



DRI delivers **resources** to build your practice

Trial Skills and Damages

Technology and the Future of Case Handling in Complex Damages Cases

- Discover new technologies that can enhance the defense in complex cases.
- Learn effective direct and cross-examination techniques from seasoned trial attorneys.
- Discuss exciting new trends in ADR and mediation.
- Navigate issues that arise during an age where social media dominates.



March 20–22, 2019

Park MGM Las Vegas

Las Vegas, NV

The evolution of legal practice over the past several decades has been shaped by technological innovation.

Technology simultaneously provides a medium through which we can educate juries on complex matters and provides lawyers with the tools that they need to make better decisions leading up to and during trial. That is not to say that technology dominates the courtroom. Come learn how you can blend proven trial tactics and technology through presentations and demonstrations on effectively navigating the complex damages case, including mock oral arguments and hard-hitting technology-focused presentations from experts and consultants. Join us at the new Park MGM Las Vegas Hotel this March for practice-enhancing education and networking.



Abigail (Abby) Rossman
Program Chair



Guy E. Hughes
Committee Chair



Patrick M. Causey
Program Vice Chair



Kyle A. Lansberry
Committee Vice Chair



Jennifer Snyder Heis
Law Institute

PRESENTED BY **DRI's Litigation Skills** AND
Alternative Dispute Resolution Committees

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Register online now at dri.org or complete the form in the back.

What You Will Learn



- Techniques critical to successful navigation of complex damages cases.
- How experts leverage technology to perform investigations and educate juries.
- Effective techniques for presenting an argument on a motion in limine.
- Strategies and preparation skills for effective use of medical and damages experts.
- How to navigate decision points leading up to trial, including managing client expectations and trends in ADR and mediation.

Members Get More

- Access to **LegalPoint**™ at **dri.org**: Committee newsletters, seminar course materials, and other publications.
- Access to the **DRI Litigation Skills Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



Use dri™ Dividends Points to **reduce your registration fee**:

- Recruit a member
- Attend a seminar
- Participate on a committee
- ...and more!

Visit **dri.org**, go to **My DRI** and click on **DRI Dividends** to see your balance.

Get engaged, get recognized, and get rewarded.

PROGRAM SCHEDULE

WEDNESDAY, MARCH 20

Community Service Project: Reach Out and Read

Reach Out and Read is a nonprofit organization that gives young children a foundation for success by incorporating books into pediatric care and encouraging families to read aloud together. A third of young children—and a half of children living in poverty—in the United States arrive at kindergarten without the skills that they need for success at school. Students who enter kindergarten with below grade-level reading skills have a much higher chance of dropping out of school later in life. By giving young children a foundation for success, we are combatting the effects of income inequality.

To participate, registrants have the option to make a contribution via a secure link via Reach Out and Read's **online donation page**, or an order can be placed on its **virtual book drive donation page**. Please visit <http://www.reachoutandread.org> or contact David M. Goodman at DMGoodman@kslnlaw.com for more information. #DRICares

2:00 p.m. **Registration**

3:00 p.m. **Welcome and Introductions**

Jennifer Snyder Heis, *Ulmer & Berne LLP*, Cincinnati, OH

Abigail (Abby) Rossman, *Connell Foley LLP*, New York City, NY

3:05 p.m. **Principles of Persuasion**

This interactive presentation will focus on techniques that lawyers can use to obtain the credibility that is essential to persuasion. Former chair of the Litigation Skills Committee Chris Bottcher will provide specific methods that lawyers can use, inside and outside of their firms, to communicate persuasively with audiences from multiple generations.

Christopher A. (Chris) Bottcher, *McGlinchey Stafford*, Birmingham, AL

3:50 p.m. **Tech Bytes: Using Virtual Reality in Litigation**

Jurors and clients alike expect the use of visuals and technology in today's litigation landscape. Virtual reality can be an exciting way to accomplish that. A virtual reality demonstra-

View faculty bios on the **Trial Skills and Damages Seminar webpage**; click on "View speakers" button.

tion will be available throughout the day for attendees to experience.

Olivia Barney, *S-E-A Ltd.*, Columbus, OH

4:05 p.m. **Ethically Navigating PR Issues in Mass Casualty or Large Loss Case**

In today's heated, instant social media world, a distant courtroom defense to an immediately unfolding crisis is usually too little too late. The court of public opinion commonly demands more—from the moment of the crisis to the final judgment on appeal—forcing lawyers to advise their clients on how to respond ethically and practically without causing greater harm.

