lorek and Mr. Kanakares are criminal investigators with nearly 40 years of combined experience. They will speak and lead discussion on mortgage fraud and an attorney’s role in mortgage proceedings. The session will include notable cases and

schemes, an examination of warning signs, and answer questions in an effort to help investigators understand, detect, and prevent mortgage fraud, and provide a resource for investigators to discuss and/or report mortgage fraud.

3:00-3:15 Break

3:15-4:45 Interview Techniques & Deception Indicators

- Michael Krapfl – Special Agent in Charge Iowa Department of Public Safety & Instructor with The CTK Group
- Jon Turbett – Special Agent Iowa Department of Public Safety & Instructor with the CTK Group

Are your respondent and/or complainant being truthful? In 2016, the reality of detecting deception for investigators has changed dramatically. Cutting edge research has destroyed long held beliefs and practices of law enforcement as it relates to how investigators think they can detect deception. Many of these practices are the result of customary knowledge, but many are still taught in law enforcement interview and interrogation courses. Special Agents Krapfl and Turbett will examine a practical and research-based method to detect deception and critically examine the long held beliefs of the past that are not effective.

5:00-6:00 Embassy Complimentary Evening Reception

6:00-9:00 Banquet Dinner

Friday, October 7, 2016:

7:15-8:15 Embassy Complimentary Breakfast

8:15-9:45 Open Source Search Intelligence (OSINT)

- Joe Willoughby – Criminal Intelligence Analyst Iowa Division of Intelligence and Fusion Center

Mr. Willoughby will discuss practices for gathering and analyzing information from “open source searching” – information gathered from publically accessible online sources. These searches also include popular social media platforms and free search engines, but there are also fee-based intelligence options to help pinpoint accurate, timely, and actionable online information. The session will provide an overview and examples of search techniques that can help agencies locate online presences and draw account data from these profiles.

9:45-10:00 Break

10:00-11:00 Social Media Accounts: A Blowtorch to Privacy

- Barb Edmondson Iowa Department of Public Safety in-house attorney

During this session Ms. Edmondson will discuss the privacy issues and concerns associated with investigation of social media accounts and open source searches.

11:00-11:30 Open Forum among conference attendees and Board members

An opportunity to discuss issues and obtain feedback about any topic that is important to OBI members. Board members will also describe the different committees and Board positions along with their duties and the need for increased volunteerism among OBI members.

11:30-12:00 Reflection and Closing Remarks

12:00-1:30 (Optional Board Leadership Lunch)

