



Oregon Law Institute
of Lewis & Clark Law School

The Art of **Cross- Examining Experts**

What makes some trial attorneys more effective than others? What techniques have they developed that work in their clients' favor?

OLI has assembled a stellar faculty from among Oregon's outstanding litigators to talk about cross-examining experts. The faculty includes the best of the best in personal injury and wrongful death litigation, in the commercial and criminal law specialties, and in litigating employment disputes. They will share their substantial experience, their strategies and tactics, in a variety of settings. You will come away with a new and better appreciation of the art of cross-examination.

FRIDAY, NOVEMBER 30, 2007

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

5.75 General or Practical Skills MCLE Credits

SCHEDULE

8:00 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:25 WELCOME AND INTRODUCTION

8:30 - 10:00 **Philosophy of Cross-Examination**

- Why are you cross-examining?
- Constructive cross-examination
- Destructive cross-examination
 - Irving Younger's ten commandments
 - Beyond Irving: my "chaos" theory
 - Psychodrama
 - *William A. Barton*

10:00 - 10:15 BREAK

10:15 - 11:15 **Cross-Examination in Personal Injury and Medical Malpractice Cases**

- Preparation, which represents 75% of effective cross-examination
 - Research regarding likely experts called by the opponent
 - Utilizing consultants to prepare for cross-examination
 - Understanding admissibility, including *Daubert* challenges
- Strategy considerations and demonstration of effective cross-examination for typical witnesses who appear in personal injury litigation
 - When to question
 - When not to question
- Actual implementation of preparation and strategy decisions in front of the jury
 - Demeanor in the courtroom
 - Use of professional literature and treatises
 - *Mark R. Bocci*
 - *John E. Hart*

11:15 - 12:15 **Commercial Cross-Examination: Winning the Battle of the Experts**

Learn effective techniques for cross-examining experts in commercial cases such as:

- When and how to use technology during the cross-examination
- When to defy conventional wisdom and ask the question you don't know the answer to
- How to convey your case themes during the cross
- How to be spontaneous, or not, during your cross-examination
- How to make the substance of your cross interesting and understandable, especially when dealing with accountants!
- The panel will also provide suggestions for a safe cross-examination for beginners
 - *David B. Markowitz*
 - *Renée E. Rothauge*

12:15 - 1:15 LUNCH BREAK (optional lunch at live program)

1:15 - 2:15 **Special Issues Relating to Cross-Examination of Experts in Criminal Cases**

- The implications of various state and federal constitutional provisions
- The particulars of the rules governing the discovery of expert opinions and work product
- Strategic and tactical issues, including strategies for keeping the expert off the stand altogether, goals and strategies for approaching the cross, and tips for recognizing and avoiding "traps"
 - *David H. Angeli*
 - *Shannon K. Connall*
 - *Hon. Michael J. McShane*

SCHEDULE (cont.)

2:15 - 3:15

Cross-Examining Experts in Employment Cases

- Cross-examining experts in support of a *Daubert* challenge
- How to make sure you don't lose your case through too much cross-examination of the opponent's expert
- How to use learned treatises to cross-examine experts
 - *Steve Brischetto*
 - *Sharon A. Rudnick*

3:15

ADJOURN

Program Faculty

David H. Angeli

Hoffman Angeli LLP

William A. Barton

Barton & Strever PC

Jeffrey M. Batchelor

Program Co-Planner

Markowitz Herbold Glade & Mehlhaf PC

Mark R. Bocci

Attorney at Law

Steve Brischetto

Attorney at Law

John M. Coletti

Program Co-Planner

Paulson Coletti Trial Lawyers PC

Shannon K. Connall

Des Connall PC

John E. Hart

Hoffman Hart & Wagner LLP

Hon. Marilyn E. Litzenberger

Program Co-Planner

Multnomah County Circuit Court

David B. Markowitz

Markowitz Herbold Glade & Mehlhaf PC

Hon. Michael J. McShane

Multnomah County Circuit Court

Renée E. Rothauge

Bullivant Houser Bailey PC

Sharon A. Rudnick

Harrang Long Gary Rudnick P.C.

LIVE PRESENTATION

Portland – 11/30/07

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

The Art of Cross-Examining Experts will receive **5.75** General or Practical Skills 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 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 Web site at www.lclark.edu/org/oli.

VIDEO REPLAYS

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

Bend – 12/14/07

Replay 8:30 a.m.

Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 12/7/07

Replay 8:30 a.m.

Harrang Long Gary & Rudnick, P.C.
360 East 10th Avenue, Ste. 300

Medford – 12/7/07

Replay 8:30 a.m.

Kellington, Krack, Richmond,
Blackhurst & Glatte, LLP
23 Newtown Street

Portland – 12/19/07

Replay 9:00 a.m.

Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

The Art of Cross-Examining Experts

Friday, November 30, 2007

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Firm/Organization _____

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Please "✓" appropriate box below:

- Live presentation
- Video replay. Location: _____ Date: _____
Please register at least one week prior to the replay date.

TUITION *(Prices apply to live and video replays.)*

- \$169 "Early Bird" tuition *(received by November 26, 2007).*
- \$129 "Early Bird" tuition for new attorneys (admitted 2006–2007), paralegals, or secretaries *(received by November 26, 2007).*
- \$85 Legal aid attorneys *(received by November 26, 2007).*
- \$15 OLI Annual Pass holder (Annual Pass No. _____).
- \$20 Add to above tuition if registration received *after November 26, 2007.*

OPTIONAL LUNCH AT LIVE SEMINAR

- \$25 Add to above tuition
- Vegetarian Dietary restrictions: _____

PRODUCT ORDER

I am unable to attend. Please send me:

- \$189 Audiotapes and course book *or* \$189 Audio CDs and course book
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**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 one week before the program.

CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Monday, November 26, 2007.

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.