

## **California Trial Evidence**

**October 21, 2013**

**9:00 a.m. – 5:00 p.m.**

### **Why You Should Attend**

Mastering the complexities of California evidence often can be the difference between winning and losing at trial. Recent case law and statutory developments in the law of evidence render this mastery critical in modern litigation and trials. This program is designed to give you the most up-to-date information on California evidence standards. The panelists represent top-flight trial attorneys and judges who will provide winning strategies for your practices.

### **What You Will Learn**

Our expert faculty will lead you through the most pertinent and tricky trial evidence topics such as admissibility of electronic documents and social media, winning with demonstratives, overcoming obstacles to admissibility and serving more than as potted plants when making winning objections at trial. And our judges will teach how to frame or avoid trials by winning the evidence game on motions and at mediation.

### **Who Should Attend**

Civil and criminal trial attorneys who want to hone their evidence skills and stay on top of recent developments in the field should attend. This program will be highly valuable for newer attorneys trying their first few trials as well as for experienced courtroom advocates who will stay abreast of recent developments. Plan to attend just for the invaluable tips from our experienced faculty.

# California Trial Evidence

## Program Schedule

9:00

### **Program Overview and Introductions**

*James M. Wagstaffe*

9:15

### **Handling Objections at Depositions and Trials**

- Lawyers as Non-Potted Plants
- The Exceptional Exceptions and Privilege
- Civility and the Opposing Counsel
- The To-Die-For Objection Checklist
- Waiver and Preserving the Record

*Martin P. Moroski, Honorable James Ware*

10:15

### **Effectively Using Demonstrative Evidence**

- Graphic illustrations and Photographs
- Animations
- Foundation for Scientific Evidence
- Visual Recordings
- Jury Views

*Thomas B. Mayhew, Shannon M. Nessier*

11:15

*Networking Break*

11:30

### **Evidence in a Facebook World: Social Media and Electronic Documents**

- Authenticating social media and email evidence
- Ethical considerations in electronic discovery and spoliation
- ESI from mobile phones
- Tactics
- Updates

*Honorable Stephen D. Kaus, Ivo Labar*

12:30

*Lunch*

1:45

**Overcoming Obstacles to Admissibility**

- Laying the Foundation
- Hot Topics in Hearsay
- Ruling the Relevance Roost
- Short Cuts to Authentication
- Doctrine of Chances and Prior Bad Acts

*Honorable Jacqueline Scott Corley, Robin G. Workman*

2:45

**Evidence as Part of Motion Practice**

- In Limine Motions
- Motions Like Trials: Authentication, Foundation and Hearsay
- Meaningful Objections
- Experts on Paper and Beyond
- Just the Facts: anti-SLAPP, MSJ and Injunctions

*Thomas R. Burke, James M. Wagstaffe*

3:45

*Networking Break*

4:00

**Judicial Arbitration, Settlement and Evidence**

- Confidentiality, Privilege and Later Use
- Joint Session “Evidence”
- ADR Rules of Evidence
- Telling and Listening to Factual Storyteller

*Honorable William J. Cahill, James M. Wagstaffe*

5:00

*Adjourn*

## Faculty

### Chairperson

**James M. Wagstaffe**

Kerr & Wagstaffe LLP  
San Francisco, California

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**Thomas R. Burke**

Davis Wright Tremaine LLP  
San Francisco, California

**Honorable William J. Cahill (ret.)**

JAMS  
San Francisco, California

**Honorable Jacqueline Scott Corley**

Magistrate Judge, United States District Court, Northern District of California  
San Francisco, California

**Honorable Stephen D. Kaus**

Judge, Superior Court of California, County of Alameda  
Oakland, California

**Ivo Labar**

Kerr & Wagstaffe LLP  
San Francisco, California

**Thomas B. Mayhew**

Farella Braun + Martel LLP  
San Francisco, California

**Martin P. Moroski**

Adamski Moroski Madden Cumberland & Green LLP  
San Luis Obispo, California

**Shannon M. Nessier**

Hanson Bridgett LLP  
San Francisco, California

**Honorable James Ware (ret.)**

JAMS  
San Francisco, California

**Robin G. Workman**  
Qualls & Workman LLP  
San Francisco, CA

**Program Attorney:** Christina Thompson