

SPANGENBERG TRIAL PRACTICE AND LITIGATION INSTITUTE 2020

Friday, April 3, 2020

8:15 am – 9:00 am BREAKFAST & REGISTRATION

REGISTRATION FEE BENEFICIARY: Legal-Aid

9:00-9:45 The National Opiate Litigation: Abating the Epidemic and Public Nuisance

How 21 firms organized and collaborated to litigate the public nuisance and RICO claims against 20 manufacturers, distributors, and retail pharmacies for causing the opioid epidemic.

- Peter H. Weinberger, Plaintiffs' Co-Liaison Counsel/MDL 2804

9:45-10:15 Words Matter: Use Them to Frame the Case You Want to Try

This topic addresses the power of words and word choices. We will look at how our words in every aspect of the trial strike the jury and frame the case for their consideration. We will also look at how medical and other technical terms can be defined in ways that are not only understandable to the jury but received in a way that advances your view of the case. Finally, we will compare how your words match the judge's instruction to the jury.

- Dennis R. Lansdowne, Esq.

10:15-10:45 The Evolution of Trial Advocacy and Practice

How trial presentations have changed over the last 30 plus years.

- William Hawal, Esq.

10:45-11:00 Break

11:00-11:30 Communicating and Proving Your Case Through Exhibits and Demonstratives

Effective use of demonstrative evidence; admissibility at trial; what is demonstrative evidence vs. actual evidence; testing demonstrative evidence with focus groups; how jurors remember and interpret what they see in trial.

- Dustin B. Herman, Esq.

11:30-11:45 **How to Practice Talking to Jurors**

Trials are rare these days, and so too are opportunities to talk to jurors. That doesn't mean there aren't opportunities to practice talking to jurors. Jeremy will share some of the ways he seeks out and finds opportunities to practice talking to jurors about his cases short of actually going to trial.

- Jeremy A. Tor, Esq.

11:45-12:00 **Juror Questionnaires: The Forgotten Tool**

When getting ready for trial great effort is put into voir dire, but little, if any, of that effort goes to crafting a quality juror questionnaire. Often, parties simply cobble together a vanilla questionnaire. Such an approach benefits no one and leaves attorneys at risk of missing out on important information about the venire. This presentation will discuss the benefits of a substantive questionnaire and provide some ideas for effective questionnaire topics.

- Kevin C. Hulick, Esq.

12:00-12:45 Lunch

12:45-1:15 **Voir Dire: The Trial Lawyer's One and Only Chance to Communicate Directly With Jurors**

This presentation will discuss the importance of and techniques utilized for communicating with, listening to, and observing jurors communicate with and react to one another during voir dire. The discussion will cover the goals of voir dire, including those that go beyond just "picking" a jury.

- Nicholas A. DiCello, Esq.

1:15-1:30 **Analyzing Your Jury List**

Using technology to assist in jury selection.

- Voltaire, Inc.

1:30-2:15 **Telling a Simple Story in the Age of Disinformation**

How to find and share the simple story of the case while avoiding the pitfalls of complexity (legal, medical, scientific) and cut through the opposing "expert" spin.

- Debra D. Miller/Trial Consultant, Debra D. Miller Consulting

2:15-3:00 **Opening Statements and Storytelling: Don't Just Tell Me, Engage Me**

Constructing the opening from the story of what the Defendant did wrong and undermining the expected defenses to laying out the damages the jury will hear. This presentation will cover the building blocks of a logically persuasive yet emotionally appealing opening statement using the actual opening statement from a case that was tried to a 28 million dollar verdict.

- Stuart E. Scott, Esq.

3:00-3:15 Break

3:15-3:30 Ethics Case Law Update

An update on recent Ohio, and nationwide, cases and opinions guiding your ethical engagement with jurors.

- Jeradon Z. Mura, Esq.

3:30-4:15 Juror Background Investigation/juror misconduct

- Honorable Ashley Kilbane, Cuyahoga County Common Pleas Judge

Judge Kilbane will discuss the ethical issues that may arise when selecting a jury as well as juror conduct/misconduct. She will provide guidance on how to avoid these potential difficulties that includes a question and answer session.