

JUDICIAL EDUCATION PROGRAM  
ATTORNEYS GENERAL EDUCATION PROGRAM

# Symposium on the Law & Economics of Marijuana Legalization

Sunday, October 6 – Tuesday, October 8, 2019 | Denver, CO

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

LAW &  
ECONOMICS  
CENTER



## SUNDAY, OCTOBER 6

*All sessions held at the Westin Denver Downtown, Denver, CO*

**3:00 - 6:00 pm**

**Registration, Lobby**

**6:00 - 7:30 pm**

**Welcome Reception, Augusta Room**

## MONDAY, OCTOBER 7

*All sessions held in the Confluence Ballroom*

**7:00 - 7:55 am**

**Breakfast, Platte River Room**

**8:00 - 8:05 am**

**Welcome**

**Stuart Nincehelter**, Director, Attorneys General Education Program and Henry G. Manne Program, Law & Economics Center, George Mason University Antonin Scalia Law School

**Paula Witt**, Director, Judicial Education Program, Law & Economics Center George Mason University Antonin Scalia Law School

**8:05 - 9:00 am**

**Lecture: Fundamentals of the Marijuana Economy**

**Sean O'Connor**, Professor of Law and Executive Director, Center for the Protection of Intellectual Property, George Mason University Antonin Scalia Law School

**9:15 - 10:45 am**

**Panel 1: Consumer Protection in a Quasi-Legal Market**

**Douglas A. Berman**, Newton D. Baker, Baker & Hostetler Chair in Law, The Ohio State University Michael E. Moritz College of Law

**Kathy Hoffman**, Policy and Rules Coordinator, Washington State Liquor and Cannabis Board

**Sandy Lynskey**, Of Counsel, Mac Murray & Shuster LLP

**Yoko Miyashita**, General Counsel, Leafly

**Moderator: Sean O'Connor**

**Reading Assignments:**

National Academies of Sciences, Engineering, and Medicine, *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*, (Washington DC: National Academies Press, 2017).

Nate Seltenrich, "Cannabis Contaminants: Regulating Solvents, Microbes, and Metals in Legal Weed," *Environmental Health Perspectives* 127, no. 8 (August 2019): 1-6.

Nate Seltenrich, "Into the Weeds: Regulating Pesticides in Cannabis," *Environmental Health Perspectives* 127, no. 4 (April 2019): 1-8.

Nicholas Maxwell, "Ohio's Medical Marijuana Control Program: Online Survey of Consumer Satisfaction," *Drug Enforcement and Policy Center*, The Ohio State University Moritz College of Law.

**11:00 am - 12:30 pm**

**Panel 2: Banking, Payroll, and Financial Services Hurdles**

**Don Childears**, President and CEO, Colorado Bankers Association

**Dustin Eide**, CEO CanPay

**Moderator: The Honorable Wendy Williams Berger**, Judge, US District Court for the Middle District of Florida

**Reading Assignment:**

Peter Conti-Brown, "The Policy Barriers to Marijuana Banking," *Penn Wharton Public Policy Initiative* 52, (February 2018): 1-9.

**12:30 - 1:45 pm**

**Lunch**, Augusta Room

**2:00 - 3:30 pm**

**Panel 3: The Changing Dynamics of Law Enforcement**

**James Henning**, Commander, Denver Police Department

**Sam Kamin**, Vicente Sederberg Professor of Marijuana Law and Policy, University of Denver Sturm College of Law

**Theshia Naidoo**, Legal Director of Criminal Justice, Drug Policy Alliance

**Moderator: The Honorable Paula A. Nakayama**, Associate Justice, Hawai'i Supreme Court

**Reading Assignments:**

Kyle C. Ward, Paul A. Lucas, and Alexandra Murphy. "The Impact of Marijuana Legalization on Law Enforcement in States Surrounding Colorado." *Police Quarterly* 22, no. 2 (2019): 217-242.

Terra Wiens et al., "Law Enforcement Practices in the First Two States in US to Legalize Recreational Marijuana." *International Journal of Drug Policy* 61 (2018): 38-43.

**3:45 - 5:00 pm**

**Panel 4: Business Regulation and Taxation**

**Holly Bricken**, Partner, Harris Bricken McVay Sliwoski LLP

**James Burack**, Director, Marijuana Enforcement Division, Colorado Department of Revenue

**Adrian Moore**, Vice President of Policy, Reason Foundation

**Moderator: Stuart Nincehelser**

**Reading Assignment:**

Rachel A. Barry and Stanton A. Glantz "Marijuana Regulatory Frameworks in Four US States: An Analysis Against a Public Health Standard," *American Journal of Public Health* 108, no. 7 (July 2018): 914-923.

