



DRI delivers **resources** to build your practice

# Appellate Advocacy

Attend Friday Trial Tactics Seminar for free and earn bonus CLE. *More details inside.*

- Join friends and colleagues for Seminar Madness in Las Vegas!
- Tips and strategies for effective appellate briefs and oral arguments
- Insights from Bryan Garner on the interpretation of legal texts
- Experienced appellate practitioners, in-house, and judges from across the country
- Joint sessions and networking opportunities with the DRI Trial Tactics Committee



March 14-15, 2018

Planet Hollywood Resort

Las Vegas, NV

**A**t the **DRI Appellate Advocacy Seminar**, experienced appellate practitioners, in-house counsel, and occasional appellate advocates alike will benefit from a distinguished faculty of judges, in-house counsel, and leading practitioners providing valuable insights into effective appellate advocacy. The live oral argument and writing sessions will provide concrete strategies and techniques for improving persuasiveness on appeal. The program also features Bryan Garner and his insights into making winning arguments about the interpretation of legal texts. Other speakers will address important topics, such as appeals in state courts, building an appellate practice, and positioning a case for successful resolution on appeal. For the first time, the seminar also will feature joint sessions and networking opportunities with the DRI Trial Tactics Seminar attendees, including complimentary attendance at additional sessions sponsored by DRI Trial Tactics Committee.



**Sara Kobak**  
Program Chair



**Robert L. Wise**  
Committee Chair



**Adam M. Koss**  
Program Vice Chair



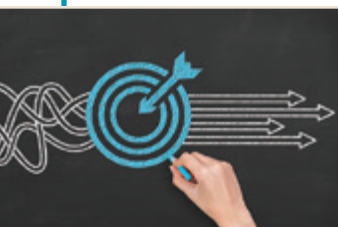
**Lisa M. Baird**  
Committee Vice Chair



**Mary Re Knack**  
Law Institute

PRESENTED BY **DRI's Appellate Advocacy Committee**

## What You Will Learn








- Gain valuable insights from judges and experienced practitioners on effective appellate advocacy, including specific writing techniques and strategies for oral argument preparation.
- Join Bryan Garner to enhance arguments about the proper interpretation of legal texts.
- Learn strategies for framing issues and positioning a case for positive resolution on appeal.
- Glean practical knowledge from experienced appellate and trial practitioners, in-house counsel, and state and federal judges from across the country, during multiple networking opportunities.

Attend the Friday Trial Tactics Seminar sessions for **FREE** and earn additional CLE credit!


See page 4 or download the **Trial Tactics Seminar brochure** now at [dri.org](http://dri.org).

## Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 Download the DRI App   and make use of its features to get the most out of this program
- 5 Share on social media   

## Maximize Your DRI Seminar Experience

*No one gets you connected like DRI.*

- Use the **DRI App** to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Appellate Advocacy Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house and claims professional registrants and speakers.

## PROGRAM SCHEDULE

### WEDNESDAY, MARCH 14

#### DRI FOR LIFE

Arrive early and join colleagues from the Appellate Advocacy Committee and Trial Tactics Committee for one of these activities.

7:00 a.m. **Golf Scramble at Las Vegas National Golf Club**

Join friends for a golf scramble at Las Vegas National Golf Club, a classic, 18-hole championship golf course, located less than 10 minutes from the Las Vegas Strip. To sign up or for more details, please contact Jack Burden at [jburden@backuslaw.com](mailto:jburden@backuslaw.com).

9:00 a.m. **Hiking Las Vegas**

Enjoy the natural wonders near Las Vegas with a beautiful hike not far from the Las Vegas Strip. To sign up or for more details, please contact Sara Kobak at [skobak@schwabe.com](mailto:skobak@schwabe.com).

