2020 Trial Academy
March 4-7, 2020
George L. Allen, Sr. Courts Building
600 Commerce St. Dallas, TX

Building the Best Construction Lawyers
OVERVIEW

The ABA Forum on Construction Law is pleased to announce the Forum Trial Academy will be held March 4-7, 2020, at the George L. Allen, Sr. Courts Building in Dallas, TX. This three-day intensive trial skills training program will use a new and improved factual scenario that focuses on issues commonly encountered in construction projects to teach the skills that are needed to successfully try a construction dispute. Expert attendees will also learn the skills needed to effectively present their opinions in a construction case. The faculty includes experienced construction litigators who have tried cases throughout the country. Engaging lectures and demonstrations by the faculty will guide students through all phases of a trial.

Designed for young or less-experienced construction litigators and experts, this program is limited to 36 lawyer participants and 24 expert participants. Each lawyer participant will be afforded multiple, daily opportunities for “on your feet” trial experience in a construction case, while receiving immediate feedback from course instructors, including video review. The construction experts, serving as the fact and expert witnesses, will also receive instruction and feedback from the course instructors.

Previous offerings of this program drew rave reviews from participants, who describe the program as “stellar” and “outstanding.” The faculty earned consistent praise for the “detailed positive and constructive feedback” that other participants described as “perfect,” “excellent,” and “absolutely fantastic.”

OTHER COMMENTS FROM PREVIOUS PARTICIPANTS INCLUDE:

“The entire faculty was outstanding. The extent to which they really dove into each session and seemed to get to know (and care about) each participant made the program very beneficial.”

“The faculty members were remarkable. Their insights, teaching skills, and attention to detail … were amazing.”

“It was hard work … but it was worth it.”

“I felt my confidence grow each time I stood up and delivered an examination or argument.”
PROGRAM FACULTY MEMBERS

CATHY ALTMAN
Carrington Coleman
Dallas, TX

ALBERT BATES, JR.
Pepper Hamilton LLP
Pittsburgh, PA

MICHAEL A. BRANCA
Peckar & Abramson, P.C.
Washington, D.C.

JOHN MARSHALL COOK
Smith Pachter McWhorter, PLC
Tysons Corner, VA

MARIAN T. HACK
Pepper Hamilton LLP
Los Angeles, CA

STEPHEN HESS
Sherman & Howard L.L.C.
Colorado Springs, CO

MARILYN KLINGER
SMTD Law LLP
Los Angeles, CA

KAREN LAYNG
M.A.I.T. Co.
Riverside, IL

ANTHONY L. MEAGHER
DLA Piper
Baltimore, MD
PROGRAM FACULTY MEMBERS CONT.

THOMAS L. ROSENBERG
Roetzel & Andress
Columbus, OH

ALLISON SNYDER
Porter Hedges LLP
Houston, TX

DAN TOOMEY
The McCammon Group
Washington, D.C.

BARBARA WERTHER
Samek, Werther & Mills, LLC
Rockville, MD

COMMITTEE CO-CHAIRS

CHRISTOPHER BURKE - Varela, Lee, Metz & Guarino, LLP - Tysons Corner, VA
KELSEY KORNICK FUNES - Phelps Dunbar LLP - Baton Rouge, LA

COMMITTEE MEMBERS

LANCE CURRIE - Carrington Coleman - Dallas, TX
ERICA GEBEL - Perspecta Inc. - Chantilly, VA
ALLISON MIKULECKY - Sherman & Howard - Colorado Springs, CO
JASON RODGERS-DA CRUZ - Siegfried Rivera - Miami, FL
MEERA WAGMAN - Secretariat International - New York, NY
2020 TRIAL ACADEMY SCHEDULE

WEDNESDAY, MARCH 4, 2020
6:30 - 8:00 PM
OPENING REMARKS & WELCOME RECEPTION
Carrington, Coleman, Sloman & Blumenthal, LLP
901 Main Street
Suite 5500
Dallas, TX 75202

THURSDAY, MARCH 5, 2020
7:00 - 7:50 AM BREAKFAST

7:55 - 8:45 AM FACULTY PRESENTATION
Direct Examination
Faculty will provide a presentation to teach the students the fine points of direct examination in construction cases. From crafting the testimony to handling the witness, this session will cover all of the techniques needed for conducting successful direct examinations.

8:45 - 9:35 AM FACULTY PRESENTATION
Cross Examination
Faculty will share their tips and tricks for devastating cross examinations. The students will learn how to handle different types of witnesses in a variety of situations through this presentation.