**5:00 pm**

**Adjourn for Day**

## TUESDAY, OCTOBER 8

*All sessions held in the Confluence Ballroom*

**7:00 – 7:55 am**

**Breakfast**, *Platte River Room*

**8:00 – 9:15 am**

**Panel 5: The Economics of Federalism and the Full Faith and Credit Clause**

**David Blake**, Partner, Squire Patton Boggs LLC and former Chief Deputy Attorney General of Colorado

**Jason Dunn**, US Attorney for the District of Colorado

**Robert Mikos**, Professor, Vanderbilt University Law School

**Moderator/Panelist: Jonathan H. Adler**, Johan Verheij Memorial Professor of Law, Case Western Reserve University School of Law

**Reading Assignment:**

Erwin Chemerinsky et al., "Cooperative Federalism and Marijuana Regulation" *UCLA Law Review* 62, no. 1 (January 2015): 74-122.

Robert A. Mikos, "On the Limits of Supremacy: Medical Marijuana and the States' Overlooked Power to Legalize Federal Crime" *Vanderbilt Law Review* 62, (March 2009): 1421.

**9:30 – 10:45 am**

**Federalism in Court - Mock Oral Argument in *Nebraska and Oklahoma v. Colorado***

**Introduction: David Blake**

**David A. Lopez**, former Deputy Solicitor General, Office of the Attorney General of Nebraska

**Fred Yarger**, Partner, Gibson, Dunn & Crutcher LLP and former Solicitor General of Colorado

**Judge Panel:**

**The Honorable L. Steven Gras**, Judge, US Court of Appeals for the Eighth Circuit

**The Honorable Ryan D. Nelson**, Judge, US Court of Appeals for the Ninth Circuit

**The Honorable James T. Worthen**, Justice, Twelfth Court of Appeals of Texas

**Reading Assignment:**

Brief in Opposition to Motion for Leave to File Complaint, *Nebraska and Oklahoma v. Colorado*, no. 22O144, S. Ct. (Mar. 27, 2015).

Plaintiffs' Supplemental Brief On Motion for Leave to File Complaint, *Nebraska and Oklahoma v. Colorado*, no. 22O144, S. Ct. (Jan. 2016).

**11:00 am – 12:15 pm**

**Panel 6: Lessons Learned - Experiences From Early Legalization Adopters**

**Barbara Brohl**, Principal and Founder, B J Brohl Strategies

**Garrett O. Graff**, Managing Attorney, Hoban Law Group

**Sean O'Connor**

**Reading Assignment:**

David Blake and Jack Finlaw, "Marijuana Legalization in Colorado: Learned Lessons" *Harvard Law and Policy Review* 8, (2014): 359-380.

**12:15 pm**

**Closing Remarks and Adjourn**



## **JONATHAN H. ADLER**

*Johan Verheij Memorial Professor of Law, Case Western Reserve University School of Law*

Jonathan H. Adler is the inaugural Johan Verheij Memorial Professor of Law and director of the Coleman P. Burke Center for Environmental Law at the Case Western Reserve University School of Law. Professor Adler is the author or editor of seven books, including *Business and the Roberts Court* (Oxford University Press, 2016) and *Rebuilding the Ark: New Perspectives on Endangered Species Act Reform* (AEI Press, 2011), and over a dozen book chapters. His articles have appeared in publications ranging from the *Harvard Environmental Law Review* and *Yale Journal on Regulation* to *The Wall Street Journal* and *USA Today*. Professor Adler is a senior fellow at the Property & Environment Research Center in Bozeman, Montana. He also serves on the NFIB Small Business Legal Center Advisory Board, the academic advisory board of the Cato Supreme Court Review, the board of directors of the Foundation for Research on Economics and the Environment, and the Environmental Law Institute's Environmental Law Reporter and ELI Press Advisory Board. In 2018, Professor Adler was elected to membership of the American Law Institute. Prior to joining the faculty at Case Western Reserve, Professor Adler clerked for the Honorable David B. Sentelle on the US Court of Appeals for the District of Columbia Circuit. From 1991 to 2000, he worked at the Competitive Enterprise Institute, a free market research and advocacy group in Washington, DC, where he directed CEI's environmental studies program. He holds a BA from Yale University and a JD from the George Mason University School of Law.



## **WENDY WILLIAMS BERGER**

*Judge, US District Court for the Middle District of Florida*

Wendy Williams Berger is a US District Judge for the Middle District of Florida. She previously served as a Florida state district judge of the Fifth District Court of Appeal. Berger earned her BS, *cum laude*, from Florida State University and her JD from the Florida State University College of Law, where she was a member of the *Florida State University Law Review*. Berger spent seven years prosecuting criminal cases as an assistant state attorney. Before ascending to the bench, Berger served from January 2001 to May 2005 as Assistant General Counsel in the Executive Office of the Governor, which was during the gubernatorial tenure of Jeb Bush.



