

AMERICAN BAR ASSOCIATION  
TORT TRIAL & INSURANCE PRACTICE SECTION'S  
TRIAL TECHNIQUES AND BUSINESS LITIGATION COMMITTEES PRESENT

# MASTERS OF THE COURTROOM: A DISPLAY OF INNOVATIVE AND PROVEN TRIAL TECHNIQUES

**March 6 – 7, 2008**

**Pointe South  
Mountain Resort**

**Phoenix, AZ**

*Bringing Together  
Plaintiffs' Attorneys,  
Defense Attorneys,  
and Insurance and  
Corporate Counsel  
for the Exchange of  
Information and  
Ideas*



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**ABA**  
Defending Liberty  
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Friends, Colleagues and Trial Counsel:

Join us for this two-day presentation of trial techniques from the Masters themselves as we cover trial techniques from pretrial preparation through jury selection to closing arguments. Please set aside March 6-7, 2008 now and make plans for this conference, set to take place at the Pointe South Mountain Resort in Phoenix, Arizona.

You will learn from some of the premier trial lawyers of our time, including the lawyers who have literally written the book on their respective topics (Harvey Levine — *Levine on Trial Advocacy: Jury Selection*, Rutter Group, 2004; Dominic Gianna — *Opening Statements 2d: Winning in the Beginning by Winning the Beginning*, Thomson/West, 2004; and Terence F. MacCarthy — *MacCarthy On Cross-Examination*, ABA Publishing, 2007). Our top-notch trial lawyers have tried over a thousand cases and will pass on their innovative and effective techniques to you. In addition, a sitting Federal District Court Judge will provide his thoughts on the techniques presented, and provide you with his thoughts on professionalism, and the Dean of the Sandra Day O'Connor School of Law at Arizona State University will participate in the Ethics program.

Each topic will be presented by one of the top trial lawyers in the country. There will be demonstrations of the techniques discussed and panel discussions. We will cover pretrial preparation, jury selection, opening arguments, direct examination, cross-examination, professionalism and ethics at trial, and closing arguments. The techniques presented are creative and persuasive. Whether you are a seasoned trial lawyer or getting ready to try your first case, you will never think about trying a case the same old way again after attending this conference.

We offer a spectacular location, Pointe South Mountain Resort, located just a short drive from Phoenix International Airport. Golf, a water park, and spa are all located on-site. Bring your family and enjoy the Desert in Spring or come by yourself and take a refreshing break. This conference offers the best that CLE and Phoenix in March can offer.

The ABA offers a special discount of \$100 per person for law firms sending two or more persons. Attendees will also be given the opportunity to buy Terry MacCarthy's treatise on Cross-Examination at a specially reduced rate. We offer over eight hours of CLE, including one hour of ethics credit.

This program is sponsored by the Trial Techniques and Business Litigation Committees of the Tort Trial & Insurance Practice Section of the American Bar Association. We expect attendance by trial lawyers of all levels and skills. Come join us and find out why TIPS has the most innovative trials programs around!

John P. Buckley  
Program Co-Chair  
Ungaretti & Harris LLP  
Chicago, Illinois



**John P. Buckley**  
*Ungaretti & Harris LLP*  
Chicago, Illinois

**Larry J. Cohen**  
*The Cohen Law Firm*  
Phoenix, Arizona

**David L. Deehl**  
*Deehl & Carlson, P.A.*  
Coral Gables, Florida

**Alan R. Dial**  
*King & Spalding LLP*  
Washington, D.C.

**Susan H. Farina**  
*Proveris Scientific Corporation*  
Marlborough, Massachusetts

**Susan Fillichio**  
*DecisionQuest*  
Los Angeles, California

**Dominic Gianna**  
*Middleberg, Riddle & Gianna*  
New Orleans, Louisiana

**Ann T. Greeley, Ph.D.**  
*DecisionQuest*  
Philadelphia, Pennsylvania

**Bryan Harston**  
*FTI Consulting*  
Dallas, Texas

**Alice G. Hector**  
*Akerman Senterfitt*  
Miami, Florida

**Marlo Orlin Leach**  
*Powell Goldstein LLP*  
Atlanta, Georgia

**Harvey Levine**  
*Levine, Steinberg, Miller & Huver*  
San Diego, California

**Terence F. MacCarthy**  
Federal Defender  
*United States District Court*  
*Northern District of Illinois*  
Chicago, Illinois