Brandon W. Ehrie, *Lewis Wagner LLP*, Indianapolis, IN

Sidney K. (Sid) Kanazawa, *McGuire Woods LLP*, Los Angeles, CA

Pamela Newsom Lee, *Swift Currie McGhee & Hiers LLP*, Atlanta, GA

5:05 p.m. **Adjourn**

5:30 p.m. **First-Time Attendee Reception**

6:00 p.m. **Networking Reception**

SPONSORED BY **Connell Foley**
MDD Forensic Accountants

7:00 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). Electronic sign-up details to come.

7:00 p.m. **Young Lawyers Dinner** | Please contact Brian Cadigan at BCadigan@reedsmith.com for more details.

THURSDAY, MARCH 21

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

8:00 a.m. **Welcome and Introductions**

Abigail (Abby) Rossman, *Connell Foley LLP*, New York City, NY

8:10 a.m. **Alternative Approaches to Jury Selection: Using Data and Opponent's Perspectives to Play Your Best Hand in Jury Selection**

Jury selection is an exercise in "playing the odds," and you play the odds best when you

have good data. Drawing upon thousands of data points from over 20 years' experience, this presentation covers best practices in scientific jury selection, along with some counterintuitive strategies from real trials.

Robert F. Bettler, Jr., *DecisionQuest*, Atlanta, GA

9:00 a.m. **The Art of Direct and Cross-Examination**

Witnesses provide the vast majority of evidence in any case, and the way that you examine them is an important part of how that evidence is presented to and perceived by the jury. Focusing on both preparation and presentation, this session will teach critical aspects of witness examination.

Joshua H. Threadcraft, *Burr & Forman*, Birmingham, AL

10:00 a.m. **Refreshment Break**

SPONSORED BY **Haworth Rossman & Gerstman LLC**

10:15 a.m. **Tech Bytes: The Magic of Physical Testing**

Physical testing is the process used to identify either the kinematics or the kinetics of an event, which can then be compared to the known injury mechanisms of diagnosed injuries. In biomechanics, physical testing methods may include gait analysis, drop or impact testing, anthropometric or fit testing, photogrammetry, crash testing, and material testing.

Carolyn I. Albert, PhD, *Robson Forensic*, Denver, CO

10:30 a.m. **Mock Direct and Cross-Examination of Damages Experts**

Judge Rawlinson of the Ninth Circuit Court of Appeals will preside over mock direct and cross-examination of a life care planner and vocational rehabilitation experts. Our seasoned trial lawyers will demonstrate the effective use of technology and examination techniques in the courtroom.

Sheila S. Boston, *Arnold & Porter Kaye Scholer LLP*, New York, NY

Rachel A. Duchon, MS, MBA, CRC, FVE, LMHC, ABVE/D, IPEC, *Vocational and Economic Consulting*, Hamburg, NY

Esther P. Holm, *Lewis Brisbois Bisgaard & Smith LLP*, Costa Mesa, CA

Carol Hyland, *Rehabilitation Consultant*, Lafayette, CA

The Honorable Johnnie B. Rawlinson, *U.S. Court of Appeals for the Ninth Circuit*, Las Vegas, NV

12:00 p.m. **Lunch Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). Electronic sign-up details to come.

12:00 p.m. **Women's Networking Luncheon** | To sign up or learn more details, please contact Bethany White at bwhite@arnettlawgroup.com.

1:45 p.m. **Mock Oral Argument**

Judge Rawlinson of the Ninth Circuit Court of Appeals will preside over a mock oral argument of a motion in limine. The motion argument will be based upon a fact pattern included in the course materials for attendee's reference.

Ashley H. Campbell, *Ragsdale Liggett*, Raleigh, NC

Norris Cunningham, *Katz Korin Cunningham PC*, Indianapolis, IN

The Honorable Johnnie B. Rawlinson, *U.S. Court of Appeals for the Ninth Circuit*, Las Vegas, NV

2:30 p.m. **Effective Preparation of Doctors**

An expert can make or break a case—literally! That is why it is vital to take sufficient time to prepare the expert for trial. We often focus on the liability and causation components without spending needed time on the damage elements. This presentation will address the role of the medical damage expert, the role of the defense attorney in preparing the expert, and how to prevent unforeseen challenges.

