

AGENDA

FRIDAY, MAY 19

8:30 A	Welcome & Introductions	Rick Friedman
8:45 A	The Ideal Lawyer-Judge Relationship	Rick Friedman
9:00 A	Difficult Judges: Types and Causes	Rick Friedman
9:15 A	Ethical Boundaries for Judges & Lawyers	Roger Dodd
10:15 A	BREAK	
10:30 A	Difficult Judges in Trial:	Rick Friedman Roger Dodd Randi McGinn
	<i>Pre-trial – Rick Friedman</i> <i>Voir Dire – Roger Dodd</i> <i>Opening – Randi McGinn</i> <i>Direct- Rick Friedman</i>	
	<i>Cross—Roger Dodd</i> <i>Closing—Randi McGinn</i> <i>and Difficult Judges for Women – Randi McGinn</i>	
12:30 P	LUNCH(ON YOUR OWN)	
1:30 P	The Female Judge & The Female Attorney [‡]	Randi McGinn
2:30 P	Ethically and Professionally Dealing with Difficult Opponents & Clients	Roger Dodd
3:30 P	BREAK	
3:45 P	Preparing Difficult Clients for Direct and Cross Examination	Randi McGinn
5:00 P	WELCOME RECEPTION	
7:00 P	Bonus Session – Ethical Pitfalls and Concerns for the Trial Lawyer	Special Guest Nick Rowley
9:00 P	END OF DAY 1	

General Credit:
465 minutes
Ethics/Specialty Credit*:
330 minutes

**Ethics and Specialty credit eligible topics are highlighted in gray. Eligibility varies by jurisdiction. Please be sure to verify the credit awarded in your jurisdiction(s).*

‡Elimination of Bias Credit Eligible

SATURDAY MAY 20

8:00 A	Ethical Trial Lawyers in the 21 st Century	Rick Friedman
9:00 A	Adjusting to New Venues & New Judges	Roger Dodd
9:30 A	BREAK	
9:45 A	Changing Trends in Voir Dire	Randi McGinn
10:15 A	The Brave New World of Trial Practice: <i>Phones, Social Media, & Researching Jurors</i>	Roger Dodd
11:45 P	LUNCH (ON YOUR OWN)	
12:45 P	Applying New Concepts to Trials	Rick Friedman
2:15 P	BREAK	
2:30 P	The Post-Trump Error Era	Randi McGinn
4:00 P	Don't Eat the Bruises	Special Guest Keith Mitnik
5:30 P	DINNER (ON YOUR OWN)	
7:00 P	Bonus Session - The Power of Presence: Connect with Jurors, Command the Courtroom and Increase Your Charisma	Special Guest: Sari de la Motte
9:00 P	END OF DAY 2	

PRESENTERS



RICK FRIEDMAN

- Partner, Friedman Rubin
- Co-Author, *The Rules of the Road: A Plaintiff Lawyer's Guide to Proving Liability*
- Author, *Rick Friedman on Becoming a Trial Lawyer*
- Author, *Polarizing the Case*
- Author, *The Elements of Trial*
- J.D., Harvard Law School
- B.S., Antioch College

Admissions: Alaska, Washington, California, Nevada and Kentucky

Rick Friedman built his reputation representing regular people and small businesses injured by large corporations and government entities. He has won large verdicts in difficult cases in the fields of personal injury, defamation, insurance bad faith, and business torts.

After graduating from law school, Rick opened a one lawyer law office in Sitka, Alaska. Over time, other lawyers began coming to him, asking for help in overcoming defense tactics that distort the truth. As the firm grew, Rick, with the help of the highly-accomplished trial teams at Friedman | Rubin, won verdicts that have made the world safer and more fair for average citizens. Four of these verdicts have been ranked in the top ten verdicts in the United States in the years they were returned.

