

Oregon
State
Bar

CLE
Seminars

Powering Your
Professional
Development

17th Annual
**Litigation
Institute
& Retreat**



*Cosponsored by the Litigation Section
and endorsed by OTLA and OADC*



OADC

Oregon Association
of Defense Counsel

March 5–6, 2010

Skamania Lodge, Stevenson, Washington

Oregon: 9 General CLE credits

Washington: 8.5 General CLE credits



YOU'VE LIKELY SEEN A NUMBER OF TRIAL ADVOCACY PRESENTERS. Many were probably good, some even great. But this year's featured presenter, Mike Cash, is a rare breed who relishes trial and sharing his tactics and techniques with other trial lawyers. In addition to being a dynamic, electric, and practiced speaker, Mike has represented plaintiffs and defendants in complex commercial litigation in state and federal courts for more than 20 years. With "Trials: Tips, Tactics and Practical Tales," Mike will present his best strategies and how they were used in actual trials.

In addition to "Trials," David Markowitz will take a look at "The Perfect Question," an examination of how carefully crafted questions help achieve your goals at deposition and trial. A panel that includes a political strategist and a trial consultant will analyze the science of persuasion and its effect on your advocacy skills. Learn how to avoid common e-discovery pitfalls with special guest John Barkett, from the Miami office of Shook Hardy & Bacon. And depositions—can they win or lose your case? Find out when Julie Elkins, Stephen English, and Timothy Helfrich share their experiences at this year's Institute & Retreat.

Please join the Litigation Section in honoring the recipient of the 13th Annual Owen M. Panner Professionalism Award, **Nancie K. Potter, Roberts Kaplan LLP, Portland**, at its award dinner Friday evening.

Don't delay! Register by February 12, 2010 and save \$20. Call the OSB CLE Service Center at 503-431-6413 or toll-free in Oregon at 1-800-452-8260, ext. 413, for personal assistance.

ACCOMMODATIONS

Special rates are available at Skamania Lodge through February 16, 2010. Call the Lodge at (509) 427-7700 or toll-free, 1-800-221-7117, and ask for the Oregon State Bar Litigation Institute rate.

17th Annual Litigation Institute & Retreat

Friday, March 5, 2010

- 12:00 **Registration (includes box lunch—please make your selection on the registration form)**
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- 1:00 **The Perfect Question**
Explore the impact of a carefully crafted question on achieving goals at trial and deposition, including how the way the question is asked determines the amount of information received and how to ask the question when its answer is of secondary importance.
David B. Markowitz, Markowitz Herbold Glade & Mehlhaf PC, Portland
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- 2:30 **Beyond Mad Men: The Science of Persuasion**
The ability to persuade is the core of advocacy—whether in negotiation, mediation, arbitration, or trial. Using historical and empirical data, explore how the often neglected science of persuasion can be used to hone your advocacy skills.
Moderator: Peter C. Richter, Miller Nash LLP, Portland
Dr. Aaron Abbott, Jury Behavior Research Inc., Portland
Lisa Grove, Grove Insight, Portland
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- 3:30 **Break**
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- 3:45 **E-Discovery Rules, Tools, and Trouble**
Every day more information is available primarily, or in some cases only, in electronic form. Whatever the size of your case, this practical and interactive presentation will help you understand the relevant rules and tools of e-discovery to avoid common pitfalls.
John M. Barkett, Shook Hardy & Bacon, Miami, FL
-
- 4:45 **Depositions: Can They Win the Case or Lose the Case? Perspectives from Big Cases, Defense, and East of the Mountains**
Three experienced litigators share their perspectives on deposition practice.
Julie D. Elkins, Zipse Elkins & Mitchell, Portland
Stephen F. English, Bullivant Houser Bailey PC, Portland
Timothy J. Helfrich, Yturri Rose LLP, Ontario
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- 5:45 **Adjourn**
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- 5:45 **No-host Reception**
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- 6:30 **Dinner and Presentation of the 13th Annual Owen M. Panner Professionalism Award to Nancie K. Potter, Roberts Kaplan LLP, Portland**

Cosponsored by the Litigation Section

Friday, March 5, 2010, 1 p.m.–5:45 p.m. and Saturday, March 6, 2010,
8:30 a.m.–12:45 p.m.

