



Oregon Law Institute
of Lewis & Clark Law School

Evidence from the Judges

Correctly understanding and applying the rules of evidence can have a profound effect on the outcome of a trial. The effective trial lawyer must know the rules of evidence and how to use them in court. OLI has assembled an outstanding faculty of trial and appellate judges who will not only share their thoughts and insights, but also provide updates on today's most important evidentiary issues.

FRIDAY, NOVEMBER 30, 2012

Oregon Convention Center
777 NE Martin Luther King Jr. Blvd.
Portland, Oregon

6 General or Practical Skills MCLE Credits

SCHEDULE

- 8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:25 WELCOME AND INTRODUCTORY REMARKS
– *Hon. Marilyn E. Litzenberger*
- 8:30–9:30 **Witnesses Commenting on the Credibility of Other Witnesses**
Can one witness ever testify about the honesty or accuracy of another’s in-court or out-of-court statements?
– *Hon. Jeffrey S. Jones*
- 9:30–10:15 **Objecting at Trial “In the Moment”:
The Basics**
This session covers the basics of spontaneous objecting at trial when your gut tells you opposing counsel has gone too far. It also focuses on how to get comfortable with objecting and provides an easy tool to help identify the proper evidentiary basis for your objections. This session will explore the differences between form and substance objections and reveal some of the things trial judges think about “in the moment” as they rule on your objections.
– *Hon. Susie L. Norby*
- 10:15–10:30 BREAK
- 10:30–11:15 **Objecting at Trial to Pave the Way for Appeal**
This presentation addresses objecting from an appellate perspective, to help you understand how to make the best possible record for appeal. It focuses on the rules that require preservation of evidentiary error and helps you understand how to shape the timing and content of objections to pave the way for appellate review. Learn when to object, how specific your objection must be, when to make an offer of proof, and what to include in it.
– *Hon. Jack L. Landau*
- 11:15–12:00 **Character Evidence**
What is character evidence and how is it different from impeachment evidence or evidence of habit or routine? How is a person’s character proven, including one’s character for truthfulness or untruthfulness? When is evidence of another crime, wrong, or other act admissible? In answering these questions, how do the federal rules of evidence differ from the Oregon rules, and how do civil trials differ from criminal trials?
– *Hon. Michael H. Simon*
- 12:00–1:00 LUNCH (on your own)

SCHEDULE (cont.)

1:00–2:00

Evidence Rules Outside the Code and Evidentiary Issues Outside of Trial

A discussion of significant statutes governing evidence that are not found in the Oregon Rules of Evidence and situations in which the rules of evidence are applied outside of trial.

– *Hon. Janice R. Wilson*

2:00–2:45

Opinion Evidence from Experts: Recent Developments

This presentation will examine what the difference is between scientific and nonscientific expert opinion evidence and why it matters. It will also cover what type of expert opinion evidence might be required in a particular case and when courts should exclude expert opinion evidence offered by a party.

– *Hon Stephen K. Bushong*

2:45–3:30

Appellate Update

This presentation will focus on significant recent evidence decisions (both criminal and civil) from the Oregon appellate courts, including hearsay exclusions, prior bad act evidence, scientific evidence, confessions, and expert opinion evidence.

– *Hon. Timothy J. Sercombe*

3:30 p.m.

ADJOURN

FACULTY

Hon. Stephen K. Bushong
Multnomah County Circuit Court

Hon. Jeffrey S. Jones
Clackamas County Circuit Court

Hon. Jack L. Landau
Oregon Supreme Court

Hon. Marilyn E. Litzenberger
Program Planner
Multnomah County Circuit Court

Hon. Susie L. Norby
Clackamas County Circuit Court

Hon. Timothy J. Sercombe
Oregon Court of Appeals

Hon. Michael H. Simon
United States District Court

Hon. Janice R. Wilson
Multnomah County Circuit Court

LIVE PRESENTATION

Portland – 11/30/12
Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

Evidence from the Judges will receive **6** General or Practical Skills MCLE credits.

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.

VIDEO REPLAYS

Please register at least one week prior to the replay date.

Bend – 12/14/12
Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 12/7/12
Replay 8:30 a.m.
Harrang Long Gary & Rudnick PC
360 East 10th Avenue, Ste. 300

Portland – 12/19/12
Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse
620 SW Main Street, Ste. 706

QUESTIONS?

Call (503) 768-6580
or (800) 222-8213.

Check out our website at
www.lclark.edu/org/oli
or e-mail us at
oli@lclark.edu.

REGISTRATION / ORDER FORM
Evidence from the Judges

Friday, November 30, 2012

Name	OSB No. or Profession
Firm/Organization	
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Please "✓" appropriate box below:

- Live presentation
 Video replay. Location: _____ Date: _____
Please register at least one week prior to the replay date.

TUITION *Prices apply to live and video replays.*

- \$189 Early registration (*received by November 26, 2012*)
 \$139 New attorneys (admitted 2010–2012) and legal staff (*received by November 26, 2012*)
 \$95 Legal aid attorneys (*received by November 26, 2012*)
 \$15 OLI Passholder (OLI Pass No. _____) and Oregon judges and their lawyer staff (*received by November 26, 2012*)
 \$20 **Add to above tuition if registration received after November 26, 2012**

COURSE MATERIALS *Included with registration. Please select one:*

- Electronic course book (*a link to a PDF of the materials will be emailed no later than 48 hours prior to the seminar date*)
 Print version

LIVE WEBCAST REGISTRATION

This program will be broadcast LIVE over the internet on Friday, November 30, 2012, starting 8:30 a.m. Pacific Time. You may access this event from anywhere with an established internet connection. The webcast will include video and audio of the speakers and seminar handout materials — all on your computer! To register for the live webcast, please click [here](#) or go to our website at <http://go.lclark.edu/oli> and click on "Webcasts."

PRODUCT ORDER *I am unable to attend. Please send me:*

- \$209 Audio CDs and print course book
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 Deduct 50% from product order if you are an OLI Passholder (OLI Pass No. _____)
 \$7.00 Note: Add \$7.00 shipping & handling fee to above product orders.

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

CONFIRMATION: Confirmation will be sent via e-mail.

CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is written and received by Monday, November 26, 2012.

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 (800) 222-8213. Check out our website at <http://go.lclark.edu/oli> or e-mail us at oli@lclark.edu.