

TRIAL ADVOCACY COLLEGE: ESSENTIALS OF CIVIL LITIGATION

STRENGTHEN YOUR CASE BY BUILDING YOUR COURTROOM CONFIDENCE

MARCH 20-23, 2010 • UNIVERSITY OF COLORADO LAW SCHOOL • BOULDER, CO

“The most valuable topics were on openings and closings—it was helpful to have a “template” for both. The workshops were extremely helpful because of the hands-on experience actually performing trial duties.

—Julie Burkett, St. Louis, MO



ABOUT THE PROGRAM

AAJ's **Essentials of Civil Litigation** will prepare you to excel in each stage of trial. Working with experienced trial lawyers and consultants, you will develop and enhance courtroom presence and trial skills, including how to plan a deposition and prep a witness. At the end of this intensive program, you will have the confidence to effectively litigate your next case. For those with limited or no courtroom experience this program is a must. You will see a significant before-and-after change in your courtroom interactions—including those with jurors.

Our effective training methods have several critical features:

- Four workshops (with small groups of participants) where you are taped practicing what you have just learned in lectures—presenting everything from voir dire to closing argument
- Feedback from experienced trial lawyers and trial consultants—on camera—for you to take home
- Live focus group demonstration
- Low student-to-faculty ratio for more individualized attention

The most important feature of Essentials of Civil Litigation is that this program was developed by trial lawyers, for trial lawyers. The care and support you receive is reflective of our nationally-known faculty of lawyers and other experts. To get the most out of this program, you must be committed to working hard and stretching your limits.

Who Should Attend

This college is designed for any lawyer—including those who have been practicing for several years—with limited experience in the courtroom.

AAJ New Lawyers Attend Their First AAJ Trial Skills College for 25% Off*

If you are an AAJ member and have been admitted to the bar for five years or less, you can attend your first AAJ Education Trial Skills College for 25% off the regular price.

**Offer not applicable to those who have already attended an AAJ Trial Skills College or Seminar.*

“This is a great program for anyone who desires to be a trial lawyer. They should start here.

—Robert Rash, Montgomery, AL

Your Registration Includes

- 29 hours of cutting-edge continuing legal education (including one hour of ethics credit)
- Comprehensive reference materials
- Complimentary continental breakfasts and coffee breaks
- “Meet the Faculty” networking reception
- A copy of your recorded workshop presentations and critiques

RESERVE YOUR SPACE TODAY!

Visit www.justice.org/education/essentials or call AAJ Education at 800-622-1791 or 202-965-3500, ext. 8612

AGENDA

Saturday, March 20

REGISTRATION

(Continental breakfast provided)

8:00 am–8:30 am

MORNING SESSION

8:30 am–noon

Giving Plaintiff Jurors the Facts and Arguments They Need to Prevail in the Jury Room

- Juror perceptions and beliefs
- Techniques for overcoming bias
- Anticipating the defense arguments

Voir Dire: Deselecting Jurors

- Open-ended questions
- Challenges for cause
- Persuasion in voir dire

Winning Techniques from the Beginning: Storytelling and Theming in Opening Statement

- Preparing “early” for opening statement
- Crafting and weaving the story
- Delivery techniques



Workshop Introductions and Orientation

LUNCH (on your own)

Noon–1:00 pm

AFTERNOON SESSION

1:00 pm–6:00 pm

Developing and Executing a Deposition Plan

- Developing goals for each deposition
- Deciding on approach for questioning
- 30(b)(6) depositions
- Restating and summarizing techniques



Workshop on Voir Dire/Opening Statement

NETWORKING RECEPTION

6:00 pm–7:00 pm

Sunday, March 21

MORNING SESSION

(Continental breakfast provided)

8:00 am–noon

Witness Preparation

- Reducing/Eliminating witness behaviors that affect credibility

- Dealing with weaknesses in your case
- Anticipating cross-examination

Direct Examination

- Introduction of exhibits
- Refreshing recollection
- Techniques for controlling the witness (restating, summarizing, asking the reverse cross question)

Cross-Examination of Lay and Expert Witnesses

- Asking about facts, not conclusions
- One fact, one question
- Control techniques
- Impeachment

Panel: Ethics for Lawyers

- Associating counsel (referral fees)
- Fees on structured settlements
- *Hall v. Clifton Precision*

