



**2019 VTLA Advocacy Seminar:
Advocacy in Thought, Word and Deed**

October 17 – Holiday Inn Va Beach/Norfolk

Seminar Chair: Les S. Bowers, *MichieHamlett*, Charlottesville

AGENDA

8:30 a.m. **Registration Opens**

8:50 a.m. **Welcome and Introductions**

9:00 a.m. **Selection of “Juror Advocates”** CLE = 45 minutes
R. Lee Livingston, *MichieHamlett*, Charlottesville

Focus will be on the WHY to select (and deselect) certain jurors. This is not another voir dire CLE but is instead a CLE on the types of jurors you’d want in a given scenario. Recommendations will be provided based on science, research and demographics (obviously not impermissible stereotypes).

9:45 a.m. **Psychology of Persuasion & Conscious/Unconscious Thought** CLE = 45 mins
Paul R. Hernandez, *Kalfus & Nachman, PC*, Norfolk

Taking insights from *Thinking, Fast and Slow* by Daniel Kahneman (renowned psychologist and winner of the Nobel Prize in Economics), discussion will focus on issues such as primacy and recency; quick thinking on a subconscious level; unconscious bias; how jurors use confirming/disconfirming information to support their pre-decisions about the case; importance of “winning” voir dire and opening; “diversity” in the sense of persuading people from different backgrounds; and presentations for auditory/visual learners.

10:30 a.m. **Break**

10:45 a.m. **Judges Panel on Advocacy** CLE = 60 minutes
Moderator: L. Steven Emmert, *Sykes, Bourdon, Abern & Levy, PC*, Virginia Beach
Judges: The Hon. David W. Lannetti, Norfolk Circuit Court, and The Hon. John W. Brown, Chesapeake Circuit Court

A valuable opportunity to hear from Virginia’s judges on advocacy in the courtroom. What do judges think about (A) motions (what/when/how); (B) advocacy to judges (what works and what doesn’t work); (C) advocacy to jurors (what works and what doesn’t work); (D) witnesses — again what works and doesn’t work; and (E) how

lawyers can improve trial presentations.

11:45 p.m. **Wellness: Tips & Tricks to De-Stress Trials** CLE = 30 minutes
Kevin E. Martingayle, *Bischoff Martingayle, PC*, Virginia Beach

Strategies will be shared on how to make a busy trial practice less stressful. You will get tips collected from experienced trial attorneys that will help you manage your stress: from case selection, through trial preparation, and during trial – even weeklong or longer trials. Ideas will include having one or more partners actively participating; eliminating last minute work with pre-trial strategies; using vendors to assist with workup and trial; using pre-made “stock” exhibits in openings and closings; practices to calm yourself and focus your attention and energy; and more!

12:15 p.m. **Lunch** – sponsored by JMW Settlements

1:00 p.m. **Technology & Advocacy for Everyone** CLE = 30 minutes
Kellam T. Parks, *Parks Zeigler, PLLC*, Virginia Beach

And we do mean for everyone, regardless of technological expertise. We’ll discuss how technology is effectively used along with some big no-no’s and things not to do, both in and out of the courtroom. We’ll also address use of video depositions, PowerPoint best practices, videoconferencing, visual aids, optimal courtroom setup for technology and backup plans for technology failure.

1:30 p.m. **Advocacy in Mediation: The New Trial** CLE = 45 minutes
The Hon. F. Bradford Stillman (Ret.), *The McCammon Group*, and John M. Cooper, *Cooper Hurley Injury Lawyers*, Norfolk

Use of mediation can present novel strategies to get results for your clients. Focus will be on submissions, presentations, strategies (tried and true and some unique ones), client control, mediator control, setting expectations of the client AND of the adjuster and defense lawyer, and when NOT to mediate.

2:15 p.m. **Break**

2:30 p.m. **Preparing Witnesses to Advocate for Themselves** CLE = 45 minutes
Edwin S. Booth, *Ruloff, Swain, Haddad, Morecock, Talbert & Woodward, PC*, Virginia Beach

As attorneys, we often believe our performance in the courtroom dictates results. However, you can’t do it all. Preparing your witnesses, whether for arbitration, deposition or hearing, requires skill on your part but at the end of the day, decisions are often based on the performance and likeability of your witnesses. Learn techniques that best prepare your witnesses to speak for themselves.

3:15 p.m. **Honing Advocacy with Small Focus Groups** CLE = 30 minutes
Richard N. Shapiro, *Shapiro & Appleton*, Virginia Beach

You don't have to have large budgets for putting together focus groups. Whether you just need 5 average Joes or Janes, or you're considering using online group services, tips will be provided how best to put together a group quickly and conveniently.

3:45 p.m. **Ethics of Advocacy** CLE = 60 minutes
John R. Fletcher, *Tavss Fletcher*, Norfolk

Being a legal advocate is sometimes like walking a tight-rope. Be wary of slipping into overzealous representation, sliding into potential witness tampering, and otherwise wavering over the line of proper conduct. You will gain knowledge to help you stay balanced during phases of a case (pre-trial, depositions and post-trial).

4:45 p.m. **Adjournment**

CLE Hours = 6.5 (Ethics = 1.0)