9:35 - 9:45 AM BREAK

9:45 - 11:10 AM FACULTY DEMONSTRATION
Mock Direct/Cross Fact Examination
As a culmination of the morning sessions, the students will learn from a live mock direct and cross-examination. The techniques for direct and cross will be put into action with opportunities for stopping the action and doing real time evaluations of what was done wrong and what was done right. Faculty bringing many years of litigation experience will give the students training in the essential skills of direct and cross-examination.
11:10 - 12:45 PM

**WORKSHOP**

Mock Direct/Cross Fact Examination

The students will apply the lessons of the morning in live direct and cross examination practice. Lawyer students will conduct direct and cross examination of the expert students playing various fact witness roles. The attorney faculty will oversee the presentations and provide valuable feedback. Students will be videotaped and their presentations will be individually reviewed with a highly qualified litigator.

12:45 - 1:00 PM **BOX LUNCH**

1:00 - 1:50 PM

**FACULTY PRESENTATIONS**

**Voir Dire in Construction Jury Trials**

Faculty will teach the lawyer students the ins and outs of handling a voir dire, including overall presentation, selecting the right members, exercising exclusions, and other critical techniques.

**Case Review for Experts**

Faculty will review strategy for experts to assess and plan for a new engagement by using the facts and objectives of the program case study.

1:50 - 2:00 PM **BREAK**

2:00 - 4:00 PM

**WORKSHOP**

Mock Direct/Cross Fact Examination

The students will apply the lessons of the morning in live direct and cross examination practice, but this session will focus on admitting evidence and making and handling objections.

4:00 - 4:10 PM **BREAK**

4:10 - 6:00 PM

**WORKSHOP**

Mock Direct/Cross Fact Examination

The students will continue to apply the lessons of the morning in live direct and cross examination practice. Witnesses will be the expert participants and the faculty members will oversee the presentation and provide valuable feedback. The students can also videotape their presentation for individual review with a highly qualified litigator.

6:00 - 6:10 PM **BREAK**

6:10 - 6:30 PM

**FACULTY PRESENTATION**

**Developing a Theme: Attorney Students**

Faculty will provide the benefit of many years of practice in developing themes for litigation. A convincing theme is an essential element of success at trial. Testing and providing the theme before trial is critical and faculty will provide insights into how that can be accomplished.
6:30 - 7:15 PM
WORKSHOP
Theme Brainstorming: Attorney Students

Under the guidance of experienced construction litigators, the students will meet in smaller groups to brainstorm the key themes and elements to be used during their mock trial and their practice examinations. The students will be guided in determining what themes are more likely to resonate with the trier of fact, both judge and jury.

6:10 - 7:10 PM
FACULTY PRESENTATION
Expert’s Role in Litigation: Expert Students

Faculty will review the expert’s role in litigation including guidelines for working with your client, independency, dealing with judges and juries, and key points of trial procedure.

FRIDAY, MARCH 6, 2020

7:00 - 8:00 AM  BREAKFAST

8:00 - 9:00 AM  FACULTY PRESENTATION
Examination of an Expert Witness

Faculty will rely on their years of experience as construction litigators to teach the students the art of examining an expert witness.

9:00 - 9:10 AM  BREAK

9:10 - 10:00 AM  FACULTY DEMONSTRATION
Direct and Cross Examination of an Expert Witness

Faculty will provide an entertaining and insightful demonstration of handling expert witnesses on direct and cross-examination based upon their many years of courtroom experience as construction litigators. The students will learn the ins and outs of the process and the unique challenges of dealing with expert witnesses, who in some cases will have spent more time in the courtroom than a young attorney.

10:00 - 12:10 PM  WORKSHOP
Mock Direct/Cross Expert Examination

Lawyer students will apply the lessons of the morning in live direct and cross examination practice. Expert students will continue to hone their testifying skills by serving as expert witnesses. Faculty members will oversee the presentations and video review to provide real-time feedback to all students as experienced litigators.
2020 TRIAL ACADEMY
SCHEDULE CONT.

12:10 - 12:50 PM  BOX LUNCH & BREAK

12:50 - 1:30 PM  FACULTY PRESENTATION
Opening Statements and Closing Arguments

Faculty will provide guidance on making effective and efficient opening statements and closing arguments. From content to delivery, the faculty will walk the students through all facets of an effective opening statement and closing argument.

1:30 - 1:40 PM  BREAK

1:40 - 3:40 PM  WORKSHOP
Mock Direct/Cross Expert Examination

Lawyer students will apply the lessons of the morning in live direct and cross examination practice. Expert students will hone their testifying skills by serving as expert witnesses. Faculty members will oversee the presentation and provide valuable feedback. The students can also videotape their presentation for individual review with a highly qualified litigator.

