



MASTERS IN TRIAL PLANNING GUIDE

Introduction

The **Masters in Trial**[®] program series is an array of one-day CLE seminars using mock trial demonstrations to teach skills for all or parts of a jury trial. Most MIT programs include a component of jury deliberation – a jury participates in the program and their deliberation is shown *live to registrants* by video feed.

Masters Education Programs are presented by ABOTA Chapters in conjunction with and under the sponsorship of the ABOTA Foundation. Coordination with the ABOTA Foundation and its staff is vital to ensure program quality and consistency. Working Closely with the Foundation ensures appropriate support to the Chapter including marketing, venue organization, and other critical functions. Chapters are not permitted to organize and conduct Masters-branded programs without the approval of the ABOTA Foundation Professional Education Committee and coordination with the ABOTA Foundation Office. (Chapters are, of course, encouraged to conduct other educational programs not duplicative of or designated as Masters Programs, such as Civility Matters programs and mini Jury Summits.)

The Masters-branded programs' strength lies in the inspired leadership of chapter presidents and program chairs. Their commitment to the program's success is a key element in producing a Masters in Trial[®]. These programs have met with phenomenal success for several reasons:

- * Faculty members are premier trial lawyers and members of ABOTA.
- * The programs are balanced – both plaintiff and defense lawyers are represented.
- * Programs demonstrate, rather than describe, trial technique and style.
- * The trial demonstrations provide a rare opportunity for the audience to watch jury deliberations by way of a video feed from the jury room.
- * ABOTA works to provide quality education and meets the standards for accreditation established by each state which hosts a program.
- * The program appeals to lawyers at all experience levels, from newly-admitted to seasoned attorneys.

Ways your chapter benefits from presenting the Masters in Trial Program[®]:

- * Goodwill, respect and appreciation by attending lawyers.
- * Exposure through marketing and attendance by lawyers throughout your area.
- * Enhanced chapter relations with local chapters, national ABOTA, and the community at large.
- * Opportunity for chapter meeting or retreat in combination with the **Masters in Trial Program[®]**.
- * Public education – through service as jurors on these mock trial programs, participants gain new appreciation of their 7th Amendment rights.
- * Chapter revenue – Net revenue from the program is shared.
- * A successful MIT offers an immediate connection between members and brings new vitality to the chapter.

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Scheduling Process

In an effort to accommodate as many requests as possible from state and local chapters, we ask that each chapter adhere to the following process when scheduling a Masters in Trial[®] to be held in their area. Advance planning is essential. Scheduling begins in the spring prior to the year the program is to be held.

1. Complete the Chapter Request for Masters Professional Education Program (attached)

This form indicates your desired dates, program type, and any special considerations (selected venue, dates, etc.)

2. Chapter leader reviews the Chair's guide and accompanying materials

This guide is provided to detail the requirements and responsibilities associated with conducting a Masters in Trial[®] program. Having a thorough understanding of what is expected is critical to planning and delivering a high-quality Masters in Trial[®].

3. Completed request forms are reviewed by the Professional Education Committee

While we try to accommodate requested dates, we must take into account the requests of all Chapters and the availability of ABOTA staff to support the program. The Committee reviews and approves programs for the next calendar year at the Committee meeting in the second quarter of the preceding year. Requests submitted after the spring meeting will be considered based on time and resources available.

4. ABOTA Foundation staff contact program chairs of each approved program to hold a "kick off call"

In this call National and Chapter representatives become acquainted, review roles and responsibilities and timelines, and begin making plans for the program.

If your chapter is interested in hosting a Masters-branded program, please submit the Chapter Request form to mollym@abota.org

For more information and to discuss the program, contact:

Molly McDonald
Foundation of the American Board of Trial Advocates
2001 Bryan Street, Suite 3000
Dallas, Texas 75201
(800) 779-5879
FAX (214) 871-6025

* Masters in Trial is a registered mark of the American Board of Trial Advocates. In order to assure uniformity and protect the Foundation's trademarks, chapters are not permitted to conduct Masters programs except in coordination with the Foundation of the American Board of Trial Advocates.

