



CATA
CLEVELAND ACADEMY
OF TRIAL ATTORNEYS

Presents:

2015 LITIGATION INSTITUTE

HOT TOPICS & PERSUASIVE TECHNIQUES

6 CLE HOURS

WHEN: FRIDAY, APRIL 24TH 2015

WHERE: THE CLUB AT KEY CENTER
(CONTINENTAL BREAKFAST & LUNCHEON BUFFET INCLUDED)

HOT MORNING TOPICS

- "DOES THE AFFORDABLE CARE ACT AFFECT OR LIMIT FUTURE DAMAGES?"
-BRENDA M. JOHNSON, ESQ.
- "SHHHH....CONFIDENTIALITY CLAUSES IN SETTLEMENT AGREEMENTS"
-BRIAN N. EISEN, ESQ.
- "FIGHTING ARBITRATION CLAUSES IN NURSING HOME CASES"
-NANCY C. ILER, ESQ.
- "COLLEGE ATHLETES' RIGHTS TO THEIR NAMES, IMAGES, AND LIKENESSES AND THE O'BANNON V. NCAA CLASS ACTION LITIGATION"
-RICHARD G. JOHNSON, ESQ.

SPECIAL GUEST SPEAKER



BEN SACHS, ESQ.
THE LANDING GROUP

PERSUASIVE TECHNIQUES IN THE AFTERNOON

"ADAPTIVE INFLUENCE FOR LAWYERS: ADVANCED COMMUNICATION TECHNIQUES FOR MANAGING CLIENTS & WITNESSES"

THE CLEVELAND ACADEMY OF TRIAL ATTORNEYS

2015 LITIGATION INSTITUTE “HOT TOPICS & PERSUASIVE TECHNIQUES”

SCHEDULE: (6 CLE HOURS*)

REGISTRATION & CONTINENTAL BREAKFAST.....	8:00AM - 8:45AM
WELCOME.....	8:40AM - 8:45AM
DOES THE AFFORDABLE CARE ACT AFFECT OR LIMIT FUTURE DAMAGES? BRENDA M. JOHNSON, ESQ.....	8:45AM - 9:30AM
SHHHH.... CONFIDENTIALITY PROVISIONS IN SETTLEMENT AGREEMENTS BRIAN N. EISEN, ESQ.....	9:30AM-10:15AM
BREAK.....	10:15AM - 10:30AM
FIGHTING ARBITRATION CLAUSES IN NURSING HOME CASES NANCY C. ILER, ESQ.....	10:30AM - 11:00AM
COLLEGE ATHLETES' RIGHTS TO THEIR NAMES, IMAGES, AND LIKENESSES AND THE O'BANNON V. NCAA CLASS ACTION LITIGATION RICHARD G. JOHNSON, ESQ.....	11:00AM - 12:00PM
LUNCHEON BUFFET.....	12:00PM - 1:00PM
ADAPTIVE INFLUENCE FOR LAWYERS: ADVANCED COMMUNICATION TECHNIQUES FOR MANAGING CLIENTS & WITNESSES (15 MINUTE BREAK AT 2:30PM) BEN SACHS, ESQ.....	1:00PM - 4:15PM
CLOSING REMARKS.....	4:15PM - 4:20PM



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*CATA IS REQUESTING APPROVAL FROM THE OHIO SUPREME COURT ON CONTINUING LEGAL EDUCATION FOR SIX (6) CLE CREDIT HOURS.

HOT TOPICS & PERSUASIVE TECHNIQUES

SEMINAR OVERVIEW

► DOES THE AFFORDABLE CARE ACT AFFECT OR LIMIT FUTURE DAMAGES?

The Affordable Care Act's promise of universal health care has caused some defense attorneys to move to limit future damages to the cost of annual premiums. Is there merit to these and related arguments defendants are starting to make in catastrophic injury cases? Brenda M. Johnson explores these arguments and provides tips for opposing them.



Brenda M. Johnson, Esq., practices in the appellate department at the **Nurenberg Paris law firm** in Cleveland, Ohio. She is a 1993 graduate of the Cleveland Marshall College of Law, where she served as Articles Editor for the law review. After graduation, she worked in a commercial litigation practice before joining Nurenberg Paris in 1999. She is on the Editorial Boards of the Ohio Trial and AAJ magazines, and is a frequent contributor to the CATA News.