**Kenneth J. Peace**  
*Braun Siler Kruzel PC*  
Scottsdale, Arizona

**Gayle Mumm Rossi**  
*DecisionQuest*  
New York, New York

**Perrin Rynders**  
*Varnum, Riddering, Schmidt*  
*& Howlett LLP*  
Grand Rapids, Michigan

**Dick Semerdjian**  
*Schwartz Semerdjian Haile Ballard*  
*& Cauley LLP*  
San Diego, California

**The Honorable Neil V. Wake**  
*United States District Court*  
*District of Arizona*  
Phoenix, Arizona

**Steven L. Wasserman**  
*Chernett Wasserman & Yarger LLC*  
Cleveland, Ohio

**Joseph M. White**  
*Phifer & White, P.C.*  
Detroit, Michigan

**Patricia D. White**  
Dean  
*Sandra Day O'Connor College of Law*  
*Arizona State University*

# REGISTRATION FORM

ABA Tort Trial & Insurance Practice Section (TIPS)  
MASTERS OF THE COURTROOM:  
A DISPLAY OF INNOVATIVE AND PROVEN TRIAL TECHNIQUES  
March 6-7, 2008 • Phoenix, AZ

**1. REGISTRANT: (Please print or type one form per person; photocopy this form for additional registrants)**

LAST NAME FIRST NAME MI

NAME AS YOU WISH IT TO APPEAR ON YOUR BADGE

FIRM/COMPANY

WHAT STATE(S) ARE YOU LICENSED IN?

ADDRESS

CITY

STATE

ZIP

(AREA CODE) BUSINESS TELEPHONE

FACSIMILE

E-MAIL ADDRESS

Have you attended 3 or less Staff Counsel Committee Programs? \_\_\_Yes \_\_\_No

\_\_\_\_\_I am a member of the ABA and wish to join the Tort Trial and Insurance Practice Section. I have enclosed a separate check for \$50 made payable to the American Bar Association.

**2. REGISTRATION FEES:**

	On or Before <u>2/11/08</u>	After <u>2/11/08</u>	QTY	TOTAL
TIPS Member	\$525	\$550	___	___
General Attendee	\$575	\$600	___	___
Insurance Company Employee—Non-TIPS	\$400	\$425	___	___
Law Student	\$150	\$175	___	___
Government Employee	\$450	\$475	___	___

**3. SOCIAL EVENTS**

Golf	\$99	\$99	___	___
Spring Training Game			Yes___	No___
Dutch Treat Dine Around			Yes___	No___

**(Meeting Registration Deadline February 11, 2008)**

**4. TOTAL PAYMENT TOTAL** \_\_\_\_\_

**5. PAYMENT INFORMATION**

Check (made payable to the ABA) \_\_\_American Express \_\_\_MasterCard \_\_\_VISA

Credit Card Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Signature \_\_\_\_\_

**THREE WAYS TO REGISTER**

- 1. ONLINE:** [www.abanet.org/tips](http://www.abanet.org/tips)
- 2. MAIL:** **TIPS Masters of the Courtroom Program**  
American Bar Association  
Tort Trial & Insurance Practice Section  
321 North Clark, 18.2  
Chicago, IL 60610
- 3. FAX:** 312/988-6230

American Bar Association  
Tort Trial & Insurance Practice Section  
321 North Clark Street  
Chicago, Illinois 60610

