

Trial Techniques, Skills, and Strategies

Ten trial technique and skill mini-courses, each designed for Oregon State Court civil jury trials

featuring **David B. Markowitz**

With Matt Donohue and Chris Dominic



Whether you're facing your first or 50th trial, you'll come away more confident, with new techniques and skills you'll want to try right away! Trial techniques will be demonstrated and critiqued live on stage, making this seminar the "don't miss" trial skills program of the year.

At This One-Day Seminar You'll Learn:

- How to plan for *voir dire*
- How to explain and sell your case theme
- How to ask the perfect question on direct and cross
- How to prepare your client for trial
- How to be effective in using technology at trial
- How to use depositions at trial to impeach a witness
- How to use opponent's expert to support your case
- How to deliver a persuasive closing argument

LIVE PRESENTATION
December 4, 2015

8:30 a.m. – 4:00 p.m.

Ambridge Event Center
1333 NE Martin Luther King Jr. Blvd.
Portland, Oregon 97232

6.5 General or Practical Skills
MCLE Credits

Visit **go.lclark.edu/oli** and register today!



Matt Donohue



Chris Dominic

Develop and Improve Your Trial Skills

Don't miss this unique opportunity to hone your litigation skills. For more than 30 years, David Markowitz has been studying deposition and trial techniques and has presented dozens of seminars to improve the skills of practicing attorneys. He has a keen ability to communicate and persuade, and he will demonstrate powerful, practical methods for getting the most out of your trials.

About the Speakers

David B. Markowitz is considered to be among the best trial lawyers in the Northwest. His commanding presence and keen instincts have made him a courtroom icon. He is a senior partner in the law firm of Markowitz Herbold PC, where he focuses on commercial litigation, including contract, tort, and statutory claims, trust litigation, and real estate disputes. Dave is recognized in *The Best Lawyers in America* for "bet-the-company" litigation, is a fellow of the American College of Trial Lawyers, is a member of the prestigious International Academy of Trial Lawyers, and was recognized by *Chambers USA* as one of the top commercial litigators in Oregon. He was also recognized by *Super Lawyers* magazine as the top Oregon Lawyer for 2013, and was honored by the *Daily Journal of Commerce* for "Leadership in Law" in 2011.

In addition to his active trial schedule, Dave is a popular, nationally sought-after speaker. He has been cataloging his observations of trial techniques and strategies for more than 30 years.

Matt Donohue, Shareholder at Markowitz Herbold PC, maintains a national trial practice, excelling at trying the firm's most complex and challenging cases. Clients call Matt when they need trusted, responsive litigation counsel in high stakes business disputes across the country. Matt represents both individuals and Fortune 500 companies in commercial litigation, including successfully resolving several "bet the company" cases through jury trial, arbitration, and mediation. He has litigated a wide variety of cases, including antitrust, contract and licensing disputes, partnership and shareholder disputes, class actions, real estate and intellectual property litigation.

Chris Dominic serves as President and a Senior Consultant of Tsongas Litigation Consulting, Inc. He leads the company's national practice and counsels clients on cases ranging from everyday litigation and ADR to some of the highest profile, highest stakes trials in the nation. Dominic began working with Tsongas Litigation Consulting in 1997. He has presented many seminars across the nation on case strategy, witness preparation, pre-trial research, jury selection, litigation graphics, and jury decision-making.

What Past Attendees Have Said About This Seminar

"I knew Mr. Markowitz was a great presenter—and I wasn't disappointed. He used great variety with video, stories, and different presenters. He was very interesting and a great speaker."

"This was by far the best CLE I have ever attended. I have been to a number of "trial" CLEs that focus on rules. This CLE provided the strategy and technique advice I have been looking for. Thank you!!!"

"Took the seminar to strengthen my overall litigation skills. Course presented useful information that can actually be used."

"I can't remember a better CLE for litigators—nor can I remember the last time I personally attended an entire day CLE."

"An excellent program for everyone including experienced trial lawyers. It provides a comprehensive view of a trial and many of the considerations that a trial lawyer should take into account."

"The program seemed basic, but it was so practical. You don't learn any of this in law school."