► SHHHH.... CONFIDENTIALITY PROVISIONS IN SETTLEMENT AGREEMENTS

Can a defense attorney ethically stop you from talking about your recent, humongous settlement? Can you at least get paid extra for your silence? Brian Eisen tackles these and other questions raised by confidentiality provisions in settlement agreements.



Brian N. Eisen, Esq. is the founding partner of **The Eisen Law Firm Co., L.P.A.**, focusing on medical negligence and wrongful death. He is a 1988 graduate of Harvard College; and a 1992 graduate of Harvard Law School. He spent a year as a law clerk for the United States Court of Appeals for the 9th Circuit, and three years as a trial attorney for the United States Department of Justice in Washington, D.C. Since entering private practice, he has been first chair trial counsel in many medical malpractice cases, and has obtained dozens of multi-million dollar verdicts and settlements. He is a past chair of the Medical Negligence Committee of the OAJ, and past president of CATA.

HOT TOPICS & PERSUASIVE TECHNIQUES

SEMINAR OVERVIEW

► FIGHTING ARBITRATION CLAUSES IN NURSING HOME CASES

In the wake of *Marmet Health Care Center, Inc. v. Brown*, 132 S.Ct. 1201 (2012) and *Hayes v. Oakridge Home*, 122 Ohio St.3d 63 (2009), are arbitration clauses in nursing home contracts still assailable? Nancy Iler explores ways to defeat arbitration agreements signed by patients or their family members upon admitting the patient to the nursing home.



Nancy C. Iler, Esq. is the founding member of **Nancy C. Iler Law Firm, LLC** which is dedicated to representing injured people and their families. She began her professional life as a registered nurse. Advocating for her patients became advocating for clients later as an attorney. She also teaches trial skills to attorneys as a faculty member of the Gerry Spence Trial Lawyers College in Jackson Hole, Wyoming.

► COLLEGE ATHLETES' RIGHTS TO THEIR NAMES, IMAGES, AND LIKENESSES AND THE *O'Bannon v. NCAA* CLASS ACTION LITIGATION

The NCAA's rules prohibit college athletes from receiving financial remuneration from their names, images, and likenesses (NILs). Yet billions of dollars are made every year by the NCAA and its member bowls, colleges, and universities, who sell these NILs even though they never gain title to them. Richard G. Johnson discusses the *O'Bannon v. NCAA* class action litigation contesting this paradigm and provides insight as to the direction future litigation might take, as a slew of class actions are lining up to contest the exploitation of college athletes.



Richard G. Johnson, Esq. holds his B.A. '86, M.B.A. '87, and J.D. '90 from CWRU. He concentrates his practice in the areas of legal ethics and professional responsibility, and has limited his trial practice to plaintiff's legal and sports agent malpractice. He is one of only fifty-seven attorneys, judges, and professors elected to the American Law Institute from Ohio. He was the first attorney ever to get a college athlete to trial against the NCAA, the first to win, the first to get a permanent injunction, and the only one to win a declaratory judgment or to actually get paid. The story of that fight is set out in his article, *Submarining Due Process: How the NCAA Uses its Restitution Rule to Deprive College Athletes of their Right of Access to the Courts... Until Oliver v. NCAA*, 11 FLA. Coastal L. Rev. 459 (2010). One of the leading authorities on the NCAA, he has filed an amicus brief on behalf of Andrew A. Oliver in *O'Bannon v. NCAA*.

SPECIAL GUEST SPEAKER, BEN SACHS, ESQ.

(1:00PM - 4:15PM)