# PROGRAM AGENDA

## **PROGRAM CHAIRS:**

**Marlo Orlin Leach**  
*Powell Goldstein LLP*  
Atlanta, Georgia

**John P. Buckley**  
*Ungaretti & Harris LLP*  
Chicago, Illinois

**Dick Semerdjian**  
*Schwartz Semerdjian Haile Ballard & Cauley LLP*  
San Diego, California

**Susan H. Farina**  
*Proveris Scientific Corporation*  
Marlborough, Massachusetts

## **PRESIDING JUDGE:**

**The Honorable Neil V. Wake**  
*United States District Court, District of Arizona*  
Phoenix, Arizona

## **DAY ONE—THURSDAY, MARCH 6, 2008**

- 7:00 a.m.-1:00 p.m. **REGISTRATION**
- 7:00 a.m.-8:00 a.m. **CONTINENTAL BREAKFAST** (sponsored)
- 7:00 a.m.-8:00 a.m. **TRIAL TECHNIQUES COMMITTEE—BUSINESS MEETING**
- 8:00 a.m.-8:05 a.m. **INTRODUCTORY REMARKS**—Program Moderator and Co-Chair  
**Marlo Orlin Leach, Powell Goldstein LLP, Atlanta, Georgia**
- 8:05 a.m.-8:15 a.m. **WELCOME REMARKS**—TIPS Section Chair  
**Peter Bennett, The Bennett Law Firm, Portland, Maine**
- 8:15 a.m.-9:00 a.m. **PREPARING THE CASE FOR TRIAL—30 minute presentation followed by 15 minute panel discussion**  
Alan Dial, a seasoned trial lawyer and former federal prosecutor, will lead a presentation on how to prepare a case for trial success. The presentation will set the stage for the CLE programs to follow and will address: the strategy of developing a trial theme and how to weave that theme throughout your case; how to select your best witnesses; the use of motions *in limine* to define the scope of testimony; the use of trial aids such as demonstrative exhibits and jury notebooks; and, jury psychology and testing your trial theme with jurors.  
**Presenter: Alan R. Dial, King & Spalding, Washington, D.C.**  
**Panelists: Susan H. Farina, Sr. Vice President & General Counsel, Proveris Scientific Corporation, Marlborough, Massachusetts**  
**Ann T. Greeley, DecisionQuest, Philadelphia, Pennsylvania**  
**Kenneth J. Peace, Braun, Siler, Kruzell, Scottsdale, Arizona**

- 9:00 a.m.-9:45 a.m. **VISUAL LEARNING AND JUROR BEHAVIOR: WHEN BAD COMMUNICATIONS HAPPEN TO GOOD LAWYERS—30 minute presentation followed by 15 minute panel discussion**  
Bryan Harston, Senior Managing Director in FTI's Trial Services practice, discusses persuasive communication techniques, the prized tools of a good trial lawyer. When you talk to the jury, what do you say? What do they hear? Are they the same? Are you sure? Explore some of the ways different people learn, and strategies for visually reinforcing your message in the courtroom. Panel discussion will follow.  
**Presenter:** Bryan Harston, *FTI Consulting*, Dallas, Texas  
**Panelists:** Marlo Orlin Leach, *Powell Goldstein LLP*, Atlanta, Georgia  
John P. Buckley, *Ungaretti & Harris LLP*, Chicago, Illinois  
Perrin Rynders, *Varnum, Riddering, Schmidt & Howlett LLP*, Grand Rapids, Michigan
- 9:45 a.m.-9:55 a.m. **BREAK (Sponsored)**
- 10:00 a.m.-11:15 a.m. **JURY SELECTION—45 minute presentation; 15 minute demonstration; 15 minute panel discussion**  
Harvey Levine, one of California's pre-eminent trial lawyers, will focus on principles of jury selection and the development of methodologies that will assist in maximizing the effectiveness of voir dire. The program will also demonstrate how specific techniques and strategies in jury selection will lead to the development of central case themes and assist in improving trial skills from opening statement to closing argument.  
**Presenter:** Harvey Levine, *Levine, Steinberg, Miller & Huver*, San Diego, California  
**Demonstration of Techniques:**  
Dick Semerdjian, *Schwartz Semerdjian Haile Ballard & Cauley LLP*, San Diego, California  
**Panelists:** Marlo Orlin Leach, *Powell Goldstein LLP*, Atlanta, Georgia  
David L. Deehl, *Deehl & Carlson, P.A.*, Coral Gables, Florida  
Steven L. Wasserman, *Chernett Wasserman & Yarger LLC*, Cleveland, Ohio
- 11:15-11:25 a.m. **BREAK (Sponsored)**
- 11:30 a.m.-12:45 p.m. **WINNING THE BEGINNING: THE PERSUASIVE OPENING IN THE 21ST CENTURY—45 minute presentation; 15 minute demonstration; 15 minute panel discussion**  
Dominic Gianna, one of this country's foremost teachers of the arts of advocacy, persuasion and trial techniques, presents his program *Winning the Beginning: The Persuasive Opening in the 21st Century*. Dominic Gianna has received many awards as a result of his contributions to the art of advocacy. Dominic Gianna, the author of the widely regarded treatise on Openings, *Opening Statements 2d: Winning in the Beginning by Winning the Beginning* (Thomson/West, 2004), will show you how to captivate, and ultimately motivate, your jury using his unique opening argument techniques.  
**Presenter:** Dominic Gianna, *Middleberg, Riddle & Gianna*, New Orleans, Louisiana  
**Demonstration of Techniques:**  
John P. Buckley, *Ungaretti & Harris, LLP*, Chicago, Illinois  
**Panelists:** Dick Semerdjian, *Semerdjian Haile Ballard & Cauley LLP*, San Diego, California  
David L. Deehl, *Deehl & Carlson, P.A.*, Coral Gables, Florida  
Joseph M. White, *Phifer & White, P.C.*, Detroit, Michigan
- 1:00 p.m. **SPRING TRAINING GAME**
- 5:30 p.m.-7:00 p.m. **COCKTAIL HOUR (Sponsored)**
- 7:30 p.m. **DUTCH TREAT DINE AROUND**



