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NYSBA

Antitrust Law Section

Antitrust Trial Training Academy

Jacob K. Javits Federal Office Building
26 Federal Plaza, 6th Floor Conference Center
New York, New York
May 8 - 10, 2017



THE NEW YORK
BAR FOUNDATION

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York Bar Foundation Section Educational Speakers
Fund.*

IMPORTANT INFORMATION

The New York State Bar Association Antitrust Trial Training Academy is a three-day trial techniques program that will teach, advance and improve the courtroom skills of young and new lawyers with an emphasis on direct participation.

HOW IT WORKS

The program will take place at the Jacob K. Javits Federal Building near Foley Square in lower Manhattan. It is intended to provide lawyers with an antitrust background the opportunity to develop and hone their antitrust litigation skills. Lectures subjects include: Direct and Cross-Examination; Use of Exhibits and Summary Charts; Advanced Impeachment and Cross Examination; Presenting Expert Testimony; and Opening and Closing Statements. The principal means of instruction, however, is videotaped workshops in which students present evidence, examine witnesses and make oral arguments. The workshops are based on a fact pattern involving an alleged retail price-fixing conspiracy. An experienced antitrust litigator will review the videotapes with each student to provide individualized feedback. A unique feature of the program is the opportunity for students to prepare and cross examine economists with antitrust consulting experience.

REGISTRATION AND FEES

NYSBA Members: \$100.00

Non-NYSBA Members: \$300.00

Non-NYSBA Members: \$350.00 (includes one-year membership in NYSBA and Antitrust Law Section, a value of \$90-\$305 depending on year of admission to the bar. Please use registration form for this choice).

Registration includes course materials, plus continental breakfast and lunch each day.

The course is intended for lawyers with an antitrust background who wish to improve their litigation and trial skills. Application deadline has been extended to **Friday, April 14, 2017**. Space is limited, and applications will be accepted based on an applicant's relevant experience and an overall goal of obtaining a diverse group of students with a diverse employment background. Applicants will be informed by Wednesday, April 26, 2017, whether or not their application has been accepted.

Dress Code: Professional business attire is required for the program.

CLE CREDIT INFORMATION

The New York State Bar Association's Sections and Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. **Under New York's MCLE rule, this program has been approved for a total of up to 27.5 MCLE credit hours in SKILLS.** This program is transitional and therefore suitable for newly-admitted attorneys.

Scholarships: Two types of scholarships are available. The first covers the registration fee for students who certify that they earn less than \$125,000 per year. The second, up to the amount of \$1,200, reimburses the out-of-pocket cost of transportation and three nights lodging for students who certify that they do not live in the New York City metropolitan area (i.e., outside New York City and Westchester and Nassau Counties). It will be paid upon submission of receipts for those expenses. For more details, please contact: Lori Nicoll, New York State Bar Association, One Elk Street, Albany, New York 12207 or lnicoll@nysba.org.

SCHEDULE OF EVENTS

New York State Bar Association Antitrust Law Section Antitrust Trial Advocacy Skills Program Schedule

This program is intended to provide “learn by doing” training for antitrust attorneys at all levels of experience in trial advocacy skills. The primary emphasis of the program will be to provide participants with opportunities to perform in a simulated trial setting, followed by individual faculty critique. These performance workshops will be supplemented by lectures on specific issues relating to trial advocacy in the antitrust context.

Participants will need to prepare for the program in advance by reviewing a mock antitrust case file and prepare to conduct various parts of a trial. A detailed schedule and case file will be sent to each participant in advance of the program.

Materials

The materials for this program are:

1. Case File
2. Stephen Lubet, Modern Trial Advocacy, NITA

This program is being conducted by the New York State Bar Association Antitrust Law Section

SCHEDULE OF EVENTS

Today's focus will be on developing case theory through persuasive direct and cross examination. The day will also include lecture/demonstrations on Direct and Cross Examination, Using Exhibits Persuasively in an Antitrust case and Opening Statements, as well as a workshop in which participants will present their theme and theory of the Case and key facts as part of the first two minutes of their closing argument.

