



# NYSBA **CLE**

**Friday, September 25, 2009**  
*New York City*

**Friday, October 9, 2009**  
*Long Island*

**Friday, November 6, 2009**  
*Albany*



**INCLUDES**  
1.0 ethics credits

See inside for  
more details.

# Henry Miller— The Trial

All Registrants receive a  
***FREE*** copy of  
***On Trial-Lessons from a  
Lifetime in the Courtroom***

By Henry G. Miller

**Register Early, Save Money,  
and Guarantee Your Seat  
at the Program!!!**

Sponsored by the Committee on  
Continuing Legal Education of the  
New York State Bar Association



# Program Description

The New York State Bar Association Continuing Legal Education Committee is pleased to feature nationally recognized trial attorney Henry G. Miller in a seminar on trial practice.

Covering every phase of trial and lessons from famous trials, this seminar will include live demonstrations and practical tips on trial advocacy for both novice and experienced attorneys. From pre-trial preparation to opening statements, examination, summation and post-trial activity, this seminar will be filled with useful information and includes a segment on ethics.

This program will be helpful to all attorneys, not merely those who try cases. During the seminar, Henry Miller will refer to certain famous cases to illustrate various points of general interest to all lawyers.

Don't miss this rare opportunity to see why so many consider Henry Miller to be the finest speaker on trial practice.

## The Course

*"My goal, somewhat ambitious, but most sincere, is that by the end of the day, all lawyers in attendance, be they beginners or seasoned veterans, will leave better advocates than when they arrived. And if we share a smile or two in recognition of our common foibles, that will be a further reward. I intend to do my best for you. I hope you come and visit."* –Henry Miller

## The Materials

Henry Miller's most recent book, *On Trial – Lessons from a Lifetime in the Courtroom*, published by ALM Publishing will be used as course materials for this seminar. Every registrant will receive a copy the morning of the seminar.

## Reviews

*"Feast of wit and wisdom."* –Dean Joseph Bellacosa

*"Fine book . . . read it and learn."* –Alan M. Dershowitz

*"Mr. Miller is an outstanding trial lawyer who has managed to distill the lessons of decades in Court."* –David Boies

# Agenda

**8:30 – 9:00 a.m. Registration** (outside meeting room)

**9:00 – 12:45 p.m.**

## A. The Prologue

- The Trial is the Thing
- Preparing for the Role
- Henry's Rules on Setting the Stage

## B. Jury Selection

- The 44 Blunders (some)
- Trusting You
- Confess Weakness
- Sound the Theme

## C. Opening – The Twenty-Seven Steps (Some)

- A Persuasive Story
- Make Weakest Point Strongest Point
- Talk Like a Human Being
- Demonstration

## D. Direct Exam

- The Thirty-One Pertinent Pointers (some)
- Preparing the Witness
- Getting off the Stage
- Leading Questions
- Show Don't Tell

## E. Cross-Examination

- Four Rules – But with a But (some)
- Pin Down
- Ideas Not Notes
- Impeachment
- Save the Zingers

*Note: There will be a 15 minute refreshment break during the morning session.*

**12:45 – 2:00 Lunch** (on your own)

**2:00 – 5:00**

## F. Experts

- Twenty Pungent Proverbs (some)
- The Daubert Debacle
- Conviction
- A Teacher
- CBS (Compression, Brevity, Simplicity)

## G. Summation

- An Outline
- Anticipate the Judge's Charge
- Find the Winning Reason
- Demonstration

## H. The Ordeal

- The Charge: Objections
- Waiting for the Verdict: Questions and Readbacks
- Motions

## I. Ethics (50 minutes)

- Professionalism, yes
- Rambo, no
- Honoring Your Client
- Honoring the Court
- Honoring Yourself

## J. Surviving

- Living with Defeat
- The Old Trial Lawyer
- The Young Trial Lawyer

## K. Trials of Oscar Wilde and Alger Hiss

*Note: There will be a 15 minute refreshment break during the afternoon session.*

**5:00 p.m. Adjournment**

## 7.5 TOTAL CREDITS

6.5 credit hours in skills; 1.0 credit hour in ethics

This **basic-to-intermediate-level** course may be used for New York MCLE credit by all attorneys, including those who are newly admitted (less than 24 months).