### **DOUGLAS A. BERMAN**

*Newton D. Baker-Baker & Hostetler Chair in Law, The Ohio State University  
Michael E. Moritz College of Law*

Professor Douglas A. Berman is the Newton D. Baker-Baker & Hostetler Chair in Law at The Ohio State University Michael E. Moritz College of Law. He attended Princeton University and Harvard Law School. In law school, he was an editor and developments office chair of the *Harvard Law Review* and also served as a teaching assistant for a Harvard University philosophy course. After graduation from law school in 1993, Professor Berman served as a law clerk for Judge Jon O. Newman and then for Judge Guido Calabresi, both on the US Court of Appeals for the Second Circuit. After clerking, Professor Berman was a litigation associate at the law firm of Paul, Weiss, Rifkind, Wharton, and Garrison in New York City. Professor Berman is the co-author of a casebook, *Sentencing Law and Policy: Cases, Statutes and Guidelines*. In addition to authoring numerous publications, Professor Berman has served as an editor of the Federal Sentencing Reporter for more than a decade, and also now serves as co-managing editor of the *Ohio State Journal of Criminal Law*. Professor Berman is also the sole creator and author of the widely-read and widely-cited blog, Sentencing Law and Policy, which has the distinction of being the first blog cited by the US Supreme Court.



### **DAVID C. BLAKE**

*Partner, Squire Patton Boggs, LLC, and former Chief Deputy Attorney General of Colorado*

David C. Blake chairs the State Attorneys General Practice at Squire Patton Boggs. He previously served as Chief Deputy Attorney General in the Office of the Colorado Attorney General Cynthia H. Coffman. In that role, he served as the attorney general's top advisor on all legal, management, press and policy matters and directly oversaw the consumer protection and criminal justice sections. As Chief Deputy, he led the office's efforts on key issues, including cyber and privacy issues, open records requests and marijuana legalization. Mr. Blake is an adjunct professor at the Antonin Scalia Law School, where he teaches a seminar on State Attorneys General and speaks regularly about daily issues that impact these unique regulators. Prior to joining the Colorado Attorney General's Office, Mr. Blake served in the US Department of Justice, including as Special Assistant US Attorney in the District of Columbia, attorney advisor for the Office of Intelligence, counsel to the Assistant Attorney General, special assistant to the Assistant Attorney General for National Security, and special assistant to the Assistant Attorney General for Legislative Affairs. His work in the Department of Justice included representing the US government before the US Foreign Intelligence Surveillance Court, coordinating approval of FBI counterterrorism and counterintelligence undercover operations, and evaluating classified reporting and evidence related to Guantanamo Bay detainees, as well as litigating habeas corpus petitions filed by detainees. Mr. Blake serves as a national fellow at the National Security Institute in Arlington, Virginia and was integral to the success of the Department of Justice's Holocaust Claims Program.



## **HILARY BRICKEN**

*Partner, Harris Bricken McVay Sliwoski LLP*

Hillary Bricken is a partner at Harris Bricken, and since joining in 2010, she has earned a reputation as an exceptional and fearless business law attorney. Ms. Bricken's clients reflect the diversity and ingenuity of the West Coast, and she takes pride in her strong client relationships, that allow her to hone in on each company's unique needs and goals. Last year, the American Bar Association (ABA) named Ms. Bricken one of the top 40 young lawyers nationwide, before that *The Puget Sound Business Journal* named her as one of only seven deal makers of the year, and she was also named one of "40 Under 40" leading businesspeople by the *PS Business Journal*. In every year since 2014, she has been chosen as a "Rising Star" lawyer by Super Lawyer's magazine. Major media outlets like the *New York Times*, *VICE*, the *Los Angeles Times*, *Chicago Tribune*, *Business Insider*, *CNN*, *Rolling Stone*, *Forbes*, *MSNBC*, and *Bloomberg* all have turned to Ms. Bricken for her on-the-ground perspective on cannabis laws. She has hosted a Tedx talk on "big cannabis" and she also authors a weekly column for *Above the Law* on marijuana policy and regulation.



## **BARBARA BROHL**

*Principal and Founder, B J Brohl Strategies*

Barbara Brohl is founder and principal at B J Brohl Strategies, where she consults on drug policy strategies for the 21st century. Prior to this, Ms. Brohl led the varied functions of the Colorado Department of Revenue. Appointed by Governor John Hickenlooper to his Cabinet in 2011, she was responsible for Colorado's Tax Division, the Division of Motor Vehicles, Lottery, and Enforcement for Gaming, Liquor and Tobacco, Racing, and Marijuana. Before joining state government, Ms. Brohl practiced telecommunications law with Qwest Communications, representing the company in multi-million dollar commercial transactions and addressing all legal and regulatory matters for a 23-state region. Ms. Brohl was appointed by the Governor to co-chair the Amendment 64 Implementation Task Force, set up by Executive Order after Colorado voters approved the constitutional amendment that allows for the sale and consumption of marijuana by persons age 21 and older. The amendment required regulation of marijuana growth, manufacture and sale. The Task Force was charged with forwarding recommendations to the governor, general assembly, and attorney general regarding how the state should move forward with Amendment 64. In addition, Ms. Brohl helped to develop legislation and rules around regulatory and enforcement matters for this industry. Responsible for implementing the first-in-the-world regulatory program for legalization and regulation of marijuana for recreational use, Ms. Brohl is seen as an expert in Marijuana Regulation. She has consulted with governments on both national and international levels to present "The Colorado Model." Born and raised in Colorado, Barb has a bachelor's degree from Regis University of Colorado and a juris doctorate from University of Denver College of Law. She was a judicial law clerk for Colorado Supreme Court Justices Gregory J. Hobbs, Jr. and William H. Erickson.





