



Trial Practice & Litigation

17th Annual Litigation Institute & Retreat



March 2010—4.75 General CLE credits

LI10.KCD Audio CDs and course materials (Friday only) \$155

David Markowitz takes 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 analyzes 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. Cosponsored by the Litigation Section and endorsed by OTLA and OADC.

18th Annual Litigation Institute & Retreat



March 2011—2.5 General CLE credits

LI11.KCD Audio CDs and course materials \$120

Hear from U.S. District Court Judge Michael Mosman on how “The Will to Win” is not nearly as important as “The Will to Prepare to Win.” Karen O’Kasey shows how shortening your trial presentation can increase your effectiveness, while Bob Weaver examines cross-examination mistakes. To conclude, Bill Barton discusses the qualitative and quantitative aspects of damages. Cosponsored by the Litigation Section and endorsed by OTLA and OADC.

19th Annual Litigation Institute & Retreat

March 2012—8 General CLE credits

LI12.KCD Audio CDs and course materials \$195
 LI12.KDV DVDs and course materials \$325
 LI12.HB Course materials \$65
 LI12.KDR DVD rental and course materials (first person) \$195
 LI12.AVRT DVD rental and course materials (each additional viewer) \$98

The art of persuasion permeates so many aspects of a litigation practice. This year’s Litigation Institute examines how persuasion is vital to your success with judges, jurors, and even fellow attorneys. Learn the Eight Keys of the Art of Persuasion from the Honorable Mark Drummond, an internationally recognized speaker who has educated advocates on five continents on the psychological, social, and emotional aspects of effective courtroom persuasion. By incorporating his recommendations into your presentations, you will be able to deliver your message simply, sharply, and precisely. Dave Markowitz starts the persuasion theme with his tips and guidelines on giving visual presentations during oral argument to trial judges, and two trial judges share what works and what doesn’t work when appearing before the bench. Trial consultants Carla Lundblade and Tom Capps help you be your persuasive best when communicating with nonlawyers, while Judge Drummond shares some of his courtroom experiences from “a small county on the banks of the Mississippi.” Cosponsored by the Litigation Section and endorsed by OTLA and OADC.



Best Practices and Recent Trends in Electronic Discovery



May 2010—6.25 General CLE credits

ED10.KCD	Audio CDs and course materials	\$195
ED10.KDV	DVDs and course materials	\$325
ED10.HB	Course materials	\$65
ED10.KDR	DVD rental and course materials (first person)	\$195
ED10.AVRT	DVD rental and course materials (each additional viewer)	\$98

The law and practice of electronic discovery continue to evolve with both the complexity and volume of electronically stored information. Our faculty members share their knowledge and experience so you stay current with this changing landscape. Discover what judges expect in terms of preservation and how complex discovery affects the attorney work product privilege. Pick up helpful strategies for managing the e-discovery process, and learn practice tips for electronic information collection. A judges' panel addresses case law developments and hot topics, including sanction standards and resolving e-discovery disputes. Explore FRE 502 and methods for reviewing documents, and receive practical advice on authenticating electronically stored documents and admitting and presenting electronically stored information at trial.

Clients with Personality and Trauma Disorders



February 2012—6.5 General CLE credits or 3.5 General CLE credits and 3 Access to Justice credits

PTD12.KCD	Audio CDs and course materials	\$195
PTD12.KDV	DVDs and course materials	\$325
PTD12.HB	Course materials	\$65
PTD12.KDR	DVD rental and course materials (first person)	\$195
PTD12.AVRT	DVD rental and course materials (each additional viewer)	\$98

Life is complicated, and for individuals who have experienced some form of traumatic stress or have a personality disorder, these complications can significantly affect your representation of them. Our panel of lawyers, psychologists, and a psychiatrist help you gain an understanding of trauma and personality disorders. Explore the causes and symptoms of post-traumatic stress disorder (PTSD) and its use as a defense in criminal cases. Two attorneys share their perspectives on trauma disorders and damages in civil cases. For clients who have personality disorders, our experts explain Diagnostic and Statistical Manual (DSM-IV TR) definitions and provide you with strategies for managing high-conflict clients and clients who demonstrate passivity and dependency. Learn about psychological tests and their reliability, as well as how to identify a competent expert witness. The age-old question of client competency is included in a panel discussion of how to manage clients in an office setting and techniques to use at trial.

