



Oregon Law Institute  
of Lewis & Clark Law School

# Appellate Tips for Litigators

*Planning Trials for Success on Appeal*



*Litigators will benefit from attending this CLE to learn how to effectively set a case up for appeal. The program will address the entire life of a case—from intake to the Oregon Supreme Court. Seasoned practitioners and appellate judges will provide helpful tips and traps to avoid on important procedural and substantive issues, with an eye toward succeeding on appeal.*

**FRIDAY, OCTOBER 26, 2012**

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

**6.5 General MCLE Credits**



# APPELLATE TIPS FOR LITIGATORS

## *Planning Trials for Success on Appeal*

### SCHEDULE

8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:25 WELCOME AND INTRODUCTORY REMARKS

8:30–10:00 **Intake and Pretrial Issues**

- Recognizing potential appellate issues from the outset (invoking or challenging existing law and/or conventional wisdom, staying current on the pertinent law and trends)
- Statute of limitations issues
- Recognizing pleading and discovery issues that could end up on appeal
- Pretrial motions and when to consider mandamus
  - *John M. Coletti*
  - *James E. Mountain, Jr.*
  - *Jane Paulson*
  - *Janet M. Schroer*

10:00–10:15 BREAK

10:15–12:00 **Trial and Post-Trial Issues**

- Considering criminal/civil and state/federal procedural distinctions
- Preserving issues for appeal by making a record at trial (including special verdict forms and jury instruction requests, objections, and exceptions)
- Filing post-trial motions (new trial, jnov, judgments, sentencing orders)
  - *Janet Lee Hoffman*
  - *Wendy M. Margolis*
  - *Hon. Martha L. Walters*

12:00–1:15 LUNCH (on your own)

1:15–2:00 **Now What? Deciding Whether and What to Appeal; Perfecting Your Appeal**

- Advising the client regarding appealable issues and reasonable expectations for appeal
- Moving for stays and filing bonds
- Perfecting the appeal
  - *Meagan A. Flynn*
  - *Jona Maukonen*

# SCHEDULE (cont.)

- 2:00–3:00    **What *Not* to Do in Presenting Your Case to the Court of Appeals**
- Avoiding mistakes in briefing: this isn't law school
  - Avoiding mistakes at oral argument: this is a conversation
    - *Joshua B. Crowther*
    - *Hon. Erika L. Hadlock*
    - *Anna Joyce*
- 3:00–3:15    BREAK
- 3:15–4:15    **What's Next? From the Court of Appeals to the Supreme Court**
- Requesting reconsideration in the Court of Appeals
  - Advising your client about Supreme Court review
  - Formulating petitions for review
  - Knowing what happens to petitions behind the curtain
  - Specific tips for Supreme Court briefing and argument
    - *Cody Hoesly*
    - *Hon. Rives Kistler*
    - *Sara Kobak*
- 4:15 p.m.    ADJOURN

# FACULTY

**John M. Coletti**

*Paulson Coletti Trial Attorneys PC*

**Joshua B. Crowther**

*Office of Public Defense Services*

**Meagan A. Flynn**

*Program Co-Planner  
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**Hon. Erika L. Hadlock**

*Oregon Court of Appeals*

**Cody Hoesly**

*Larkins Vacura LLP*

**Janet Lee Hoffman**

*Janet Hoffman & Associates LLC*

**Anna Joyce**

*Solicitor General,  
Oregon Department of Justice*

**Hon. Rives Kistler**

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**Sara Kobak**

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**Janet M. Schroer**

*Hart Wagner LLP*

**Hon. Martha L. Walters**

*Oregon Supreme Court*

**LIVE PRESENTATION**

**Portland – October 26, 2012**  
Oregon Convention Center  
777 NE MLK Jr. Blvd.

**MCLE CREDIT**

*Appellate Tips for Litigators: Planning  
Trials for Success on Appeal* will  
receive **6.5** General MCLE credits.

**PROGRAM PRODUCTS**

Even if you cannot attend, you can still get the program on CDs or DVDs. 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.

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**Portland – 11/14/12**  
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**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 e-mail us at [oli@lclark.edu](mailto:oli@lclark.edu).**

# APPELLATE TIPS FOR LITIGATORS:

## *Planning Trials for Success on Appeal*

Friday, October 26, 2012

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

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

- ☐ \$189 Early registration (*received by October 22, 2012*)
- ☐ \$139 New attorneys (admitted 2010–2012) and legal staff (*received by October 22, 2012*)
- ☐ \$95 Legal aid attorneys (*received by October 22, 2012*)
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- ☐ \$20 **Add to above tuition if registration received after October 22, 2012**

### **COURSE MATERIALS** *Included with registration. Please select one:*

- ☐ Electronic course book (*a link to a PDF of the materials will be emailed no later than 48 hours prior to the seminar date*)
- ☐ Print version

### **LIVE WEBCAST REGISTRATION**

This program will be broadcast LIVE over the internet on Friday, October 26, 2012, starting at 8:30 a.m. Pacific Time. You may access this event from anywhere with an established internet connection. The webcast will include video and audio of the speakers and seminar handout materials — all on your computer! To register for the live webcast, please click [here](#) or go to our website at <http://go.lclark.edu/oli> and click on "Webcasts."

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**CONFIRMATION:** Confirmation will be sent via e-mail.**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is written and received by Monday, October 22, 2012.**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.**QUESTIONS?** Call (503) 768-6580 or (800) 222-8213. Check out our website at <http://go.lclark.edu/oli> or e-mail us at [oli@lclark.edu](mailto:oli@lclark.edu).