### **JAMES "JIM" BURACK**

*Director, Marijuana Enforcement Division, Colorado Department of Revenue*

After joining MED as Chief of Investigations in 2014, James (Jim) Burack, Esq., was appointed director of the Marijuana Enforcement Division (MED) of the Colorado Department of Revenue in February 2016. Previously he served from 2001 to 2014 as police chief in Milliken, CO and from 2008 on he simultaneously was Milliken's town administrator. Prior positions have included US Senate staffer in Washington, DC, the Westminster, CO Police Department patrol officer, and counsel and director of operations with the Police Executive Research Forum (PERF) also in Washington, DC. A US Marine Corps Colonel, Jim's reserve tours have included senior liaison officer to FEMA Region VIII (Denver), Staff Judge Advocate at Marine Forces Pacific, Hawai'i, and Department of Defense Inspector General evaluator at the Pentagon. Active duty assignments include civil affairs officer in Ramadi, Iraq from 2004 to 2005, a civil affairs team leader in Kosovo in 1999, and a military prosecutor, a security platoon commander, and a Special Assistant US Attorney in Southern California. Mr. Burack holds an MA from the Graduate School of Public Affairs at the University of Colorado-Denver, a JD from the University of Colorado, and BA from Dartmouth College. He is a graduate of the FBI National Academy (230th) and the Senior Management Institute for Police (SMIP), and he was an adjunct faculty member in criminal justice at the University of Northern Colorado.



### **DON CHILDEARS**

*President and CEO, Colorado Bankers Association*

Don Childears has been the President and CEO of the Colorado Bankers Association since 1980. Previously, he did legislative analysis on Capitol Hill in Washington, DC and Congressional campaign work. He completed his Juris Doctor from the University of Denver College of Law in 1981, the Graduate School of Banking at Colorado, University of Colorado in 1978, and a BSBA (Marketing) from Colorado State University in 1973. His activities include serving on numerous Colorado boards and task forces. He speaks or teaches on government, political influence, and banking, at banking schools, law schools, and associations. His TV interviews include Al Jazeera, BBC, NBC, ABC, CNN, CNBC, PBS, Fox News and others as well as publications including *American Banker*, *Wall Street Journal*, *Forbes*, *USA Today*, and *Washington Post*. He has received numerous industry recognitions.





## **JASON R. DUNN**

*US Attorney for the District of Colorado*

Jason R. Dunn was sworn in as the US Attorney for the District of Colorado on October 26, 2018 after being unanimously confirmed by the US Senate. As US Attorney, Mr. Dunn oversees the prosecution of all federal crimes and the litigation of all civil matters involving the US government in Colorado. Mr. Dunn is a native Coloradan and the son of a public school teacher and school administrator. He is a proud triple-Buff, having received his undergraduate degree (BS - Finance), masters degree (Public Administration), and law degree from the University of Colorado. Following law school he clerked for the Honorable Nathan B. Coats, now Chief Justice of the Colorado Supreme Court. Prior to becoming the US Attorney, Mr. Dunn was a shareholder at Brownstein Hyatt Farber Schreck, LLP specializing in public law, regulatory law, internal investigations, and campaign finance law. Before joining Brownstein Hyatt in 2007, he served the State of Colorado as Deputy Attorney General and Assistant Solicitor General under Attorney General (and former US Attorney) John Suthers, where he helped lead a public law office of over 300 employees and shape Colorado's legal policy and litigation strategy in federal and state courts. During his legal career, Mr. Dunn also served on various non-profit boards including the National Sports Center for the Disabled, the Colorado Meth Project (now Rise Above Colorado), the Denver Chamber of Commerce, and the Alliance for Choice in Education.



## **DUSTIN EIDE**

*CEO, CanPay*

Dustin Eide is the CEO of CanPay, the first legitimate debit payment platform for the cannabis industry. Dustin first learned the art of a well-crafted message while working in marketing for a Fortune 300 company. He eventually determined that the corporate life was not for him and he set out to make his mark on another industry. Always one for a challenge, Dustin chose the hyper-competitive payments industry where he spent more than 7 years learning its intricacies while serving 1000's of retail and e-commerce businesses, banks, and technology partners with creative payment solutions. Following Adult-Use marijuana legalization in Colorado and Washington in 2014, Dustin saw the opportunity to use his unique problem-solving skills and knowledge to build a legitimate and stable payment solution for an industry that lacked access to traditional financial services. Dustin and his team launched CanPay in November of 2016 and rapidly grew the platform into the largest legitimate payment network for the regulated cannabis industry, currently serving more than thirty-five dispensaries in five states.



