

OADC Convention CLE Schedule*

Friday - June 19

7:30 am

Registration, Continental Breakfast and Exhibits for CLE Attendees

7:45 - 8:00 am

Welcome, Introductions, Awards and Announcements

Convention Chairs: Todd Hanchett, Stoel Rives, LLP; Lou Kurtz, Kurtz Ford & Johnson LLP; and Vicki Smith, Bodyfelt Mount, LLP

8:00 - 10:00 am

Protecting Your Nest Egg: Slaying the Reptile

Presenter: Matthew G. Moffett, Gray, Rust, St. Amand, Moffett & Brieske, LLP, Atlanta, GA

Learn from a defense attorney who has been in the 'reptile cage' how to identify and respond to tactics and strategies the plaintiffs' bar claims have resulted in verdicts totaling over \$5.9 billion.



Matt Moffett is an "AV" rated (Martindale-Hubbell) attorney, listed among the top 100 lawyers in Georgia (Super Lawyers) in Atlanta Magazine, and selected among the Legal Elite in Georgia Trend magazine. Matt has tried over 150 cases in state and federal courts. Over the last few years, Matt has secured significant defense verdicts in 11 high risk cases. Legal organizations and insurers regularly ask Matt to

present on effective case evaluation, litigation and defensive trial strategy, and Matt has given presentations across the country from New York to Nebraska.

10:00 - 10:15 am

Networking Break & Exhibits

10:15 - 11:45 am

Bears and Bulls: Swings in the Appellate Courts

Presenters: Justice Jack L. Landau, Oregon State Supreme Court and R. Dan Lindahl, Bullivant Houser Bailey PC

Justice Landau and Dan Lindahl will again take us through the ups and downs of the recent appellate court opinions.

11:45 am - 12:00 pm

Networking Break & Exhibits

12:00 - 1:00 pm

Staying in the Market: Complying with the Duty to Report Elder Abuse

Presenter: Richard H. Braun, Attorney at Law

The Oregon Legislature has added attorneys to the list of mandatory reporters for elder abuse. Beginning with the 2015 reporting year, all active OSB members in a three year reporting period will need to complete an elder abuse reporting credit. Hear how to identify and report elder abuse from an attorney who represents victims of elder abuse and obtain your MCLE credit.

1:00 pm

CLE Meetings Adjourn

Saturday - June 20

7:30 am

Continental Breakfast for CLE Attendees

7:45 - 8:00 am

Introductions, Awards and Announcements

Convention Chairs: Todd Hanchett, Stoel Rives, LLP; Lou Kurtz, Kurtz Ford & Johnson LLP; and Vicki Smith, Bodyfelt Mount, LLP

8:00 - 9:15 am

Shark Tank

Presenters (aka The Sharks): Carol Bernick, Oregon State Bar Professional Liability Fund; Julie Elkins, Elkins Zipse & Mitchell; John Hart, Hart Wagner, LLP; Chris Kitchel, Stoel Rives, LLP; and Tom Tongue, Dunn, Carney

Legal entrepreneurs will present their questions and issues to our sharks – an experienced panel of lawyers. See which shark will bite at the idea and which entrepreneurs will be turned away empty-handed.

9:15 - 9:25 am

Networking Break

Next Page →

Registration

YOUR REGISTRATION FEES INCLUDE:

Member registration: Includes all CLE programs and materials, CLE continental breakfasts, Thursday night reception and dinner, Friday night reception and entertainment and beverage coupons for the Thursday and Friday night events.

Nonmember registration: Includes everything in member registration; see non-member notation on registration form.

Companion registration: Includes the Thursday night reception and dinner, Friday night reception and entertainment and beverage coupons for the Thursday and Friday night events.

Optional events: Golf and the Deschutes River Float are not included in your registration fee, and must be pre-registered for on the registration form. Yoga on Sunday morning is complimentary, but pre-registration is required. Any additional guests, children or people who wish to participate in optional events must be pre-registered for.

Extra or additional meal tickets: Extra meal tickets can be purchased for kids, or any adults in addition to your member or companion registration. Extra meal tickets must be pre-registered for on the registration form. Extra meal tickets do not include beverage coupons.

REGISTRATION INFORMATION:

On-line registration is available at www.oadc.com. You will need your user name and password in order to register on-line. You will be emailed a confirmation letter when your registration is processed. Please make sure we have your current email address on file. All programs and events are subject to change.

Admission to meal functions: Please note that all meal functions require tickets for admission. If you have pre-registered, these will be given to you when you check in at the OADC registration desk at the convention.

Cancellation policy: Cancellations received on or before June 5 will receive the full registration amount back, minus a \$50 administrative fee. Cancellations received after June 5 will receive a 50 percent refund of total fees. Cancellations received after June 12, no shows and same-day cancellations will not receive a refund.

Space is limited: Early registration is encouraged. In the event that room space becomes filled to capacity, some registrants will not be able to be accommodated and will be notified. Registrations will be accepted on a first-come, first-served basis.

Special needs: If you have any special requirements (ie: dietary/medical meal restrictions, handicap access, etc.) that necessitates advance planning on our part, please include them on the section provided on the registration form.

9:25 – 10:25 am

Who Wields the Gavel at the Closing Bell? A Modest Proposal for Selecting Oregon Judges

Presenter: Honorable W. Michael Gillette, Former Oregon Supreme Court Justice

Justice Gillette will help us explore the question of whether special interest financing of judicial elections is eroding the public trust in the impartiality and independence of the Oregon judiciary.