Pamela B. Goldsmith, *Harris Beach PLLC*, New York, NY

3:15 p.m. **Refreshment Break**

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3:30 p.m. **The Essentials of Psych Reports and Strategy for Cross-Examining Psych Doctors**

We often see psychological reports from treating providers that conclude with a list of low mental disorders and fail to identify proper

criteria to support psychological diagnosis. To support a DSM diagnosis, certain criteria must be met and supported with evidence. Learn how to identify when a psychiatrist's report contains methodological violations and develop strategic plans to defend your case when a report does not constitute substantial medical evidence. Ms. Livingston will provide a fresh perspective on defending psych claims and options for approaching cross-examination of the mental health professional.

Renée Welze Livingston, *Livingston Law Firm*, Walnut Creek, CA

4:15 p.m. **A Tool for Creating Efficiencies: Early Mediation**

Every personal injury case is unique. Nevertheless, experienced counsel should assess whether a case is appropriate for early resolution through mediation or another form of ADR. This presentation focuses on the types of cases appropriate for early mediation and the associated benefits, such as avoiding the costs of discovery, motion practice, and depositions.

Heather Dawn Wiltshire Clement, *Sovereign Claims LLC*, Brooklyn, NY

David M. Goodman, *Kenney Shelton Liptak Nowak*, Buffalo, NY

5:00 p.m. **Adjourn**

5:00 p.m. **Litigation Skills Committee Meeting** (*open to all*)

6:00 p.m. **Networking Reception**

SPONSORED BY **Robson Forensic Inc.**

7:00 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). Electronic sign-up details to come.

FRIDAY, MARCH 22

7:30 a.m. **Registration**

7:30 a.m. **Continental Breakfast**

8:15 a.m. **Opening Remarks and Introductions**

Patrick M. Causey, *Trenam Law*, Saint Petersburg, FL

8:20 a.m. **Foundations for Admitting Social Media Evidence**

Plaintiffs and witnesses willingly post personal information on Facebook, Instagram, LinkedIn, and dozens of other websites, and sometimes the information available is like hitting a jackpot in your case. With more than 60 social networking sites out there, the challenge for defendants is finding, and strategically leveraging, the information. Learn different methods to collect and use social media data and avoid the impediments to admitting social media into evidence.

Kathryn S. (Katy) Lehman, *King & Spalding*, Atlanta, GA

9:05 a.m. **Tech Bytes: Big Data**

Data analytics is shaping the business of the law. For instance, in-house counsel use data to structure alternate fee arrangements in new ways, and firms can use data to better forecast matter spend. Learn how to use big data to help your firm and your clients. We will also explore how data is being used to govern decisions as trial approaches, including settlement conditions, surveying potential jury member demographics, and use of psychographics for desired outcomes at trial.

Eric Eckhardt, *Exigent Group Ltd.*, West Palm Beach, FL

9:20 a.m. **Refreshment Break**

9:45 a.m. **Trends in ADR: Settlement Days**

A successful settlement day requires collaboration between client, insurance carrier, and counsel. From setting the scope of a settlement day to strategizing about the best settlement day candidates, to setting budgets and reserves, it is important for outside counsel to understand their role in the overall team effort. This session will give you an in-house perspective on how to develop a plan for an effective settlement day.

Brian J. Brennan, *The Main Street America Group*, Jacksonville, FL

10:45 a.m. **Making the Most of Summary Jury Trials**

Summary court jury trials allow carriers to reduce the number of cases in their inventory substantially and provide a tool to manage costs. But how do you get plaintiffs to agree to

participate? What are the most effective models for using this tool? This dispute resolution alternative can be a win-win for carriers, parties, and the court system, as well as plaintiffs' counsel. Hear from outside counsel and in-house counsel how to best integrate summary jury trials into your practice.

Elizabeth Ganiere, *CB & I Areva Mox Services LLC*, Aiken, SC

Robert C. (Bob) Palmer III, *Shell Fleming Davis*, Pensacola, FL

Mary E. Sharp, *Sharp Law Firm LLC*, Beaufort, SC

11:30 a.m. **Closing Remarks**

Patrick M. Causey, *Trenam Law*, Saint Petersburg, FL

DRI for Life

Golf Tournament

1:00 p.m.