3:50 - 4:45 PM  FACULTY DEMONSTRATION
Opening Statements and Closing Arguments

Faculty will deliver an opening statement and closing argument to allow the students to see how experienced litigators handle these two distinct phases of the trial. The students will see the pros apply the techniques taught to them earlier in the day.

CONSULTANT TRAINING SESSION
Communication Skills for Expert Witnesses: Expert Students

Faculty will provide instruction on the communication skills required to be an effective expert witness including tips regarding active listening, effective presentation, and better report writing skills.

4:45 - 5:00 PM  BREAK

5:00 - 7:00 PM  WORKSHOP
Mock Opening Statements/ Closing Arguments

The students will practice the techniques of opening and closing through a mock statement delivered to their peers and the faculty of litigators. Helpful feedback will be provided to help the students fine-tune their presentations for the mock trial.
SATURDAY, MARCH 7, 2020

7:00 - 8:00 AM BREAKFAST

8:00 - 5:30 PM FULL DAY MOCK TRIAL
Putting to use the trial skills learned on the prior two days, the students will participate in a full mock trial of the case. A presiding judge will rule on the motions and objections. The witnesses will be actual experts from the construction industry. Feedback will be provided by our team of litigators that comprise the faculty.

8:20 - 12:10 PM MORNING TRIAL SESSIONS

12:20 - 1:15 PM LUNCH

1:15 - 3:15 PM AFTERNOON TRIAL SESSIONS

3:15 - 3:25 PM BREAK

3:25 - 5:10 PM AFTERNOON TRIAL SESSIONS

5:10 - 5:30 PM WRAP UP

2020 TRIAL ACADEMY PROGRAM INFORMATION

REGISTRATION
Now open for Forum Members. Lawyer and expert seats are filled on a first-come, first-served basis. Class size is limited to 36 lawyers and 24 experts, so those interested are encouraged to register as soon as possible.

Attorney students can register: (i) online at ambar.org/FCLTrial20; or (ii) via fax using the instructions on the attached registration form or call the ABA Service Center at 800.285.2221. Registrations will only be accepted when accompanied by payment in the form of a check, Visa, American Express, Discover or MasterCard information.

Expert students can register by contacting Tamara Harrington at Tamara.Harrington@americanbar.org or Patricia Harris at Patricia.Harris@americanbar.org to complete your registration.

If you have any questions about the status of your registration or materials, please email Patricia.Harris@americanbar.org, to verify that your registration form and payment were received.
DIVERSITY & INCLUSION SCHOLARSHIP

The Forum has available Diversity Scholarship(s) for the cost of registration for this program for women and minority construction lawyers/experts, construction lawyers/experts with disabilities, and construction lawyers/experts from the LGBT community. Individuals wishing to be considered for a scholarship should submit a copy of their resume and a letter describing their construction law practice and the reasons why they want to attend the Trial Academy. Applications are due no later than January 11, 2020.

If selected, candidates must commit to attend the program. The scholarships are not transferable. Applications for the scholarships should be sent to the Forum’s Diversity Committee Chair, Nicholas Holmes at nholmes@devinemillimet.com. If you have any questions, please contact Mr. Holmes by email or by calling him at 603-695-8515.

TUITION

The Tuition for the program is $1,250 for lawyers and $1,250 for experts. To request a scholarship application or receive additional information, please email Tamara.Harrington@americanbar.org. Please note all scholarship applications must be received by January 31, 2020.

HOTEL INFORMATION

A block of rooms has been set aside at the Westin Dallas Downtown, 1201 Main Street. You must register for the program prior to making your hotel reservation. The Forum has negotiated a special room rate of $209 plus 16.05% tax per night for a single/double room. To make a reservation online go to https://www.marriott.com/event-reservations/reservation-link.mi?id=1574110002913&key=GRP&app=resvlink or call 888.625.4990 and mention the ABA Forum on Construction Law 2020 Trial Academy. We have reserved a limited block of rooms through February 4, 2020, 5pm CST. After this date, and if we are sold out of our block, rooms will be assigned on a space available basis at a rate the hotel chooses. Reservations may also be made at an alternate hotel nearby. All changes and cancellations to guaranteed hotel reservations must be made with the hotel at least 72 hours before the scheduled day of arrival to avoid a one night’s cancellation charge.

TRANSPORTATION

Airfare and car rental discounts for ABA meetings are available through Egencia and Hertz. Go to www.americanbar.org/membership/aba_advantage_discounts.html for more information. For assistance with Egencia, contact Travel Services or call 312-988-5864. For assistance with Hertz, Dollar or Thrifty, call 800-285-2221. The Dallas-Fort Worth Airport (DFW) is a 25-minute drive to the Courthouse.
DRESS
Courtroom attire at all times, except Welcome Reception on Wednesday evening.