10:25 – 10:55 am

Networking Break

10:55 – 11:45 am

Breakout Sessions - Choose One

SESSION A: BANK ON LONGEVITY - HOW TO FILL YOUR CREDIBILITY TANK FOR LONG TERM SUCCESS IN CONSTRUCTION DEFECT (CD) LITIGATION

Panelists: Brian Scott, American Family Insurance; Amber Bevacqua-Lynott, Oregon State Bar and Dan Schanz, Schanz & Lawler, PC

Moderator: Katie Smith, Henrie & Smith, LLP

Construction defect practitioners are often faced with the challenge of navigating arctic waters between an insured client and the paying insurance carrier. What can and can't we do at the request of the insurance carrier? Where is the ethical line drawn? This session will provide for an open and engaging discussion of situations frequently addressed by CD practitioners, including representation of multiple parties, tendering to co-carriers, reporting restrictions and the impact of an absentee or bankrupt client. Our panel will bring perspective from each angle – the insurance carrier, the defense counsel, and the ethics advisor – to address important ethical challenges and considerations in these situations.

SESSION B: ALL ABOUT THE BENJAMINS - EARLY DISPUTE AND RESOLUTION FOR MEDICAL MALPRACTICE CASES

Presenters: Bethany Walmsley, Executive Director, Oregon Patient Safety Commission; Mike Wiswall, Hart Wagner LLP and Sheri Browning, Brisbee & Stockton LLC

In 2013, the Oregon Legislature passed a law tasking the Oregon Patient Safety Commission with facilitating confidential mediations that would enable patients, doctors, and hospitals to resolve their disputes short of litigation. The law was implemented in July of 2014. After a year in existence, questions abound among the defense bar regarding what the program is, how it works, and who it serves. This is an opportunity to have these questions and more answered.

SESSION C: ASSET MANAGEMENT - CONFLICTS OF LAWS AS A DEFENSE TOOL

Presenter: Laura Caldera Taylor, Bullivant Houser Bailey, PC

In 2010, Oregon adopted a choice-of-law code which sought equilibrium between the competing values of certainty and flexibility. This presentation will cover how to spot conflicts issues, what factors or approaches are used to resolve conflicts, and how to craft arguments in favor of your choice of law. This will include an overview of the Oregon Conflicts of Law statutory scheme and case law, including recent developments in conflict analysis.

11:45 am – 11:55 am

Break



11:55 am – 12:45 pm

Breakout Sessions - Choose One

SESSION D: MAD MONEY - CIVIL PROCEDURE LIGHTNING ROUND

Seven presenters will deliver short, 5-6 minute, discussions on hot-button civil litigation topics, timed by our moderator, Lee Aronson. The topics and speakers are listed below.

Presenters: Jay W. Beattie, Lindsay Hart LLP; Kali Jensen, Bullivant Houser Bailey PC; Anthony Kuchulis, Hart Wagner, LLP; Donna Lee, Hart Wagner, LLP; Heidi Mandt, Bullivant House Bailey PC; Laura Salerno Owens, Markowitz Herbold PC and Adam Starr, Markowitz Herbold PC

Moderator: Lee Aronson, Schulte Anderson Downes Aronson & Bittner, PC

- Can Plaintiffs Use an ORCP 47 E Declaration Outside of the Summary Judgment Context? *Presenter: Jay W. Beattie, Lindsay Hart LLP*
- If There's a Fight Over the Order of Depositions, Who Gets to Go First? *Presenter: Kali Jensen, Bullivant Houser Bailey PC*
- Summary Judgment on Causation - the Difference Between a Favorable 'Inference' and Speculation and Guesswork. *Presenter: Anthony Kuchulis, Hart Wagner, LLP*
- How to Approach Plaintiffs Regarding Lien Information and What to Do When You Can't Get It. *Presenter: Donna Lee, Hart Wagner, LLP*
- Ensuring Your Work Product Remains Your Own in Hiring and Working with Experts. *Presenter: Heidi Mandt, Bullivant House Bailey PC*
- When a Party Wrongfully Obtains Documents Outside of the Normal Discovery Process, What Sanctions Are Available? *Presenter: Laura Salerno Owens, Markowitz Herbold PC*
- Locking Down Witness Testimony and Closing the Loopholes to the Sham Affidavit Rule. *Presenter: Adam Starr, Markowitz Herbold PC*

SESSION E: STICKY GREEN - LEGAL IMPLICATIONS OF MARIJUANA LEGALIZATION

Presenter: Tessan Wess, Smith Freed & Eberhard, PC

Become more knowledgeable about how the legalization of marijuana in Oregon will impact your cases and your clients, especially insurers. Our speaker will focus on the impact the new laws will have on insurance claims, underwriting, employment law, auto liability, and commercial and products liability.

SESSION F: HEDGING YOUR BETS - USING OFFERS OF JUDGMENT IN EMPLOYMENT CASES

Presenters: Kristin Bremer Moore, Tonkon Torp, LLP and Karen O'Connor, Stoel Rives, LLP

Clients are frequently at risk for paying the opposing party's attorney fees in employment litigation. This session will offer strategies to minimize attorney fee exposure and/or to bring the other party to the negotiation table at an early stage in the proceedings. For when early negotiations don't work, the speakers will also discuss the content, timing and limits of offers of judgment.

12:45 pm

CLE Meetings Adjourn

*Schedule, times, presenters, topics subject to change

Application has been made to the Oregon and Washington State Bars for approximately 8 CLE credit hours. The State Bars reserve the right to make the final determination of eligible CLE credits.