LUNCH (on your own)

noon–1:30 pm

AFTERNOON SESSION

1:30 pm–5:30 pm



Workshop on Direct and Cross of Lay Witnesses

Individual Trial Consultant Video Reviews

Monday, March 22

MORNING SESSION

(Continental breakfast provided)

8:00 am–11:00 am

Cross-Examination of the DME

Effective Design and Use of Demonstratives/Exhibits

Crafting the Closing and Rebuttal Argument

- Incorporating jury instructions
- Inoculating jurors from defense juror arguments and conduct
- Arguing damages

LUNCH (on your own)

11:00 am–12:30 pm

AFTERNOON SESSION

12:30 pm–4:30 pm



Workshop on Direct and Cross-Examination of Expert Witnesses

AGENDA continued

Individual Trial Consultant Video Reviews

EVENING SESSION *(at the hotel)*

6:00 pm–9:00 pm

Focus Groups: Insights to Jury Decision Making and Jury Selection

Tuesday, March 23

MORNING SESSION

(Continental breakfast provided)

8:00 am–1:30 pm



Workshop on Closing Argument and Rebuttal

Individual Trial Consultant Video Reviews

Roundtable Discussions: Bringing It All Together



About Workshops

Through hands-on workshops in small groups, you will receive individual attention and critiques of your skills by highly-experienced faculty. Your recorded workshops are yours to take home for further study.

INVITED FACULTY

David A. Couch concentrates his practice on cases involving nursing home neglect and abuse. He is a past chair of AAJ's Nursing Home Litigation Group and a past member of the Board of Directors of the National Citizens Coalition for Nursing Home Reform (NCCNHR), an organization that advocates for quality nursing home care nationwide. Mr. Couch is a member of AAJ and a member of the Board of Governors of the Arkansas Trial Lawyers Association. He speaks frequently at national and local seminars on trial issues, especially those involving nursing home litigation. The Law Office of David Couch is located in Little Rock, Arkansas.

Laura L. Dominic, M.A. brings the skills of a communication professional to all trial consulting services. She facilitates, analyzes, and prepares reports on pretrial research, including mock trials and focus groups, drawing on her background in quantitative and qualitative analysis. She provides analytic support for jury selection teams that develop high-risk juror profiles, supplemental juror questionnaires, and voir dire questions. She is a member of the American Society of Trial Consultants (ASTC) and a frequent lecturer on both the national and collegiate levels. Ms. Dominic is a senior consultant with the firm of Tsongas Litigation Consulting, Inc. in Portland, Oregon.

W. Harold Flowers, Jr., course advisor, for more than 20 years has concentrated his practice in the areas of personal injury and criminal defense. He is a past president of the Colorado Trial Lawyers Association, a member of AAJ's Exchange Advisory Committee, and a former member of AAJ's National College of Advocacy (NCA) Board of Trustees. Mr. Flowers is a partner in the law firm of Hurth, Yeager, Sisk & Blakemore, L.L.P in Boulder, Colorado.

INVITED FACULTY *continued*

Arthur J. Gonzalez, course advisor, concentrates his practice in personal injury, products liability, toxic torts, securities and commercial, aviation, maritime, and admiralty litigation, and international law. He was recognized by H-Texas Magazine as a “Lawyer For The People” and has an AV Rating by Martindale-Hubbell. Mr. Gonzalez is a member of the Houston Bar Association, Houston Trial Lawyers Association, Texas Trial Lawyers Association, American Bar Association, and a former member of AAJ’s NCA Board of Trustees. Mr. Gonzalez is the managing attorney of the Houston-Pillot office and the national director of Brent Coon & Associates’ Aviation Law Division in Houston, TX.

Steven C. Laird is board certified in both Personal Injury Trial Law and Civil Trial Law by the Texas Board of Legal Specialization and achieved Civil Trial Diplomate status by the National Board of Trial Advocacy in 1996. He has been voted as one of the top 100 “Texas Super Lawyers,” featured in *Texas Monthly* magazine, and has been selected an “Attorney of Influence” by his peers as published in the Fort Worth Business Press. Mr. Laird is the past president and a charter member of the Eldon Mahon Chapter of the Fort Worth Inn of Court. The Law Offices of Steven C. Laird, P.C. is located in Fort Worth, Texas.

