



Oregon Law Institute
of Lewis & Clark Law School

Trial Techniques, Skills, and Strategies

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

featuring

David B. Markowitz

"I knew Mr. Markowitz was a great presenter, and I wasn't disappointed."

"You don't learn any of this in law school."

"I can't remember a better CLE for litigators, nor can I remember the last time I personally attended an entire-day CLE."

"This CLE provided the strategy and technique advice that I have been looking for. Thank you!!!"

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 9, 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
8:30–12:00	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
 - 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, Skills, and Strategies 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 <http://go.lclark.edu/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 – 12/9/11
Oregon Convention Center
777 NE MLK Jr. Blvd.

VIDEO REPLAYS

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

Bend – 1/6/12
Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 12/16/11
Replay 8:30 a.m.
Harrang Long Gary & Rudnick PC
360 East 10th Avenue, Ste. 300

Medford – 12/16/11
Replay 8:30 a.m.
Kellington Krack Richmond
Blackhurst & Glatte LLP
23 Newtown Street

Portland – 12/16/11
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 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 he focuses on 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 prestigious International Academy of Trial Lawyers, and was recognized by *Chambers USA* as one of the top commercial litigators in Oregon.

He was recognized by *Super Lawyers Magazine* as the top Oregon litigator for 2011 and was honored by the *Daily Journal of Commerce* for “Leadership in Law” 2011.

In addition to his active trial schedule, Dave is a popular, nationally sought-after 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!

J. MATTHEW DONOHUE will be joining Dave Markowitz throughout the day. Matt Donohue came to Markowitz, Herbold, Glade & Mehlhaf 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 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, and **CHRISTOPHER J. DOMINIC**, President and Senior Consultant for Tsongas Litigation Consulting, Inc., will be also be participating in the discussions throughout the day.

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Friday, December 9, 2011

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 and include course materials.)

- \$179** Early registration *(received by December 5, 2011)*
- \$139** New attorneys (admitted 2009–2011) and legal staff *(received by December 5, 2011)*
- \$90** Legal aid attorneys *(received by December 5, 2011)*
- \$15** OLI Passholder (OLI Pass No. _____) *(received by December 5, 2011)*
- \$15** Oregon judges and their lawyer staff *(received by December 5, 2011)*
- \$20** **Add to above tuition if registration received after December 5, 2011**

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 Discover AmEx
 Exp. Date: _____ Signature: _____

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

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

**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.**

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, December 5, 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.