



Oregon Law Institute
of Lewis & Clark Law School

TIPS AND TRAPS FOR THE CIVIL LITIGATOR

Regardless of your experience level, this seminar offers a unique opportunity to learn from seasoned litigators, both plaintiff and defense, as well as a trial judge, who will share their considerable expertise and insights into:

- ▶ How best to prepare for trial, from the initial meeting with your client
- ▶ How to get what you need in discovery
- ▶ How to communicate effectively with your client, witnesses, and the judge
- ▶ How to avoid the top ten traps at trial
- ▶ How to preserve your record for appeal

FRIDAY, OCTOBER 30, 2009

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

6.5 General or Practical Skills MCLE Credits

SCHEDULE

- 8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:25 WELCOME AND INTRODUCTION
- 8:30–9:30 **Intake and Initial Pleadings**
- Making sure the client knows what to expect
 - Pre-filing notice requirements
 - Finding the right forum/venue
 - Avoiding mistakes in drafting, serving, and responding to a complaint
 - Summons, limitations, misnomers, and dead defendants
 - *Joel DeVore*
 - *Jane Paulson*
- 9:30–10:30 **Discovery**
- Preservation obligations and spoliation of electronically stored information—triggers and litigation holds
 - Requests for production of electronic information—be careful what you ask for, you might get it
 - Motions to compel—educating the court to make your case
 - Requests for admission—effectively narrowing issues for discovery and trial
 - ORCP 39(c)(6)/FRCP 30(b)(6) deposition notices—how to avoid disputes during the corporate representative deposition
 - *John M. Coletti*
 - *Seth H. Row*
- 10:30–10:45 BREAK
- 10:45–12:00 **Communication Dos and Don'ts**
- Experts—retention, communicating scope of opinion sought, and preparation
 - Clients—managing expectations and emotions through clear communications
 - Local counsel/co-counsel relationships—important considerations
 - Privilege issues—traps for the unwary
 - Moderator: *Hon. Marilyn E. Litzenberger*
 - *Courtney Angeli*
 - *Dana L. Sullivan*
 - *Dayna E. Underhill*
- 12:00–1:00 LUNCH (on your own)
- 1:00–2:30 **How to Avoid the Top Ten Traps at Trial**
- Making your record without offending the jury
 - Using jury time wisely
 - Voir dire mistakes
 - Opening statement and closing argument
 - Questioning your experts
 - Cross examination
 - Moderator: *Katherine Heekin*
 - *Peter H. Glade*
 - *Molly Jo Mullen*
 - *Timothy L. Williams*
- 2:30–2:45 BREAK

SCHEDULE (cont.)

2:45–3:30 **Appellate Perspective on How to Avoid the Top Ten Traps at Trial**

- Excluded evidence—making your record
- Objecting sufficiently
- Jury instructions
- Verdict form

Moderator: *Meagan A. Flynn*

– *Judith Giers*

– *Wendy M. Margolis*

– *Scott Shorr*

3:30– 4:00 **So You Lost at Trial—Now What?**

- New trial motions; limits and deadlines
- Motions for judgment less than verdict—collateral source or punitive damages
- Final details in the trial court
- Filing and serving a successful notice of appeal
- Undertakings/staying execution

Moderator: *Meagan A. Flynn*

– *Judith Giers*

– *Wendy M. Margolis*

– *Scott Shorr*

4:00 p.m. ADJOURN

PROGRAM FACULTY

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LIVE PRESENTATION

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

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Replay 8:30 a.m.

Bryant Lovlien & Jarvis
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360 East 10th Avenue, Ste. 300

Medford – 11/6/09

Replay 8:30 a.m.

Kellington Krack Richmond
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Portland – 11/18/09

Replay 9:00 a.m.

Oregon Law Institute
Gus J. Solomon Courthouse
620 SW Main Street, Ste. 706

TIPS AND TRAPS FOR THE CIVIL LITIGATOR

Friday, October 30, 2009

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Please "✓" appropriate box below:

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