John Elliott Leighton concentrates his practice in inadequate premises security, medical negligence, nursing home, products liability, and business tort litigation. He has published articles and book chapters on inadequate security litigation, defective products, spinal cord injuries, and market share liability, and is the author of *Litigating Premises Security Cases* (AAJ Press/West 2008). He is a member of the NCA Board of Trustees, past chair of AAJ’s Motor Vehicle Collision, Highway, and Premises Liability Section, and chair of the Inadequate Security Litigation Group. Mr. Leighton is the managing partner of Leighton Law, P.A. located in Miami, Florida.

Carole A. Lohr concentrates her practice in personal injury litigation including trucking and motor vehicle accidents. She is a member of the Ohio Bar Association, the Ohio Women’s Bar Association, the National Crime Victim Bar Association, and Public Justice. Ms. Lohr is a member of the Ohio Association for Justice Board of Trustees. She is active in AAJ’s Motor Vehicle Collision, Highway and Premises Liability and Sole Practitioner and Small Firm Sections. The Law Office of Carole A. Lohr is in Cleveland, Ohio.

Marion K. Munley is a Board Certified Civil Trial Advocate by the National Board of Trial Advocacy. She concentrates her practice in truck and auto accidents, product liability, workers compensation, and wrongful death cases. Ms. Munley is a member of AAJ’s Interstate Trucking Litigation Group and the Pennsylvania Association for Justice, where she serves on its Board of Governors. She is also the past president of the Northeastern Pennsylvania Trial Lawyers Association. Ms. Munley was named “Super Lawyer” by *Philadelphia Magazine* in 2007, and is a frequent lecturer on continuing legal education programs. She is a partner at the firm Munley, Munley & Cartwright, PC, in Scranton, Pennsylvania.

Kelly E. Naylor, Ph.D., is a licensed clinical psychologist and an Assistant Professor at the University of Colorado Health Sciences Center, with more than 10 years of experience in psychological research and clinical practice. She concentrates her work in conducting focus groups to develop, test, and improve case presentations and trial exhibits, jury survey development and data analyses, and the application of jury and psychological research in legal proceedings. Dr. Naylor’s practice is located in Golden, Colorado.

Reserve Your Hotel by February 16, 2010 and Save!

A limited number of rooms are being held at the Millennium Harvest House Boulder for program registrants. To receive AAJ's special group rate of \$124 single/double room, plus 10.25% tax, complete your housing arrangements online at www.justice.org/education/essentialshotel or download the reservation form at www.justice.org/hotelreservationform.

Millennium Harvest House Boulder
1345 Twenty-Eighth Street
Boulder, CO

We are pleased to announce Travel Planners as AAJ's official housing agency. Special hotel rates are available at the AAJ's program; these rates are valid only through Travel Planners. Complete these simple steps to take advantage of the discounted hotel rates.

Step 1: REGISTER and confirm your program registration.

Step 2: Complete your housing arrangements online at www.justice.org/education/essentialshotel or complete the downloaded form and email or fax it to:

Travel Planners
Tel: 800-221-3531 or 212-532-1660
Fax: 212-779-6128
E-mail: res@tphousing.com

If you must cancel your hotel reservations, please call Travel Planners at 800-221-3531 or 212-532-1660 weekdays, 9:00am-7:00pm ET. However, if you must change your hotel reservation within 72 hours prior to the start of the program, please call the hotel directly at 303-443-3850.

If for unforeseen reasons this program is cancelled, AAJ cannot be financially responsible for airline tickets, and roommates cannot be guaranteed.

MCLE/NCA Requirements

You will earn approximately 29[†] CLE credits (including one hour of ethics credit) when you participate in the Trial Advocacy College: Essentials of Civil Litigation. AAJ Education programs are routinely accredited by states requiring continuing legal education. We will assist you in obtaining appropriate credit. CLE questions may be addressed by calling the CLE Assistant at 800-622-1791 or 202-965-3500 ext. 8335.

[†] Number of credits may vary depending on calculation method used by individual state accreditation agencies.
AAJ is a State Bar of California MCLE-approved provider.

Special Assistance

AAJ Education will make every effort to ensure that its meetings are held in facilities that are fully accessible to persons with mobility disabilities. If you plan to attend our program and need special facilities or assistance relating to a disability, please call 800-622-1791 or 202-965-3500, ext. 8612.

