What’s going on in the jury deliberation room? The 25th Annual Litigation Institute will try to answer this question by focusing on juror behavior through the lens of today’s social and political environment. 24/7 news programming, both real and fake, creates and fills a demand for immediate information reported as it happens. Social media supplies facts and alternative facts. How does this constant barrage affect a juror’s ability to follow a judge’s instructions on the facts and the law? A judges panel moderated by Oregon Supreme Court Chief Justice Thomas Balmer, jury and research experts, and seasoned trial attorneys will try to answer these and other questions. Hear from the lawyers who tried the Malheur occupation cases and the tremendous obstacles involved in picking juries in such widely-publicized and emotionally-charged circumstances. Examine decisions civil lawyers can make that can impair a criminal defense. Learn about pro-bono efforts to champion access to justice, as well as legal ethics and social media.

The 21st Annual Owen M. Panner Professionalism Award will be presented to Robert Shlachter, Stoll Stoll Berne Lokting & Shlachter PC, Portland.

Endorsed by

OADC
Oregon Association of Defense Counsel

OTLA
In the Service of Justice

Friday, March 16, 2018
1 pm–5:15 pm

Saturday, March 17, 2018
8:30 am–12:30 pm

Skamania Lodge, Stevenson, WA

CLE credits: 6.75 General and 1 Ethics

Additional CLE Credits: 1.25 General or Practical Skills for ONLD members who register for the Jury Workshop

Register now at osbar.inreachce.com (search for LI18)

LIVE EVENT

Early registration discount
Register by 2/28/18 and save up to $30

$270  ONLD member (both days)
$330  Regular registration (both days)
$160  ONLD member (Friday only)
$185  Regular registration (Friday only)
$140  ONLD member (Saturday only)
$165  Regular registration (Saturday only)

$75  Friday dinner (each; includes service charge and Washington sales tax)

$15  Print course materials
(Electronic materials are included with your registration.)

Hotel Accommodations: Special rates are available by calling Skamania Lodge at (509) 314-4177 or (800) 221-7117 by February 16, 2018, and requesting the Oregon State Bar Litigation Institute rates, Group # 1Y28XB. Bonus! Reserve a room at Skamania Lodge and receive a $50 registration discount for any future OSB CLE Seminars live event or on-demand program through 2018.

Special opportunity for ONLD members—Get a jump on the Institute with a complimentary, hands-on, pre-institute jury workshop. Limited attendance; see schedule for full details.
Friday, March 16th

11:00  Registration and Lunch Opens
      (Sandwich buffet included with registration)

11:30  Jury Deselection—How Bad is Bad Enough?
      When to Strike a Juror for Cause and How to Do It
      Learn strategies for determining whether to move to
      strike a potential juror for cause in voir dire and how
      to do it successfully. Hear what works—and doesn’t
      work—during this crucial phase of a trial.

      The Honorable Jay McAlpin, Lane County
      Circuit Court, Eugene

      Scott Lucas, Johnson Johnson Lucas &
      Middleton PC, Eugene

      ONLD members: to participate in the
      complimentary jury selection workshop please
      register online for the Litigation Institute and
      then call the OSB CLE Service Center at
      (503) 431-6413 or (800) 452-8260, ext. 413 to
      register for the workshop. Attendance is first
      come, first reserved and limited to ten ONLD
      members.

3:00  Workshop Adjourns

1:00  Dude, You’re Killing Me Here!

      Four of Oregon’s finest criminal lawyers present
      a frank discussion about decisions civil lawyers
      make during civil and regulatory proceedings that
      impair their clients’ ability to defend themselves in
      an eventual criminal prosecution.

      Janet Hoffman, Janet Hoffman & Associates,
      Portland

      Stephen Houze, Attorney at Law, Portland

      Michelle Kerin, US Attorney’s Office, Portland

      Robert Weaver, Garvey Schubert Barer, Portland

5:15  Adjourn to Hosted Reception

6:30  Dinner and presentation of the 21st Annual
      Owen M. Panner Professionalism Award to
      Robert Shlachter, Stoll Berne, Portland

2:15  Twelve Angry Men (and Women):
      What’s Really Going on in Jury Deliberation
      Rooms?

      Public opinion research and jury consultants
      can shed light on how potential jurors view
      the system and reach their decisions. Explore
      jury deliberations in an increasing information
      environment of fake news, alternative facts, and
      social media posts.

      Moderator: David Markowitz, Markowitz Herbold
      PC, Portland

      Laura Dominic, Tsongas Litigation Consulting,
      Inc., Portland

      John Horvick, DHM Research, Portland

3:45  Mississippi Burning: Pro Bono Service
      —Then and Now

      In 1964, retired Oregon Supreme Court Justice
      Jacob Tanzer was a young trial attorney with
      the U.S. Department of Justice working on the
      murder investigation and prosecution of three
      civil rights activists in Mississippi. In 1967, he
      returned to do pro bono work with the Lawyers
      Committee on Civil Rights Under Law. The need
      for pro bono services continues in today’s world,
      as demonstrated by the experiences shared by a
      select panel of pro bono champions.

