



Oregon Law Institute
of Lewis & Clark Law School



Litigating Auto Accident Cases

Whether you are contemplating taking your first auto accident case, or you are a seasoned practitioner wanting the most up-to-date and critical information, this program will enhance your skills to serve your clients' needs. Obtain beneficial results for your practice and your clients by participating in this seminar designed to provide you with guidance on how to effectively handle an automobile accident case.

FRIDAY, APRIL 29, 2011

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

8:30–9:15 **How to Value Your Case**

Plaintiff and defense perspectives on valuing cases:

- The first look at the case—value?
- Factors to consider in a more serious auto case
- Value at the end of the case
 - *Stephen V. Piucci*
 - *Richard J. Whittemore*

9:15–9:45 **Exemplar Voir Dire**

A 30-minute jury selection with an eight-person jury panel followed by a 60-minute discussion and video clips of jurors deliberating actual PI cases:

- Dealing with weaknesses in voir dire
- How to get jurors talking
- What types of questions are “fair game” and what types of questions are likely to get you in hot water with the judge?
- Should you seek commitments from jurors during selection?
- Tort reform and other influential juror mind sets
- Are the approaches different if it’s a catastrophic injury or death case?
- Who are my bad jurors? Who do I want to strike?
- How do you know who your opinion leaders are?
Why does it matter?
- Dos and don’ts
 - *Eric E. Meyer*
 - *Jane Paulson*
 - *Laura Dominic*

9:45–10:00 BREAK

10:00–11:00 **Exemplar Voir Dire (Continued)**

11:00–11:45 **Pitfalls in the Plaintiff’s Case**

- Suing a dead defendant
- Suing with a dead plaintiff
- Suing the wrong corporate entity
- Doing incomplete “DMV” service of summons
- Suing for a “child’s bills” without parent’s consent
- Missing the uncommon tort claim notice
- Failing to give the PIP insurer notice of PI claim
- Failing to initiate a UM/UIM claim on time
- Missing unexpected attorney fee rights
 - *Joel DeVore*

11:45–1:00 LUNCH (on your own)

1:00–2:15 **Proving—and Disproving—Damages**

- A picture is worth ten thousand words—bringing injuries to life with science and visual aids
- Connecting the dots—incorporating expert opinions to prove nature, mechanism, and extent of injury
- When should you admit liability if you’re the defendant?
Does that matter in terms of keeping your damages verdicts under control?
- If you’re defending, how do you deal sensitively with a death/catastrophic injury case?
 - *Daniel C. Dziuba*
 - *Andrew D. Glascock*

2:15–2:30 BREAK

SCHEDULE (cont.)

2:30–3:15

Independent Medical Exam Issues

- What is not “good cause” under ORCP 44A?
- Can the plaintiff’s lawyer or an observer be present?
Can plaintiff record the IME by audio or video?
- How many IMEs is the defendant entitled to?
- What topics can the IME doctor question the plaintiff about?
- If you are defending, should you do a records review prior to an IME?
- Must the IME doctor produce financial records as a condition of the plaintiff’s attendance at the exam?
 - *Robert E. Barton*
 - *Mark J. Ginsberg*

3:15–4:15

Trying Your Case—What Works and What Doesn’t

- What is “fair game” and what is off limits in voir dire?
- What do judges like and dislike—dos and don’ts?
- What are the worst things you can do in an auto trial?
- What type of issues related to the lawyers do juries frequently complain about?
- What should lawyers do to effectively prepare for trial?
- Is it true that objections should only be made when you absolutely must protect the record?
- Common evidentiary mistakes or oversights
 - *Hon. Kathleen M. Dailey*
 - *Hon. Marilyn E. Litzenberger*
 - *Hon. Kenneth R. Walker*

4:15 p.m.

ADJOURN

PROGRAM FACULTY

Robert E. Barton

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Hon. Kathleen M. Dailey

Multnomah County Circuit Court

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Luvaas Cobb

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Multnomah County Circuit Court

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LIVE PRESENTATION

Portland – 4/29/11

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

*Litigating Auto Accident Cases will
receive 6.5 General or Practical Skills
MCLE credits.*

PROGRAM PRODUCTS

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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 <http://go.lclark.edu/oli>.

VIDEO REPLAYS

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

Bend – 5/13/11

Replay 8:30 a.m.

Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 5/6/11

Replay 8:30 a.m.

Harrang Long Gary & Rudnick PC
360 East 10th Avenue, Ste. 300

Medford – 5/6/11

Replay 8:30 a.m.

Kellington Krack Richmond
Blackhurst & Glatte LLP
23 Newtown Street

Portland – 5/18/11

Replay 9:00 a.m.

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

Litigating Auto Accident Cases

Friday, April 29, 2011

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Please "✓" appropriate box below:

☐ Live presentation

☐ Video replay. Location: _____ Date: _____

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TUITION

(Prices apply to live and video replays.)

☐ **\$179** Early registration *(received by April 25, 2011)*

☐ **\$139** New attorneys (admitted 2009–2011) and legal staff *(received by April 25, 2011)*

☐ **\$90** Legal aid attorneys *(received by April 25, 2011)*

☐ **\$15** OLI Passholder (OLI Pass No. _____) *(received by April 25, 2011)*

☐ **\$20** **Add to above tuition if registration received after April 25, 2011**

PRODUCT ORDER

I am unable to attend. Please send me:

☐ **\$199** Audio CDs and course book

☐ **\$299** DVDs and course book

☐ **\$59** Course book only

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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, April 25, 2011.

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.