



Oregon Law Institute
of Lewis & Clark Law School

Trial Techniques and Skills

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

featuring

David B. Markowitz

*“Brilliant, thorough,
prepared, articulate—
and practical!
David Markowitz
is incredible!”*

*“It’s like being
with a mentor
all day!”*

*“I’ve seen him
three times and I
learn something
new each time!”*

***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!***

**FRIDAY,
DECEMBER 4, 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 |
| 8:30–12:00 | MORNING SESSION |

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

Jury Selection

- Planning voir dire
- Voir dire techniques
- Exercising challenges

Opening Statement

- Explaining and selling case themes
- Technique and style

The Perfect Question

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

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.

Trial Technology

- Demonstrations of current technology (*with Troy Moody*)
 - Cost/benefit discussion
- How to use PowerPoint and video effectively

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

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

MCLE CREDIT

Trial Techniques and Skills will receive **6.5** 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.

QUESTIONS?

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at oli@lclark.edu, or visit our website at www.lclark.edu/org/oli.

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.

And he's back with another presentation that is clear, well-organized and packed with information—and entertaining while informative!

LIVE PRESENTATION

Portland – 12/4/09
Oregon Convention Center
777 NE MLK Jr. Blvd.

VIDEO REPLAYS

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

Bend – 12/11/09
Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 12/11/09
Replay 8:30 a.m.
Harrang Long Gary & Rudnick PC
360 East 10th Avenue, Ste. 300

Medford – 12/11/09
Replay 8:30 a.m.
Kellington Krack Richmond
Blackhurst & Glatte LLP
23 Newtown Street

Portland – 12/17/09
Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse
620 SW Main Street, Ste. 706

About the Speaker

Dave Markowitz is considered by most 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, Glade & Mehlhaf, PC, where his practice has been primarily in 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 American Board of Trial Advocates, and was listed as one of the Top Ten Oregon Litigators by the *National Law Journal*. He was recognized by *Chambers USA* as one of the two top commercial litigators in Oregon, and he is included in *Lawdragon’s 500 Leading Litigators in America* and *500 Leading Plaintiffs’ Lawyers in America*.

In addition to his active trial schedule, Dave is a popular, nationally noted speaker. He has been cataloging his observations of trial techniques and strategies for more than 30 years—and he’s ready to share his experience with you!

Matt Donohue will be joining Dave Markowitz throughout the day. Matt is a shareholder at Markowitz, Herbold, Glade & Mehlhaf, PC and came to the firm from New York in 2006 after adeptly handling a wide array of cases in federal and state courts, including antitrust, class action, intellectual property, and civil rights litigation. His versatile experience ranges from representing individual small business owners in modest disputes to representing Fortune 500 companies in billion-dollar lawsuits. Matt brings energy, poise, and a cynical wit to complex, multi-layered litigation and simple disputes alike, and is accustomed to litigating “bet-the-company” cases.

Troy S. Moody, President of Naegeli Trial Technologies, will be also be participating in this seminar, joining Dave and Matt in a discussion and demonstration of technology in a trial.

Trial Techniques and Skills

featuring David B. Markowitz

Friday, December 4, 2009

Name _____

OSB No. or Profession _____

Firm/Organization _____

Street Address _____

City/State/Zip _____

Phone _____

E-Mail _____

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.)*

- \$179** Early registration tuition *(received by November 30, 2009)*
- \$149** Early registration tuition for new attorneys (admitted 2008–2009), paralegals, or secretaries *(received by November 30, 2009)*
- \$15** OLI Annual Passholder (OLI Pass No. _____)
- \$20** Add to above tuition if registration received *after November 30, 2009*.

PRODUCT ORDER

I am unable to attend. Please send me:

- \$199** Audio CDs and course materials
- \$329** DVDs and course materials
- 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.

ENCLOSED IS \$ _____ BY:

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

Return this form with payment to:
OLI Registrar
620 SW Main St., Ste. 706
Portland, OR 97205-3037

...or fax this registration
form including credit
card information to:
(503) 768-6585.

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.

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 30, 2009.

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.