2019 Appellate Practice Regional CLE Program

May 16, 2019
Greenberg Traurig PA
333 S.E. 2nd Avenue, Suite 4400
Miami, FL 33131

Presented by the Section of Litigation Appellate Practice Committee

4.1 hours of MCLE credit including .83 ethics hours have been requested in 60-minute states and 5.0 hours of MCLE credit including 1.0 ethics hours have been requested in 50-minute states.
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<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Description</th>
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<tbody>
<tr>
<td>8:00 AM – 8:50 AM</td>
<td>Registration and Breakfast</td>
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<tr>
<td>8:50 AM – 9:00 AM</td>
<td>Welcome and Open Remarks — Jason P. Kairalla, Co-Chair, ABA Appellate Practice Committee</td>
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<td>9:00 AM – 9:50 AM</td>
<td>Tricks of the Appellate Trade</td>
<td>Experienced practitioners and jurists give a primer on the fundamentals of error preservation and identify legal principles, theories, and avenues of relief.</td>
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<td>Moderator/Speaker: Gerald B. Cope, Jr., Akerman LLP, Miami, FL</td>
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<td>Speakers: Jeffrey A. Cohen, Carlton Fields PA, Miami, FL; Jane Kreusler-Walsh, Kreusler-Walsh, Vargas &amp; Serafin PA, West Palm Beach, FL; Joel S. Perwin, Joel S. Perwin PA, Miami, FL; Hon. Robin Rosenbaum, Eleventh Circuit Court of Appeals, Miami, FL</td>
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<td>10:00 AM – 10:50 AM</td>
<td>Jury Verdicts and Jury Instructions</td>
<td>This session will cover best practices for preparing and arguing jury verdict forms and proposed jury instructions. It will also address issues of preservation, differences between inconsistent and inadequate verdicts, and the two issue rule.</td>
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<td>Moderator/Speaker: Philip John Padovano, Brannock &amp; Humphries PA, Tallahassee, FL</td>
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<td>Speakers: Hon. Darrin P. Gayles, US District Court for the Southern District of Florida, Miami, FL; Kansas R. Gooden, Boyd &amp; Jenerette PA, Miami, FL; Julissa Rodriguez, Greenberg Traurig PA, Miami, FL; Daniel B. Rogers, Shook, Hardy &amp; Bacon LLP, Miami, FL</td>
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<td>11:00 AM – 11:50 AM</td>
<td>Technology &amp; Appeals</td>
<td>The panel will discuss the effect of technology on brief writing, identify effective techniques for brief writing, and explain how to effectively incorporate technology during trial, appellate briefing, and oral argument.</td>
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<td>Moderator/Speaker: Stephanie L. Varela, Greenberg Traurig PA, Miami, FL</td>
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<td>Speakers: Courtney Brewer, Bishop &amp; Mills, Tallahassee, FL; Raoul G. Cantero III, White &amp; Case LLP, Miami, FL; Jason P. Kairalla, Carlton Fields PA, Miami, FL; Hon. Melanie G. May, Fourth District Court of Appeal of Florida, West Palm Beach, FL</td>
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<tr>
<td>11:50 AM – 12:30 PM</td>
<td>Lunch</td>
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## PROGRAM AGENDA*

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<th>Event Description</th>
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| 12:30 PM – 1:20 PM | **Lessons Learned from Codifying Daubert**  
For decades, *Frye v. United States*, 293 F.2d 1013 (D.C. Cir 1923), served as the standard for expert testimony in Florida. Effective July 2013, the Florida Legislature attempted to replace that standard with those announced in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), *General Electric Co. v. Joiner*, 522 U.S. 136 (1997), and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), by enacting Section 90.702. The Florida Supreme Court shot down those efforts in *Delisle v. Crane Co.*, 258 So. 3d 1219 (Fla. 2018), declaring the statute unconstitutional. We'll explore the history of including substantive and procedural provisions in Florida’s Evidence Code and the Florida Legislature’s authority to replace common law doctrines, examine the Florida Supreme Court’s decision, and address litigation techniques moving forward.  
**Moderator/Speaker:** Christopher V. Carlyle, The Carlyle Appellate Law Firm, Orlando, FL  
**Speakers:** James L. Ferraro, Sr., Ferraro Law Firm, Miami, FL; Lauri Waldman Ross, Ross & Girten Law Firm, Miami, FL; Elliot H. Scherker, Greenberg Traurig PA, Miami, FL |
| 1:30 PM – 2:20 PM | **Ethics and Professionalism in Appellate Practice**  
This session will address common ethical and professionalism challenges that arise on appeal from the perspective of sitting judges and experienced practitioners.  
**Moderator/Speaker:** Peter D. Webster, Carlton Fields PA, Tallahassee, FL  
**Speakers:** Hon. Renatha Francis, Eleventh Judicial Circuit of Florida, Miami, FL; Hon. Norma S. Lindsey, Florida Third District Court of Appeal, Miami, FL; Jennifer Olmedo-Rodriguez, Buchanan Ingersoll & Rooney PC, Miami, FL; Daniel A. Rock, Bowman and Brooke LLP, Miami, FL |
| 2:30 PM – 3:30 PM | **Coffee and Dessert Reception Honoring the Judiciary** |

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Secure Fax Number: 312-988-5850

Please register by **May 9, 2019** to reserve your spot.

**Cancellations and Substitutions**
Requests for refunds must be made in writing and received no later than **May 9, 2019** in the ABA Section of Litigation office. Please email your request to Corey Irion at Corey.Irion@americanbar.org. There will be a $10 administrative fee deducted from the refund. Cancellations received after **May 9, 2019** will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

**MCLE Credit**
The ABA will seek **4.1** hours of CLE credit in 60-minute states, including **.83** hours of ethics credit, and **5.0** hours of CLE credit, including **1.0** hour of ethics credit, for this program in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at ambar.org/ltap19 for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.

**Tuition Assistance**
A limited number of scholarships to defray registration fees may be available for government employees, public interest lawyers employed with nonprofits, academics, unemployed attorneys, and law students. For more information, please contact: Corey Irion at 312-988-6245 by **May 9, 2019**.

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• $150.00 ABA Members
• $180.00 Non-ABA Members
• $50.00 Public Interest/Government Attorneys
• FREE Law Students

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