Program Descriptions

The Masters in Trial[®] series includes a variety of programs for Chapters to choose from. If your Chapter has never held an MIT, we recommend that you begin with the traditional MIT—*Masters in Trial[®]: A Trial Demonstration from Opening Statement through Jury Deliberation*. If your Chapter holds MIT programs regularly, you may want to vary the program type in an effort to remain relevant and appealing to repeat audiences. The descriptions below are provided to give you a snapshot of each program. Additional information about each program, including proposed agendas, is available through the ABOTA Foundation.

Masters in Trial[®]: A Trial Demonstration from Opening Statements through Jury Deliberation (most common)

Masters in Trial shows how experienced trial lawyers conduct a trial – without war stories. All trial team participants are ABOTA members, well known and highly respected in their fields. The mock trial demonstration is presented before a presiding judge and a real jury, complete with witnesses, experts and courtroom visuals. The jury will render a verdict in the case, with deliberations broadcast into the seminar room. Masters in Trial is a skills program applicable to virtually every civil case. This program will be of value to attorneys who are just beginning their trial practice, as well as experienced attorneys who appreciate observing new ideas and methods.

Masters in Jury Selection[™]

Masters in Jury Selection shows how experienced trial lawyers conduct voir dire, through lecture and demonstration before a presiding judge and a real jury panel. Separate demonstrations focus on effective jury selection in cases regarding liability as well as damages. The program includes a presentation by the presiding judge on the judicial perspective on voir dire. A jury consultant is included in the faculty to present on Effective Jury Selection and Persuasion. Attorneys of all levels of experience will benefit from this program.

Masters in Cross-Examination[™]

This program is designed for the trial lawyer who finds him/herself in a courtroom, facing the obligation of cross examining and impeaching both lay and expert witnesses. The program includes substantive law discussion as well as helpful step by step approaches to witness examination and live, real-time examples of cross-examination. This program will appeal to new or seasoned lawyer, representing the plaintiff or defense, in any area of practice.

Masters in Opening Statement/Closing Argument[™]

This seminar provides lawyers with insights from the bench and from accomplished practitioners in the art of opening and closing, including real-time demonstrations by plaintiff and defense attorneys of effective and convincing opening statements and closing arguments. Designed for lawyers in all areas of practice, the skills demonstrated are applicable to any civil case, whether IP, Trademark, Personal Injury, Contract, or Commercial. This program is intended to benefit attorneys who are just beginning their trial practice, as well as those looking for sophisticated new techniques and approaches to opening and closing.

Masters in Demonstrative Evidence™

This program emphasizes the use of low and high tech Demonstrative Evidence in every aspect of the civil jury trial. We live in a world where jurors' attention requires more than just words and this program keeps pace with that thirst for visual presentation. The program includes a display of state-of-the-art technical exhibits for the courtroom and demonstrations of trial techniques for attorneys with any budget who are anxious to sharpen their courtroom skills. The trial team will demonstrate opening statements, direct and cross-examinations and closing arguments, weaving demonstrative evidence into each aspect of their already masterful trial advocacy. Whether impeaching with a videotaped deposition or persuasively handling a piece of physical evidence, the program will expand the tools and skills of trial attorneys of all experience levels.

Masters Ultimate Trial Notebook™

The one-day lecture format program breaks down a trial into its most critical components, with 30-minute to one-hour presentations by distinguished faculty. The faculty in the host state prepares written papers for each assigned topic, which are contained in a "trial notebook" or a CD given to attendees.

Masters Expedited Jury Trial™

The Expedited Jury Trial seminar is the newest professional education program offered by the ABOTA Foundation. The Sacramento Valley Chapter presented the first Masters in Trial Expedited Jury Trial in November 2012. Various jurisdictions – both state and federal – have implemented an alternative process that is designed to provide litigants with speedy and less expensive access to civil jury trials. The EJT program demonstrates a shortened jury trial on an expedited basis.