### **GARRETT O. GRAFF**

*Managing Attorney, Hoban Law Group*

Garrett specializes in the representation of both the marijuana and industrial hemp industries. Garrett's practice involves corporate M&A, real estate, regulatory/compliance, FDA/FTC compliance, intellectual property protection, and civil and commercial litigation. Garrett regularly counsels clients regarding corporate formation and structuring, M&A and business and real property assets, various corporate agreements, regulatory compliance as well as resolving and/or litigating commercial disputes. Related to marijuana businesses, Garrett represents numerous companies on matters including licensure, successfully obtaining licenses in numerous states in both competitive and non-competitive licensure processes. He also assists clients in general corporate matters, protecting intellectual property, establishing partnerships and joint ventures, and expanding clients' footprints across multiple states and/or countries, along with regulatory compliance matters. As for industrial hemp businesses, Garrett represents companies across the country and world on matters including import/export, cultivation, processing and manufacturing, distribution, and navigating legislative and regulatory frameworks such as FDA regulation. He frequently works with federal, state, and local authorities on policy and enforcement matters. Notably, Garrett represented hemp industry stakeholders against the DEA before the Ninth Circuit Court of Appeals in confirming the Farm Bill's hemp provisions pre-empt DEA authority and the CSA. He also regularly works with stakeholders in drafting model legislative and regulatory policy. Garrett also serves on the board of the Colorado chapter of the Hemp Industries Association.



### **L. STEVEN GRASZ**

*Judge, US Court of Appeals for the Eighth Circuit*

Judge Grasz is a circuit judge of the US Court of Appeals for the Eighth Circuit, nominated by President Donald Trump in 2017. Previously, he practiced with the law firm of Husch Blackwell for 15 years in the areas of civil and appellate litigation, administrative law and government relations. He served eleven years as Nebraska's Chief Deputy Attorney General where he drafted Attorney General's opinions as well as numerous appellate briefs in the Nebraska Supreme Court and US Supreme Court. Judge Grasz received his BS, *cum laude*, in agriculture from the University of Nebraska-Lincoln in 1984 and his JD from the University of Nebraska College of Law in 1989, where he was inducted into the Order of the Coif, served as the executive editor of the *Nebraska Law Review*, and received the Roscoe Pound Award for his selection as top oral advocate in his class.



## **JAMES HENNING**

*Commander, Denver Police Department*

James Henning is a thirty year veteran of the Denver Police Department with a bachelor of science degree in Criminal Justice from Metropolitan State University in Denver. He attended Session 258 of the FBI National Academy in the fall of 2014. James Henning is the Commander of the DPD Investigative Support Division, which includes the Vice/Drug Bureau and various narcotics task forces. From 2012 to 2015, he was the Lieutenant in charge of the Vice/Drug Bureau and assisted in addressing all the issues encountered in the legalization of recreational marijuana. He is a member of the Denver Marijuana Policy Team and regularly completes presentations to outside agencies (national and international), media, marijuana industry, and governmental leaders on the issues faced by the Denver Police Department and the City of Denver resulting from the legalization of marijuana.



## **KATHY HOFFMAN**

*Policy and Rules Coordinator, Washington State Liquor and Cannabis Board*

Kathy brought eighteen years of experience as a complex civil litigation paralegal to her position at WSLCB where she has served as the agency Cannabis, Vape, and Tobacco Policy and Rules Coordinator since November 2018. In both the public and private sectors, she has lead litigation support on cases ranging from local cell tower placement to multi-state civil prosecution under the Medicaid False Claims Act. She shifted focus exclusively to policy and regulatory work in 2014, serving as policy advisor and rule writer for the Washington State Department of Health's medical marijuana program, Pharmacy Commission, and Certificate of Need program. She holds a paralegal degree with highest honors from South Puget Sound Community College; a bachelor's degree in political science and pre-law, and a MPA with a public policy concentration, both from the Evergreen State College. In her spare time, she is a third-year doctoral student studying complexity science with a side of serving leadership and change at Antioch University Midwest. She plans to defend in May 2021. Kathy's four rescued dogs allow her and her husband to reside in their Olympia, WA home.