Don't Get Burned by E-Discovery: A Cautionary Tale



June 2010—2 General CLE credits and .5 Ethics credit

ED210.KCD	Audio CDs and course materials	\$135
ED210.KDV	DVDs and course materials	\$195
ED210.HB	Course materials	\$35
ED210.KDR	DVD rental and course materials (first person)	\$135
ED210.AVRT	DVD rental and course materials (each additional viewer)	\$68

Get a bird's-eye view of what happens during an electronic discovery dispute. Against the backdrop of an antitrust and intellectual property lawsuit, members of the Antitrust and Trade Regulation Section assume the roles of lawyers, witnesses, and a judge to show what can happen during an oral argument on a motion to compel production of documents. Course materials include a complaint, a discovery request, correspondence, the motion to compel and response to the motion to compel, and witness affidavits. Cosponsored by the Antitrust and Trade Regulation Section.



Fact Investigation in Personal Injury Cases



June 2010—3 General CLE credits

FI10.KCD	Audio CDs and course materials	\$135
FI10.KDV	DVDs and course materials	\$195
FI10.HB	Course materials	\$35
FI10.KDR	DVD rental and course materials (first person)	\$135
FI10.AVRT	DVD rental and course materials (each additional viewer)	\$68

In many cases, investigation of the facts before discovery is the single most important part of achieving a good result. Well-planned client and witness interviews, as well as utilizing sources of evidence that are often overlooked, can save plaintiffs and their counsel the considerable expenses associated with a case that turns out to be a dead end. Skilled investigation can save defendants the cost of defending a case that should have been resolved early and enables both sides to give their clients accurate evaluations. This presentation reinforces fundamentals and discusses new developments.

Fundamentals of Oregon Civil Trial Procedure



October 2011—12.75 General CLE or Practical Skills credits

CTP11.KCD	Audio CDs and course materials	\$340
CTP11.KDV	DVDs and course materials	\$425
CTP11.HB	Course materials	\$65
CTP11.KDR	DVD rental and course materials (first person)	\$340
CTP11.AVRT	DVD rental and course materials (each additional viewer)	\$170

An outstanding faculty of judges and lawyers share their knowledge and experience to help you achieve success both in and out of the courtroom. Start with the most basic component of your practice—getting clients in (and sometimes out) the door—and then set the stage for your case with insights into parties and pleadings. Uncover discovery and deposition strategies, and gain an understanding of arbitration, mediation, negotiation, and settlement conferences. Learn the difference between an order and a judgment and what to expect regarding attorney fees. Explore trial tips and techniques, and then complete your litigation foundation by learning what is appealable—and what is not. Cosponsored by the Litigation Section

HIPAA/HITECH—Updates, Business Associates, and More



February 2010—3.5 General CLE credits

HIP10.KCD	Audio CDs and course materials	\$135
HIP10.KDV	DVDs and course materials	\$195
HIP10.HB	Course materials	\$35
HIP10.KDR	DVD rental and course materials (first person)	\$135
HIP10.AVRT	DVD rental and course materials (each additional viewer)	\$68

The American Recovery and Reinvestment Act, also known as the stimulus bill, did more than allocate billions of dollars to shore up the weak U.S. economy. It also expanded the reach of the Health Insurance Portability and Accountability Act (HIPAA) by extending HIPAA privacy and security rules to business associates. Since the definition of a business associate includes someone who performs legal services to or for a covered entity, your responsibilities as a lawyer for a covered entity have now increased. Our expert faculty reviews HIPAA basics and examines the new requirements. Learn about coming changes and HIPAA in litigation, including discovery issues and obtaining and using medical records. Gain insight to compliance programs for you and your clients.