2:00 p.m. **Registration**

3:00 p.m. **Welcome and Introductions**

**Mary Re Knack**, *Ogden Murphy Wallace PLLC*, Seattle, WA

**Sara Kobak**, *Schwabe Williamson & Wyatt PC*, Portland, OR

3:15 p.m. **The Economics of Appellate Practice: Surviving, and Hopefully Thriving, as an Appellate Litigator**

How can appellate specialists persuade law firm managers, colleagues, and clients that it makes economic sense to team with trial counsel when a case goes on appeal, and sometimes while a case is being tried? Appellate litigators with differing perspectives will discuss topics such as internal and external marketing, alternative fee arrangements, and cost-effective staffing and competing for appeals and amicus briefs.

MODERATOR | **Lawrence S. Ebner**, *Capital Appellate Advocacy PLLC*, Washington, DC

Click on any speaker name to view bio.

PANEL

**Wendy Cole Lascher**, *Ferguson Case Orr Paterson LLP*, Ventura, CA

 **Richard M. Wolff**, *AIG*, New York, NY

**Vishal H. Shah**, *Morgan Lewis & Bockius LLP*, Philadelphia, PA

4:15 p.m. **Legal Ethics in the Digital Age**

Data breaches are on the rise, affecting law firms and legal departments of all sizes. Whether ransomware, sophisticated cyberattack, data theft or loss, lawyers bear responsibility for their clients' confidential information. This presentation covers what attorneys need to know about the applicable legal and ethical requirements and how to comply with them. The presentation also identifies privacy and security risks in law practice and offers practical tips on how to address them.

MODERATOR | **Adam M. Koss**, *Law Office of Adam Koss*, San Francisco, CA

**Simone McCormick**, *CIPP (US)*, *Selman Breitman LLP*, Portland, OR

5:15 p.m. **Adjourn**

5:20 p.m. **Appellate Advocacy Committee Meeting**

6:00 p.m. **Networking Reception**

SPONSORED BY **Carney Badley Spellman PS**

7:30 p.m. **Dine-Arounds** | Join colleagues and friends from the Appellate Advocacy Committee at selected restaurants for dinner (*on your own*). More details on-site.

### THURSDAY, MARCH 15

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Reed Smith LLP**

**Schnader Harrison Segal & Lewis LLP**

8:00 a.m. **Welcome and Announcements**

**Adam M. Koss**, *Law Office of Adam Koss*, San Francisco, CA

 Denotes the **DRI CLIENT CONNECTION**: In-house and claims professional speakers

8:15 a.m. **The State of State Appellate Courts**

State appellate courts follow a number of different approaches in deciding cases and issuing opinions. This presentation looks at the challenges that state appellate courts face in conducting their reviews and making their decisions and offers observations on “best practices” that can be utilized.

MODERATOR | **James C. Martin**, *Reed Smith LLP*, Pittsburgh, PA

PANEL

**The Honorable Kathleen M. Banke**, *California Court of Appeals, First District*, San Francisco, CA

**John P. Doerner**, *National Center for State Courts*, Denver, CO

**The Honorable Eliot D. Prescott**, *Connecticut Court of Appeals*, Hartford, CT

9:15 a.m. **Reading Law: The Interpretation of Legal Texts with Bryan Garner**

Most litigation today involves the interpretation of documents. In their book, *Reading Law: The Interpretation of Legal Texts*, the preeminent exponent of textualism in the world, the late Justice Antonin Scalia and Professor Garner, the foremost expert on legal language and legal lexicography, teamed up to explain the history and modern application of the canons. This presentation is based on that book and will address how lawyers can most skillfully make sophisticated interpretive arguments, as well as how judges should rule on issues of textual interpretation.

MODERATOR | **Charles T. (Charlie) Frazier**, *Alexander DuBose Jefferson & Townsend LLP*, Dallas, TX

**Bryan A. Garner**, *LawProse Inc*, Dallas, TX

10:15 a.m. **Refreshment Break**

10:30 a.m. **Appellate Writing**

This session will begin with the audience trying their hands at editing sample paragraphs from an appellate brief and continue with a critique of the writing samples by two experts in the field. Interactive CLE at its best!