Oregon: 9 General CLE credits ♦ Washington: 8.5 General CLE credits
Skamania Lodge ♦ Stevenson, Washington

Saturday, March 6, 2010

8:00 Late Registration and Continental Breakfast

8:30 Trials: Tips, Tactics, and Practical Tales

This fast-paced program is rich with tips and tactics illustrated by tales from actual trials where they were successfully employed. Discover how you can reach the next level of success in the courtroom with techniques that build on your proven abilities as a lawyer, including shutting down your opponent at trial, conducting direct examination of any witness that will capture a jury's attention, creating and using show-stopping demonstrative evidence, and crafting closing arguments that will propel the jury to action.

Michael P. Cash, *Gardere Wynne Sewell LLP, Houston, TX*

10:30 Break

10:45 Trials: Tips, Tactics, and Practical Tales (continued)

12:45 Adjourn

Institute Planning Committee

- ♦ **Planning Chair: Dennis P. Rawlinson**, *Miller Nash LLP, Portland*
- ♦ **Colleen O'Shea Clarke**, *Ball Janik LLP, Portland*
- ♦ **C. Marie Eckert**, *Miller Nash LLP, Portland*
- ♦ **Gregory R. Mowe**, *Stoel Rives LLP, Portland*
- ♦ **Robert J. Neuberger**, *Attorney at Law, Portland*

OSB CLE Seminars Attorney

- ♦ **Karen Lee**, *kleee@osbar.org, (503) 431-6382*

General Information

- ♦ **Questions?** Call the CLE Service Center at 503-431-6413, or toll-free in Oregon at 1-800-452-8260, ext. 413. For information about upcoming seminars, please visit the CLE Calendar at www.osbarcle.org.
- ♦ **Cancellations:** Cancellations must be received in writing at least 48 hours before the start of the seminar. Fax your request to 503-968-4456, Attn: CLE Cancellations. There is a \$20 cancellation fee.
- ♦ **Dietary Restrictions or Special Accommodations:** Call 503-431-6351, or toll-free in Oregon, 1-800-452-8260, ext. 351.

17th Annual Litigation Institute & Retreat

March 5–6, 2010

Name _____ Bar # _____

Firm Name _____

Phone _____ Fax _____ E-mail _____

Address _____

City _____ State _____ Zip Code _____

INSTITUTE REGISTRATION

- \$290 Early Registration (by 2/12/10)..... \$ _____
- \$310 Regular Registration (after 2/12/10)..... \$ _____
- \$60 Friday dinner(s): _____ at \$60 each \$ _____
____ Prime Rib ____ Smoked Pork Chop Loin ____ Vegetarian
(Please indicate the number of entrees desired)
- \$0 50-year OSB members, Oregon judges and their lawyer staff please
call the OSB CLE Service Center at 503-431-6413 or toll-free in
Oregon at 800-452-8260, ext. 413, to register.
- Please reserve a box lunch for Friday Vegetarian
- TOTAL REGISTRATION FEES (LI10) (712) \$ _____ **WB**

SEMINAR PRODUCT ORDERS

Seminar products will be available approximately two weeks after the live program.

- \$155 Audio CDs and course materials (LI10.KCD) (Friday only).....\$ _____
2009–2010 Season Ticket No. _____ discount—subtract 20%....– _____
Subtotal\$ _____
Shipping and handling fee\$ _____ **7.00**
TOTAL ORDER\$ _____ **WB**

PAYMENT OPTIONS

- Check Enclosed: Payable to Oregon State Bar
 Credit Card (VISA or MasterCard only)

—All information below required when paying by credit card. —

Credit Card Number _____ Expiration Date _____

Name on Credit Card (please print) _____

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FOUR WAYS TO REGISTER OR ORDER

Registrations and orders will not be processed without payment.

- 1. ONLINE** at www.osbarcle.org.
- 2. PHONE:** 503-431-6413, or toll-free in Oregon at 1-800-452-8260, ext. 413
- 3. FAX with VISA or MasterCard number:** 503-968-4456
- 4. MAIL with check:** Oregon State Bar, CLE Registration, P.O. Box 231935, Tigard, OR 97281-1935