

Evidence *from the Judges*

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 who will not only share their thoughts and insights, but who will also provide updates on today's most important evidentiary issues.

Friday, November 18, 2005

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

6.25 MCLE Credits

SCHEDULE

- 8:30 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:55 WELCOME AND INTRODUCTION
- 9:00 - 9:50 **Privileges and Waiver**
- Any adverse inferences, if claimed?
 - Crime — fraud exception and spoliation
 - When is it waived — by filing a complaint, in deposition, at trial?
– *Hon. Anna J. Brown*
– *Hon. Janice R. Wilson*
- 9:50 - 10:30 **Evidence Issues During Jury Selection and Opening Statements**
- Too often counselors forget that some of the most egregious inadmissible statements are made during the preliminary part of the case that can contaminate the entire trial.
- *Hon. Jeffrey S. Jones*
- 10:30 - 10:45 BREAK
- 10:45 - 11:30 **Character, Habit and Reputation — Can You Keep Them Straight?**
- Character or propensity?
 - Habit — routine or unique?
 - Reputation — good vs. bad?
– *Hon. Paul Papak*
- 11:30 - 12:00 **Trial Errors**
- Trial bloopers in presenting and objecting to evidentiary issues.
- *Hon. Robert E. Jones*
- 12:00 - 1:15 LUNCH BREAK (optional lunch at live program)
- 1:15 - 2:15 **Oldies But Goldies: *Brown*, *O’Key* and The *Daubert* Trilogy — Lay and Expert Opinion Testimony**
- This segment will examine a civil case alleging excessive use of force by police arising from a free speech riot in Oregon which was removed to federal court on diversity grounds from the state court. It will demonstrate the judge’s gatekeeper effective use of Rule 104 under state and federal law and cover Federal Rules of Evidence 702 through 705, which will require decisions on qualifications of experts, the utilization of *Brown*, *O’Key* and *Daubert* trilogy factors, and utilization of background information under Rule 703.
- *Hon. Robert E. Jones*
– *Hon. Richard L. Unis*
- 2:15 - 3:00 **Hearsay**
- Is it hearsay?
 - What does “truth of the matter asserted” really mean?
 - Prior inconsistent statements vs. refreshing recollection
 - Prior consistent statements
– *Hon. Michael W. Mosman*
- 3:00 - 3:15 BREAK
- 3:15 - 4:30 **Evidence in Action**
- Participants and judges will engage in “real” evidence scenarios from employment litigation trials.
- *Hon. James A. Redden*
– *Hon. Ellen F. Rosenblum*
- 4:30 ADJOURN

Program Faculty

Hon. Anna J. Brown

US District Court Judge

Hon. Jeffrey S. Jones

*Program Co-Planner
Clackamas County Circuit Court Judge*

Hon. Robert E. Jones

*Program Co-Planner
US District Court Judge*

Hon. Michael W. Mosman

US District Court Judge

Hon. Paul Papak

US Magistrate Judge

Hon. James A. Redden

US District Court Senior Judge

Hon. Ellen F. Rosenblum

Oregon Court of Appeals Judge

Hon. Richard L. Unis

Oregon Supreme Court Senior Judge

Hon. Janice R. Wilson

Multnomah County Circuit Court Judge

LIVE PRESENTATION

Portland – 11/18/05

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

Evidence from the Judges will receive
6.25 MCLE credits.

PROGRAM PRODUCTS

Even if you cannot attend, you can still get the program on audiotapes, videotapes, CDs or DVDs. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase the tapes 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 Web site at www.lclark.edu/org/oli.

VIDEO REPLAYS

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

Bend – 12/9/05

Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 12/2/05

Replay 8:30 a.m.
Harrang Long Gary & Rudnick,
P.C.
360 East 10th Avenue, Ste. 300

Medford – 12/2/05

Replay 8:30 a.m.
Kellington, Krack, Richmond,
Blackhurst & Glatte, LLP
23 Newtown Street

Portland – 12/14/05

Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

Evidence from the Judges

Friday, November 18, 2005

Name _____ OSB No. or Profession _____

Firm/Organization _____

Street Address _____

City/State/Zip _____

Phone _____

Fax _____

E-Mail _____

Please "✓" appropriate box below:

Live presentation

Video replay. Location: _____ Date: _____

TUITION

(Prices apply to live and video replays.)

\$159 "Early Bird" tuition *(received by November 14, 2005)*.

\$119 "Early Bird" tuition for new attorneys (admitted 2004–2005),
paralegals, or secretaries *(received by November 14, 2005)*.

\$80 Public defenders, legal aid attorneys, and judges *(received by November 14, 2005)*.

\$15 OLI Annual Pass holder (Annual Pass No. _____).

\$20 Add to above tuition if registration received *after November 14, 2005*.

OPTIONAL LUNCH AND ROUNDTABLE DISCUSSION

\$20 Add to above tuition (live seminar only)

Vegetarian Dietary restrictions: _____

PRODUCT ORDER

I am unable to attend. Please send me:

\$179 Audiotapes and course book or Audio CDs and course book

\$299 Videotapes and course book or DVDs and course book

\$55 Course book only

Deduct 50% from order if you are an OLI Annual Pass holder (Pass No. _____)

\$7.00 *Note: Add \$7.00 shipping & handling fee to above book and tape orders.*

ENCLOSED IS \$ _____ BY:

Check payable to Oregon Law Institute (OLI)

Credit Card: Acct. # _____

VISA MasterCard

Exp. Date: _____ Signature: _____

Return this form with payment to:
OLI Registrar, Solomon Courthouse
620 S.W. Main St., Suite 706
Portland, OR 97205-3037

...or fax this registration
form including credit
card information to:
(503) 768-6585.

**QUESTIONS? Call (503) 768-6580 or (800) 222-8213.
Check out our website at www.lclark.edu/org/oli
or email us at oli@lclark.edu.**

CONFIRMATION: Confirmation will be sent via e-mail or fax.

CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Monday, November 14, 2005.

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.