




# CONSTRUCTION LITIGATION 2021

## BEST TRIAL PRACTICES

Friday, June 18, 2021

**REGISTRATION** 12:30 pm - 1:30 pm    **SEMINAR** 1:30 pm - 5:30 pm    **RECEPTION** 5:30 pm - 6:30 pm

DoubleTree by Hilton  
Pleasanton at the Club  
Pleasanton, CA



**A·D·C**  
Association of Defense Counsel  
of Northern California and Nevada  
2520 Venture Oaks Way  
Suite 150  
Sacramento, CA 95833

# CONSTRUCTION LITIGATION 2021

Friday, June 18, 2021 • DoubleTree by Hilton Pleasanton at the Club • 7050 Johnson Drive, Pleasanton, CA 94588

12:30 pm – 1:30 pm    **Registration**

1:30 pm – 2:45 pm    **Expert Witnesses and Hearsay – Is It Admissible Evidence?**



More and more construction litigation is going to trial and construction cases rely heavily on expert testimony. For decades, attorneys have been able to utilize expert testimony to present otherwise inadmissible hearsay evidence under the theory that the evidence was not being presented to offer the truth of the matter asserted, but was being offered only as the basis for the expert opinion. In 2016, the California Supreme Court changed that with its decision in *People v. Sanchez* (2016) 63 Cal.4<sup>th</sup> 665. This presentation will provide practical tips on “case-specific” hearsay and how to collect and present admissible evidence. The presentation will be a courtroom enactment with an examining attorney, an objecting attorney, an expert witness and a judge. The audience will also participate as the jury in this interactive seminar.

- Yvonne Jorgensen, Esq., *Van De Poel, Levy, Thomas, Arneal LLP*
- Tim Fitzpatrick, *Axis Construction Consulting*
- Jill Lifter, *Ryan & Lifter*
- Steve McDonald, *Bledsoe, Diestel, Treppa & Crane LLP*

3:00 pm – 4:15 pm    **The Benefits of Demonstrative Evidence**



Proving your case to a jury is a difficult task and complex construction cases can make that task even more difficult. Jurors are now more visual than ever and expect to receive information verbally and visually in a content rich format. This presentation will introduce attendees to different types of demonstrative evidence available today and how to use them effectively, whether as a trial exhibit or as a visual aid, to facilitate juror understanding of difficult concepts or points.

- John Osteraas, Ph.D., *Exponent*
- Alan H. Packer, *Newmeyer & Dillion*

4:30 pm – 5:30 pm    **Developing a Case Theme – Tell Your Story Effectively!**



We can't choose the facts of our case, but we can choose how to frame them and how to present them to tell our story effectively. This presentation will educate attorneys on how to select a theme and develop a story, how to integrate the themes when telling the story, and how to use data gained from pre-trial discovery to effectively tell a compelling story.

- Cynthia Lawrence, *Sims, Lawrence & Arruti*
- Daniel W. Dugan, Ph.D., *Trial Science*
- Samuel Muir, *Muir Law*

5:30 pm – 6:30 pm    **ADCNCN Member & Seminar Attendee Reception**

**Exhibit and Sponsorship opportunities are available; please e-mail [adcnc@camgmt.com](mailto:adcnc@camgmt.com) for details.**

Attendee agrees to comply with all COVID-related procedures that may be implemented by the Association of Defense Counsel of Northern California and Nevada and/or the DoubleTree by Hilton Pleasanton at The Club. Attendee acknowledges the contagious nature of COVID-19 and voluntarily assumes the risk of exposure or infection by attending the ADC Construction Seminar. Accordingly, attendee understands and agrees that this release includes any claims based on the actions, omissions or negligence of ADC, its agents and representatives, whether a COVID-19 infection occurs before, during or after participation in the ADC Construction Seminar.

# REGISTRATION FORM

— Register Online at [www.adcncn.org](http://www.adcncn.org) —

# CONSTRUCTION LITIGATION 2021 BEST TRIAL PRACTICES

**FRIDAY, JUNE 18 2021 • PLEASANTON**

## Registration Fee:

- \$290 ADC Members     \$390 Non-Member Attorney     \$190 Non-Attorney  
 \$170 additional ADC Member from Same Firm

Attendee: \_\_\_\_\_

State Bar #: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

## CANCELLATIONS:

Registrants must cancel in writing at least one week prior to the seminar. Refunds less \$50 processing fee.

## Method of Payment:

Amount Enclosed: \$ \_\_\_\_\_ Check payable to ADCNCN

If paying by credit card, please register online at [www.adcncn.org](http://www.adcncn.org). If paying by check, please complete this form and return it with your check to the address below:

**Association of Defense Counsel of Northern California and Nevada**  
2520 Venture Oaks Way, Suite 150 • Sacramento, CA 95833  
916.239.4060 – phone • 916.924.7323 – fax • [adcnc@camgmt.com](mailto:adcnc@camgmt.com) • [www.adcnc.org](http://www.adcnc.org)

# CONSTRUCTION LITIGATION 2021 BEST TRIAL PRACTICES

This year's half-day program will focus on trial preparation and presentation. The sessions will provide substantive law and practical tips for collecting evidence and presenting your case in a way that juries will understand and find interesting. The audience will also have opportunities to participate in engaging and lively discussions. It will be a unique and enjoyable learning experience. We look forward to seeing you there!

## MCLE Information

This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California and pending approval by the Nevada Board of Continuing Legal Education in the amount of 3.5 hours. The ADCNCN certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California and the Nevada Board of Continuing Legal Education.

## Special Thanks

ADCNCN Construction Sublaw Section Co-Chairs:

**Jill J. Lifter**

*Ryan & Lifter, San Ramon, CA*

**Wakako Uritani**

*Lorber, Greenfield & Polito, LLP, San Francisco, CA*

## DoubleTree by Hilton Pleasanton at the Club

7050 Johnson Drive, Pleasanton, CA 94588  
[hilton.com/en/doubletree](http://hilton.com/en/doubletree) • 925.453.8000