

Advanced Civil Litigation Skills in Florida

— A 2-Day Practical Course —

FORT LAUDERDALE,
FLORIDA
AUGUST 22 *and*
AUGUST 23, 2017

Credit Information

CLE - 14.5 (Incl. 1.0 ethics)

See inside for details.

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Faculty

Hon. Barbara Areces

Scott M. Behren

William M. Chapman

K. Stuart Goldberg

Dora F. Kaufman

Jed Kurzban

Brett Alan Panter

Gregory S. Weiss

**Don't Miss
This Opportunity!**

- Avoid mistakes that irk judges
- Get crucial evidence admitted
- Explain complex case themes

Day 1 — August 22

Preparing for Trial

I. New Federal Rules of Civil Procedure

9:00 - 9:50, *Scott M. Behren*

- A. Accelerating Early Stage Litigation
- B. Using the Proportionality Standard in Discovery
- C. Consequences of Failure to Preserve ESI
- D. Cooperation Between Parties

II. Top Trial Mistakes:

A Civil Court Judge's Perspective

9:50 - 10:40, *Hon. Barbara Areces*

- A. What Attorneys Must Know About Local Court Procedures
- B. Information the Judge Wants Before Trial
- C. Summary Judgment Hearings: What the Judge Needs to Rule
- D. What Judges Want to See in Written Motions and Briefs
- E. Unacceptable Litigation Tactics

III. Resolving Discovery Disputes

10:55 - 11:45, *Dora F. Kaufman*

- A. Preparing and Winning Discovery Motions
- B. Pushing Back Against Overly-Broad or Unreasonable Requests
- C. Sampling Practices and Discovery About Discovery
- D. Best Practices for Resolving Discovery Disputes with Opposing Counsel
- E. When You Need to Take Your Discovery Dispute to the Judge
- F. When to Make a Motion to Compel

IV. Strategically Using Motions *in Limine*

11:45 - 12:30, *William M. Chapman*

- A. Interpreting the Rules of Evidence
- B. Know Your Judge, Chamber, Jurisdiction and Case Law
- C. Timing and Drafting the Written Motions
- D. Risk of Exposing Your Strategy or Weaknesses
- E. Defeating Opposing Counsel's Motions *in Limine*

V. Authentication and Admission of

Social Media, Smart Phone and Email Evidence

1:30 - 2:25, *Scott M. Behren*

- A. Proper Data Mining and Gathering Procedures
- B. Does the Evidence Have a Proper Foundation?
- C. Does the Evidence Have Distinctive Characteristics?
- D. Is the Evidence What the Proponent Claims?
- E. Linking the Evidence to the Purported Author
- F. Overcoming Admissibility Obstacles

VI. Anticipating and Minimizing Hearsay Objections

2:25 - 3:20, *William M. Chapman*

- A. Formal Exceptions to Hearsay
- B. FRE 801(D) Exceptions
- C. Hearsay in the Direct Examination of Your Client: How to Elicit What You Need Without Inviting Hearsay
- D. Hearsay Problems When Your Client, or Opposing Party, is Deceased
- E. Recent Case Law

VII. Settle Your Case Before Trial: Advanced Techniques

3:25 - 4:30, *Dora F. Kaufman*

- A. Managing Client Expectations
- B. Developing a Framework for Settlement Negotiations
- C. How to Present Your Case to the Mediator, Arbitrator, or Judge
- D. Effective Negotiation Tactics
- E. Evaluating Settlement Offers: Enough to Forgo Trial?
- F. Using Dispositive Motions

Day 2 — August 23

Courtroom Strategies

VIII. Introducing Complex Case Themes

During Opening Statements

9:00 - 10:00, *Jed Kurzban*

- A. Capture the Audience in the First 30 Seconds
- B. Introducing Supporting and Damaging Evidence
- C. Preparing Judge and Jury to Focus on Specific Elements of Trial
- D. Opening Techniques That Simply Don't Work
- E. Introducing Parties and Character Analysis