WEBSITES

<http://friedmanrubin.com/>

LINKEDIN

<https://www.linkedin.com/in/rick-friedman-3944548b>

TRIAL GUIDES

<https://www.trialguides.com/authors/roger-dodd/>

NOTABLE AWARDS/HONORS

- Past President, 2013-14, Inner Circle of Advocates (Top 100 Plaintiff Trial Lawyers in the United States)
- Trial Lawyer of the Year 2013, Washington State Association for Justice

ROGER DODD

- Partner, Spohrer & Dodd (Jacksonville, FL); Dodd & Burnham (Valdosta, GA); and Dodd & Kuendig (Park City, Utah)
- Co-Author, *Cross-Examination: Science and Techniques*
- Co-Author, *Cross-Examinations for Depositions*
- Editor, *The Art of Cross-Examination* By Francis Wellman
- LL.M., 2013, Advocacy, Stetson Law School
- J.D., 1976, University of Pittsburgh
- B.A., 1973, Economics, Bucknell University



Admissions: Georgia, Florida, and Utah; all applicable state and U.S. Courts, the Armed Forces Court of Appeals, and the U.S. Supreme Court.

A Board Certified Criminal Trial Specialist for 20 years and a Board Certified Civil Trial Specialist for more than 20 years, trial attorney Roger Dodd has represented clients in legal matters since 1976. The majority of his practice focuses on serious or catastrophic injuries, trucking cases, medical malpractice, aviation accidents and wrongful death. Mr. Dodd has been a lecturer, expert witness, and teacher in all 50 states, the District of Columbia, Russia, St. Thomas, Puerto Rico, Canada, Mexico, and various Caribbean locations.

Mr. Dodd is a frequent guest and commentator on television programs, including Court TV, *Good Morning America*, and *Geraldo at Large*. He is one of a select group of attorneys to receive the distinguished Super Lawyer rating in multiple states.

Mr. Dodd coaches other lawyers in their individual trials. He also teaches lawyers in small intense (limited to 8 lawyers) in a clinic setting with improvisational actors in witness roles.

WEBSITES

- <http://www.doddlaw.com/>
- <http://www.doddkuendig.com/>
- <http://www.sdlitigation.com/>

LINKEDIN

- <https://www.linkedin.com/in/rododd>

TRIAL GUIDES

- <https://www.trialguides.com/authors/roger-dodd/>

NOTABLE AWARDS/HONORS

- Best Lawyers in America (1991-present)
- AV® Martindale-Hubbell® Peer Review RatedSM
- Bar Register of Preeminent Lawyers™
- Georgia Super Lawyers (2004 - present)
- Florida Super Lawyers (2009 - present)
- Leading Lawyers in Utah (2015 – present)

RANDI MCGINN

- Partner, McGinn, Carpenter, Montoya & Love, P.A.
- Author, *Changing Laws, Saving Lives: How to Take on Corporate Giants and Win*
- First Female President, Inner Circle of Advocates
- Author and Presenter, *Closing Statements that Touch the Heart* video
- Author and Presenter, *Creating Magic in Trial* video
- J.D, University of New Mexico School of Law
- B.A., New Mexico State University



Admissions: New Mexico, US District Courts of New Mexico and Colorado

Randi McGinn is known for her creativity in the courtroom and her use of demonstrative evidence to visualize opening, direct, cross-examination, and closing argument. She has destroyed adverse witnesses by leaving a pretentious Beverly Hills doctor standing in front of the jury covered with post-it notes and clutching a grapefruit to his chest, by grilling a government snitch until he threw up, and by exposing the fact that a world-renowned polygraph expert had been polygraphing his own sperm cells in the dead of night. In some particularly hard-won police shooting case, the local SWAT officers once put her face on their Christmas piñata and took turns whacking it with a big stick.

Randi started her career by giving birth to daughter Heather the day before the three-day bar examination.

Her most famous client was Billy the Kid – for whom she sought a pardon. She was recently appointed as a special prosecutor in the first murder case in over 50 years against an Albuquerque police officer for an on the job shooting.

Ms. McGinn is a former governor of the American Association for Justice, a past president of the New Mexico Trial Lawyers Association, and a former board member of the National Association of Criminal Defense Lawyers. Randi has taught trial practice for the National Institute for Trial Advocacy and the National Criminal Defense College, and as an adjunct professor for the University of New Mexico Law School.