## DAY TWO – FRIDAY, MARCH 7, 2008

- 7:00 a.m.-1:30 p.m. **REGISTRATION**
- 7:00 a.m.-8:00 a.m. **CONTINENTAL BREAKFAST (Sponsored)**
- 7:00 a.m.-8:00 a.m. **BUSINESS LITIGATION COMMITTEE—BUSINESS MEETING**
- 8:00 a.m.-9:00 a.m. **DIRECT EXAMINATION—30 minute presentation; 15 minute demonstration; 15 minute discussion**  
Larry J. Cohen, a national speaker on trial practice, will talk about how to take advantage of all the resources available to the trial lawyer to present the most interesting and effective direct examination. The successful trial lawyer does so much more in direct examination than just convey information the jury needs; the courtroom must be energized as each witness contributes what the jury is at least encouraged and at best compelled to see as valuable parts of the story that will be the lawyer's case. Not every witness will be captivating, but successful lawyers create enduring memories in their direct examinations that are the building blocks on which favorable verdicts are based. Larry will show you how to get the most out of each witness on direct examination.  
**Presenter: Larry J. Cohen, *The Cohen Law Firm*, Phoenix, Arizona**  
**Demonstration of Techniques:**  
**Steven L. Wasserman, *Chernett Wasserman & Yarger LLC*, Cleveland, Ohio**  
**Panelists: Marlo Orlin Leach, *Powell Goldstein LLP*, Atlanta, Georgia  
Perrin Rynders, *Varnum, Riddering, Schmidt & Howlett LLP*, Grand Rapids, Michigan  
Joseph M. White, *Phifer & White, P.C.*, Detroit, Michigan  
Susan Fillichio, *DecisionQuest*, Los Angeles, California**
- 9:00 a.m.-10:30 a.m. **TERRY MACCARTHY'S "LOOK GOOD" CROSS-EXAMINATION  
75 minute presentation; 15 minute discussion**  
Terence F. MacCarthy is synonymous with effective cross-examination. For 40 years he has been the head of the Federal Defender's Office in Chicago, and is among the top CLE instructors in the nation owing to his lectures on cross-examination technique. And now, Terence MacCarthy has literally written the book on cross-examination— published by the American Bar Association. Learn how to look good on cross, even when the witness is not cooperating. Terry will show you how to tell a story in cross-examination, too, even when you are faced with a hostile witness. Learn how to manage and effectively minimize the witness's involvement, without appearing controlling, extracting, and insulting. Discover how to use effective short statements and make the witness affirm everything you say. Terry will present and demonstrate his cross examination technique.  
**Presenter: Terence F. MacCarthy, Federal Defender, *United States District Court for the Northern District of Illinois*, Chicago, Illinois**  
**Panelists: John P. Buckley, *Ungaretti & Harris LLP*, Chicago, Illinois  
Joseph M. White, *Phifer & White, P.C.*, Detroit, Michigan  
Dick Semerdjian, *Semerdjian Haile Ballard & Cauley LLP*, San Diego, California**
- 10:30 a.m.-10:45 a.m. **BREAK (sponsored)**

