

Effectively Use Evidence To Bolster Your Case

# EVIDENCE: STRATEGIES FOR FINDING, PRESERVING AND USING EVIDENCE TO SUPPORT YOUR CASE

**Fairfax, Virginia**  
**September 17, 2008**

## PRESENTED BY

John C. Cook  
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*Bose Law Firm PLLC*

Richard Morgan  
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# IMPORTANT SEMINAR DETAILS

## TIME

Registration 8:30 am - 9:00 am

Program 9:00 am - 4:30 pm

Complimentary snacks and refreshments are provided. Lunch is on your own.

## TUITION

\$345 for the first registrant

\$335 for each additional registrant

## REGISTERING

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To obtain directions and parking information, please contact the facility listed above.

## FREE REFERENCE MANUAL

*Evidence: Strategies for Finding, Preserving and Using Evidence to Support Your Case*

Receive a comprehensive course manual, included with your tuition, which you can take back to your office and use as a reference.

## 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.

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## THE NBI GUARANTEE

If you aren't satisfied with a seminar or training resource, call or write us and we'll make it right.

## FAIRFAX — September 17

### Waterford at Fair Oaks

12025 Lee Jackson Memorial Highway

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Phone 703-352-3200

# KEY SEMINAR BENEFITS

## Locate and Skillfully Present Evidence to Create Stronger Cases

- Gain an insider's grasp of the most frequently used rules of evidence – and some of the other rules you need to know.
- Strategically prepare your evidence for trial and be aware of common evidentiary problems you'll want to avoid.
- Prepare your experts for depositions and cross-examination so they know what to expect and how to respond.
- Obtain the medical records you need, while factoring in a patient's privilege when using them.
- Clearly link your evidence to your case with our straightforward presentation skills.

# SEMINAR **OUTLINE**

## **I. COMPLYING WITH THE RULES OF EVIDENCE**

*9:00 - 10:00, Written and presented by Robert S. Corish.*

- A. Evidentiary Procedure – Rules of the Court
- B. The Most Frequently Used Rules of Evidence
- C. Other Rules of Evidence You Need to Know
- D. Hearsay and the Law of Evidence
- E. Understanding Presumptions and Privileges

## **II. USING EVIDENCE TO BUILD YOUR CASE**

*10:00 - 10:30 and 10:45 - 11:30, Written and presented by Thaddeus Furlong and Richard Morgan.*

- A. Legislation Changes Affecting Evidence
- B. Definition and Common Types of Evidence
- C. Evidence Checklist
- D. Primary and Secondary Sources of Evidence
- E. Creditability of Source
- F. Illustrative and Demonstrative Evidence
- G. Scope of Examination
- H. Understanding What You Have and What You Need
- I. Tips and Strategies for Effectively Gathering Evidence
- J. Preparing the Evidentiary “Tools” for Trial
- K. Avoiding Common Evidentiary Problems
- L. “Real Life” Case Issues

## **III. ETHICAL CONSIDERATIONS**

*11:30 - 12:30, Written and presented by Adam W. Smith.*

- A. Handling Highly Prejudicial Evidence
- B. Handling Questions of Jurors in Voir Dire
- C. Talking to Witnesses Before They Testify
- D. Checking for Conflicts

## **IV. WORKING WITH EXPERT WITNESSES**

*1:30 - 2:30, Written and presented by John C. Cook.*

- A. Expert Witness Checklist
- B. Locating the Right Expert
- C. How to Qualify the Expert
- D. Experts as Consultants and/or Witnesses
- E. Protecting Expert’s Work Product
- F. Preparing the Expert for Depositions
- G. Motion in Limine to Exclude Expert Testimony
- H. Presentation of Expert Testimony at Trial
- I. Key Issues in Cross-Examination
- J. Scientific Guesswork as Fact

## **V. EFFECTIVE DISCOVERY TECHNIQUES**

*2:30 - 3:15, Written and presented by John C. Cook.*

- A. Evidentiary Examination Aspects
- B. Discovery of Adverse Expert Testimony
- C. Obtaining Records
  - 1. Medical
  - 2. Insurance
  - 3. Proofs of Damages
- D. Patient’s Privilege in Medical Cases
- E. Peer Review Evaluating Quality of Health Care

## **VI. PRESENTATION OF EVIDENCE – HOW TO IMPACT THE JURY**

*3:30 - 4:30, Written by Thaddeus Furlong and Robert S. Corish. Presented by Thaddeus Furlong, Robert S. Corish and Richard Morgan.*

- A. How to Get Your Evidence and Expert Testimony Admitted into Court
- B. Trial Techniques
- C. Mitigation of Damages
- D. Collateral Source
- E. Clarity to the Jury
- F. Video Brings the World to the Jury
- G. Practical Skills: Mock Presentation of Evidence

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





## WHO SHOULD ATTEND

This **basic to intermediate level program** will give plaintiff and defense attorneys - and their legal staff - techniques and strategies for improving their skills when working with evidence.