Program Requirements

	Speakers	Judge	Jury	Witnesses/ Specialists	Format	Timeline (Time to plan)
Masters in Trial	12 ABOTA Members 6 plaintiff; 6 defense	ABOTA member preferred (not required)	Number of jurors dependent on jurisdiction	Most fact patterns require 2 lay witnesses and 2 expert witnesses	Demonstration/ Panel discussion	9-12 months
Masters in Jury Selection	4 ABOTA Members	ABOTA member preferred (not required)	Number of jurors dependent on jurisdiction	Jury Specialist	Lecture/ Demonstration	9-12 months
Masters in Cross-Examination	9-11 ABOTA members	ABOTA member preferred (not required)	No jury required	2 expert witnesses 1 lay witness	Lecture/ Demonstration	9-12 months
Masters in Opening Statement/Closing Argument	Minimum 8 ABOTA Members	Optional	No jury required	No witnesses required	Lecture/ Demonstration	9-12 months
Masters in Demonstrative Evidence	12-14 ABOTA Members	ABOTA member preferred (not required)	Optional. May use a section of the audience	Most fact patterns require 2 lay witnesses and 2 expert witnesses	Lecture/ Demonstration	9-12 months
Ultimate Trial Notebook	10-15 ABOTA Members	Optional	No jury required	No witnesses required	Lecture	9-12 months
Expedited Jury Trial	12 ABOTA Members 6 Plaintiff; 6 Defense	ABOTA member preferred (not required)	Number of jurors dependent on jurisdiction	Most fact patterns require 2 lay witnesses and 2 expert witnesses	Demonstration/ Panel discussion	9-12 months

Roles and Responsibilities

	Local Chapter Program Chair / Trial Coordinator	ABOTA Foundation
Planning	<ul style="list-style-type: none"> Work together to choose a date for the program 	
	<ul style="list-style-type: none"> Submit Request for program to Foundation Ensure date is free of conflict with other CLE Programs in the area 	<ul style="list-style-type: none"> Provide ongoing advice and support to trial coordinator
Program Format/Content	<ul style="list-style-type: none"> Choose type of program (pages 4-5) Choose case study (examples available through Foundation – new case studies welcome) 	<ul style="list-style-type: none"> Provide course materials electronically to all faculty members (including exhibits and program brochure)
Speaker Recruitment/Communication	<ul style="list-style-type: none"> Recruit 12 ABOTA members to fill trial roles Recruit appropriate witnesses Recruit trial Judge 	<ul style="list-style-type: none"> Provide ABOTA-logoed speaker gifts
Juror Recruitment/Communication	<ul style="list-style-type: none"> Recruit jurors – either from jury pool or volunteers (see page 11) Pay jurors 	
Venue and Logistics	<ul style="list-style-type: none"> Work together to select an appropriate venue 	
	<ul style="list-style-type: none"> Plan a speaker dinner, when appropriate (A sponsor may be recruited to pay for the dinner or the dinner can be financed by the chapter) Provide a technician to assist onsite with presentation of exhibits through PowerPoint or other legal software 	<ul style="list-style-type: none"> Contract for meeting space, room block (if appropriate), catering, and audio-visual support Act as group liaison with venue, AV, and catering reps onsite
Marketing	<ul style="list-style-type: none"> Discuss marketing Strategy 	
	<ul style="list-style-type: none"> Provide all information for brochure by the required date (see timeline). Solicit additional mailing lists (local bar, defense bar, plaintiff bar, etc.) Promote attendance at the program locally 	<ul style="list-style-type: none"> Develop marketing pieces (direct mail brochures, flyers to targeted mailing lists, e-mails to Chapter members, and other lists) Provide program information and downloadable brochure on Foundation website
Sponsorship	<ul style="list-style-type: none"> Solicit sponsors if appropriate/acknowledge with thanks and IRS forms 	
Onsite	<ul style="list-style-type: none"> Moderate program 	<ul style="list-style-type: none"> Administer program onsite including: <ul style="list-style-type: none"> Shipping materials to site Registration Catering coordination Audio-visual oversight, including audio/video taping as necessary
CLE	<ul style="list-style-type: none"> Provide advice to Foundation staff on intricacies of state CLE rules 	<ul style="list-style-type: none"> Ensure compliance with state standards for CLE certification and credit Submit application and supporting materials for program approval Report CLE information to appropriate authority post program in accordance with regulations
Registration		<ul style="list-style-type: none"> Maintain registration database for the program Confirmation letters to registrants Report to chapter on registration numbers Administer registration onsite
Finance		<ul style="list-style-type: none"> Handle all financial duties including: <ul style="list-style-type: none"> Deposits of tuition Payment of expenses Preparation of project accounting sheet Reconciliation of all accounting Communication and payment of financial result to chapter