### **SAM KAMIN**

*Vicente Sederberg Professor of Marijuana Law and Policy, University of Denver Sturm College of Law*

Sam Kamin joined the faculty at the Sturm College of Law in 1999 and is currently the Vicente Sederberg Professor of Marijuana Law and Policy. Holding both a JD and a PhD from the University of California at Berkeley as well as a BA, *summa cum laude*, from Amherst College. Professor Kamin's research interests include criminal procedure, death penalty jurisprudence, federal courts, and constitutional remedies. He is a co-author of West Publishing's *Investigative Criminal Procedure: A Contemporary Approach and Cases and Materials on the Death Penalty* and has published scholarly articles in the *Virginia Law Review*, the *Indiana Law Journal*, the *Journal of Constitutional Law*, and *Law and Contemporary Problems* among many others. He has also become one of the nation's leading experts on the regulation of marijuana. In 2012, he was appointed to Governor John Hickenlooper's Task Force to Implement Amendment 64 and the American Civil Liberty Union of California's blue ribbon panel to study marijuana legalization.



### **DAVID LOPEZ**

*Former Deputy Solicitor General, Office of the Attorney General of Nebraska*

Dave Lopez served in the Nebraska Attorney General's Office for nearly eight years, most recently as the State of Nebraska's first Deputy Solicitor General. In that role, he represented the state and its officers in a variety of civil matters in state and federal court at the trial and appellate levels. His focus areas include civil rights and state tort claim defense, constitutional law, state administrative law, and public records issues. He advised the Attorney General and other state officers on legal and policy issues, legislation, and intergovernmental affairs. This month, Dave entered private practice with the Omaha office of Husch Blackwell LLP. He earned his JD from the University of Nebraska College of Law and was inducted into the Order of Barristers. He earned a BS in Real Estate and Land Use Economics from the University of Nebraska-Omaha. Dave lives in Omaha with his wife Sarah, their three-year-old Ben, and ten-month-old Nora.





## **SANDY LYNSKEY**

*Of Counsel, Mac Murray & Shuster LLP*

Sandy Lynskey joined Mac Murray & Shuster after serving as chief of the Ohio Attorney General's Consumer Protection Section. In that role, she supervised all aspects of regulatory enforcement actions, from consumer complaint dispute resolution to formal investigations and multistate litigation. The Economic Crimes Unit was also created within the Consumer Protection Section, successfully assisting local law enforcement and county prosecutors in the investigation and prosecution of over 150 defendants. Sandy was instrumental in the creation of the Identity Theft Unit to help victims rectify the effects of identity theft by working with law enforcement, credit reporting agencies, creditors, and bill collectors. To date, the Unit has received over 5,000 complaints and helped identity theft victims clear over two million in fraudulent debt. Drawing on her public service experience, including eight years as an assistant attorney general, Sandy now leads the firm's Automotive, Charitable Organizations, and Medical Marijuana practice areas. She represents clients in single and multistate enforcement actions by state attorneys general, the Federal Trade Commission, and the Consumer Financial Protection Bureau with a special emphasis on state consumer protection laws, including matters involving advertising, marketing, and financial services.



## **ROBERT MIKOS**

*Professor of Law, Vanderbilt University Law School*

Robert Mikos is one of the nation's leading experts on federalism and drug law. His most recent scholarship analyzes the struggle among federal, state, and local governments for control of marijuana law and policy, which includes a first-of-its-kind casebook, *Marijuana Law, Policy, and Authority* (Wolters Kluwer, 2017). In that vein, he has written, testified, and lectured on the states' constitutional authority to legalize marijuana, federal preemption of state marijuana regulations, the political and budgetary considerations that limit enforcement of the federal marijuana ban, federal law's influence on state regulation and taxation of the marijuana industry, and the desirability of marijuana localism. He has also written on the states' constitutional authority to withhold information from the federal government, the political safeguards of federalism, accuracy in criminal sanctions, the economics of private precautions against crime, and remedies in private law. Professor Mikos earned his JD *summa cum laude* from the University of Michigan Law School, where he served as articles editor on the *Michigan Law Review* and won numerous awards, including the Henry M. Bates Memorial Scholarship. After graduation, he was a law clerk for Chief Judge Michael Boudin of the US Court of Appeals for the First Circuit. Professor Mikos has taught at the University of California at Davis, where he was twice nominated for the school's Distinguished Teaching Award, as well as at Notre Dame and the University of Michigan. He teaches courses in Federalism, Constitutional Law, Marijuana Law and Policy, Federal Criminal Law, and Drug Law and Policy.

**YOKO MIYASHITA***General Counsel, Leafly*

Yoko Miyashita serves as General Counsel at Leafly. She drives Leafly's position and policies on key compliance and government affairs issues to maintain, and progress the company's reputation as a trusted and authoritative resource on cannabis. She also leads major transactional matters, intellectual property, and litigation as Leafly continues to expand worldwide. Prior to Leafly, Yoko spent fourteen years at Getty Images, where she led the global legal team as General Counsel.