This program has also been approved for MCLE credit by the **State Bar of California** and the **Pennsylvania Continuing Legal Education Board** for **5.0** credit hours of substantive law and **1.0** credit hour of ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

The New York State Bar Association's Committee on Continuing Legal Education has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

**IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED.** Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.



**The Presenter**

Henry G. Miller has been actively trying cases for over 40 years.

A senior member of Clark, Gagliardi & Miller, P.C., in White Plains, Henry Miller represents plaintiffs in a wide range of areas, including product liability, commercial, medical malpractice, automobile, premises, construction, sex abuse, legal malpractice, discrimination, whistleblower, real estate, dram shop and estate disputes.

Henry Miller is Past President of both the New York State and Westchester County Bar Associations. He is one of very few trial attorneys in the country who was both a Regent of the American College of Trial Lawyers and a Director of the International Academy of Trial Lawyers, two of the

most prestigious national trial lawyer associations. He has been an Adjunct Professor of Law at St. John's Law School.

Henry Miller frequently appears on television and radio and has written extensively on trial practice.

He is the author of Settlements in the Art of Advocacy series as well as the editor of the New York Practice Guide on Negligence, both published by Matthew Bender and most recently he authored, On Trial: Lessons from a Lifetime in the Courtroom, published by ALM Publishing. He has written the Ethics Chapter in the American Trial Lawyers Association's text on Plaintiff's Personal Injury Litigation called "Atla's Litigating Tort Cases."

**Excerpts from prior course evaluations**

"Miller is superb."

"Presentation unique and extraordinary."

"Gifted."

"Entertaining and educated."

"Amazing."

"Clone Henry Miller. . . superb."

"Inspiring."

"Best CLE Seminar I have attended."

# Information and Policies

**Pre-registration Strongly Advised:** You can save money and guarantee your seat and course materials by registering early. Registrations received or postmarked within 10 days of the event, or at the door, are subject to a higher registration fee. Seating is limited in all locations and registrations are taken on a first-come, first-served basis. If you plan to pre-register within 10 days of the program or to register at the door, please call the CLE Registrar's Office at (800) 582-2452 to verify that the program is not sold out or that the date or location has not been changed. Pre-registrants are guaranteed a seat and set of course materials, and will automatically be notified if there are any such changes in the date or location of the program.

**Cancellations are easy – full refunds are given:** Your full registration fee will be refunded if you give us notice no later than the close of business (4:45 p.m. EST) on the day prior to the date of the program for which you registered. To cancel, write the CLE Registrar's Office at One Elk Street, Albany, New York 12207; or fax (518) 487-5618; or call (800) 582-2452. If you do not cancel and do not attend the program, a complete set of materials will be forwarded to you in consideration of the registration fee. Non-registrants may purchase program materials after the final program date.


**MCLE Credit:** This program is acceptable for MCLE credit in New York and many other MCLE jurisdictions. Please see inside of this brochure for details.

**Discounts and Scholarships:** NYSBA members may apply for a discount or scholarship to attend this program, based on financial hardship. Under that policy, any member of our Association who has a genuine financial hardship may apply in writing, not later than two working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive a discount or scholarship, depending on the circumstances. For more details, please contact our CLE Registrar's Office at (800) 582-2452.

**Non Members -** Join the NYSBA and enjoy great discounts on CLE seminars, products, and other valuable NYSBA services. NYSBA members can save 30 percent or more over non-members on CLE seminars alone. Join now and take advantage of NYSBA membership discounts throughout the year.

If you wish to join, please contact NYSBA Membership Services at (518) 487-5577 and an application will be sent to you.