► ADAPTIVE INFLUENCE FOR LAWYERS: ADVANCED COMMUNICATION TECHNIQUES FOR MANAGING CLIENTS AND WITNESSES

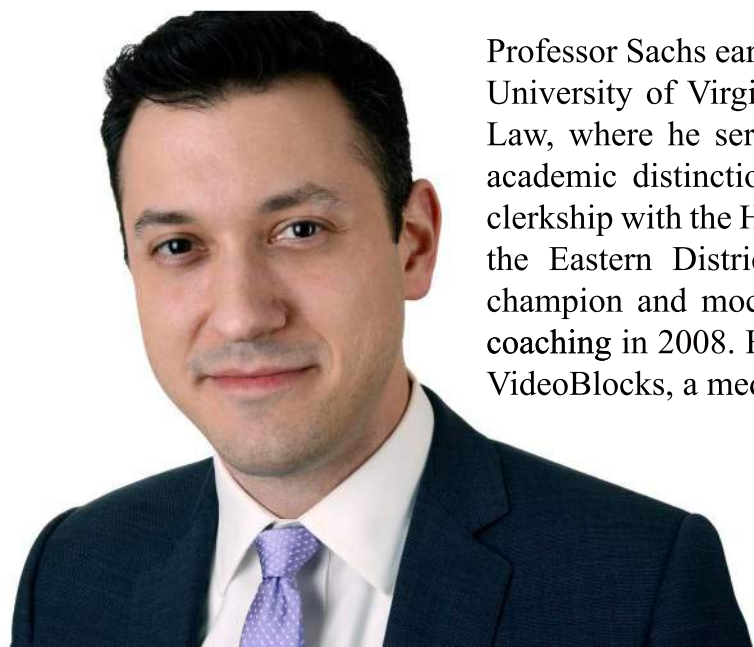
Traditional public speaking focuses on crafting a message of broad appeal to a diverse audience; however, these principles start to break down when applied to an audience of one. When managing a critical client or key witness, a skilled attorney must move beyond generic principles of persuasion and instead adopt a strategy of Adaptive Influence, carefully reading the other person and adapting the message and the delivery to land the point.

This seminar will teach you how to get inside the mind of another person and reach a deeper level of influence. **Ben Sachs** will lead an interactive presentation exploring psychological, rhetorical, and behavioral models that explain how individuals connect with others and process information, allowing you to become a more persuasive, adaptable communicator.

Program highlights include Reading Body Language for Stress and Truthfulness; Demonstrating Nonverbal Credibility; Overcoming Emotional Barriers; and Adapting to Social Styles.

ABOUT THE FACULTY:

Ben Sachs, Esq., President of the Landing Group, is an attorney and expert in verbal and nonverbal communication. As an adjunct faculty member at the University of Virginia School of Law, he teaches public speaking, management communication, and negotiations, and he provides communication consulting and coaching services for legal and business professionals. Professor Sachs's professional career spans law and business, first serving as a litigator at Sidley Austin LLP and then as a strategic management consultant at the Boston Consulting Group.



Professor Sachs earned his BA as a Jefferson Scholar and Echols Scholar at the University of Virginia and his JD from the University of Virginia School of Law, where he served on the Virginia Law Review and graduated with the academic distinction of the *Order of the Coif*. After law school, he held a clerkship with the Honorable T.S. Ellis III in the United States District Court for the Eastern District of Virginia. Professor Sachs is a former mock trial champion and mock trial coach, winning the national award for outstanding coaching in 2008. He currently serves as vice president and general counsel at VideoBlocks, a media and technology company based in Washington, DC.

REGISTRATION FORM

ANNOUNCEMENT THE CLEVELAND ACADEMY OF TRIAL ATTORNEYS 2015 LITIGATION INSTITUTE

DATE: Friday, April 24, 2015

TIME: 8:00 a.m. - 8:40 a.m. Registration / Continental Breakfast
8:40 a.m. - 4:20 p.m. Seminar (Buffet Lunch Included)

LOCATION: The Club at Key Center
127 Public Square - **The Fountain View Room**
Cleveland, Ohio 44114

COST: \$199 – Member Rate*
\$249 – Non-Member Rate*
*(*Price includes Continental Breakfast & Luncheon Buffet)*

TOPIC: **“HOT TOPICS & PERSUASIVE TECHNIQUES”**

SPEAKERS: Brenda M. Johnson, Esq.
Brian N. Eisen, Esq.
Nancy C. Iler, Esq.
Richard G. Johnson, Esq.
Ben Sachs, Esq.

CATA is requesting approval from the Ohio Supreme Court on Continuing Legal Education for six (6) CLE credit hours – general instruction. **PLEASE NOTE: You must stay for entire seminar to receive 6 hr. credit. Fewer hours of credit available but all day rate still applies.**

REGISTRATION FORM Friday, April 24, 2015 – 2015 Litigation Institute

NAME(S): _____

ADDRESS: _____

PHONE: _____

NUMBER OF RESERVATIONS: _____ @ \$199 _____ @ \$249

AMOUNT ENCLOSED: \$ _____ (*Checks should be made payable to “CATA”)

PLEASE RETURN YOUR RESERVATION AND CHECK TO:

CATA
c/o Kathleen J. St. John, Esq.
Nurenberg, Paris, Heller & McCarthy Co., L.P.A.
1370 Ontario Street, Suite 100
Cleveland, OH 44113

216-694-5246 (Phone) ■ 216-771-2242 (Fax)
E-mail reservation to: kstjohn@nphm.com