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## OUR DISTINGUISHED FACULTY

**JOHN C. COOK** is a partner with the law firm of Cook & Kitts, PLLC, where he practices in the areas of civil litigation and employment law. He has lectured and published articles on civil litigation and employment law issues. He is a member of the Fairfax County (former chair, Employment Law Section), the New York State and the Virginia bar associations, the Virginia State Bar and the District of Columbia Bar. He is a mediator for the District of Columbia Superior Court and a conciliator for the Fairfax County Circuit Court. *Virginia Business* magazine named Mr. Cook one of Virginia's "legal elite" in its December 2004, 2005 and 2006 editions. Mr. Cook was also recorded as a Virginia "Super Lawyer" by *Richmond Magazine* for Virginia and metropolitan D.C. for 2006 and 2007. Mr. Cook received his B.A. degree, magna cum laude, from Gettysburg College and J.D. degree from George Washington University.

**ROBERT S. CORISH** is a partner in the law office of Corish Hill & Associates PLLC, where he focuses his practice in personal injury. Mr. Corish has more than 25 years of experience in litigation. He has previously lectured to legal professionals on various litigation matters. Mr. Corish is a member of the Maryland State, Virginia and American bar associations, and the Virginia Trial Lawyers Association. He received his B.A. degree from the University of Virginia and his J.D. degree from Potomac School of Law.

**THADDEUS FURLONG** is the senior litigation attorney at the Bose Law Firm PLLC, a unique group of former police, investigators and prosecutors representing high profile clients, celebrities, White House officials, Congressional staff, and executives in all Virginia state and federal courts. He has advised members of Congress, conducted numerous jury trials and high profile cases, including celebrity DUIs, road rage, homicide, arson, narcotics, bank robbery, financial crimes and sensitive cases for high officials. With a law enforcement background, including the Los Angeles County Sheriff's, LAPD (Robbery-Homicide), Fairfax County Police, and teaching at the FBI and college level, he offers special insight into police procedures, evidence analysis and criminal investigation. He earned his B.A.

degree from California State University and a J.D. degree from Georgetown University. He is a former military officer and current Judge Advocate General's attorney on the staff of VaDF 23rd Battalion in Warrenton, Virginia. He is a member of the Virginia Trial Lawyers Association, Association of Trial Lawyers of America, American Association of University Professors, the Virginia Coalition of Police Officers and others. In 1999, Mr. Furlong was awarded "Pro Bono Lawyer of the Year" by the Fairfax County Bar Association for working with indigent clients.

**RICHARD MORGAN** is the head of the federal attorney group at the Bose Law Firm PLLC, with over a decade of practice and more than 30 jury trials, including high profile robbery, arson, sex crimes and narcotics cases. He has advised or co-counseled numerous other trials around the state and is much sought after for his expertise in evidentiary and presentation strategies to jurors. Most recently he conducted an arson jury trial in northern Virginia which involved numerous well-known witnesses and received extensive media attention. He has appeared on numerous television and radio programs and also is a member of the Bose Law Firm Special Cases Unit - a specialized office handling extremely sensitive cases for executives and public officials desiring maximum confidentiality.

**ADAM W. SMITH** is a principal with McCandlish and Lillard whose litigation practice is concentrated in the representation of self-insureds, health care providers, insurance companies, and other clients in the defense of products liability, medical malpractice, legal malpractice, and general tort liability claims. He is admitted to the bars of the District of Columbia Court of Appeals (1990), the Supreme Court of Ohio (1989), the U.S. Courts of Appeals for the Fourth Circuit and District of Columbia Circuit, the U.S. Court of Federal Claims, and the U.S. District Courts of the District of Columbia, Maryland, and the Eastern District of Virginia. Mr. Smith graduated from Ohio State University with honors in 1986, and received his J.D. degree from Ohio Northern University with high distinction in 1989.

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This course has been approved by the Virginia Mandatory Continuing Legal Education Board for 6 hours of credit. Credit for ethics has been submitted to the board and is pending.

## EVIDENCE: STRATEGIES FOR FINDING, PRESERVING AND USING EVIDENCE TO SUPPORT YOUR CASE

**September 17**  
Fairfax, VA

Seminar Number: 44768

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**\$345** — first registrant  
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