

# ADVANCED DISCOVERY AND EVIDENCE

**Cincinnati, Ohio  
November 27, 2007**

**A comprehensive guide for new  
and experienced litigators**

Presented by Hon. Sandra S. Beckwith,  
Colleen M. Blandford, Travis L. Fliehman,  
Richard L. Moore, Rodger W. Moore  
and Hon. Alex M. Triantafilou

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See inside for details!

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# A Winning Case Starts Here... Be Prepared!

## Why You Need to Attend

Few tools are more powerful to litigation practitioners than discovery. How you handle the discovery process can have a profound impact on the successful outcome of the cases you try. All litigation attorneys face complex discovery challenges at some point in their careers. This advanced litigation briefing will provide you with answers to evolving discovery and evidentiary issues, along with practical advice for streamlining your processes to be the most efficient and effective litigator in every case. Our experienced faculty will provide you with skills you can put to use right away to make the time-consuming challenge of discovery as simple and straightforward as possible. Enroll today!

- Provide up-to-the-minute advice: know how current rulings impact the cases you're working on.
- Don't give the opposition the upper hand: discover crucial information quickly and easily.
- Learn the legal safeguards your client has in producing documents.
- Give clients the benefit of veteran representation without all the trial and error.
- Avoid sanctions by understanding what constitutes discovery abuse.
- Learn discovery "tricks of the trade" from experienced faculty and apply them to your next case.
- Learn how to use experts to your utmost advantage.
- Master the art of taking depositions to uncover surprises before they come out in trial.
- Apply the new FRCP rules to your practice to ensure that key electronic evidence is not ruled inadmissible.
- Get the judges' perspective on vital discovery and evidentiary topics.

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## Important Details

**November 27 - CINCINNATI - The Phoenix**

812 Race Street, Cincinnati OH 45202 513-721-8901

**Time:** Registration is from 8:30 – 9:00 a.m. The program will begin at 9:00 a.m. and end at 4:30 p.m. Complimentary snacks and refreshments are provided. Lunch is on your own. Pre-Registration is encouraged.

**Mail:** Registration form on back of this brochure

**Phone:** (800) 930-6182

**Fax:** (715)835-1405

**Online:** [www.nbi-sems.com](http://www.nbi-sems.com)

If you need to register at the door, you may wish to call us first to confirm availability and to receive information regarding schedule or location changes.

**Tuition:** \$359 for the first registrant, \$349 for each additional registrant — a savings of \$10!

**Directions & Parking:** To obtain directions and parking information, please contact the facility listed above.

**FREE Reference Manual: *Advanced Discovery and Evidence*** – Your learning doesn't end with the conclusion of the seminar presentation. With our comprehensive course manual, written specifically to accompany each program, you'll have all the information you need right at your fingertips. This manual, included with your tuition, allows you to take the seminar back to the office with you!

**Audio Recordings:** This seminar will be recorded in its entirety. If you can't attend, you can still obtain the benefits of the information provided by purchasing the manual and CD. See the registration form to order. If you wish to receive the cassette tape instead of the CD, please contact us at (800) 930-6182.

**Cancellation:** Register today at no risk! If your plans change later and you can't attend the program just call and let us know.

**Your Satisfaction is 100% Guaranteed.** We're so confident that this seminar will provide you with practical, valuable information that we back it up with an unconditional guarantee. If you're not completely satisfied, let us know and you'll receive a full refund.

# What You Will Learn

## I. SCOPE AND LIMITATIONS OF DISCOVERY

*Colleen M. Blandford, 9:00 - 9:30*

- A. Current Case Law and Rules
- B. What is and What is Not Reasonable to Request
- C. Discovery in Refiled Litigation

## II. DISCOVERY BEST PRACTICES

*Colleen M. Blandford, 9:30 - 10:15*

- A. Pre-Suit Discovery
- B. Best Drafting Strategies
- C. Privileges and Privilege Logs
- D. Protective Orders
- E. Motions to Compel

## III. DEPOSITION TACTICS FROM THE PROS

*Travis L. Flichman, 10:30 - 11:15*

- A. How to Prepare for Depositions to Get the Answers You Need
- B. Deposing, Defending and Using the Expert Witness Deposition
- C. Tactics for Deposing the Opposing Party
- D. Tactics for Dealing with Difficult Deponents