IX. Using Evidence to Support Your Proposed Damages

10:15 - 11:15, *Jed Kurzban*

- A. When to Put Your Client on the Stand
- B. Effectively Using Demonstrative Exhibits
- C. Common Mistakes in Introducing Evidence and Testimony at Trial
- D. Addressing Insurance Coverage Before the Jury
- E. Using the Best Evidence to Prove Your Damage Amount
- F. Finding New Arguments for Evidence Ruled Out Before Trial

X. Presenting Technical Expert Testimony to the Jury

11:15 - 12:15, *Gregory S. Weiss*

- A. Building the Witness's Credibility
- B. Addressing Expert Witness Qualification Standards
- C. Presenting Subjective and Objective Findings
- D. Using Videotaped Depositions
- E. Cross-Examination Strategies
- F. Taking Full Advantage of Redirect Examination

XI. Identifying and Overcoming Juror Bias

1:15 - 2:15, *Brett Alan Panter*

- A. Building Rapport with the Jury from Day One
- B. How Much Case Information Can You Safely Introduce During Voir Dire?
- C. Bringing to the Surface and Overcoming Juror Biases
- D. Using Open Ended Questions to Get Jurors Talking
- E. Preserving Jury Selection Issues for Appeal

XII. Addressing Weaknesses in Your Case in Closing Statements

2:30 - 3:30, *Brett Alan Panter*

- A. How to Summarize Your Opponent's Case
- B. Countering Key Testimony That Hurts Your Argument
- C. Matching Your Closing Statement with the Jury Instructions
- D. Framing and Minimizing Weaknesses in Evidence or Testimony
- E. Veteran Tips for Connecting with the Jury
- F. How to Recommend and Support Your Desired Verdict
- G. Avoid Inflammatory Statements That Can Backfire

XIII. Ethics

3:30 - 4:30, *K. Stuart Goldberg*

- A. Investigating Prospective Jurors on Social Media
- B. Answering Juror Questions During Voir Dire
- C. Ex-Parte Communications
- D. Handling Prejudicial Evidence
- E. Interactions with Court Staff and Outside Parties
- F. Confidentiality of Pretrial Settlement Negotiations

*If needed, the above agenda may be changed to best accommodate all of our attendees.

FORT LAUDERDALE (Hotel located in Hollywood)

AUGUST 22 *and* AUGUST 23

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SCHEDULE

Registration: August 22 from 8:30 - 9:00 am

Seminar: August 22 and August 23 from 9:00 am - 4:30 pm

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HON. BARBARA ARECES has served as a Judge in the Miami-Dade County Circuit Court in Florida's Eleventh Judicial Circuit since January, 2005.

SCOTT M. BEHREN is the principal attorney in the Behren Law Firm in Westin. Since 1993, Mr. Behren has practiced in the areas of commercial litigation and employment law throughout the state of Florida. He has written articles for local publications, and has spoken on employment law issues for both the National Employment Lawyers Annual Convention and conferences of the Florida Chapter of the National Employment Lawyers Association. Mr. Behren has also spoken on business law issues, such as the breakup of closely held corporations (termed by Mr. Behren as the "business divorce"), and has presented several seminars on limited liability companies in Florida.

WILLIAM M. CHAPMAN is an attorney and partner with the law firm of Hogan & Chapman, P.L., in West Palm Beach, Florida, where he litigates complex personal injury and wrongful death matters, including the representation of victims suffering from significant and catastrophic injuries due to medical malpractice, vehicular collisions, defective products, and unsafe premises. Mr. Chapman also handles insurance bad faith claims and insurance coverage disputes. He is admitted to practice in Florida and Washington D.C. Mr. Chapman is a member of the Palm Beach County Bar Association and the Florida Justice Association.