Sample Timeline

Timing	Action
Immediately upon scheduling	Kick off call with Foundation Staff <ul style="list-style-type: none"> ➤ Review program timeline ➤ Discuss and confirm program type, case study possibilities, etc. ➤ Brainstorm possible venues
	Begin Recruiting Speakers <ul style="list-style-type: none"> ➤ Plan to invite 2-3 times the number of speakers you need. Trial coordinators are often surprised by how long recruitment takes ➤ All members of the trial team <u>MUST</u> be ABOTA members ➤ Due to budget constraints, the ABOTA Foundation does <u>NOT</u> pay honorarium or travel expenses for speakers ➤ The chapter may provide honorarium or reimbursement (not to be charged to the program budget)
	Discuss Marketing Strategy <ul style="list-style-type: none"> ➤ Target audience ➤ Methods: Advertising (Local Bar, websites, legal news), PR (news releases), Fliers (Save the Dates and Specialty—Bar, Past registrants, etc.) ➤ Schedule
16 weeks out	Provide Program information to the ABOTA Foundation Office <ul style="list-style-type: none"> ➤ Choice of case study ➤ Names, contact information, and biography for all faculty including Judge ➤ Trial assignments ➤ Program agenda ➤ Learning objectives for attendees (minimum 3 bullet points)
	Venue Selected and contracted (earlier if possible)
12 weeks out	CLE Accreditation Application submitted
	Mail Brochure – Bulk mail arrives in 10+ days
	Mail first class pieces to ABOTA members (Presenting and surrounding chapters) and past registrants
6 weeks out	Witnesses recruited <ul style="list-style-type: none"> ➤ Provide names, phone numbers and e-mail addresses to the ABOTA Foundation office ➤ Make every effort to recruit real experts to play expert witnesses ➤ No honorarium or expenses will be paid to witnesses ➤ Witnesses can get CLE credit (plaintiff and defendant are often played by associates)

Timing	Action
	<p>Fact Pattern Distributed</p> <ul style="list-style-type: none"> ➤ Fact pattern sent electronically to all faculty
	<p>Speaker Working Dinner Confirmed</p> <ul style="list-style-type: none"> ➤ Typically held the evening before the program ➤ The cost of the dinner may not be charged to the program expenses ➤ Chapters are encouraged to find sponsors (e.g., law firms, court reporting firms, tech companies, etc.)
	<p>Trial Tech Confirmed</p> <ul style="list-style-type: none"> ➤ All audiovisual needs (screen, microphones, etc.) will be confirmed by the Foundation ➤ It is the responsibility of the program chair to recruit someone to serve as in-courtroom tech to “drive” the laptop (Typically works best to use trial director, sanction, etc. to show exhibits, depositions, etc.) Suggestions – a volunteer from a member’s firm, a freelancer. This person will be thanked from the podium
	<p>Jury Selection</p> <ul style="list-style-type: none"> ➤ Decide on source of jury ➤ Determine juror pay (budget is \$25-\$75 per juror per day) ➤ Individuals recruited from the “real” jury pool are best – other options include retirees, nurses, firefighters, etc. (people who may have free time during the day) ➤ Juror will be provided with lunch and complimentary parking ➤ No law students, attorneys, or paralegals will be accepted as part of the jury
2 weeks out	<p>Jury List Due to the ABOTA Foundation</p> <ul style="list-style-type: none"> ➤ Names of jurors and recruitment source ➤ Method of payment (typically paid via chapter check – chapter is reimbursed by the Foundation)
1 week out	<p>Materials Shipped</p> <ul style="list-style-type: none"> ➤ Name badges, pens, pads, speaker gifts, etc. will be shipped to the program by the Foundation office. Please provide contact/address for shipping (either to the program location or to the trial coordinator)
1 day out	<p>Pre-Program</p> <ul style="list-style-type: none"> ➤ ABOTA Foundation staff arrives ➤ Tour of location/AV test and coordination of last minute details
	<p>Speaker Dinner</p> <ul style="list-style-type: none"> ➤ Speaker gifts distributed by trial coordinator or chapter president (ABOTA Foundation to provide ABOTA-logoed gifts)
PROGRAM	PROGRAM
3 weeks post	Report to State CLE Board
	Compiled Evaluation provided to Chapter
8 weeks post	Financial Reconciliation Complete – Check Distributed to Chapter (pending timely receipt of invoices)