## IV. THE EXPERT'S ROLE: HOW TO MAKE OR BREAK YOUR CASE

*Travis L. Flichman, 11:15 - 12:00*

- A. Effectively and Efficiently Utilize Your Experts From Start to Finish
- B. Discovery About Experts
- C. Daubert Challenges and Ways to Overcome Them

## V. ETHICAL CONSIDERATIONS AND MALPRACTICE PREVENTION

*Panel Discussion: Travis L. Flichman, Rodger W. Moore and Richard L. Moore, 1:00 - 2:00*

## VI. DISCOVERY ABUSE

*Rodger W. Moore, 2:00 - 2:45*

- A. Spoliation of Evidence
- B. Tips for Resolving Discovery Disputes
- C. Sanctions for Discovery Abuse

## VII. NEW FRCP CHANGES TO E-DISCOVERY

*Richard L. Moore, 3:00 - 3:45*

- A. Recent Decisions in E-Discovery
- B. Managing the E-Discovery Process
- C. Data Preservation and Retention/ Destruction
- D. Requests for Production

## VIII. VIEW FROM THE BENCH

*Honorable Sandra S. Beckwith and Honorable Alex M. Triantafilou, 3:45 - 4:30*

- A. Discovery Do's and Don'ts
- B. Evidence Do's and Don'ts
- C. Technology in the Courtroom
- D. E-Discovery

**Who'll be there...**

This advanced level seminar is designed for attorneys and paralegals in all areas of civil litigation.

\* If needed, the above agenda may be changed to best accommodate all our attendees.

## Credit Information

This seminar is a valuable opportunity to get the continuing education that's so crucial to keeping up to date in your profession. Not only was this program carefully designed to meet its educational objectives, but you can also take advantage of specific continuing education credits we've arranged with appropriate accrediting organizations:

CLE - 6.0      This course has been approved by the Ohio Supreme Court Commission on Continuing Legal Education for 6.0 CLE credit hours, including 1.0 hour of ethics.

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The specific continuing education credit(s) listed above are for attending the live seminar. The credits may or may not apply for the audio version of this seminar. Please check with your credit board for details.

For additional questions regarding continuing education credits please contact us at (866) 240-1890.

# ADVANCED DISCOVERY AND EVIDENCE

## Who Will Teach You

**HON. SANDRA S. BECKWITH** is the Chief United States District Court Judge for the Southern District of Ohio. She was appointed to the federal bench by President George H.W. Bush on February 10, 1992. Hon. Beckwith is the first woman to serve as a district judge in the Southern District of Ohio. Prior to her appointment, she served as the first woman elected as a Judge of the Hamilton County Municipal Court. Hon. Beckwith was also the first woman elected as a Judge of the Hamilton County Court of Common Pleas, Division of Domestic Relations. She served on the Hamilton County Board of Commissioners, where she presided as President in 1990. Hon. Beckwith became Chief Judge of the United States District Court for the Southern District of Ohio on September 1, 2004. Her term will expire in 2011. When not serving on the bench, Judge Beckwith has practiced law in both a small town two-person law office and a large urban law firm. She was the judge in the highly publicized University Hospital Radiation case dealing with government funded whole-body radiation experiments in the 1960s.

**HON. ALEX M. TRIANTAFILOU** is a Judge in the Hamilton County Court of Common Pleas. He was named to the Hamilton County Court of Common Pleas in December 2006. Hon. Triantafilou previously served as Judge in the Hamilton County Municipal Court, as Administrator of the Hamilton County Clerk of Court's Office and as Assistant Prosecuting Attorney for Hamilton County. He earned his B.A. degree from the University of Cincinnati and his J.D. degree from Salmon P. Chase College of Law. Hon. Triantafilou previously served as an adjunct professor of law for the Salmon P. Chase College of Law at Northern Kentucky University. Currently, he serves on the Board of Trustees of the Cincinnati Bar Association and as a member of the Domestic Violence Coordinating Council of Hamilton County.

**COLLEEN M. BLANDFORD** is a partner with the Cincinnati law firm of Kohnen & Patton LLP. She is a member of the firm's litigation department and practices in the areas of insurance defense, personal injury, products liability, debt collection and employment discrimination. Aside from successfully defending insureds in federal and state court, Ms. Blandford is experienced at analyzing insurance coverage issues involving CGL policies, homeowners policies, disability insurance, professional liability insurance and general tort litigation. She has defended manufacturers of products such as escalators and elevators against product liability claims. Ms. Blandford has defended discrimination claims both at the EEOC level and at the trial court level. She also assists the firm's business clients with collection work or other contract or employment litigation. Ms. Blandford earned her B.A. degree, magna cum laude, from the University of Cincinnati and her J.D. degree from the University of Cincinnati College of Law.