**Mary Beth Beazley**, *UNLV William S. Boyd School of Law*, Las Vegas, NV

**Mitchell C. Tilner**, *Horvitz & Levy LLP*, Burbank, CA

11:15 a.m. **Preparing for Oral Argument**

Oral argument provides litigants with their only opportunity to engage directly with judges’ questions that may stand between the litigant and winning on appeal. Effective preparation for an appellate oral argument is crucial to anticipating judges’ questions and success on appeal. This presentation provides practical tips and insights into best practices for the preparation process and delivery of oral arguments, including how to conduct a moot effectively and addressing related financial concerns.

MODERATOR | **Matthew T. Nelson**, *Warner Norcross & Judd LLP*, Grand Rapids, MI

 **Thomas R. Jayne**, *BNSF Railway Company*, Fort Worth, TX

12:00 p.m. **Lunch (on your own)**

12:00 p.m. **Diversity and Women in the Law Luncheon**

To sign up or for more information, please contact Teresa M. Young at [tyoung@bjpc.com](mailto:tyoung@bjpc.com).

■ **JOINT AFTERNOON SESSION WITH TRIAL TACTICS COMMITTEE**

1:30 p.m. **Handling the Big Case: Lessons Learned from Flight 3407**

The last major commercial aviation disaster in the United States occurred in Buffalo, New York, in 2009. Hear from defense counsel in this matter as he discusses how his team managed the media attention associated with this localized catastrophe, including the pretrial publicity and community impact, and how media coverage influenced defense strategy. He will also explain the defense team’s focus on preserving errors for appeal and the reasoning behind those decisions.

**John P. (Jack) Freedenberg**, *CFEI, Goldberg Segalla LLP*, Buffalo, NY

2:30 p.m. **Positioning a Case for Appeal**

Success on appeal often depends on the record from the proceedings in the trial court. Learn tips and strategies for framing issues, preserving claims of error, and positioning a case for a

- **JOINT AFTERNOON SESSION**, *continued*  
 positive resolution on appeal, whether you are the appellant or the respondent.  
 MODERATOR | **Melinda S. Kollross**,  
*Clausen Miller PC*, Chicago, IL  
 PANEL  
**Florina Altshiler**, *Russo & Toner LLP*, Buffalo, NY  
**The Honorable W. Michael (Mick) Gillette**,  
*Schwabe Williamson & Wyatt PC*, Portland, OR  
**Teresa M. Young**, *Brown & James PC*,  
 Saint Louis, MO
- 3:30 p.m. **Refreshment Break**  
 SPONSORED BY **Dykema Gossett PLLC**
- 3:45 p.m. **Mock Appellate Argument:  
 Sports-Gambling Case**  
 A panel of judges will preside over a mock oral argument, performed by exceptional practitioners, in a case on review before the Supreme Court of the United States that challenges the Professional and Amateur Sports Protection Act, a federal law banning states from authorizing sports gambling in all but a handful of “grandfathered” states, such as Nevada.  
 MODERATOR | **Sarah Elizabeth Spencer**,  
*Christensen & Jensen*, Salt Lake City, UT  
 ADVOCATES  
**Tillman J. Breckenridge**, *Bailey and Glasser LLP*,  
 Washington, DC  
**Jill M. Wheaton**, *Dykema Gossett PLLC*,  
 Ann Arbor, MI  
 PANEL OF JUDGES  
**The Honorable John Cannon Few**,  
*South Carolina Supreme Court*, Columbia, SC  
**The Honorable Kristina Pickering**,  
*Nevada Supreme Court*, Las Vegas, NV  
**The Honorable Johnnie B. Rawlinson**, *US Court  
 of Appeals for the Ninth Circuit*, Las Vegas, NV
- 5:15 p.m. **Adjourn**