WEBSITES

<http://mcginnlaw.com/>

LINKEDIN

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TRIAL GUIDES

<https://www.trialguides.com/authors/randi-mcginn/>

NOTABLE AWARDS/HONORS

- AV[®] Martindale-Hubbell[®] Peer Review RatedSM
- Best Lawyers in America, Plaintiff's Personal Injury Law and Criminal Law
- Southwest Superlawyers Top 25 Lawyers in New Mexico
- *Albuquerque Magazine* Rated Top 10 Lawyers
- President, Inner Circle of Advocates (Top 100 Plaintiff Trial Lawyers in the United States)
- Fellow, International Academy of Trial Lawyers



NICK ROWLEY

- Partner, Carpenter, Zuckerman and Rowley
- Author and Presenter, *Connecting with the Jury* video series
- Author and Presenter, *Trial by Human: Jury Selection and Opening Statements* video
- Author, *Trial by Human*
- J.D., University of La Verne College of Law
- B.S., Social Psychology, Park University

Admissions: California

First and foremost, Nicholas C. Rowley is a husband and father. He is the founder of Trial Lawyers for Justice and a partner at Carpenter, Zuckerman, & Rowley. Many consider Nicholas C. Rowley to be the most accomplished trial lawyer of his generation. He has extensive courtroom experience representing victims of serious injuries and medical malpractice, especially those who have suffered traumatic brain injuries, spinal injuries, and chronic pain.

Some of Nick's other recent successes include a record-setting \$74,525,000 verdict for a victim of medical malpractice; a \$38,600,000 jury verdict for a young man who fell from a hotel balcony while intoxicated; a \$17,000,000 win for woman who suffered a mild traumatic brain injury caused by a fall from a hotel window; a \$13,860,000 win for a mild traumatic brain injury caused by an automobile crash; \$10,000,000 for a child with a mild traumatic brain injury; \$16,500,000 for a young girl who was a birth injury victim; \$10,250,000 for a man who suffered a below knee amputation; \$10,700,000 for a high school student (the infamous 'chicken suit' case); and \$40,000,000 for two parents whose 33 year old son was killed due to corporate negligence.

Nick served as an instructor at Gerry Spence's famed Trial Lawyers College and delivers keynote addresses nationwide on his revolutionary approach to voir dire and damages.

Other lawyers, faced with low settlement offers from insurance companies, frequently bring Nick into their cases just before trial. Nick is a relentless warrior who has prevailed in the courtroom time and time again. He prides himself on his caring and empathetic approach to working with his clients and their families, and his ability to help juries find the truth and deliver justice to the injured.

Nick is on the Board of Directors of the Imagination Workshop, which is a non-profit theater arts organization committed to using the unique power of the theater to provide life-changing artistic opportunities to the mentally ill, homeless veterans, senior citizens, and 'at-risk' young people. IW

WEBSITES

<http://www.czrlaw.com/>
<http://TrialByHuman.com/>

LINKEDIN

<https://www.linkedin.com/in/nicholas-rowley-772b45a3>

TRIAL GUIDES

<https://www.trialguides.com/authors/nicholas-rowley/#>

NOTABLE AWARDS/HONORS

- Board of Directors, Imagination Workshop
- Honorary Board of Governors, TLC (Los Angeles Trial Lawyer Charities)
- 2009, 2010, 2012, 2013, 2015, and 2016, Finalist, Outstanding Trial Lawyer of the Year, Consumer Attorneys Association of Los Angeles (CAALA)
- 2013 Outstanding Trial Lawyer of the Year, Consumer Attorneys of San Diego
- 2012, Finalist, Consumer Attorney of the Year, Consumer Attorneys of California (CAOC)
- Top Verdict 2010, *Los Angeles Daily Journal*, for a \$31.6 million TBI case
- 2009 Outstanding Trial Lawyer, Consumer Attorneys of San Diego

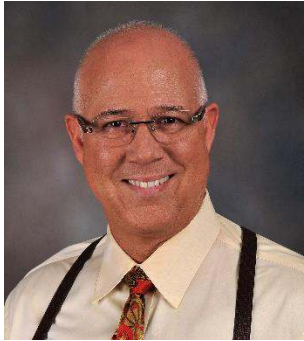
programs give troubled people, frequently alienated or overlooked by society, a safe way to express themselves and gain insight that often helps make their lives more successful.