Detailed Instructions

Program Planning

ABOTA Foundation staff is here to work closely with you in the planning and development of your Masters in Trial Program. During the initial kick-off call and thereafter, we recommend using your Foundation contact to discuss all details of the program and for support in ensuring the success of the program.

Program Format/Content

The Masters Series program you choose to present will determine the program needs, time requirements for faculty and trial coordinators, and potential audience.

When considering the options, you may wish to consider:

- State specific issues (e.g., voir dire restrictions would impact the effectiveness of Masters in Jury Selection)
- Recent changes in the state (e.g., you may want to present the Expedited Jury Trial program if that is new to your state)
- Previously held Masters in Trial Program (If the traditional MIT has been presented several times, you may want to switch to a specialized program to maintain interest from past attendees.)

ABOTA Foundation staff is available to assist you in deciding what program is right for your Chapter.

Program Materials

The case study and accompanying materials will be distributed to the faculty and all attendees prior to the program. Depending on the CLE requirements in the program locale, supplemental materials may be required in order to secure CLE credit. The trial coordinator should work with ABOTA Foundation staff to compile appropriate materials for the program.

Speaker Recruitment/Communication

The number of speakers required will depend on the type of program you select and the fact pattern you use. It is important to begin recruiting faculty early – we recommend you begin recruitment as soon as the date for the program is approved (your team must be complete 5 months prior to the program to comply with the marketing schedule and give speakers adequate time to prepare.)

Plaintiff/Defense teams

When recruiting speakers, be sure to consider the following:

- All attorneys participating in the program must be ABOTA trial attorneys whose names are recognized in the local area
- As a national program, we recommend that you recruit faculty members from around the Country. ABOTA Foundation staff is happy to provide suggestions for national speakers willing to participate. All participate at their own expense.
- Attendees expect to see women and minorities on the program. Every effort should be made to have both represented.

- Each speaker should be available to participate in the program in its entirety. Make sure to clearly convey the time/date of the program and speaker dinner (if applicable)
- Presenters should take into account the preparation time required prior to the program (for conference calls, “trial” prep, etc.) when considering the invitation.
- Be sure to inform speakers that the program does not cover any expenses – speakers will be responsible for their own expenses including any travel, hotel, meals, etc.

We recommend that you have a back-up plan for last minute cancellations (Plaintiff and Defense coordinators often serve as alternate speakers.)

Judge

An ABOTA member is preferred, but not required. A highly-respected local jurist will add immeasurably to the program. The Judge selection is due at the same time as the faculty.

The program does **not** pay travel expenses for judges. The Chapter may elect to cover these expenses.

Witnesses (due 6 weeks prior to the program)

The type of case to be demonstrated dictates the types of witnesses and experts required. Lay witnesses have been successfully recruited from within the offices of many ABOTA members (office staff, spouses, children, etc.).

Expert witnesses may be recruited from among your professional contacts with litigation support companies or experts you have employed in your own cases. They usually welcome the exposure to seminar audiences.

The program does **not** pay honorarium or travel expenses for witnesses. The Chapter may elect to cover these expenses.

Juror Recruitment/Compensation

There are several options for recruiting jurors for your program.

Recruiting “Real” Jurors (Recommended) – By contacting the local Jury Commissioner or County Clerk, Chapters are often able to recruit a “real” jury. The Commissioner or Clerk who normally recruits jurors for trials can assist in obtaining volunteers from the local jury pool to participate in the program. In some cases the Commissioner or Clerk allows this service to be the volunteer’s jury duty for the year and provides a certificate of jury service to the employer.