Come join your fellow attendees for an 18-hole golf tournament at one of the prestigious golf courses in Las Vegas. A sign-up for the event will be available online.

7:00 p.m. **Dine Arouds** | For those who choose to stay Friday night, we invite you to join us for dine-arounds to unwind after the conference. For more information, please contact Brian Rubin at Brubin@trkfirm.com.

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GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar.

Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

CLE

This seminar has been approved for MCLE credit by the State Bar of California for up to 11.50 hours, including 1 hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please **check the DRI website at dri.org** for the latest information for your state.

Registration Policy

Save \$100 when you register by February 18, 2019. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by

February 25, 2019 (please allow 10 days for processing). Registrations received after **February 25, 2019**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **February 25, 2019**. Cancellations received after **February 25** and on or before **March 4, 2019**, will receive a refund, less a \$100 processing fee. Cancellations made after **March 5** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **February 18, 2019**. After **February 18**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Trial Skills and Damages Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at **Park MGM Las Vegas, 3770 South Las Vegas Blvd, Las Vegas, NV 89109** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$95 (weekday)**, **\$160 (week-end) single/double with a \$37 per room, per night resort fee** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Trial Skills and Damages Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 702.730.7777** and mention the **DRI Trial Skills and Damages Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **February 18, 2019**, to be eligible for the group rate. Requests for reservations made after **February 18** are subject to room and rate availability.

FACULTY

Carolyn I. Albert, PhD, Robson Forensic, Denver, CO

Olivia Barney, S-E-A Ltd., Columbus, OH

Robert F. Bettler, Jr., DecisionQuest, Atlanta GA

Sheila S. Boston, Arnold & Porter Kaye Scholer LLP,
New York, NY

Christopher A. (Chris) Bottcher, McGlinchey Stafford,
Birmingham, AL

Brian J. Brennan, The Main Street America Group,
Jacksonville, FL

Ashley H. Campbell, Ragsdale Liggett, Raleigh, NC

Patrick M. Causey, Trenam Law, Saint Petersburg, FL

Heather Dawn Wiltshire Clement, Sovereign Claims LLC,
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Norris Cunningham, Katz Korin Cunningham PC,
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Carol Hyland, Rehabilitation Consultant, Lafayette, CA

Sidney K. (Sid) Kanazawa, McGuire Woods LLP,
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Pamela Newsom Lee, Swift Currie McGhee & Hiers LLP,
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Kathryn S. (Katy) Lehman, King & Spalding, Atlanta, GA

Renée Welze Livingston, Livingston Law Firm,
Walnut Creek, CA

Robert C. (Bob) Palmer III, Shell Fleming Davis,
Pensacola, FL

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Mary E. Sharp, Sharp Law Firm LLC, Beaufort, SC

Joshua H. Threadcraft, Burr & Forman, Birmingham, AL

View faculty bios on the Trial Skills and Damages Seminar webpage; click on “View speakers” button.



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives,

backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

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January 31–February 1, 2019
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Rivercenter, San Antonio, TX*

March 14–15, 2019
Toxic Torts and Environmental Law
*Sheraton New Orleans,
New Orleans, LA*

March 21–22, 2019
Medical Liability and Health Care Law
*Hilton Nashville Downtown,
Nashville, TN*

April 3–5, 2019
**Insurance Coverage and
Claims Institute**
Loews Chicago Hotel, Chicago, IL

April 3–5, 2019
Life, Health, Disability and ERISA
Swissôtel, Chicago, IL

April 10–12, 2019
Construction Law
Caesars Palace, Las Vegas, NV

May 8–10, 2019
Employment and Labor Law
*Pointe Hilton Tapatio
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May 8–10, 2019
**Retail and Hospitality Litigation
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Downtown, Washington, DC*

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Trial Skills and Damages Seminar

March 20-22, 2019

Park MGM Las Vegas | Las Vegas, NV

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Are you a first-time attendee at this DRI seminar? Yes No

How many attorneys _____ What is your primary
are in your firm? _____ area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking receptions, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. Only members of DRI will have access to the PowerPoint presentations after the seminar.

	On or before Feb. 18, 2019	After Feb. 18, 2019
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*For inclusion on the
preregistration list and to receive
course materials in advance,
register by February 25, 2019.*

* As defined on page 6

** See page 2 for description

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