      The Honorable Jacob Tanzer (Ret.), Portland

      Caroline Harris Crowne, Tonkon Torp LLP, Portland

      Gwendolyn Griffith, Tonkon Torp LLP, Portland

      Arden Shenker, Shenker & Bonaparte LLP,
      Portland

      Steven Wax, Oregon Innocence Project, Portland
## Saturday, March 17th

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00</td>
<td>Late Registration and Breakfast Buffet</td>
</tr>
<tr>
<td>8:30</td>
<td>The State of the Jury System: Comments from the Chief</td>
</tr>
<tr>
<td></td>
<td><strong>The Honorable Thomas Balmer, Chief Justice, Oregon Supreme Court, Salem</strong></td>
</tr>
<tr>
<td>8:45</td>
<td>Jury Dynamics in the Courtroom: The Malheur Occupation Trials</td>
</tr>
<tr>
<td></td>
<td>Hear from the lawyers who tried the Malheur occupation cases and the tremendous obstacles involved in picking juries in such widely-publicized and emotionally-charged circumstances.</td>
</tr>
<tr>
<td></td>
<td><strong>Moderator: Per Olson, Hoevet Olson Howes PC, Portland</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Ethan Knight, U.S. Attorney’s Office, Portland</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Andrew Kohlmetz, Kohlmetz Steen &amp; Hanrahan PC, Portland</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Robert Salisbury, Robert Salisbury Attorney PC, St. Helens</strong></td>
</tr>
<tr>
<td>9:45</td>
<td>Break</td>
</tr>
<tr>
<td>10:00</td>
<td>If Only I Had Been a Judge First! What Judges Observe About You and Your Juries</td>
</tr>
<tr>
<td></td>
<td>Representing decades of courtroom and bench experience, judges will share their observations with a focus on juror behavior. What demands and holds the jury’s attention? Explore the challenges of social media and hand-held devices. What about a juror’s willingness to follow the judge’s instructions on the facts and the law? Discover effective ways jurors, the court, and lawyers encourage proper juror behavior, and gain tips for handling challenging jurors and lawyers.</td>
</tr>
<tr>
<td></td>
<td><strong>Moderator: The Honorable Thomas Balmer, Chief Justice, Oregon Supreme Court, Salem</strong></td>
</tr>
<tr>
<td></td>
<td><strong>The Honorable Mark Clarke, U.S. District Court for the District of Oregon, Medford</strong></td>
</tr>
<tr>
<td>11:15</td>
<td>Juror Number 6 Tweeted What?! The Ethical Highs and Lows of Social Media</td>
</tr>
<tr>
<td></td>
<td>Sensational stories abound regarding social media misconduct by lawyers and jurors (and even a judge or two). Acquire strategies about how lawyers can and should use social media in litigation and prohibitions on studying the social media profiles of prospective jurors. Investigate monitoring Twitter during trial for comments on the evidence and the dos and don’ts of lawyer’s personal use of social media.</td>
</tr>
<tr>
<td></td>
<td><strong>David Elkanich, Holland &amp; Knight LLP, Portland</strong></td>
</tr>
<tr>
<td>12:15</td>
<td>Final Thoughts on the Future of the Modern Jury</td>
</tr>
<tr>
<td></td>
<td><strong>The Honorable Thomas Balmer, Chief Justice, Oregon Supreme Court, Salem</strong></td>
</tr>
<tr>
<td>12:30</td>
<td>Adjourn</td>
</tr>
</tbody>
</table>

---

**The Honorable Marco Hernandez, U.S. District Court for the District of Oregon, Portland**

**The Honorable Karin Immergut, Multnomah County Circuit Court, Portland**

**The Honorable Youlee You, U.S. District Court for the District of Oregon, Portland**
25th Annual Litigation Institute & Retreat
Cosponsored by the Litigation Section
Register now at osbar.inreachce.com (search for LI18)

Planning Committee
Dennis Rawlinson, Chair, Miller Nash Graham & Dunn LLP, Portland
Leslie Johnson, Samuels Yoelin Kantor LLP, Portland
Thomas Johnson, Perkins Coie LLP, Portland
Scott Lucas, Johnson Johnson Lucas & Middleton PC, Eugene
Kimberly Stuart, Washington County Counsel, Hillsboro

Products
Audio CDs will be available approximately two weeks after the live program. Please call the OSB CLE Service Center at (503) 431-6413 or (800) 452-8260, ext. 413, to place your order.

LI18.KCDE
Audio CDs with electronic materials $330

General Information

50-Year and Active Pro Bono OSB members and Oregon judges and their lawyer staff: Please call the OSB CLE Service Center at (503) 431-6413 or (800) 452-8260, ext. 413 to register for the live seminar.

Cancellations: Cancellation requests must be received by the OSB CLE Service Center at least 72 hours prior to the date of the seminar to qualify for a refund. Refunds are subject to a $25 cancellation fee.

Tuition Assistance: Email a request stating your financial situation to cle@osbar.org no later than one week before the seminar.

Dietary Restrictions or Accessibility Accommodations: Please make your request at least 72 hours before the date of the seminar.

Questions or need help with registration?
Call the OSB CLE Service Center: (503) 431-6413 or (800) 452-8260, ext. 413

THANK YOU
to Our Lunch Sponsor

THANK YOU
to Our Break Sponsors

THANK YOU
to Our Dinner Sponsor

THANK YOU
to Our Reception Sponsors

© 2018 Oregon State Bar Unauthorized recording of CLE seminars is prohibited.