Program Schedule

8:00 a.m. LATE REGISTRATION AND
DISTRIBUTION OF MATERIALS

8:25 WELCOME AND INTRODUCTION

8:30–12:00 **MORNING SESSION**

*There will be a 15-minute break
during the morning session.*

THE PERFECT QUESTION

- How to ask questions on direct and cross
- When to ask leading questions

JURY SELECTION

- Planning voir dire
- Voir dire techniques
- Exercising challenges

OPENING STATEMENT

- Explaining and selling case themes
- Technique and style

DIRECT EXAMINATION

- Telling the story
- The perfect answer

PREPARING YOUR CLIENT FOR TRIAL

- How to look and act on the witness stand and in the courtroom
- Tips on how to be a great witness
- Q & A practice

12:00–1:00 LUNCH (on your own)

1:00–4:00 **AFTERNOON SESSION**

*There will be a 15-minute break
during the afternoon session.*

COURTROOM TECHNOLOGY

- The foundation of trial presentation
 - Organization
 - Credibility
 - Video depositions
 - Exhibit usage
 - Cost

CROSS-EXAMINATION

- Goals of cross-examination
- Using cross-examination to argue the case

USING DEPOSITIONS AT TRIAL

- As substantive evidence
- For impeachment
- Oregon's perpetuation deposition procedures

EXPERT CROSS-EXAMINATION IN OREGON STATE COURT TRIALS

- Using opponent's expert to support your case
- Demonstrating the expert's weaknesses
- Attacking credibility

CLOSING ARGUMENTS

- Delivering persuasive arguments
- Avoiding closing argument mistakes

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Program Products

Even if you cannot attend, you can still get the program on CDs or DVDs. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase OLI program products at 50% off the full retail price.

Questions?

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, email us at oli@lclark.edu, or visit our website at <http://go.lclark.edu/oli>.

Follow us on Twitter: @OregonCLE

Register at go.lclark.edu/oli

... or return the below Registration/Order Form with payment to:

OLI Registrar | Lewis & Clark Law School | 10015 SW Terwilliger Blvd. | Portland, OR 97219

... or fax (503-768-6585) or email (oli@lclark.edu) this registration form to OLI,
including credit card information.

Registration/Order Form

Name _____

OSB No. or Profession _____

Firm/Organization _____

Street Address _____

City/State/Zip _____

Phone _____

Email _____

TUITION: Registration includes electronic course materials. Printed materials are available for an additional \$15. *(A link to a PDF of the materials will be emailed prior to the seminar date.)*

EARLY LIVE REGISTRATION *(received by November 30, 2015):*

- ☐ **\$189** Early registration
- ☐ **\$139** New attorneys (admitted 2013-2015) and legal staff
- ☐ **\$95** Legal aid attorneys
- ☐ **\$15** OLI Passholders (OLI Pass No. _____), law students, and Oregon judges and their lawyer staff
- ☐ **\$15** Print materials
- ☐ **\$20** *Add to above tuition if registration received after November 30, 2015*

WEBCAST REGISTRATION: Can't attend in person? OLI offers a simultaneous live webcast allowing you to "attend" the program from the convenience of your office. The webcast will include video and audio of the speakers and seminar handout materials. To register for the live webcast, please visit our website at <http://go.lclark.edu/oli>.

DVDs, CDs, AND COURSE BOOKS:

I am unable to attend. Please send me:

- ☐ **\$229** Audio CDs and print course book
- ☐ **\$329** DVDs and print course book
- ☐ Deduct 50% from product order if you are an OLI Passholder (OLI Pass No. _____)
- ☐ **\$9.00 Note: Add shipping and handling fee to above product orders.**

ENCLOSED IS \$ _____ BY:

- ☐ Check payable to Oregon Law Institute (OLI)
- ☐ Credit Card: Acct. # _____
 - ☐ VISA ☐ MasterCard ☐ Discover ☐ AmEx
- Exp. Date: ____ / ____ Signature: _____

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David B. Markowitz

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CONFIRMATION:

Confirmation will be sent via email.

CANCELLATION POLICY:

Tuition minus a \$20 handling charge will be refunded if the cancellation request is written and received by Monday, November 30, 2015.

NEED ASSISTANCE:

If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.

TUITION ASSISTANCE:

A limited number of scholarships are available based on financial need. Contact OLI.

Questions?

Call (503) 768-6580 or
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Visit our website at
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