10:45 a.m.-11:45 a.m. **ETHICS DURING TRIAL**

A Federal District Court Judge and the Dean of the Sandra Day O'Connor College of Law, Arizona State University, an Ethics Professor, discuss professionalism and ethical issues at trial with a panel comprised of a plaintiff's trial lawyer who teaches ethics, a defense lawyer, and an in-house counsel. The panel discussion will use the Model Rules of Professional Conduct and provide practical advice for trial lawyers.

**PRESENTERS:** **The Honorable Neil V. Wake**, *United States District Court for the District of Arizona*, Phoenix, Arizona  
**Patricia White**, Dean, *Sandra Day O'Connor College of Law*, Arizona State University

**Plaintiff's Perspective:** **David L. Deehl**, *Deehl & Carlson, P.A.*, Coral Gables, Florida

**Defense Perspective:** **Dick Semerdjian**, *Semerdjian Haile Ballard & Cauley LLP*, San Diego, California

**Corporate Counsel Perspective:**

**Susan H. Farina**, Sr. Vice President & General Counsel,  
*Proveris Scientific Corporation*, Marlborough, Massachusetts

11:45-Noon **BREAK** (sponsored)

Noon-1:15 p.m. **GUIDING THE JURY TO DO THE RIGHT THING—HOW TO GIVE AN EFFECTIVE CLOSING ARGUMENT—45 minute presentation; 15 minute demonstration; 15 minute discussion**

Alice Hector, renowned Miami trial lawyer, will discuss successful techniques for winning your case in closing. Ms. Hector will give you ideas about how to capture and hold the attention of the jury, confirm the beliefs of the jurors already on your side, and convince the undecided jurors to vote for your client.

**Presenter:** **Alice G. Hector**, *Akerman Senterfitt*, Miami, Florida

**Demonstration of Techniques:**

**Perrin Rynders**, *Varnum, Riddering, Schmidt & Howlett LLP*, Grand Rapids, Michigan

**Panelists:** **John P. Buckley**, *Ungaretti & Harris LLP*, Chicago, Illinois  
**Joseph M. White**, *Phifer & White, P.C.*, Detroit, Michigan  
**Steven L. Wasserman**, *Chernett Wasserman & Yarger LLC*, Cleveland, Ohio  
**Gayle Mumm Rossi**, *DecisionQuest*, New York, New York

1:15 p.m.-1:20 p.m. **CLOSING REMARKS—Susan H. Farina, Program Chair, General Counsel, Proveris Scientific Corporation, Marlborough, Massachusetts**

2:30 p.m. **GOLF OUTING—ARIZONA GRAND GOLF COURSE**

**We want to thank our very generous sponsors of this program.**

**DecisionQuest**  
**Ungaretti & Harris LLP**



# GENERAL INFORMATION

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## REGISTRATION DEADLINE: FEBRUARY 11, 2008

### ADVANCE REGISTRATION

Visit the **MASTERS OF THE COURTROOM PROGRAM** website to register at [www.abanet.org/tips](http://www.abanet.org/tips) or complete the registration form included in this brochure.

The registration fee includes admission to the program, course materials, continental breakfast, breaks, and welcome reception. If you wish to have your name appear on the pre-registration list distributed at the program, ALL registration forms must be received no later than the registration deadline of **February 11, 2008**. Registration reservations will be confirmed in writing within 10 business days.

### ON-SITE REGISTRATION

On-site registrations will be accepted if space is available. Call Donald Quarles at 312/988-5708 or email [quarlesd@staff.abanet.org](mailto:quarlesd@staff.abanet.org), 72 hours prior to the program to confirm that space is available. On-site registrants must pay the program fee by credit card or check made payable to the American Bar Association. A \$25 fee will be charged to individuals registering on-site.