Nick is also on the Board of Governors of LATLC, a non-profit organization whose purpose is to make a positive difference in the quality of life for people within the greater Los Angeles area, focusing on issues related to education, children, battered women, persons with disabilities, and homelessness, by providing financial assistance to needy persons and groups in the greater Los Angeles area.

Nick is the author of the book **Trial By Human**, and has multiple videos available through trialguides.com where he shares his teachings and candidly shares his approach that brings brutal honesty and humanity into the courtroom. He is also founder of the website, TrialByHuman.com, where he offers educational courses to attorneys to improve their courtroom skills by forming a deeper, humanistic connection with their clients.

Born in Iowa and raised between Iowa and Arizona, Nick moved out on his own at the age of 15. He worked full time from that point forward, and at the age of 17 joined the United States Air Force where he was trained and served as a combat medic. Through the military and G.I. Bill, Nick obtained his undergraduate education and attended law school. At age 19, Nick completed his bachelor's degree in social psychology. He also trained and certified as a firefighter, and during his service and college worked as a volunteer firefighter. Nick started law school at the age of 20 and continued his service in the Armed Forces. In total, he served an honorable six years in the United States Armed Forces as a medic.

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KEITH MITNIK

- Senior Trial Counsel, Morgan and Morgan
- Author, *Don't Eat the Bruises*
- Author and Presenter, *The Power of Analogy* video
- Author and Presenter, *Winning at the Beginning: The Untapped Power of Voir Dire, Opening and Beyond* video
- J.D., Florida State University Law School, *with honors*
- B.S., Allied Legal Services, University of Central Florida, *magna cum laude*

Admissions: Florida

Keith Mitnik is senior trial counsel for Morgan & Morgan, the largest personal injury law firm in America. At Morgan & Morgan, there are departments that handle every type of contingency fee plaintiff's case: general PI, medical malpractice, product liability, mass torts, commercial contingency, and so on. Keith's job is to try cases with all of these departments and, when they do not settle, to join forces at trial with the other lawyers handling them.

As a result, Keith is in trial with all kinds of cases almost every month—sometimes two or three times a month. He has a unique perspective on tactics that are currently in vogue with defense lawyers, and he has a chance to develop countermeasures. Most importantly, he has abundant opportunities to try out new strategies aimed at maximizing the likelihood of getting just results for clients. If he is not in trial, he spends much of his time working on new ideas and refining existing ones. For many years, his work has also involved teaching these methods to other plaintiffs' lawyers around the country.

Keith has averaged at least two million-dollar verdicts per year over the last ten years, and, in the last five years alone, seven eight-figure verdicts. That does not even include the long list of significant verdicts that were less than a million dollars but were far greater than the unfair amounts offered in settlement by insurance companies. Those cases that do not have catastrophic injuries are often the most difficult from which to obtain full justice, and Mitnik has successfully guided these juries to just outcomes time and time again.

Keith has been featured on countless magazines' best lawyer and super lawyer lists. He has been the subject of a front-page feature article in the Orlando Sentinel, a commentator on many national broadcasts, and the interviewee of Mike Wallace on 60 Minutes. He represented former Harlem Globetrotter legends Curly Neal, Meadowlark, and Marquis Haynes, among others, in a trial over the use of their names. He also represented The Backstreet Boys against the infamous music mogul Lou Pearlman.

