



Minnesota State Bar Association
Continuing Legal Education
Your State Bar at Work For You

Minnesota CLE's First Litigation Advocacy Institute

Winning Before Trial

The Return *after 15 years* of a CLE Annual Institute

Five National Speakers Join the Best of the Federal Bench, Prominent Minnesota Trial Lawyers, and Selected Experts

- A unique focus on how to win your case before trial
- An emphasis on concrete tips to transform the way you manage litigation
- Practical and graphic demonstrations with each topic that will entertain and stick with you
- A revolutionary way to litigate with today's clients, today's economy, and today's fact-finders – and we will show you how
- All for only \$395 – 9 credits just in time for the deadline plus a free lunch at the Radisson – and a guarantee you will never litigate the same again

Thursday and Friday, June 4 and 5, 2009

Minnesota CLE Conference Center • Seventh Street & Nicollet Mall
Third Floor City Center, Minneapolis

Why attend...

It is no secret that almost every civil case ends before a trial occurs. Experienced litigators mold and shape their cases to win at summary judgment or to bring about the best possible settlement for their client prior to trial. Our Institute features leading litigators, experts, technology specialists, and Federal judges to show you how to assemble a powerful and persuasive case that will bring about an early victory or a successful pre-trial settlement. This program will feature national and locally-renowned speakers, taped vignettes, live demonstrations, and engaging critiques so that you can actually see for yourself how to utilize a new set of skills which will surpass your client's expectations.

The Schedule

Thursday, June 4

8:00 – 8:30 a.m. CHECK-IN & CONTINENTAL BREAKFAST

8:30 – 9:30 a.m.

A Vision of the Case: Bringing It to Life Through the Power of Stories

This dynamic, captivating, and internationally-acclaimed presentation will reveal how lawsuits are won or lost based on effective storytelling. Much like a consumer audience is motivated by advertisements and branding that quickly and persuasively communicates a message, the story and theme you use powerfully advances your client's case. Through video clips from mock jury deliberations, in addition to specific examples of themes, theories, and dynamic storytelling used in successful cases, this presentation teaches you how to make key storytelling choices.

– *Chris Dominic, Jill Schmid*

9:30 – 10:15 a.m.

Purposeful Written Discovery: Taking the Offensive

Today more than ever, the party that gains the offensive can often gain a quick and favorable result. Making preemptive strikes through pre-filing discovery and depositions combined with submitting interrogatories, document requests, and requests for admissions out-of-the-box can sustain that momentum to a position which may never be surrendered.

– *Janet Evans, Paul Godlewski, Munir Meghjee, Kathy Nusslock, moderator*

10:15 – 10:30 a.m. BREAK

10:30 – 11:15 a.m.

Creating a Bullet-Proof Damages Case From Day One

In the old model, the attorney considered damages only as trial neared, almost as an afterthought. Today's reality dictates that the sooner you have a complete and credible damage claim or defense, the earlier the opposition is likely to approach the settlement table. Furthermore, your damages consultant and/or expert can inform your initial pleadings as well as your written discovery and depositions.

– *John Jarosz*

Keynote Speakers...



John Jarosz

Mr. Jarosz is a lawyer and an economist and the managing principal of Analysis Group, Inc. in Washington, D.C. As one of the foremost damage experts in the country, he typically conducts research, prepares damage calculations, consults regarding litigation strategy throughout the case, and testifies at depositions, mediation conferences, arbitrations, and trials as needed. He has represented clients throughout the country as well as spoken and written nation-wide on damage issues. One of his most current topics of interest is preparation and presentation of damage testimony, the subject which will be the core of his presentation here in Minneapolis.



Stephanie Kelso and Raymond Hauschel

We are honored to include among our faculty Ms. Kelso and Mr. Hauschel, the President and Vice-President, respectively, of Z-Axis Corporation. Z-Axis, located in Greenwood Village, Colorado, is the country's foremost group for developing visual strategies in litigation. They have participated, inter alia, the crash of Delta Flight 191 in Dallas, the Oklahoma City Bombing Trials, the World Trade Center post 9-11 litigation, and the Tobacco litigations. They also lecture extensively in order to inform litigators of the most current uses of 2D and 3D animations, interactive animations, live-action videos, video depositions, graphics and illustrations, physical models, enhanced Powerpoint presentations, and exhibit boards.