CANCELLATION POLICY
Registrants who are unable to attend the program will receive a refund less a $65 administrative fee if written cancellation is received by January 11, 2020. Cancellation requests should be emailed to Tamara.Harrington@americanbar.org. No refunds will be granted after January 11, 2020. The ABA reserves the right to cancel any programs and assumes no responsibility for personal expenses.

PROGRAM MATERIALS
The program materials include a comprehensive case file. The file will be distributed in early 2020 and must be reviewed in detail prior to the program. The Trial Academy Committee will invite all participants to participate in a teleconference prior to the program to address any questions or concerns.

CLE CREDIT
The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify up to 19 CLE credit hours in 60-minute states, and 22.5 CLE credit hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.americanbar.org/groups/construction_industry or contact Patricia Harris by email at Patricia.Harris@americanbar.org.

MEMBERSHIP
To join the Forum on Construction Law go to www.americanbar.org/groups/construction_industry/membership.html Forum membership dues are $60 for attorneys/experts and is free for law students. Forum members receive discounts on programs and materials.
PRIVACY NOTICE
Registrants for, attendance at, or participation in the Forum program and other associated activities constitutes an agreement by the registrant to permit the American Bar Association to use and distribute (both now and in the future) the registrant or participant’s image or voice in photographs, videotapes, electronic reproductions, and audiotapes of such event and activities.

COMMUNICATION NOTICE
Registrants for this program agree to be contacted electronically regarding the program by Forum staff and program committee persons.

COPYRIGHT NOTICE
The material contained in this American Bar Association Listing is protected by and is solely intended for the individual and private use of ABA members in a manner that is consistent with the ABA’s mission, goals and activities. All other use is strictly prohibited without prior written authorization from the ABA. Prohibited use includes but is not limited to the copying, renting, leasing, selling, distributing, transmitting or transfer of all or any portions of the material, or use for any other commercial and/or solicitation purposes of any type, or in connection with any action taken that violates the ABA’s copyright. The material is not to be used for any mass communications, and may be used only for one-to-one member communication. For information concerning appropriate use of the material, contact the ABA Service Center at 1-800-285-2221.

TAX DEDUCTION FOR EDUCATIONAL EXPENSES
In the United States, an income tax deduction may be allowed for educational expenses undertaken to maintain or improve professional skills. This includes application fees, travel, meals and lodging expenses (see Treas. Reg. Sec. 1.162-2) Coughlin v. Commissioner, 203 F.2d 307 (2nd Cir. 1953.)

AMERICANS WITH DISABILITIES ACT
If special arrangements are required for disabled individuals to attend this program, please contact Tamara Harrington in writing by January 8, 2018 at the American Bar Association, 321 N. Clark Street, Chicago, Illinois, 60654; or by telephone at 312-988-5674.

QUESTIONS
If you have questions or require additional program information, please contact Patricia Harris@americanbar.org.
2020 TRIAL ACADEMY REGISTRATION

THREE WAYS ATTORNEYS CAN APPLY
Register online at ambar.org/FCLTrial20, call the ABA Service Center 800.285.2221 or by faxing your form to Attention: Forum on Construction Law at 312-988-5850, Attention: Service Center – Meeting/Event Registration – CI2003

REGISTRATION INFORMATION

FULL NAME
(NAME AS YOU WISH IT TO APPEAR ON ATTENDEE LIST AND NAME BADGE)

ABA MEMBER ID#

FIRM/COMPANY/AGENCY

ADDRESS

CITY STATE ZIP

PHONE NUMBER WITH AREA CODE FAX

EMAIL ADDRESS

REGISTRATION FEES (LIMITED SEATS AVAILABLE)
Registrations will be accepted on a first-come, first-served basis.
(1) Priority first will be given to Forum Members.
(2) Priority next will be given to lawyers/experts who have experience commensurate with the program requirements.

☐ $1,250 Attorneys
☐ $1,250 Experts (Experts ONLY: please contact Tamara Harrington at Tamara.Harrington@americanbar.org or Patricia Harris at Patricia.Harris@americanbar.org to complete your registration.)
☐ Enroll me as a member of the Forum on Construction Law; $60.00/regular, $0

PAYMENT INFORMATION
Check (made payable to American Bar Association Forum on Construction Law)
Credit Card: ☐ MasterCard ☐ Visa ☐ American Express ☐ Discover

CREDIT CARD #

EXPIRATION DATE CVV

NAME ON CARD

For additional information contact Tamara.Harrington@americanbar.org.