

# 25th Annual Litigation Institute & Retreat

*Cosponsored by the Litigation Section*

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**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

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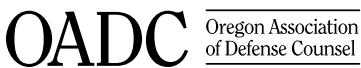
What's going on in the jury deliberation room? The 25th Annual Litigation Institute will try to answer this question by focusing on juror behavior through the lens of today's social and political environment. 24/7 news programming, both real and fake, creates and fills a demand for immediate information 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**



## 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.

**12:45 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*

**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*

**3:30 Break****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*

**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**

**Saturday, March 17th****8:00 Late Registration and Breakfast Buffet****8:30 The State of the Jury System:  
Comments from the Chief**

**The Honorable Thomas Balmer**, *Chief Justice,  
Oregon Supreme Court, Salem*

**8:45 Jury Dynamics in the Courtroom:  
The Malheur Occupation Trials**

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.

**Moderator: Per Olson**, *Hoebet Olson Howes PC,  
Portland*

**Ethan Knight**, *U.S. Attorney's Office, Portland*

**Andrew Kohlmetz**, *Kohlmetz Steen &  
Hanrahan PC, Portland*

**Robert Salisbury**, *Robert Salisbury Attorney PC,  
St. Helens*

**9:45 Break****10:00 If Only I Had Been a Judge First! What Judges  
Observe About You and Your Juries**

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.

**Moderator: The Honorable Thomas Balmer**,  
*Chief Justice, Oregon Supreme Court, Salem*

**The Honorable Mark Clarke**, *U.S. District Court  
for the District of Oregon, Medford*

**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*

**11:15 Juror Number 6 Tweeted What?! The Ethical  
Highs and Lows of Social Media**

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.

**David Elkanich**, *Holland & Knight LLP, Portland*

**12:15 Final Thoughts on the Future of  
the Modern Jury**

**The Honorable Thomas Balmer**, *Chief Justice,  
Oregon Supreme Court, Salem*

**12:30 Adjourn**

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## 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*

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## 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

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## 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](mailto: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.

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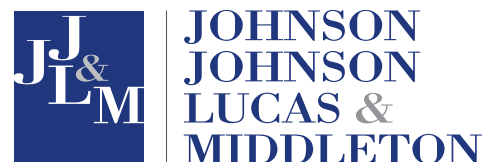
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**Stoll Berne**

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## THANK YOU

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**Questions or need help with registration?**

Call the OSB CLE Service Center:  
(503) 431-6413 or (800) 452-8260, ext. 413