Chris Dominic and Jill Schmid

Mr. Dominic is President and Senior Consultant of Tsongas Litigation Consulting, Inc., one of the world's oldest such consulting groups, headquartered in Portland, Oregon. He served as the President of the American Society of Trial Consultants in 2007-2008. Ms. Schmid is a member of the group and holds a doctorate in Communications from the University of Washington. They have lectured frequently (and to superb reviews) on the topic of compelling storytelling as the key to successful litigation today. They have been retained in such matters as the Exxon Valdez Oil Spill and Williams v. Boeing matters, and are currently engaged by such corporate clients as Abbot Laboratories, Boeing, Chevron, ConocoPhillips, Dow Chemical, Georgia Pacific, Honeywell, Intel, Microsoft, Nike, and Weyerhaeuser.

11:15 – 12:30 p.m.

Finding the Right Expert at the Right Time

The best expert can change the course of a case, and, contrary to established practice, you must often secure such an expert as soon as possible. What makes an expert a game-changer? And what are the various steps you should take to ensure you have explored every nook and cranny for the absolute perfect expert? Learn essential tips for improving your case by finding and working with a superior expert so that his or her opinion saturates every aspect of pleading and discovery and your case can follow a critical and consistent narrative thread.

– *Cynthia Bremer, Jacob Holdreith, Joseph Kenyon, Robert Reinhart, moderator*

12:30 – 1:45 p.m. LUNCH (Radisson Plaza – *provided for all attendees*)

1:45 – 2:45 p.m.

The Demonstrative Evidence Toolkit: The Essentials to Utilizing Graphics, Animation, Videos, and Other Technology to Close the Deal Before Trial

The new tools available and expected by judges, mediators, and opposing counsel alike should now be utilized sooner than ever as an integral part of your pleadings, discovery, and settlement efforts. If those participants in the pre-trial process know that you have the wherewithal to convince a fact-finder, you are far ahead of the game. Learn precisely how to obtain and use these potent tools in order to supercharge your case.

– *Raymond Hauschel, Stephanie Kelso*

2:45 – 3:00 p.m. BREAK

3:00 – 4:30 p.m.

Secrets of Case-Changing Depositions

An entertaining and dramatic series of videotaped vignettes and an ensuing panel discussion for each series will help you conduct powerful depositions. Topics include surgical witness preparation; taking and defending the deposition of an expert; creative tips and techniques of examination; and, how to handle hostile and bullying opposing counsel.

– *Andrew Luger, Paul Lukas, Kathy Nusslock, Link Christin, moderator*

Friday, June 5

8:00 – 8:30 a.m. CONTINENTAL BREAKFAST

8:30 – 9:15 a.m.

Cutting-Edge Settlement Strategies: Offers, Counter-Offers, Tricks, and Traps

Because client and economic demands now lead to settlement rather than trial, settlement negotiation skills are, in a word, essential. Although some practitioners enjoy an innate ability to negotiate, most of us would like to be better. A nationally-distinguished negotiations expert joins three of Minnesota's finest trial lawyers to provide practical tips on how to prevail during settlement discussions.

– *Barbara Berens, James Hilbert, Lewis Remele, Paul Zech, moderator*

9:15 – 10:30 a.m.

Perfect Oral Advocacy: Still the Most Deadly Weapon

These two Minneapolis based trial lawyers, national speakers, and authors of The Power Trial Method will illustrate and teach (with a broad dose of humor) the nuances of winning oral advocacy – and show you why effective oratory has become more critical than ever before a trial begins.

– *David Gross, Charles Webber*

10:30 – 10:45 a.m. BREAK

10:45 – 11:45 a.m.

The Judgment of the Judges: Observations As To Why Certain Cases Succeed and Others Fail

These prominent federal judges share their observations as to why certain cases succeed and others don't – especially before trial. Besides the facts of the case, what do the best attorneys do that create powerful motivation for favorable settlements?

– *Chief Judge Michael J. Davis, Honorable James M. Rosenbaum, Honorable Joan Ericksen, Honorable Donovan W. Frank, Steven E. Rau, moderator*

11:45 a.m. Adjournment

Faculty and Planners

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Former Administrator of the National Trial Advocacy College

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- \$395 paralegal
- \$330 other
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- I was first admitted to the bar after June 4, 2006, and have deducted \$60 from the registration fee marked above.

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CREDITS

Minnesota CLE is applying to the State Board of CLE for **9.0 CLE credits**. The maximum amount of credits an attendee may report is **9.0**.

CANCELLATION POLICY / NO-SHOW POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the course materials at 50% of the full retail price.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call 651-227-8266 or 800-759-8840.

QUESTIONS?

Please call us at **651-227-8266** or **800-759-8840** or visit us online at **www.minncle.org**.

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Suite 160-S
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