- 6:00 p.m. **Joint Networking Reception** with  
 Trial Tactics Seminar attendees  
 SPONSORED BY **Schwabe Williamson & Wyatt PC  
 Warner Norcross & Judd LLP**
- 7:30 p.m. **Dine-Arounds** with Trial Tactics Seminar attendees. Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

**FRIDAY, MARCH 16**  
*You are welcome to stay and attend the Trial Tactics program sessions for free and earn additional CLE credit.*

- 8:10 a.m. **Mock Voir Dire: Wrongful Death Case**  
 Two seasoned litigators will conduct a mock voir dire of a panel of local jurors in a wrongful death case involving contributory negligence and product liability issues.
- 9:00 a.m. **Analysis of the Mock Voir Dire**  
 Join the interactive analysis of the mock voir dire, including a follow-up discussion with the actual jurors and questions and answers from attendees.
- 10:35 a.m. **Trial Ethics: Using Social Media**  
 This presentation will identify the ethical considerations for attorneys to consider when using social media both in the courtroom, including during voir dire, and outside the courtroom during the trial.
- 11:35 a.m. **Mediating Complex and Catastrophic Cases to Resolution**  
 A seasoned mediator and structured-settlement broker will provide practical and creative approaches from the trenches to assist advocates in achieving resolution at mediation in a catastrophic injury case.
- 12:05 p.m. **Adjourn**

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## GENERAL INFORMATION

### In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar.

**Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.**

### Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

### CLE and Specialized Appellate Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **8.75** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application for legal specialization credit in civil appellate law has been made for the states of California, Florida, Louisiana, Ohio and Texas.** Credit availability and requirements vary from state to state; **please check the DRI website at [dri.org](http://dri.org)** for the latest information for your state.

### Registration Policy

**Save \$100 when you register by February 13, 2018.** (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions,

and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **February 20, 2018** (*please allow 10 days for processing*). Registrations received after **February 20, 2018**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **February 20, 2018**. Cancellations received after **February 20** and on or before **February 27, 2018**, will receive a refund, less a \$100 processing fee. Cancellations made after **February 27** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email ([seminars@dri.org](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

### Discounts

**Group Discount** The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **February 13, 2018**. After **February 13**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

**Travel Discounts** DRI offers discounted meeting fares on various major air carriers for **DRI Appellate Advocacy Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

### Hotel Accommodations

A limited number of discounted hotel rooms have been made available at **Planet Hollywood Resort and Casino, 3667 South Las Vegas Blvd, Las Vegas, NV 89109** ([click here](#) to view hotel website).

Take advantage of the group rate of **\$129 (weekday)**, **\$204 (week-end) single/double with a \$30 per room, per night resort fee** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](http://dri.org) and go to the **DRI Appellate Advocacy Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 866.919.7472** and mention the **DRI Appellate Advocacy Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **February 13, 2018**, to be eligible for the group rate. Requests for reservations made after **February 13, 2018** are subject to room and rate availability.

**FACULTY** *Click on any name to view bio.*

**Florina Altshiler**, Russo & Toner LLP, Buffalo, NY

**Lisa M. Baird**, Reed Smith LLP, Miami, FL

**The Honorable Kathleen M. Banke**, California Court of Appeals, First District, San Francisco, CA

**Mary Beth Beazley**, UNLV William S. Boyd School of Law, Las Vegas, NV

**Tillman J. Breckenridge**, Bailey & Glasser LLP, Washington, DC

**John P. Doerner**, National Center for State Courts, Denver, CO

**Lawrence S. Ebner**, Capital Appellate Advocacy PLLC, Washington DC

**The Honorable John Cannon Few**, South Carolina Supreme Court, Columbia, SC

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**John P. (Jack) Freedenberg, CFEI**, Goldberg Segalla LLP, Buffalo, NY

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**Adam M. Koss**, Law Office of Adam Koss, San Francisco, CA

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**James C. Martin**, Reed Smith LLP, Pittsburgh, PA

**Simone McCormick, CIPP (US)**, Selman Breitman LLP, Portland, OR

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**The Honorable Johnnie B. Rawlinson**, US Court of Appeals for the Ninth Circuit, Las Vegas, NV

**Vishal H. Shah**, Morgan Lewis & Bockius LLP, Philadelphia, PA

**Sarah Elizabeth Spencer**, Christensen & Jensen, Salt Lake City, UT

**Mitchell C. Tilner**, Horvitz & Levy LLP, Burbank, CA

**Jill M. Wheaton**, Dykema Gossett PLLC, Ann Arbor, MI

**Robert L. Wise**, Bowman and Brooke LLP, Richmond, VA

**Richard M. Wolff**, AIG, New York, NY

**Teresa M. Young**, Brown & James PC, Saint Louis, MO

**View faculty bios on the Appellate Advocacy Seminar webpage; click on "View speakers" button.**

FACULTY

Use the DRI App to enhance your seminar experience



- View the program schedule and customize your own
- View speaker bios and contact info
- Use the attendees list to communicate with colleagues in attendance
- Keep notes
- Access seminar materials
- Make use of social media within the app to share your seminar experience



## CLE for Your Practice

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December 7–8, 2017  
**Insurance Coverage and  
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*Sheraton New York  
Times Square Hotel, New York, NY*

December 7–8, 2017  
**Professional Liability**  
*Sheraton New York  
Times Square Hotel, New York, NY*

January 25–26, 2018  
**Civil Rights and Governmental  
Tort Liability**  
*Hilton New Orleans Riverside,  
New Orleans, LA*

January 31–February 2, 2018  
**Women in the Law**  
*Nobu Eden Roc Resort, Miami, FL*

February 7–9, 2018  
**Product Liability Conference**  
*San Diego Marriott Marquis,  
San Diego, CA*

March 1–2, 2018  
**Medical Liability and Health Care Law**  
*Manchester Grand Hyatt, San Diego, CA*

March 1–2, 2018  
**Toxic Torts and Environmental Law**  
*Sheraton Nashville Hotel, Nashville, TN*

March 14–16, 2018  
**Trial Tactics**  
*Planet Hollywood, Las Vegas, NV*

## Publications for Your Practice

Members can access committee newsletters and seminar course materials via **DRI Online** at [dri.org](http://dri.org).

**Newsletter *Certworthy*** (2 times a year)

Visit the **Appellate Advocacy Committee page** on [dri.org](http://dri.org) for information about the committee and related resources.

**Appellate Advocacy** focus in *For The Defense*

**February 2018** (upcoming)

**February 2017**

**March 2016**



### Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

### Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

## SEMINAR SPONSORS

DRI wishes to thank our sponsors for their support at this year's seminar!

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# Appellate Advocacy Seminar

March 14-15, 2018

Planet Hollywood Resort | Las Vegas, NV

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Please list any special needs \_\_\_\_\_

Are you a first-time attendee at this DRI seminar?  Yes  No

How many attorneys \_\_\_\_\_ What is your primary  
are in your firm? \_\_\_\_\_ area of practice? \_\_\_\_\_

## REGISTRATION FEE

Registration fee includes seminar attendance, networking events, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Feb. 13, 2018	After Feb. 13, 2018	
<input type="checkbox"/> Member	\$875	\$975	<i>For inclusion on the preregistration list and to receive course materials in advance, <b>register by February 20, 2018.</b></i>
<input type="checkbox"/> Nonmember	\$1,110	\$1,210	
<input type="checkbox"/> Government Member	\$575		
<input type="checkbox"/> Law Student Member	FREE		
<input type="checkbox"/> In-House Counsel Member*	FREE		
<input type="checkbox"/> Claims Executive Member*	FREE		
<input type="checkbox"/> Group Discount*	\$775	\$875 (*as defined on page 5)	

## PAYMENT METHOD

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2018-0010B

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*DRI is the place to secure lawyer-  
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