**ADRIAN MOORE***Vice President of Policy, Reason Foundation*

Dr. Adrian Moore is vice president at Reason Foundation, a non-profit think tank advancing free minds and free markets. Moore leads Reason's policy implementation efforts and conducts his own research on a wide variety of policy topics, including founding Reason's drug policy project. Moore, who has testified before Congress on several occasions, regularly advises federal, state and local officials on ways to improve policy and outcomes. He is co-author of two policy books, as well as many policy studies and academic and popular articles on a wide range of policy topics. He writes columns in newspapers all over the nation and writes once a month for the *Sarasota Observer*. Prior to joining Reason, Moore served 10 years in the Army on active duty and reserves. He earned a PhD in economics from the University of California, Irvine. He holds a Masters in economics from the University of California, Irvine and a masters in history from California State University, Chico.



## **THESHIA NAIDOO**

*Legal Director of Criminal Justice, Drug Policy Alliance*

Theshia Naidoo is the legal director of criminal justice with the Drug Policy Alliance's office of legal affairs, and is an expert and strategist in the area of criminal justice reform as it relates to drug policy. In her role as an attorney and as a member of the San Francisco Sentencing Commission, Naidoo has pushed for the creation and adoption of innovative criminal justice reforms, she played a pivotal role in the advancement and implementation of Law Enforcement Assisted Diversion (LEAD) in a number of jurisdictions across the country. Ms. Naidoo drafts criminal justice reform legislation across the country related to areas such as reducing criminal penalties for drug offenses, protecting immigrants from deportation based on drug offenses, asset forfeiture reform, and minimizing the collateral consequences of criminal convictions. Naidoo's work also focuses on ballot initiatives, including playing a key role in the drafting of California's Proposition 5 (the Non-Violent Offenders Rehabilitation Act of 2008), Colorado's Amendment 64, which legalized marijuana in 2012, and California's Proposition 47 (the Safe Neighborhoods and Schools Act of 2014), which reduced numerous felony offenses to misdemeanors. Ms. Naidoo presents regularly on drug policy reform issues across the country and internationally, including presenting at a White House convening on LEAD. Naidoo received her BA in political science from the University of California Berkeley and she received her JD from the UCLA School of Law. Prior to joining DPA, she worked in private legal practice for four years representing clients in employment law and commercial litigation matters.



## **PAULA A. NAKAYAMA**

*Associate Justice, Hawai'i State Supreme Court*

Paula A. Nakayama is an associate justice of the five-member Hawai'i Supreme Court. She was first appointed to the court on April 22, 1993 by Governor John D. Waihee III. Her current term expires on April 21, 2023. Justice Nakayama earned her undergraduate degree in consumer economics from the University of California Davis and her JD from Hastings College of Law. Justice Nakayama was admitted to the Hawai'i Bar in 1979 and she began serving as a deputy prosecuting attorney for the City & County of Honolulu. She later became a partner with the firm Shim, Tam and Kirimitsu. In 1992, she was appointed as a judge of the First Circuit Court. The following year, she was appointed to the Hawai'i State Supreme Court.



### **RYAN D. NELSON**

*Judge, US Court of Appeals for the Ninth Circuit*

Judge Nelson was confirmed to the Ninth Circuit in October 2018 as the youngest circuit judge to serve from Idaho, and he has chambers in his hometown of Idaho Falls. Prior to his confirmation, Judge Nelson served for nine years as general counsel of Idaho Falls-based Melaleuca, Inc., a consumer goods company. He previously worked in Washington, DC, where he served in all three branches of the federal government, including as special counsel for Supreme Court nominations to the ranking member of the Senate Judiciary Committee, deputy general counsel to the White House Office of Management and Budget, deputy assistant attorney general in the Environment and Natural Resources Division of the US Department of Justice, and a law clerk to Judge Henderson of the US Court of Appeals for the DC Circuit. He has argued in most of the federal courts of appeals and worked on dozens of Supreme Court briefs. He started in the Washington, DC office of Sidley Austin as an appellate lawyer, after clerking for Judges Mosk and Brower of the Iran-US Claims Tribunal at The Hague. Prior he also clerked for now-Judge Tom Griffith, then-Senate Legal Counsel, during the impeachment trial of President Clinton. Judge Nelson earned his BA from Brigham Young University and his JD, with honors, from BYU Law School.



### **STUART NINCEHELSE**

*Director, Attorney General Education Program and Henry G. Manne Program, Law & Economics Center, George Mason University Antonin Scalia Law*

Stuart Nincehelter joined the LEC in September of 2018 as director of the Attorney General Education Program and Congressional Civil Justice Academy. Prior to joining the LEC, Stuart worked for the general counsel of the Florida Constitution Revision Commission as well as the executive office of the Florida Governor. Stuart also served with the US Army as an airborne infantry squad leader and with the Florida Department of Law Enforcement as an expert scientific witness on breath alcohol analysis. He holds a BS and MS in political science from Florida State University and a JD with honors from Florida State University College of Law.