Negotiation Best Practices for a Tough Economy

May 2009—5.5 General CLE or Practical Skills credits and 1 Ethics credit

NEG09.KCD	Audio CDs and course materials	\$220
NEG09.KDR	DVD rental and course materials (first person)	\$220
NEG09.AVRT	DVD rental and course materials (each additional viewer)	\$110

Do you use negotiation best practices? Do you or your firm have a defined set of proven research-based strategies to use? Most attorneys don't—and it's especially critical to use proven strategies in a tough economy where every negotiation counts and can immediately impact your bottom line. The challenge in our tough economy is to create a set of proven research-based strategies—negotiation best practices—that will have the greatest impact in this tough economy; implement these best practices so you and your colleagues don't revert to disproved instinctive negotiating; and manage these best practices organization-wide so you and your colleagues achieve your goals. Spend the day with Marty Latz, one of the nation's leading negotiation experts, and learn how to create, implement, and manage negotiation best practices. Gain the critical strategies that will maximize your resources in today's challenging economic environment.

Powerful Motion Practice



November 2011—5.5 General CLE or Practical Skills credits and 1 Ethics credit

MP11.KCD	Audio CDs and course materials	\$195
MP11.KDV	DVDs and course materials	\$325
MP11.HB	Course materials	\$65
MP11.KDR	DVD rental and course materials (first person)	\$195
MP11.AVRT	DVD rental and course materials (each additional viewer)	\$98

Most lawsuits are not determined at trial. The effective use of motions can make or break your case. Our seasoned litigators share valuable insights and practice tips to strengthen your pre-trial motion strategies, including avoiding inadvertent waiver of defenses, obtaining a preliminary injunction, and building an adequate record during the discovery process. A discussion of summary judgment motions offers practical tips, such as remembering to tell a great story and focusing on the other party's words. The obvious but often forgotten adage that trial motions should be short is reviewed, while the post-trial motions discussion covers JNOV, dealing with findings and conclusions, and preserving the record for appeal. Ethical considerations for motion practice are also covered. Step up your skills a notch with a clearer understanding of motion practice, and you will become a better advocate for your clients.

Practicing Law in Oregon



March 2010—4.5 General CLE or Practical Skills credits and 2 Ethics credits

PLO10.KCD	Audio CDs and course materials	\$195
PLO10.KDV	DVDs and course materials	\$325
PLO10.HB	Course materials	\$65
PLO10.KDR	DVD rental and course materials (first person)	\$195
PLO10.AVRT	DVD rental and course materials (each additional viewer)	\$98

If you are new to the practice of law in Oregon or are planning to become a member of the Oregon State Bar through admission on motion (reciprocal admission), here is a program geared specifically for you. Learn what makes Oregon unique besides rain and recycling. This information-packed seminar covers how pleadings and parties work in Oregon, document discovery in the Beaver State, and Oregon's unique rules for depositions. Receive an overview of the Oregon court system, and take a look at practicing in the U.S. District Court for the District of Oregon. Finally, staff from the bar's Client Assistance Office and Discipline Counsel's Office explain the discipline process—how it works and how to avoid it.

Presenting and Defending Uninsured, Underinsured, and PIP Claims in Oregon



September 2011—3.25 General CLE credits

UM11.KCD	Audio CDs and course materials	\$135
UM11.KDV	DVDs and course materials	\$195
UM11.HB	Course materials	\$35
UM11.KDR	DVD rental and course materials (first person)	\$135
UM11.AVRT	DVD rental and course materials (each additional viewer)	\$.68

Oregon’s mandatory insurance law requires every driver to insure his or her vehicle. But the reality is that every day Oregon drivers operate vehicles that are either uninsured or underinsured. What can you do for clients who have been injured or suffered a loss and the other motorist has no or not enough coverage? This information-packed seminar provides you with a basic overview of Oregon uninsured and underinsured motorist (UM/UIM) coverage, including what qualifies as a claim, common exclusions, limitations, and proof of loss. Our experts also explain personal injury protection (PIP) issues, such as whom and what is covered under PIP, duties of the insured and insurer, and reimbursement and subrogation. You’ll also receive valuable pointers about attorney fees and techniques for presenting your case. Your understanding of Oregon’s UM/UIM and PIP coverage can help you become a better advocate for your clients.