K. STUART GOLDBERG is an attorney at The Berman Law Group in Boca Raton Florida. He is certified by the Florida Department of Insurance to teach ethics to claims representatives, and has represented more than 300 lawyers in malpractice claims and Florida bar proceedings. Mr. Goldberg has previously spoken on legal ethics for National Business Institute.

DORA F. KAUFMAN is a partner in the law firm of Liebler, Gonzalez & Portuondo, P.A., where she practices primarily in the areas of complex commercial litigation, banking law, creditors' rights, bankruptcy, and debtor and creditor workouts. She is admitted to practice before The Florida Bar, the District of Columbia Bar, the U.S. District and Bankruptcy Court for the Southern, Middle and Northern districts of Florida, and the U.S. Courts of Appeals for the 11th and Federal circuits. She has actively served as an appointed member of The Florida Bar's Civil Procedure Rules Committee, the Federal Court Practice Committee (including service as appointed vice chair), the Judicial Nominating Procedures Committee (JNPC), and has been on the Judicial Administration and Evaluation Committee since May, 2009. She contributed toward preparation of a trial practice manual for Bancroft Publishing; prepared sections of reference manuals on Florida foreclosure and related title, repossession and bankruptcy issues for National Business Institute; and has served as faculty at multiple CLE seminars.

JED KURZBAN is an attorney and equity partner for the law firm Kurzban Kurzban Weinger Tetzeli & Pratt P.A. He concentrates his practice in the areas of medical practice, product liability and personal injury. He is admitted to practice before The Florida Bar; Hawaii State Bar Association; and before the U.S. District Court, Southern District of Florida; and the U.S. Court of Appeals, 11th Circuit. He is a member of the Dade County Bar Association, The Florida Bar, the American Association for Justice, the Academy of Florida Trial Lawyers, American Association for Justice, and the American Bar Association.

BRETT ALAN PANTER is a partner in the Miami law offices of Panter, Panter & Sampedro, P.A. Mr. Panter is a board certified civil trial lawyer by The Florida Bar Board of Legal Specialization and Education. Since 1984, he has primarily practiced in the areas of personal injury, wrongful death, medical malpractice, products liability, nursing home neglect, aviation litigation, and premises liability.

GREGORY S. WEISS is an AV rated partner in the law firm of Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A., where his practice focuses on commercial, business and intellectual property. Mr. Weiss is board certified in business litigation by The Florida Bar, and is a member of The Florida Bar's Business Litigation Board Certification Committee. He is a graduate of the University of Florida and the University of Florida College of Law, and is a member of the University of Florida College of Law Board of Trustees. Mr. Weiss is a member of the Florida and California Bars; and is qualified to practice in the U.S. District Court for the Southern, Middle and Northern districts of Florida; U.S. Court of Appeals for the Eleventh Circuit; and the Southern and Central districts of California.

Detailed biographies can be found on our website at www.nbi-sems.com.

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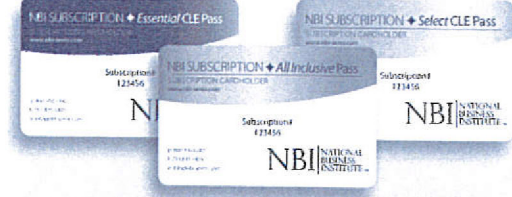
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- Learn advanced trial techniques from seasoned veterans of civil court.
- Prepare to draft and win discovery motions over your opponent's objection.
- Find out the best ways to collect and authenticate social media and email evidence.
- Manage your client's expectations from the beginning to the end of the case.
- Recognize the amount of case information you can safely introduce during voir dire.
- Make complex case themes crystal clear for the jury, no matter how technical the damages.
- Learn when to put your client on the stand and how to handle the examination.
- Maintain ethical standards when interacting with court staff and outside parties.

WHO SHOULD ATTEND

This **advanced level seminar** is designed for attorneys. Experienced paralegals and court staff may also benefit.

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