Community Recruitment – If recruiting from the “real” jury pool is not an option, volunteers from the community work well as a jury. In recruiting volunteers, we find that the best prospects are those who have time available during a weekday. Likely volunteers include retirees (neighbors, church members, parents or grandparents), nurses, firefighters, or others doing shift work.

****Volunteer restrictions** – The use of law students as volunteer jurors is discouraged.

Juror Compensation

Due to budgetary constraints, we must be careful in deciding what to pay volunteer jurors. Real jurors are paid what they would have earned in “real” jury service. Typically, volunteers are paid \$25.00 and no more than \$75.00 per day. The Chapter Treasurer should ensure sufficient funds are available to pay the jurors by check and be present to provide checks at the conclusion of the program. The jury expense will be accounted in the overall program expenses. No more than 12 jurors will be paid for any one program.

Jurors will also be reimbursed for self-parking, and will receive lunch.

Venue and Logistics

The Masters in Trial programs can be an excellent source of revenue for Chapters and the ABOTA Foundation. **Selecting an appropriately priced venue is an important step in controlling costs.**

We recommend looking for a venue that is willing to donate space or that has minimal costs associated with it. Historically, successful MIT programs have been held in Law Schools, Universities, Courthouses, Municipal buildings, etc. We discourage the use of hotels and conference centers due to cost.

Trial coordinators should work with ABOTA Foundation staff to brainstorm possible locations. ABOTA Foundation staff will take the lead on contracting meeting space, AV, and catering unless the Chapter has a pre-existing relationship that will help in negotiations.

Marketing

With input from the Trial Coordinator, ABOTA Foundation staff will develop a marketing plan to include Direct Mail Brochures, First Class Mailers (flyers to target mailing lists), and Emails to Chapter Members and other available lists;

A note about brochures: The program brochure serves a number of purposes beyond promotion—It is required by most states before a program can be approved for CLE credit; it is frequently required before a mailing list can be ordered from a bar association. With this in mind, it is essential that the deadlines in the program timeline be met. Delays in production of the brochure may result in added costs for first-class mail. If this delay is caused by missed deadlines in faculty or schedule the chapter may be required to cover the additional costs of upgraded postage.

Sponsorship

To offset the costs of the program, and as an additional source of revenue for the Chapter, trial coordinators and Chapter leadership may seek sponsorship for the program. Any sponsorship funds solicited by the Chapter will be directly credited to the Chapter – the Foundation will not receive a share of this revenue.

Possible sponsorship opportunities include the speaker dinner (a Chapter cost), catering breaks, lunch, AV support, venue, etc.

Onsite Administration

A representative from the ABOTA Foundation will be onsite to administer the program. This will include handling all registration, catering, audiovisual oversight, and any special requests. Foundation staff is also happy to assist with faculty direction, and onsite coordination with jurors.

The ABOTA Foundation will supply ABOTA logoed gifts to recognize speakers but recommends that the trial coordinator or Chapter President present these on behalf of the Chapter.

CLE Accreditation and Reporting

The ABOTA Foundation will take responsibility for applying for CLE credit and reporting to the state accreditation body. In order to apply for credit, it is essential that the faculty, schedule, and pricing information be supplied in accordance with the program timeline.

Registration

Registration will be handled through the ABOTA Foundation including collection of registration fees, tracking registration numbers, distribution of attendee materials, and onsite registration. Registration should open in line with the distribution of the brochure and no later than 6 weeks before the program. Weekly registration counts will be provided to the trial coordinator.

Finances

Any net income or loss from program is divided between the ABOTA Foundation and the Chapter in a 50/50 split. This includes any forfeited deposits for a cancelled program. If the program has a third party as a co-sponsor, the Chapter and the Foundation negotiate the split among the three parties. If 2 or more chapters do a program jointly, the Foundation receives 50% of the net and the Chapters share the other 50% equally.

The Foundation reserves the right to cancel any program if requirements are not met to make it a successful event. Any forfeited deposits will be shared equally by the Foundation and the Chapter.