WEBSITES

<http://friedmanrubin.com/>

TRIAL GUIDES

<https://www.trialguides.com/authors/keith-mitnik/>

NOTABLE AWARDS/HONORS

- Best Lawyers in America
- Florida Bar Board Certified, Civil Trial
- AV® Martindale-Hubbell® Peer Review RatedSM Preeminent Lawyer
- Super Lawyers



SARI DE LA MOTTE

Sari de la Motte is the CEO and founder of FORTE, a communications consulting firm. A sought-after trial consultant, Sari provides CLEs for various state association of justices around the country and works one-on-one with clients all over the United States. Sari has spoken for, and works with, several members of the Inner Circle of Advocates. Because of her unique ability to help attorneys communicate their real selves, she has been dubbed "The Attorney Whisperer."

You can reach Sari via her company's website, <https://nonverbalforte.com/>.

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EDUCATIONAL MATERIALS*

Arkansas Rules of Professional Conduct, <https://courts.arkansas.gov/rules-and-administrative-orders/%5Bcurrent%5D-arkansas-rules-of-professional-conduct>. (last visited 2/24/17)

Burton, Robert A, *On Being Certain: Believing You Are Right Even When You're Not* Excerpt "Chapter 1: The Feeling of Knowing" <http://us.macmillan.com/excerpt?isbn=9780312541521>. (last visited 2/24/17)

Curtis, Carole, "Dealing with Difficult Clients." <http://www.practicepro.ca/practice//pdf/DealingDifficultClientCaroleCurtis.pdf> (last visited 3/15/17)

Curtis, Carole, "Dealing with Difficult Judges." http://www.practicepro.ca/practice/pdf/DealingwithDifficultJudges_CarolCurtis.pdf (last visited 3/15/17)

Dodd, Roger and Dodd, Matthew, "Ethics Seminar Handout" (2017).

Dodd, Roger and Dodd, Matthew, *Cross Examinations for Depositions* Excerpt: "Chapter 12: Ethical Consideration" (2017).

Guthrie, Chris; Rachlinski, Jeffrey J.; and Wistrich, Andrew J., "Judging by Heuristic: Cognitive Illusions in Judicial Decision Making" (2002). *Cornell Law Faculty Publications*. Paper 862. <http://scholarship.law.cornell.edu/facpub/862> (last visited 2/24/17)

Friedman, Rick, *Becoming a Trial Lawyer: A Guide for the Lifelong Advocate* 2nd Edition (2015) Excerpts:

Part I, Chapter 7 "You and Your Opponents"

Part II, Chapter 12 "Don't React to Every Attack"

Part II, Chapter 17 "The Limits of Logic and Sympathy"

Part III, Chapter 25 "Therapy"

Friedman, Rick, and others, "Take Back the Courtroom IV Educational Materials"

Kaufman, Carolyn, "Why Bad Guys Think They are Good Guys" (August 12, 2012). *Psychology Today*. <https://www.psychologytoday.com/blog/psychology-writers/201208/why-bad-guys-think-theyre-good-guys>. (last visited 2/24/17)

Law Society of Upper Canada, "Rules of Professional Conduct" <http://www.lsuc.on.ca/with.aspx?id=671> (last visited March 9, 2017)

McGinn, Randi, *Changing Laws Saving Lives: How to Take on Corporate Giants & Win* (2014) Excerpts:

Chapter 13 "Beyond the Money"

Chapter 17 "What Should I Wear in Court"

Chapter 18 "Speaking Truth to Power"

Chapter 21 "You Don't Know a Woman Until You've Met Her in Court"

McGinn, Randi, "Obtaining Damages for the Unlikeable or Difficult Client." (2017) Article for AAJ.

New York Judiciary, "Standards of Civility" http://www.nycourts.gov/press/old_keep/stnds.shtml. (last visited 2/24/17)

Reardon, Jayne R. "Civility as the Core of Professionalism" *Business Law Today* (September, 2014).

State Bar of California, "Guidelines of Civility and Professionalism" (2007)

United States Courts, "The Code of Conduct for United States Judges" (2014).

<http://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges> (last visited 2/24/17)

**Estimated Total Pages: 330*

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