Register me for Trial Advocacy College: Essentials of Civil Litigation (C126)

March 20-23, 2010

**University of Colorado Law School
Boulder, CO**

**Special Early Bird Discount
Register by February 12, 2010**

AAJ Member \$895

Nonmember \$1,065

Fee after February 12, 2010

AAJ Member \$975

Nonmember \$1,165

AAJ Paralegal Affiliates receive 50% off the registration fee by attending with a member attorney from the same firm with the same firm address.

SAVE EVEN MORE WITH A GROUP DISCOUNT FOR YOUR FIRM

Register two or more lawyers from your firm at the same time, and take \$80 off the registration fee for each registrant.

NOT YET AN AAJ MEMBER?

Join today and start taking advantage of members-only discounts and substantial benefits. To immediately qualify for the discounted member rate for this program, contact us to join at 800-424-2727 or 202-965-3500, ext. 8611.

PAYMENT INFORMATION

Name _____ AAJ ID # _____

Preferred First Name for Badge _____

Firm _____


Address _____

City/State/ZIP _____

Office Phone _____ Office Fax _____

E-mail _____

Check is enclosed (payable to AAJ Education Fund)

Charge my:   

Card # _____ Exp. Date _____

Signature _____

REGISTER TODAY!

Four easy ways to register:

1. Online: www.justice.org/education/essentials

2. Phone: 800-622-1791 or 202-965-3500, ext. 8612

3. Fax: 202-625-7084

4. Mail: AAJ Education Fund
Attn: Education Registrar
777 6th Street, NW
Washington, DC 20001

Cancellations received in writing by March 12, 2010 will result in a refund less a 10% administrative charge. Cancellations received March 13-19, 2010 will result in a voucher for the entire registration fee which may be applied toward any AAJ Education college or seminar held within one calendar year of the date of issue. Requests for refunds or vouchers received after March 19, 2010 will not be honored. Mail or fax your cancellation to the registrar.

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FOR AAJ USE ONLY CHK# _____ CHK DATE _____ CHK AMT _____

UPCOMING AAJ EDUCATION PROGRAMS

Advanced Depositions College*
January 15–18, 2010 • Denver, CO
Hotel Monaco Denver

2010 AAJ Winter Convention
January 30–February 3, 2010 • Maui, HI
Hyatt Regency Maui & Westin Maui

Litigating Trucking Collision Cases*
February 26–27, 2010 • New Orleans, LA
The Westin New Orleans Canal Place
Cosponsored by AAJ's Interstate Trucking Litigation Group

Growing on the Vine: Maximizing Profitability in Changing Times
April 9–10, 2010 • Las Vegas, NV
Caesars Palace
Cosponsored by AAJ's Sole Practitioner and Small Firm Section

Medical School for Lawyers*
April 9–10, 2010 • Las Vegas, NV
Caesars Palace

Trial Advocacy College: Applying the Jury Bias Model™*
April 15–19, 2010 • Scottsdale, AZ
Firesky Resort and Spa

Litigating Medical Negligence and Injured Infant Cases Seminar*
April 23–24, 2010 • Miami, FL
Epic Hotel

Jazz Fest Seminar: Litigating Auto Collision Cases
April 29–May 1, 2010 • New Orleans, LA
Hotel Monteleone
Cosponsored by Herman, Herman, Katz & Collar, L.L.P., the Louisiana Association for Justice, and AAJ's Motor Vehicle Collision, Highway and Premises Liability Section

Establishing Nursing Home Corporate Negligence Using Cost Reports and Other Financial Documents*
June 4–5, 2010 • Washington, DC
AAJ Headquarters
Cosponsored by AAJ's Nursing Home Litigation Group

Trial Advocacy College: "Rules of the Road"*
June 10–13, 2010 • Denver, CO
Hotel Monaco Denver

* Open only to AAJ plaintiff trial lawyers (Regular, Life, Sustaining, President's Club, and Leaders Forum). AAJ Paralegal Affiliates may attend AAJ Education programs (some restrictions apply).



Formerly the Association of Trial Lawyers of America (ATLA®)

777 6th Street, NW
Suite 200
Washington, DC 20001

**REGISTER BY FEBRUARY 12, 2010
and Save \$80**