Recognizing, Understanding, and Litigating Trauma Disorders



October 2010—6.5 General CLE credits or 3.25 General CLE credits and 3.25 Access to Justice credits

TD10.KCD	Audio CDs and course materials	\$195
TD10.KDV	DVDs and course materials	\$325
TD10.HB	Course materials	\$.65
TD10.KDR	DVD rental and course materials (first person)	\$195
TD10.AVRT	DVD rental and course materials (each additional viewer)	\$195

In today’s world, it would be rare to find someone who has not experienced some form of traumatic stress. Even if the trauma is not physically or readily apparent, for some clients the trauma is so extreme that it will have a significant impact on your representation of them. Using case presentations, a panel of experts, including a psychiatrist, share their expertise and experience to help you gain a better understanding of the effect of trauma disorders. Gain practice tips and communication advice for relating to clients with trauma disorders, and examine competency aspects. The impact of developmental and marital trauma in family law is explored. Post-traumatic stress disorder (PTSD) receives an in-depth review as it pertains to litigation and personal injury cases. In what has been identified as the first major criminal exoneration linked to PTSD, learn about the criminal defense of an Oregon Iraq veteran charged with murder.

Selecting and Influencing Your Jury with Dr. Susan Jones

December 2010—6.5 General CLE or Practical Skills credits

JURY10.KCD	Audio CDs and course materials	\$235
JURY10.KDR	DVD rental and course materials (first person)	\$235
JURY10.AVRT	DVD rental and course materials (each additional viewer)	\$.118

Jurors will tell you how to win your case . . . if you learn to listen to their clues. You can use jurors’ attitudes and beliefs to shape your case, your delivery, and even your courtroom demeanor, for maximum impact. Dr. Susan Jones is a visionary pioneer in jury research and persuasion. Her 20+ years of courtroom experience—including work in over 1,000 cases and careful study of over 2,000 jury deliberations—give her insights possessed by few others. Her practical advice will transform your perspective of the jury process and provide meaningful tools to help you win cases. Videos of mock jury deliberations and post-verdict interviews, coupled with Dr. Jones’s practical analysis, provide you with a powerful view of how jurors’ pretrial attitudes and beliefs influence their perception of your evidence during trial and deliberation. Knowing how jurors respond—what they look for, and what they ignore—allows you to concentrate on the effective methods Dr. Jones provides for shaping your case, refining your opening statement, witness preparation and presentation, and closing arguments for maximum effect in the jury room. Recognizing and tapping into the psyche of jurors translates into both settlement and courtroom success. The practical strategies offered by Dr. Jones—applied by some of this country’s most successful trial lawyers—can transform your cases and your practice.



Taming the Medicare Gorilla in Your Injury Cases



March 2012—6.25 General CLE credits

MSP12.KCD	Audio CDs and course materials	\$195
MSP12.KDV	DVDs and course materials	\$325
MSP12.HB	Course materials	\$65
MSP12.KDR	DVD rental and course materials (first person)	\$195
MSP12.AVRT	DVD rental and course materials (each additional viewer)	\$98

Seemingly from nowhere, Medicare secondary payer (MSP) compliance has become the universal bane of all parties in injury cases. Counsel for plaintiffs, defense, insurers, medical providers, and the injured parties in workers' compensation, liability, FELA, and Jones Act cases struggle with the ever-changing process of considering Medicare's interest. This program is ideal for attorneys, legal staff, and MSP compliance professionals and will enable you to understand and successfully navigate MSP compliance issues in injury cases. Don't miss this opportunity to learn how to get your Medicare gorilla under control.

Wrongful Death Settlement Planning: What Every Litigator Should Know



June 2010—6.5 General CLE credits

WD10.KCD	Audio CDs and course materials	\$195
WD10.KDV	DVDs and course materials	\$325
WD10.HB	Course materials	\$65
WD10.KDR	DVD rental and course materials (first person)	\$195
WD10.AVRT	DVD rental and course materials (each additional viewer)	\$98

Today's wrongful death actions demand not only excellent litigation resources and skills but also an in-depth knowledge of wrongful death probate practices, the interplay between ORS 30.020 and 30.075, Medicare, Medicaid, ERISA lien resolution strategies, post-settlement proceeds allocation and funding issues, wills, trusts, and protective proceedings for incapacitated adults and minors. This information-packed seminar provides litigators insight to the intricacies of wrongful death actions with a faculty of national experts and some of Oregon's most experienced attorneys in wrongful death settlement issues.