**TRAVIS L. FLIEHMAN** is an attorney in the law firm of Dinsmore & Shohl LLP, where he practices in the areas of civil litigation and products liability defense. Mr. Fliehman earned his B.S. degree from Ohio State University and his J.D. degree from the University of Dayton. Prior to law school, he lectured extensively on personal development programs for various groups. Mr. Fliehman is a member of the Ohio State Bar Association and the American Bar Association.

**RICHARD L. MOORE** is a partner in the litigation group in the Cincinnati office of Vorys, Sater, Seymour and Pease LLP. His general trial practice includes defending employers against charges of employment discrimination, representing employers in workers' compensation claims before the Industrial Commission of Ohio and in court appeals, and representing large and small business clients involved in a variety of commercial disputes. Mr. Moore's practice also includes representing plaintiffs in personal injury and medical malpractice matters. He earned his B.S. degree in business administration with a specialization in management information systems from Bowling Green State University and his J.D. degree from the University of Cincinnati College of Law where he was a member of the *Law Review*. Mr. Moore has remained active in the Cincinnati community through his current service on the Board of Trustees of The Wellness Community of Greater Cincinnati and Northern Kentucky and the Board of Trustees of the Urban League of Greater Cincinnati, where he has served as board chair from 2003-2005. In 2002, he was selected by the *Cincinnati Business Courier* as one of its "Forty Under 40."

**RODGER W. MOORE** is an attorney with Santen & Hughes in Cincinnati where his practice focuses on business litigation. He has represented clients in matters ranging from simple business disputes to class action and other complex litigation. Mr. Moore is a frequent speaker on and has written articles involving issues relating to discovery. He earned his B.S. degree from the University of Arkansas, his J.D. degree from Emory University School of Law and his M.B.A. degree from Tulane University. Mr. Moore is a member of the Ohio State Bar Association, the Cincinnati Bar Association (member, E-Commerce Committee) and the American Bar Association.

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### **E-Discovery: Get Ready to Apply the New FRCP Changes**

The date is approaching fast: on December 1, the updates to the Federal Rules of Civil Procedure regarding e-discovery go into effect. These changes will have a decided impact on how you conduct discovery within your practice. Revision to Rules 16, 26, 33, 34 and 37 of the FRCP mean that what was once a best practice will become potential malpractice if you aren't properly using and applying these changes. The effective date is right around the corner – do you have the knowledge and skills you need to implement them within your practice?

These reference materials provide both information-based and skill-based training so you'll know exactly what the rules are – and how to follow them to avoid sanctions. With e-discovery and computer forensics becoming more commonplace, you need to sharpen your understanding and confidently tackle the challenges that will arise when untangling the complexities of technology. From the convenience of your office, you'll gain a concise understanding of the exact meaning of the new rules, and gain the application skills necessary to incorporate the rules into your day-to-day practices. You'll also get practical strategies for advising clients on proper e-document retention procedures that will safeguard their companies and make your job easier. If e-discovery and computer forensics are on your radar, these materials are a must for your professional library – order today!

By: John A. Heer, Candace M. Jones, Robin M. Wilson and Donald A. Wochna.

104 Pages © December 2006

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### **Pretrial Skills: Thinking On Your Feet**

Each case you represent is unique – and you need to be able to tailor your pretrial preparation to suit each situation. Are you able to think on your feet and react to unique nuances in your cases, so you can best prepare? If you're not sure, you need practical training that can help you put your cases on the path to success. These innovative reference materials will help you develop your creative thinking skills, so you can refine your pretrial preparation approach whether you're representing a bench or jury trial – or even if you're working towards a settlement. Set up a framework for successful outcome by keeping sight of the end result while putting your case together. Develop meaningful client relationships by tailoring your advice and approach to each individual. Confidently depose clients, witnesses and experts, adapting your style when necessary. Determine whether a deposition needs to be by the book - or more innovative – depending on the deponent. Master the art of the settlement by identifying when you should and shouldn't settle – and overcoming common obstacles if you decide to negotiate. Maximize your effectiveness by making this vital addition to your reference library. Order today! By: Elizabeth A. Crosby, Ralph F. Dublikar, Abby K. Lill, Dimitrios S. Pousoulides, Neal E. Shaperon and Jane P. Wilson. 108 Pages © November 2006

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