Monday, May 8

8:00 a.m. **Registration and Continental Breakfast**

8:30 a.m. – 9:45 a.m. **LECTURE: TECHNIQUES FOR PERSUASIVE DIRECT AND CROSS EXAMINATION**

Speaker: *Andrew L. Rossner, Rutgers Law School - Newark*

9:45 a.m. – 10:00 a.m. **Break**

10:00 a.m. – 12:00 p.m. **DIRECT, CROSS AND REDIRECT
PERFORMANCE WORKSHOP AND VIDEO REVIEW**

12:00 p.m. – 1:30 p.m. **LECTURE: PERSUASIVE OPENING STATEMENTS AND CLOSING ARGUMENTS**

Speaker: *Robert L. Hubbard, Antitrust Bureau, New York State Attorney General's Office*

1:30 p.m. – 3:30 p.m. **DIRECT, CROSS AND REDIRECT
PERFORMANCE WORKSHOP AND VIDEO REVIEW**

3:30 p.m. – 3:45 p.m. **Break**

3:45 p.m. – 4:30 p.m. **CLOSING ARGUMENTS WORKSHOP**

4:30 p.m. – 6:00 p.m. **LECTURE: PERSUASIVE USE OF EXHIBITS AND SUMMARY CHARTS IN ANTITRUST CASE**

Speaker: *Andrew L. Rossner, Rutgers Law School - Newark*

SCHEDULE OF EVENTS

Today the primary focus in the performance workshops will be on persuasive use of exhibits and the preparation and presentation of expert testimony. There will be lectures on advanced cross examination and impeachment and on presenting expert testimony at trial. In the exhibits workshop, participants should be prepared to effectively use exhibits in the case on both direct and cross to enhance the persuasive power of their examination. There will also be a witness preparation session in which participants will be able to prepare their expert for testimony and consult with their expert in preparation for cross examination of the opponent's expert. The day will close with a workshop in which participants will present the first two minutes of an opening.

Tuesday, May 9

8:00 a.m. **Registration and Continental Breakfast**

8:30 a.m. – 9:30 a.m. **LECTURE: ADVANCED IMPEACHMENT AND CROSS EXAMINATION TECHNIQUES FOR TRIAL**

Speaker: *Andrew L. Rossner, Rutgers Law School - Newark*

9:30 a.m. – 9:40 a.m. **Break**

9:40 a.m. – 12:30 p.m. **EXHIBITS AND DEMONSTRATIVE EVIDENCE
PERFORMANCE WORKSHOP**

12:30 p.m. – 1:15 p.m. **LUNCH**

1:15 p.m. – 2:30 p.m. **LECTURE: PRESENTING EXPERT TESTIMONY AT TRIAL OF AN ANTITRUST CASE**

Speaker: *Barbara J. Hart, Lowey Dannenberg Cohen & Hart, PC*

2:30 p.m. – 2:40 p.m. **Break**

2:40 p.m. – 3:45 p.m. **PREPARING AN EXPERT
PERFORMANCE WORKSHOP**

3:45 p.m. – 4:00 p.m. **Break**

4:00 p.m. – 5:30 p.m. **EXAMINATION OF EXPERTS
PERFORMANCE WORKSHOP AND VIDEO REVIEW**

5:30 p.m. – 6:00 p.m. **OPENING STATEMENTS WORKSHOP**

SCHEDULE OF EVENTS

Today, we will continue to focus on presenting expert testimony and advanced direct and cross examination. In addition participants will present full opening and closing statements.

Wednesday, May 10

- 8:00 a.m. **Registration and Continental Breakfast**
- 8:30 a.m. – 11:00 a.m. **EXAMINATION OF EXPERTS
PERFORMANCE WORKSHOP AND VIDEO REVIEW**
- 11:00 a.m. – 11:15 a.m. **Break**
- 11:15 a.m. – 12:45 p.m. **DIRECT, CROSS AND REDIRECT EXAMINATION
PERFORMANCE WORKSHOP AND VIDEO REVIEW**
- 12:45 p.m. – 1:45 p.m. **LUNCH**
- 1:45 p.m. – 3:15 p.m. **OPENING STATEMENTS WORKSHOP**
- 3:15 p.m. – 5:15 p.m. **CLOSING ARGUMENTS
PERFORMANCE WORKSHOP AND VIDEO REVIEW**
- 5:15 p.m. – 5:30 p.m. **CLOSING REMARKS**

FACULTY

The distinguished faculty for this program includes leaders from the New York State Bar Association and New York State.

DIRECTOR

Andrew L. Rossner
Rutgers Law School - Newark

LECTURERS AND EVALUATORS

Helen Christodoulou
Antitrust Division, U.S. Department of Justice

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