**Tape Recording of NYSBA Seminars is not permitted.**

 **Accommodations for Persons with Disabilities:** We will make every reasonable effort to ensure that our programs are held in locations with barrier-free access for persons with mobility impairments. If you are planning to attend one of our programs and need assistance relating to some other type of disability, please contact us sufficiently in advance and let us know so that we can be prepared to make reasonable accommodations.

## REGISTRATION FORM

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Member ID \_\_\_\_\_  
Business Phone ( \_\_\_\_\_ ) \_\_\_\_\_  
Email \_\_\_\_\_

**Please enroll me in "Henry Miller—The Trial"**

New York City, September 25, 2009 (08454)     Long Island, October 9, 2009 (08453)     Albany, November 6, 2009 (08451)

**PROGRAM FEES**





Early registrations, received or postmarked 10 days prior to the date of the registered session:  
NYSBA members—\$230    non-members—\$325    NYSBA student members—\$60

Late registrations, received or postmarked thereafter, and on-site registrations:  
NYSBA members—\$245    non-members—\$340    NYSBA student members—\$75

Check or money order enclosed in the amount of \$ \_\_\_\_\_  
(Please make checks payable to the New York State Bar Association.)  
 Charge \$ \_\_\_\_\_ to  American Express  Discover  MasterCard  Visa  
Valid from \_\_\_\_\_ to \_\_\_\_\_  
Card number

Authorized Signature \_\_\_\_\_

**4 EASY WAYS TO REGISTER**

-  **Online** at [www.nysba.org/cle](http://www.nysba.org/cle)
-  **Call** us at **1.800.582.2452** (U.S. and Canada) or **518.463.3724** in the Albany & surrounding area
-  **Mail** to: Registrar's Office  
New York State Bar Association  
One Elk Street, Albany, NY 12207
-  **Fax** the order form to **518.487.5618**

**Important Note:**  
CLE Seminar Coupons and Complimentary passes cannot be used for this program

For more information on our CLE Coupon Plan offering substantial savings on full-day, live programs, please contact the Registrar's Office at **1.800.582.2452**.

**Source Code: CL3250**

# Program Locations

**Important Note:** If you plan to pre-register within 10 days of the program or register at the door, please call us at **(800) 582-2452** or in Albany and surrounding area, dial **(518) 463-3724**, to verify that the program is not sold out or that the date or location has not been changed. Those who pre-register in advance of the program will automatically be notified of any such changes and will receive a full refund up to the day prior to the program, if they cannot attend and notify us of their cancellation. Please pre-register as early as possible.

Friday  
September 25, 2009  
**New York City**  
**Affinia Manhattan**  
371 Seventh Avenue at 31st Street  
New York, NY 10001-3984  
(212) 563-1800

Friday  
October 9, 2009  
**Long Island**  
**Melville Marriott**  
1350 Old Walt Whitman Road  
Melville, NY 11747  
(631) 423-1600

Friday  
November 6, 2009  
**Albany**  
**Holiday Inn Albany — Wolf Road**  
205 Wolf Road  
Albany, NY 12205  
(518) 458-7264

 See our Fall 2009 schedule online at [www.nysba.org/cle](http://www.nysba.org/cle)

**REGISTER EARLY, SAVE MONEY, AND GUARANTEE YOUR SEAT AT THE PROGRAM!!!**

**NYSBA** **CLE** *presents*

# Henry Miller— The Trial



**INCLUDES**  
**1.0 ethics credit**  
See inside for more details.



**REGISTRANT: PLEASE PROVIDE MAILING INSTRUCTIONS**

Send program admission ticket to address shown on label at right

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Registrant note: Is your name and address listed correctly on the mailing label at the right? If not, fill in correction below and return this page to NYSBA. If you receive multiple copies of this brochure, please pass them along to colleagues who may be interested in this program.

**NEW YORK STATE BAR ASSOCIATION**  
**CONTINUING LEGAL EDUCATION**  
Mail to: CLE Registration Office  
New York State Bar Association  
One Elk Street, Albany, NY 12207



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