## **SEAN O'CONNOR**

*Professor of Law; Executive Director, Center for the Protection of Intellectual Property, George Mason University Antonin Scalia Law School*

Sean O'Connor, noted innovation law scholar, is a professor of law and executive director of the Center for Protection of Intellectual Property (CPIP) at George Mason University Antonin Scalia Law School. Professor O'Connor first joined CPIP in 2014 as a senior scholar. He was previously Boeing International Professor of Law at the University of Washington School of Law. His research focuses on intellectual property and business law with regard to start-ups and commercializing technology and arts innovation. His teaching and law practice specialize in transactions and the strategic role of the general counsel. Professor O'Connor received his law degree from Stanford Law School, a master's degree in philosophy from Arizona State University, and a bachelor's degree in history from University of Massachusetts. He is currently completing a book, *The Means of Innovation: Creation, Control, Methodology*, and serving as editor for a new *Handbook of Music Law & Policy*, both to be published by Oxford University Press.



## **WILLIAM C. TILBURG**

*Director, Policy and Government Relations, Maryland Medical Cannabis Commission*

William Tilburg serves as the director of Policy and Government Affairs at the Maryland Medical Cannabis Commission (MMCC), the regulatory body overseeing the State's medical cannabis program. In this role, Mr. Tilburg leads the MMCC's legislative and regulatory efforts and assists the MMCC in developing and implementing a safe and effective medical cannabis program in Maryland. Prior to his time at MMCC, Mr. Tilburg worked as an attorney with the Legal Resource Center for Public Health Policy and the Network for Public Health Law, advising state and local policymakers, government attorneys, and health officials on federal and state laws relating to cannabis, environmental health, tobacco control, and administrative law. Mr. Tilburg graduated with honors from the University of Maryland School of Law and the University of Maryland School of Public Health. Prior to law school, he worked for an asset management firm in Boston, MA.



### **JAMES T. WORTHEN**

*Justice, Twelfth Court of Appeals of Texas*

James T. (Jim) Worthen is a seventh generation Texan who was born in Conroe and grew up in Big Sandy. He graduated with a BS degree from the University of Texas at Tyler in 1978, and later earned a MA degree from there in 1999. He received his JD from South Texas College of Law in 1980, and his LLM from the University of Virginia in 2004. He practiced law in Tyler from 1980 through 1998, initially with the partnership of Sammons and Parker and the final twelve years with the firm of Bain, Files, Worthen and Jarrett, PC. From 1999 to 2002, he served the state of Texas as a justice on the 12th Court of Appeals in Tyler. He became its chief justice in 2003. He served as chairman of the Council of Chief Justices from 2005 to 2006. Chief Justice Worthen is Author of "The Organizational and Structural Development of Intermediate Appellate Courts in Texas, 1892-2003" published in *South Texas Law Review*, Fall, 2004. Bar memberships for Chief Justice Worthen include the State Bar of Texas, US District Court of the Eastern District of Texas and the Fifth Circuit Court of Appeals. He has also been a member of the American Bar Association since 1981. In 1986, the Texas Board of Legal Specialization certified him as a specialist in Consumer Bankruptcy Law. He has served on the Bar Journal Committee for the State Bar of Texas from 1985 to 2001, and is a life fellow for the Texas Bar Foundation. He is a charter fellow of the Smith County Bar Foundation, and has also served on the Law Library Committee of the Smith County Bar Association since 1982.



### **FRED YARGER**

*Partner, Gibson, Dunn & Crutcher LLP and Former Solicitor General of Colorado*

Fred Yarger is a partner in the Denver office of Gibson, Dunn & Crutcher, where his practice focuses on complex litigation in trial and appellate courts, including cases involving administrative law and regulatory matters. Before joining the firm, Mr. Yarger served as solicitor general for the State of Colorado, one of the three senior leaders in the 450-person Department of Law. In that role, his primary responsibility was to lead or oversee the most challenging and high-profile trial and appellate litigation facing the state. Mr. Yarger has argued multiple merits cases and filed dozens of briefs before the US Supreme Court. Some of Mr. Yarger's most significant matters have involved complex federal and state regulatory issues affecting the oil and gas industry. He successfully challenged several nationwide federal regulations, including the Bureau of Land Management's Hydraulic Fracturing Rule and the 2015 rule defining "Waters of the US" for purposes of the Clean Water Act. At the state level, he has litigated questions concerning the power of local governments to regulate oil and gas operations and the statewide legal standards by which the industry is regulated. Mr. Yarger's commercial litigation experience includes transnational business disputes, multi-jurisdiction class actions, and securities matters. In 2018, Law Week Colorado named Mr. Yarger one of the "Top Litigators" of the year, and the *Denver Business Journal* recognized him as a "Who's Who in Energy" for his experience litigating issues affecting the oil and gas industry. He is a three-time winner of the National Association of Attorneys General "Best US Supreme Court Brief" award, which the Colorado Attorney General's Office had not won before his tenure. He also received two "Exceptional Performance" awards from the Colorado Attorney General.

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