### CANCELLATION POLICY

No registration fee refunds will be granted for cancellations received after **February 11, 2008**. In order to receive a refund (less a \$100 administrative fee), the ABA must receive written cancellation by **February 11, 2008**. Registrants who are unable to attend may send a substitute or will receive course materials in lieu of a refund.

### HOTEL INFORMATION

**For Reservations call the Pointe South Mountain Resort at 602/438-9000**

A limited number of rooms have been blocked for program registrants of the **TIPS MASTERS OF THE COURTROOM PROGRAM** at the Point South Mountain Resort, 7777 South Point Parkway, Phoenix, AZ 85044 for a hotel room rate of \$265 single/double plus 12.07% tax. For reservations, please call the Point South Mountain Resort directly at **602/438-9000**. The room block will be held until exhausted or until **Monday, February 4, 2008** at 5:00 p.m. (CST). After the meeting specified hotel deadline, reservations will be confirmed based on availability. Please refer to the **TIPS Trial Techniques Program** when calling the hotel to make reservations. Hotel check-in is 4:00 p.m. and checkout is 12:00 p.m. (noon). All reservations must be guaranteed by credit card or deposit check. Individuals with guaranteed reservations must cancel their reservations 48 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.

### AIRLINE INFORMATION

You are encouraged to make your airline reservations on ABA Online Travel site where you automatically receive ABA airfare discounts from a variety of carriers and can view and purchase other low fare options including web fares. To access ABA Online Travel, go to [www.abanet.org](http://www.abanet.org) and click on the link at the bottom of the ABA Calendar box.

ABA Discounted Meeting Airfares are available through ABA Online Travel, Travelocity Business or directly from the

## HOTEL DEADLINE: FEBRUARY 4, 2008

airline. The 24/7 toll-free number for Travelocity Business is 866/321-8403.

The following is the ABA Discount code for American Airlines which you must use to receive the ABA percentage discount or zone fare:

American Airlines ABA Code: 19226 800/433-1790

### CLE INFORMATION

Accreditation will be requested for this program from every state with mandatory continuing legal education (MCLE) requirements for its lawyers. Please be aware that each state has its own rules and regulations, including its definition of "CLE". Check with your state agency for confirmation of this program's approval. Attorneys seeking to obtain MCLE credit in Pennsylvania are required to pay state accreditation fees directly to that state. Certificates of attendance will be available at the conclusion of the program. In order to receive CLE credit, all attorneys will be required to sign in on the sign in sheets and obtain a Uniform Certificate of Attendance. Registration fees must be paid in full before registrants can receive credit. You may contact Donald Quarles at 312/988-5708 two weeks prior to the conference for confirmation of the number of CLE credit hours requested by the ABA or credits approved by any particular state.

### MEMBERSHIP INFORMATION

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at [www.abanet.org/tips/memberapp.html](http://www.abanet.org/tips/memberapp.html) or call 800/285-2221. Membership in TIPS includes three industry-leading periodicals, discounts of up to 20% on many TIPS CLE programs, and other career and practice-enhancing benefits. Join TIPS today!

### PERSONS WITH DISABILITIES

Services for persons with disabilities are available. If special arrangements are required for an individual to attend this program, please notify the ABA promptly at 312/988-5708. Reasonable advance notice is requested.

### GET CONNECTED WITH TIPS!

Information on this and other TIPS CLE programs is available online at [www.abanet.org/tips](http://www.abanet.org/tips). Visit us and get connected!

### SCHOLARSHIPS AVAILABLE!

ATTENTION TIPS MEMBERS: Scholarships are available for all Section activities, courtesy of the TIPS Scholarship Fund. The Fund, established with the International Risk Management Institute ("IRMI") and supported by subscriptions to the IRMI CGL reporter, is intended to increase membership involvement in TIPS' activities among minorities, solo and small firm practitioners, government attorneys, women, and young lawyers by providing financial support to those who would otherwise be unable to participate. To request an application or receive additional information, visit [www.abanet.org/tips/scholarship.html](http://www.abanet.org/tips/scholarship.html) or contact Linda Wiley at 312/988-5673.

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