

The Anatomy of an Appeal

A Work Session on Appellate Advocacy

This one-day program will walk through the appeal of *McGanty v. Staudenraus*, the well-known case in which the Oregon Supreme Court redefined the elements of three torts. The course materials are the briefs, the parties' joint motion, their appellate memorandums, and the published opinions in the Court of Appeals, 123 Or App 393 (1993), and in the Supreme Court, 321 Or 532 (1995). OLI has selected this case and these materials to provide a platform for thoughtful discussion about effective appellate advocacy, about what works and what does not in the appellate courts.

This year, as in years past when OLI presented workshops using this format, another stellar faculty will be on hand to talk about effective written and oral advocacy in the appellate courts. Oregon Supreme Court Justices Paul J. De Muniz and Thomas A. Balmer will be joined by former Supreme Court Justice Susan M. Leeson and by Oregon Court of Appeals Judges David V. Brewer, Jack L. Landau, and Virginia L. Linder. Lawyers Jeffrey M. Batchelor, Jas. Jeffrey Adams, and Lindsey H. Hughes complete the faculty.

FRIDAY, MAY 13, 2005

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

5.5 General or Practical Skills MCLE Credits

SCHEDULE

- 8:00 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:25 WELCOME AND INTRODUCTION
- 8:30 - 8:40 **Getting Acquainted with *McGanty v. Staudenraus***
– Jeffrey M. Batchelor
- 8:40 - 10:15 ***McGanty v. Staudenraus*: A Primer on Written Advocacy**
– Hon. Paul J. De Muniz
– Hon. Thomas A. Balmer
– Hon. Susan M. Leeson
– Jeffrey M. Batchelor
- 10:15 - 10:30 BREAK
- 10:30 - 11:15 ***McGanty v. Staudenraus*: A Primer on Written Advocacy (cont'd)**
- 11:15 - 12:00 ***McGanty v. Staudenraus*: A Primer on Oral Advocacy**
– Hon. Paul J. De Muniz
– Hon. Thomas A. Balmer
– Hon. Susan M. Leeson
– Jeffrey M. Batchelor
- 12:00 - 1:15 LUNCH
- 1:15 - 2:45 ***McGanty v. Staudenraus*: Moot Court**
– Hon. David V. Brewer
– Hon. Jack L. Landau
– Hon. Virginia L. Linder
– Jas. Jeffrey Adams
– Lindsey H. Hughes
- 2:45 - 3:15 **Question and Answer Period**
- 3:15 ADJOURN

ABOUT THE PROGRAM

Jennifer McGanty worked in a collection agency, Metropolitan Agencies, owned and operated by Robert Staudenraus and his wife. Ms. McGanty appealed the dismissal of her claims against Mr. Staudenraus and his company for intentional infliction of severe emotional distress and wrongful discharge and for interference with economic relations against Mr. Staudenraus alone.

In a three-page opinion, the Oregon Court of Appeals affirmed the dismissal of Ms. McGanty's claim for intentional infliction of severe emotional distress but reversed on the other two claims. The result was the same in the Supreme Court, but before writing a 24-page opinion, Justice Graber and her colleagues, unlike the judges of the Court of Appeals, accepted the parties' formal stipulation of what the case was about. The Supreme Court justices also asked the parties for supplemental memorandums.

Using the appellate briefs as the starting point, Mr. Batchelor will spend the morning talking with Justices De Muniz, Balmer, and Leeson about the art of appellate advocacy. They will talk about appellate writing and strategy and the attributes of excellence in an appellate presentation.

In the afternoon, Judges Brewer, Landau, and Linder will hear oral argument in *McGanty v. Staudenraus*. Mr. Adams will argue on behalf of Ms. McGanty and Ms. Hughes will argue for Mr. Staudenraus and his company. Following the argument, the moot court judges will invite the audience into their conference, to observe the judicial give-and-take that results in an opinion.

As in years past, those who attend are encouraged to engage the faculty in discussion. The program is meant to be a conversation, not a monologue.

Program Faculty

Jas. Jeffrey Adams

Oregon Department of Justice

Hon. Thomas A. Balmer

Associate Justice, Oregon Supreme Court

Jeffrey M. Batchelor

Program Planner

Markowitz Herbold Glade & Mehlhaf, PC

Hon. David V. Brewer

Presiding Judge, Oregon Court of Appeals

Hon. Paul J. De Muniz

Associate Justice, Oregon Supreme Court

Lindsey H. Hughes

Keating Jones Bildstein & Hughes, PC

Hon. Jack L. Landau

Judge, Oregon Court of Appeals

Hon. Susan M. Leeson

Former Associate Justice, Oregon Supreme Court

Hon. Virginia L. Linder

Judge, Oregon Court of Appeals

LIVE PRESENTATION

Portland – 5/13/05

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

The Anatomy of An Appeal: A Work Session on Appellate Advocacy will receive **5.5** General or Practical Skills MCLE credits.

PROGRAM TAPES

Even if you cannot attend, you can still get the program on audiotape or videotape. 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 – 5/27/05

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

Eugene – 5/20/05

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

Medford – 5/20/05

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

Portland – 6/1/05

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

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Friday, May 13, 2005

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Please "✓" appropriate box below:

 Live presentation Video replay. Location: _____ Date: _____

TUITION

(Prices apply to live and video replays.) \$159 "Early Bird" tuition (received by May 9, 2005). \$119 "Early Bird" tuition for new attorneys (admitted 2004–2005), paralegals, or secretaries (received by May 9, 2005). \$ 15 OLI Annual Pass holder (Annual Pass No. _____). \$ 20 Add to above tuition if registration received *after* May 9, 2005.

BOOK AND TAPE ORDERS

I am unable to attend. Please send me: Audiotapes and course book, at \$169 per set. Videotapes and course book, at \$299 per copy. Course book only, at \$49 per copy. 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.*

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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 May 10, 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.