

CONSTRUCTION LITIGATION 2020

BEST TRIAL PRACTICES

This year's half-day program will focus on trial preparation and presentation. The sessions will provide substantive law and practical tips for collecting evidence and presenting your case in a way that juries will understand and find interesting. The audience will also have opportunities to participate in engaging and lively discussions. It will be a unique and enjoyable learning experience. We look forward to seeing you there!

MCLE Information

This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California and pending approval by the Nevada Board of Continuing Legal Education in the amount of 3.5 hours. The ADCNCN certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California and the Nevada Board of Continuing Legal Education.

Special Thanks

ADCNCN Construction Sublaw Section Co-Chairs:

Jill J. Lifter

Ryan & Lifter, San Ramon, CA

Wakako Uritani

Lorber, Greenfield & Polito, LLP, San Francisco, CA

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CONSTRUCTION LITIGATION 2020

BEST TRIAL PRACTICES

Friday, October 9, 2020

REGISTRATION **SEMINAR** **RECEPTION**
12:30 pm - 1:30 pm 1:30 pm - 5:30 pm 5:30 pm - 6:30 pm

DoubleTree by Hilton Hotel
Pleasanton, CA



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12:30 pm – 1:30 pm **Registration**

1:30 pm – 2:45 pm **Expert Witnesses and Hearsay – Is It Admissible Evidence?**



More and more construction litigation is going to trial and construction cases rely heavily on expert testimony. For decades, attorneys have been able to utilize expert testimony to present otherwise inadmissible hearsay evidence under the theory that the evidence was not being presented to offer the truth of the matter asserted, but was being offered only as the basis for the expert opinion. In 2016, the California Supreme Court changed that with its decision in *People v. Sanchez* (2016) 63 Cal.4th 665. This presentation will provide practical tips on “case-specific” hearsay and how to collect and present admissible evidence. The presentation will be a courtroom enactment with an examining attorney, an objecting attorney, an expert witness and a judge. The audience will also participate as the jury in this interactive seminar.

- Yvonne Jorgensen, Esq., *Van De Poel, Levy, Thomas, Arneal LLP*
- Tim Fitzpatrick, *Axis Construction Consulting*
- Jordan Rodman, *Rodman & Associates*
- Jill Lifter, *Ryan & Lifter*

3:00 pm – 4:15 pm **The Benefits of Demonstrative Evidence**



Proving your case to a jury is a difficult task and complex construction cases can make that task even more difficult. Jurors are now more visual than ever and expect to receive information verbally and visually in a content rich format. This presentation will introduce attendees to different types of demonstrative evidence available today and how to use them effectively, whether as a trial exhibit or as a visual aid, to facilitate juror understanding of difficult concepts or points.

- Alan H. Packer, Esq., *Newmeyer & Dillion*
- Scott Thompson, *JurisTech Systems LLC*
- John Osteraas, Ph.D., *Exponent*

4:30 pm – 5:30 pm **Developing a Case Theme – Tell Your Story Effectively!**



We can't choose the facts of our case, but we can choose how to frame them and how to present them to tell our story effectively. This presentation will educate attorneys on how to select a theme and develop a story, how to integrate the themes when telling the story, and how to use data gained from pre-trial discovery to effectively tell a compelling story.

- Cynthia Lawrence, *Sims, Lawrence & Arruti*
- Daniel W. Dugan, Ph.D., *Trial Science*
- Samuel Muir, *Muir Law*

5:30 pm – 6:30 pm **ADCNCN Member & Seminar Attendee Reception**

Exhibit and Sponsorship opportunities are available; please e-mail adcnc@camgmt.com for details.

REGISTRATION FORM

— Register Online at www.adcncn.org —

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FRIDAY, OCTOBER 9, 2020, PLEASANTON

Registration Fee:

- \$290 ADC Members
- \$390 Non-Member Attorney \$190 Non-Attorney
- \$170 additional attendee from same firm

Attendee: _____

State Bar # _____

Firm: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-Mail: _____

CANCELLATIONS: Registrants must cancel in writing at least one week prior to the seminar. Refunds less \$50 processing fee.

Method of Payment:

Amount Enclosed: \$ _____ Check payable to ADCNCN

If paying by credit card, please register online at www.adcncn.org. If paying by check, please complete this form and return it with your check to the address below:

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