

WINNING SETTLEMENT STRATEGIES & TACTICS, Part 2

Delta Prince Edward, Charlottetown, PEI

We tell our clients that most cases settle before trial - and that is true. But just because a case settles doesn't mean there aren't winners and losers. There are bad settlements, there are good settlements and there are great settlements. Great settlements are our goal, and they don't just happen - they are the result of a well-executed strategy, which begins at intake and continues to the filing of the consent dismissal order.

Everything is part of your plan. Nothing is left to chance. To make sure your client has the best shot at a great settlement, APTLA held its Settlements Part One program in Halifax in November, and is now presenting Part Two in Charlottetown. Join us in Charlottetown for this essential legal education!

Friday, June 15, 2018

12:00-12:30 Registration & Refreshment & Exhibit Visits

12:30-1:00 **Driving Better Settlements from the Start:**

Drilling Down into Colossus

Join APTLA's Young Lawyer Section as we revisit and recap Colossus, the computer algorithm used by insurers to set reserves and guide settlement. We'll review what Colossus is, how it works, and how to tailor the information you provide to the adjuster so it's Colossus friendly to maximize reserves. Every lawyer wants a fair settlement for his or her client. Learn what you need to know to leverage Colossus to your client's advantage.

TBA, APTLA Young lawyers Section

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1:00-3:00 **Writing to Win: Settlement Advocacy Through Legal Writing (Part 1)**

Professor Jarrod F. Reich, Associate Professor of Legal Research & Writing, Georgetown University Law Center

Writing skills are essential to the modern advocate - arguably even more important than oral advocacy in jurisdictions, like ours, with the prevalence of judge-alone trials. Fortunately the art of persuasion can be mastered - beginning with a solid understanding of the principles of persuasion. Legal writing expert and award-winning professor Jarrod Reich of Georgetown Law presents the essential principles of persuasion that you need to understand to create winning settlement briefs and other legal documents. In this session Professor Reich explains the importance of purpose and structure as the foundation of a compelling legal brief and how to create the points you need to win over your audience.

3:00-3:20 *Refreshment Break & Exhibit Visits*

3:20-4:30 **Writing to Win: Settlement Advocacy Through Legal Writing (Part 2)**

Professor Jarrod F. Reich, Georgetown University Law Center

Renowned legal writing Professor Jarrod Reich picks up where he left off in Part 1, and explains how to apply the principles of persuasion to modern written advocacy. You'll see real world examples of principles of persuasion at work in legal writing. You'll learn how to write an effective overview, how to turn facts into compelling stories and making every sentence come alive. Whether you're learning about the principles of persuasion for the first time or this is a refresher, you'll walk away with renewed appreciation for effective written advocacy and the tools to create extraordinary settlement briefs.

5:45 Assemble in the Delta Lobby and prepare to board the BridgePoint Party Bus to a Cocktail Reception and then Presidents' Dinner at Cardigan Lobster Suppers. BridgePoint Financial is hosting the cocktails in the holding bar before dinner, and APTLA's Past, Current and Incoming Presidents are hosting a lovely five-course traditional lobster supper. Departure is SHARP @ 6:00pm.

Saturday, June 16, 2018

8:30-9:00 Registration & Refreshments

9:00-10:00 **Nothing Left to the Imagination - Using Demonstrative Evidence To Settle Cases**

JO Hayes, Taylor King law

We all know that a picture paints a thousand words. Like most of us you likely create compelling charts, graphs, photos and models for trial. But demonstrative evidence is equally important for an effective settlement. In this session we'll learn how to use demonstrative evidence in negotiations, mediations and judicial settlement conferences, including tips and tricks from the trenches for producing cost effective evidence that tells your client's story - while saving you thousands of words in the process.

10:00-11:00 **Timing is Everything - Settling after Discoveries - Lessons from Ontario**

Judith Hull, McKenzie Lake (ON)

"When will my case settle?" We've all heard that question a thousand times. But what is the best approach to settlement now that discoveries have been completed. APTLA welcomes veteran trial lawyer and OTLA member Judith Hull who explains the tried and true methods for determining when and how to initiate settlement discussions, how to prepare demands that really settle cases and how to leverage facts, legal argument and uncertainty in negotiations from the Plaintiff's perspective.

11:00-11:20 *Refreshment Break & Exhibit Visits*

11:20-12:30 **Dynamics of Settlement Conferences, Mediations and Judicial Settlement Conferences- Views from the Bench and Bar**

Chief Justice Tracey Clements, PEI Trial Division

Lynn Murray, Key Murray law

Not all settlement forums are created equally. APTLA welcomes the Chief Justice of PEI's Trial Division and veteran litigator Lynn Murray to explain the differences. You will learn about the nuances of negotiation and strategy in settlement conferences between the parties, in mediation and at a judicial settlement conference. Our panel will focus on the similarities and differences between these settlement contexts. You'll learn what works best and how to advocate most effectively for your client in each context.

12:30-1:45 Conference Luncheon sponsored by Seahold Investments with a featured presentation:

"The Forever War: Tort Battles Past & Present"

by Ches Crosbie, Q.C., APTLA Past President and Candidate for leadership of the PC Pony of NL

1:45-2:30 **The Science of Settlement - Part 1: Pre-suasion & Preparation**

Barry Goldman, Arbitrator & Mediator (MI)

In the first of a three-part session, well-known Michigan arbitrator and mediator Barry Goldman will show us how to prepare for effective settlement negotiations through careful case evaluation using Robert Cialdini's principles of "pre-suasion". Learn to recognize and avoid the classic case evaluation mistakes involving Base Rates, the Lake Wobegon Effect, Fundamental Attribution Error, the Regret Aversion, and more. Understand "pre-suasion" and how to apply it in the lead up to negotiations and settlement meetings.

2:30-3:15 **The Science of Settlement - Part 2: Persuasion & Bargaining**

Barry Goldman, Arbitrator & Mediator (MI)

In Part 2, arbitrator and mediator Barry Goldman continues to share his insights into persuasive bargaining techniques gleaned from his ringside seat at hundreds of mediations. In this session, we will learn the principles of anchoring, availability, substitution, loss aversion, framing and sunk costs as they apply to litigation settlement negotiations.

3:15-3:35 *Refreshment Break & Exhibit Visits*

3:35-4:00 **The Science of Settlement - Negotiations & Agreements**

Barry Goldman, Arbitrator & Mediator (MI)

In Part 3, Barry Goldman continues his settlement strategy tour-de-force. Here we'll learn about ZOPA (zone of possible agreement), how to make the first offer and how to respond to offers from opposing counsel. After this three-part session you'll be able to tackle any settlement negotiation with confidence.

4:00-5:00 **What is this case worth?**

Greg Cann, Q.C., Cox & Palmer

Pamela Large-Moran, PML law

Cynthia Taylor, Key Murray law

In this interactive session, APTLA brings together two respected trial lawyers, one from each side of the great divide, and a mediator in between to review various real-life scenarios in personal injury cases, and provide their thoughts on quantum and settlement approaches. Feel free to bring your case scenarios and questions forward for debate. This has been one of our most popular conference panels and will be well worth the wait.

6:30pm **Opt-In Group Dinner @ The Claddagh Oyster House - All Welcome!**

Sunday, June 17, 2018

9:00-11:00am APTLA Annual General Meeting

Many thanks to our conference luncheon and data stick sponsor:

