



Oregon Law Institute  
of Lewis & Clark Law School

# Preparing Your Witnesses for Trial

*The Key to Winning a Close Case*

featuring **David B. Markowitz**

Call it “woodshedding,” rehearsal, witness interviews, or trial preparation. Proper presentation of fact witnesses for trial or arbitration often saves the day. Using video clips, David Markowitz will prepare a witness for trial or arbitration. Those who attend will participate in the debriefing. In addition, experienced trial lawyers—John Coletti and Frank Moscato—will offer their views about witness preparation and veteran Circuit Court Judge Marilyn Litzenberger will talk about witness demeanor as seen from the bench.



**FRIDAY,  
OCTOBER 27, 2006**

Oregon Convention Center  
777 NE Martin Luther King Jr., Blvd.  
Portland, Oregon

**3.5 General or Practical Skills MCLE Credits**

# SCHEDULE and PROGRAM FACULTY

8:30	LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
8:55	WELCOME AND INTRODUCTION
9:00 - 10:00	<b>Preparing the Witness to Testify</b> <ul style="list-style-type: none"><li>• Explaining the process</li><li>• Setting the stage</li><li>• Getting the job done</li><li>• Body language and credibility<ul style="list-style-type: none"><li>– David B. Markowitz</li></ul></li></ul>
10:00 - 11:00	<b>Critiquing the Witness Preparation</b> <ul style="list-style-type: none"><li>• Video clips and critique<ul style="list-style-type: none"><li>– David B. Markowitz</li></ul></li></ul>
11:00 - 11:15	BREAK
11:15 - 12:30	<b>More Tips for Preparing Your Witnesses; Witness Demeanor as Seen from the Bench</b> <p>Moderator: <i>Hon. Marilyn E. Litzenberger</i></p> <ul style="list-style-type: none"><li>– John M. Coletti</li><li>– David B. Markowitz</li><li>– Frank A. Moscato</li></ul>
12:30	ADJOURN

## Program Planner:

**Jeffrey M. Batchelor** is a shareholder with the Portland firm of Markowitz, Herbold, Glade & Mehlhaf, P.C. His practice emphasizes civil appeals and he serves as a mediator and arbitrator. He is a fellow of the American Academy of Appellate Lawyers and is listed in *The Best Lawyers in America* (Alternative Dispute Resolution and Appellate Law).

## About the Speakers:

**David B. Markowitz** with the Portland firm of Markowitz, Herbold, Glade & Mehlhaf, P.C. concentrates his practice in commercial litigation, including contract, tort, and statutory claims; trust litigation; and real estate disputes. Mr. Markowitz is listed in *The Best Lawyers in America* for Business Litigation, is a fellow of the American College of Trial Lawyers, is a member of the American Board of Trial Advocates and was listed as one of the Top Ten Oregon Litigators by the *National Law Journal*.

**John M. Coletti** is a partner in the Portland law firm of Tichenor Dziuba & Coletti LLP. Mr. Coletti's practice focuses on personal injury, product liability, and professional negligence. Mr. Coletti is listed in *The Best Lawyers in America*.

**Hon. Marilyn E. Litzenberger** is a Multnomah County Circuit Court Judge in Portland. She formerly served on the Oregon State Bar's Uniform Civil Jury Instruction Committee and Future of the Legal Profession Task Force and is a past chair of the OSB Unlawful Practice of Law and Balancing Personal Life, Family & Career committees and the OSB Products Liability Section. Judge Litzenberger is also a past President of Oregon Women Lawyers and the Oregon Women Lawyers Foundation. She currently serves as co-chair of the Committee to Improve Jury Service, a joint committee of the bench and bar in Multnomah County.

**Frank A. Moscato** is a shareholder in the Portland firm of Harrang Long Gary Rudnick P.C. An experienced litigation attorney, Mr. Moscato's practice emphasizes professional negligence defense, insurance defense, commercial litigation and industrial and employment claims. He is a frequent speaker on topics that include trial techniques, jury selection, the presentation of expert testimony, jurisprudence and ethics.

# Preparing Your Witnesses for Trial

## The Key to Winning a Close Case

### Why Attend:

Voir dire is of ever-diminishing value in both state and federal courts. But all seasoned trial lawyers agree that the outcome of a trial or arbitration is tied directly to the ability of their clients and witnesses to communicate facts to the judge, jury, or arbitrator. This half-day program is designed to show lawyers how to improve the communication skills, both verbal and nonverbal, of their witnesses.

#### LIVE PRESENTATION

**Portland – 10/27/06**

Oregon Convention Center  
777 NE MLK Jr. Blvd.

#### MCLE CREDIT

*Preparing Your Witnesses for Trial: The Key to Winning a Close Case* will receive **3.5** General or Practical Skills MCLE credits.

#### PROGRAM PRODUCTS

Even if you cannot attend, you can still get the program on audiotape, videotape, CD or DVD. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase OLI program products at 50% off the full retail price.

#### QUESTIONS?

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at [oli@lclark.edu](mailto:oli@lclark.edu); or visit our Web site at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli).

#### VIDEO REPLAYS

Please register at least one week prior to the replay date.

**Bend – 11/10/06**

**Replay 8:30 a.m.**  
Bryant Lovlien & Jarvis  
591 Mill View Way

**Eugene – 11/3/06**

**Replay 8:30 a.m.**  
Harrang Long Gary & Rudnick, P.C.  
360 East 10th Avenue, Ste. 300

**Medford – 11/3/06**

**Replay 8:30 a.m.**  
Kellington, Krack, Richmond,  
Blackhurst & Glatte, LLP  
23 Newtown Street

**Portland – 11/15/06**

**Replay 9:00 a.m.**  
Oregon Law Institute  
Gus J. Solomon Courthouse,  
620 S.W. Main St., Suite 706

# Preparing Your Witnesses for Trial

## The Key to Winning a Close Case

featuring David B. Markowitz

Friday, October 27, 2006

Name \_\_\_\_\_ OSB No. or Profession \_\_\_\_\_

Firm/Organization \_\_\_\_\_

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Please "✓" appropriate box below:

- Live presentation
- Video replay. Location: \_\_\_\_\_ Date: \_\_\_\_\_  
Please register at least one week prior to the replay date.

### TUITION *(Prices apply to live and video replays.)*

- \$129 "Early Bird" tuition *(received by October 23, 2006).*
- \$109 "Early Bird" tuition for new attorneys (admitted 2005–2006), paralegals, or secretaries *(received by October 23, 2006).*
- \$65 Legal aid attorneys and judges *(received by October 23, 2006).*
- \$15 OLI Annual Pass holder (Annual Pass No. \_\_\_\_\_).
- \$20 Add to above tuition if registration received *after October 23, 2006.*

### PRODUCT ORDER

*I am unable to attend. Please send me:*

- \$139 Audiotapes and course book *or*  \$139 Audio CDs and course book
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- Deduct 50% from order if you are an OLI Annual Pass holder (Pass No. \_\_\_\_\_)
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620 S.W. Main St., Suite 706  
Portland, OR 97205-3037

...or fax this registration  
form including credit  
card information to:  
(503) 768-6585.

**QUESTIONS? Call (503) 768-6580 or (800) 222-8213.  
Check out our website at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli)  
or email us at [oli@lclark.edu](mailto:oli@lclark.edu).**

**CONFIRMATION:** Confirmation will be sent via e-mail or fax one week before the program.  
**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Tuesday, October 24, 2006.  
**NEED ASSISTANCE:** If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.  
**TUITION ASSISTANCE:** A limited number of scholarships are available based on financial need. Contact OLI.