

OLI
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the Bar*

OREGON LAW INSTITUTE OF LEWIS & CLARK LAW SCHOOL

Trial Practice: It's All About Persuasion

- Identify the key elements for putting on a trial from beginning to end
- Use persuasive language to win in trial and negotiations
- Learn from Oregon's top litigators and judges
- Discover how to shape the jury's view throughout trial
- Presented in the order in which attorneys should prepare for trial
- Featuring "Trial Practice Spotlights" — short, innovative talks from experienced advocates, judges, and jury specialists

LIVE PRESENTATION

June 17, 2015

8:30 a.m. – 4:30 p.m.

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

6.75 General *or*
Practical Skills MCLE Credits

FACULTY

AARON ABBOTT, PH.D.
Jury Behavior Research, Inc.

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Brisbee & Stockton LLC

HON. STEPHEN K. BUSHONG
Multnomah County Circuit Court

KATHERINE HEKIN
Program Co-Planner
The Heekin Law Firm

JANET L. HOFFMAN
Janet Hoffman & Associates LLC

HON. KARIN J. IMMERGUT
Multnomah County Circuit Court

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CHRIS KITCHEL
Stoel Rives LLP

DAVID B. MARKOWITZ
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Miller Nash Graham & Dunn LLP

HON. MICHAEL H. SIMON
United States District Court

DAVID F. SUGERMAN
David F. Sugerman Attorney, PC

JULIE R. VACURA
Larkins Vacura LLP



Program Schedule

8:00 a.m. LATE REGISTRATION AND CONTINENTAL BREAKFAST

8:30–9:45 **Theories of Persuasion – Finding the Story**

- The elements and science of persuasion
 - Themes and memory
 - Win the negotiation
- Peter C. Richter
– Hon. Michael H. Simon

9:45–10:10 **What Makes a Great Verdict Form?**

- Good reasons to start trial prep with the verdict form
 - Where to find useful examples
 - What can happen with a bad form (some examples)
- Leslie S. Johnson

10:10–10:25 BREAK

10:25–10:45 **Jury Instructions as Structural Foundation for a Winning Presentation**

- Identifying and drafting instructions
 - Using instructions to guide investigation, pleadings and discovery
 - Instructions throughout trial
- Cynthia F. Newton

10:45–11:15 **Opening Statements – Your Key to a Successful Trial**

- Goals of opening statements
 - Shaping your theme
 - Shaping the jury's view
- Julie R. Vacura

11:15–11:40 **Closing Argument – Bringing it Home**

- Empowering and motivating the core
 - Arming favorable jurors
 - Challenging the opponent
 - Tying to instructions and verdict
 - Calibration
- David F. Sugerman

11:40–12:00 **Trial Practice Spotlights**

Demonstrative Evidence – Janet L. Hoffman
Persuasion – Hon. Karin J. Immergut

12:00–1:15 LUNCH (on your own)

1:15–2:00 **Experts: The Bad, Good, and Ugly**

- Selection of the expert
 - Preparation of the expert witness
 - Delivery of the expert witness's testimony
 - Cross-examination of the opposing expert witness
- Larry A. Brisbee

2:00–3:00 **Direct and Cross Examination**

- Goals of direct and cross examination
 - Controlling the spotlight
 - Use of persuasive language
 - Creating focus
 - How to ask the perfect question
 - Keys to constructive and destructive cross
- David B. Markowitz

3:00–3:15 BREAK

3:15–3:55 **Trial Practice Spotlights**

Jury Behavior – Aaron Abbott
Women Advocates – Chris Kitchel

3:55–4:30 **Complex Litigation Issues**

- What makes a case “complex”?
 - When is there a need for intensive judicial management?
 - Complex designation in Multnomah County
 - Judicial assignment vs. selection
- Hon. Stephen K. Bushong
– Hon. Judith H. Matarazzo

4:30 p.m. ADJOURN

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Questions?

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Registration/Order Form

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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 June 12, 2015):

- \$189** Early registration
- \$139** New attorneys (admitted 2013-2015) and legal staff
- \$95** Legal aid attorneys
- \$15** OLI Passholder (OLI Pass No. _____), law students, and Oregon judges and their lawyer staff
- \$15** Attorneys attending with their mentor from an approved Bar Mentor Program (call OLI or go to <http://go.lclark.edu/oli> for details). Mentor's name: _____
- \$15** Print materials
- \$20** *Add to above tuition if registration received after June 12, 2015*

WEBCAST REGISTRATION: Can't attend in person? OLI offers a simultaneous live webcast option allowing you to "attend" the program from the convenience of your office. This program will be broadcast LIVE online on Wednesday, June 17, 2015, starting at 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. To register for the live webcast, please go to our website at <http://go.lclark.edu/oli> and click on "Webcasts."

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CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Friday, June 12, 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.

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