



Oregon Law Institute
of Lewis & Clark Law School

EVIDENCE

IN THE COURTROOM

Correctly understanding and applying the rules of evidence can have a profound effect on the outcome of a trial. The effective trial lawyer must know the rules of evidence and how to use them in court. OLI has assembled an outstanding faculty of judges and practitioners who will not only share their thoughts and insights, but also provide updates on today's most important evidentiary issues.

FRIDAY, NOVEMBER 19, 2010

Oregon Convention Center
777 NE Martin Luther King Jr. Blvd.
Portland, Oregon

6.5 General MCLE Credits

SCHEDULE

- 8:15 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:40 WELCOME AND INTRODUCTION
- 8:45–9:45 **Avoiding Common Evidentiary Errors**
A discussion of rules that are frequently misapplied or overlooked and can become traps for the unwary.
– *Hon. Jeffrey S. Jones*
- 9:45–10:00 BREAK
- 10:00–10:45 **Using and Misusing Privilege: Developments in the Law**
A discussion of developments in the law of privilege and how privilege can be lost. Also includes attorney-client privilege, waiver of privilege at trial, and inadvertent production.
– *Aukjen Ingraham*
- 10:45–11:45 **E-Evidence at Trial**
This presentation will explore who owns it and how do you get it? How do you uncover the identity of anonymous users? Is it authentic? Is it admissible? Is social media different than e-mail? It will also address complying with the Electronic Communications and Privacy Act and the Computer Fraud and Abuse Act.
– *Katherine Heekin*
- 11:45–1:00 LUNCH (on your own)
- 1:00–1:45 **Objecting at Trial**
This session will examine the differences between form of question objections and substantive objections, the strategy of when to object, suggest ways to get comfortable with objecting, and offer a few seldom used, but potentially very effective objections.
– *Hon. Susie L. Norby*
- 1:45–2:45 **Dealing with Hostile Witnesses**
Learn how to corral a hostile witness using the rules of evidence (e.g. impeachment, learned treatises, and refreshing recollection).
– *Thomas D'Amore*
– *Paul R. Xóchihua*
- 2:45–3:00 BREAK

SCHEDULE (cont.)

- 3:00–3:45 **Late-Breaking Evidence News**
Lawyers handling civil cases often miss important developments in evidence law that arise in criminal cases—and vice versa. This presentation will focus on recent, far-reaching evidence decisions (both criminal and civil) from the Oregon appellate courts, including the use of expert witnesses, impeachment of witnesses, and the crucial question of preservation.
– *Hon. Thomas A. Balmer*
- 3:45–4:30 **Expert Witness/Expert Testimony**
Oregon’s approach to the admissibility of expert testimony and scientific evidence is similar but different from the federal approach. This presentation will explore Oregon law on the admissibility of scientific evidence and key similarities and differences between Oregon law and federal law on this subject.
– *Hon. David F. Rees*
- 4:30 p.m. ADJOURN

PROGRAM FACULTY

Hon. Thomas A. Balmer
Oregon Supreme Court

Thomas D'Amore
D'Amore Law Group

Katherine Heekin
The Heekin Law Firm

Aukjen Ingraham
Cosgrave Vergeer Kester LLP

Hon. Jeffrey S. Jones
Clackamas County Circuit Court

Hon. Marilyn E. Litzenberger
Program Planner
Multnomah County Circuit Court

Hon. Susie L. Norby
Clackamas County Circuit Court

Hon. David F. Rees
Multnomah County Circuit Court

Paul R. Xóchihua
Davis Rothwell Earle & Xóchihua PC

LIVE PRESENTATION

Portland – 11/19/10
Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

Evidence in the Courtroom will receive
6.5 General 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>.

VIDEO REPLAYS

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

Bend – 12/10/10
Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 12/3/10
Replay 8:30 a.m.
Harrang Long Gary & Rudnick PC
360 East 10th Avenue, Ste. 300

Medford – 12/3/10
Replay 8:30 a.m.
Kellington Krack Richmond
Blackhurst & Glatte LLP
23 Newtown Street

Portland – 12/15/10
Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse
620 SW Main Street, Ste. 706

EVIDENCE IN THE COURTROOM

Friday, November 19, 2010

Name _____ OSB No. or Profession _____

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Please "✓" appropriate box below:

- Live presentation
- Video replay. Location: _____ Date: _____
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TUITION

(Prices apply to live and video replays.)

- \$179** Early registration *(received by November 15, 2010)*
- \$139** Early registration for new attorneys (admitted 2008–2010) and legal staff *(received by November 15, 2010)*
- \$90** Legal aid attorneys *(received by November 15, 2010)*
- \$15** OLI Annual Passholder (OLI Pass No. _____)
- \$20** Add to above tuition if registration received *after November 15, 2010*

PRODUCT ORDER

I am unable to attend. Please send me:

- \$199** Audio CDs and course book
- \$299** DVDs and course book
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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, November 15, 2010.

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.