

A close-up photograph of a wooden gavel with a brass band, resting on a wooden surface. The gavel is positioned on the left side of the banner, partially overlapping the dark blue background.

# 32nd Annual Institute of Trial Practice

*Co-produced with the Wisconsin Chapter of  
the American Board of Trial Advocates (ABOTA)*

**Program dates start November 10. Register today!**

**10 CLE**



# 32nd Annual Institute of Trial Practice

Co-produced with the Wisconsin Chapter of the American Board of Trial Advocates (ABOTA)

## A trial run

Score a front row seat to watch expert litigators argue a wrongful death case before presiding judge **Hon. Christopher R. Foley**, Wisconsin ABOTA's 2022 Trial Judge of the Year.

## How you'll benefit:

- Learn from the best by watching veteran litigators in action
- Know the best tactics for examining and cross-examining witnesses
- Gain insight into the jury's perspective by observing deliberations and post-verdict interviews
- Hear why attorneys choose to use certain approaches during trial and the strategy behind those decisions

## Who should attend:

- Civil & criminal litigators
- Personal injury litigators
- Tort lawyers
- Insurance defense lawyers
- General practitioners

**Register today!**

## About ABOTA

The Wisconsin ABOTA Chapter is sanctioned by the American Board of Trial Advocates, and is committed to improving the quality of legal representation, promoting the art of advocacy, and efficiently administering justice. To qualify as a member, attorneys must be nominated by another member, achieve at least six years of active experience as a trial lawyer, and have tried at least ten jury trials to conclusion over the course of their careers. **To learn more, contact Wisconsin Chapter President Jeffrey T. Nichols.**

Volunteer members of the Wisconsin ABOTA Chapter present this seminar. Their commitment of time, talent, and energy in service to the Bar is deeply appreciated.

*This seminar is dedicated to the memory of William R. Techmeier.*



## Current ABOTA Members

Ross A. Anderson	Michael R. Fox	James Naugler
Bruce R. Bachhuber	Lori Gendelman	Jeffrey T. Nichols – <i>President</i>
Emile H. Banks, Jr.	Michael W. Gill	Barbara A. O'brien
Avram D. Berk	Robert J. Gingras	Jeffrey A. Pitman
Steven T. Botzau	Steven B. Goff	James A. Pitts
Patrick W. Brennan	Robert L. Habush	Don C. Prachthausser
Mark T. Budzinski	Peter J. Hickey	Philip C. Reid
Janet E. Cain	Jerome A. Hierseman	Ward I. Richter
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Kelly I. Centofanti	Michael L. Johnson	Edward E. Robinson
Craig A. Christensen	Terry E. Johnson	Daniel A. Rottier
James R. Clark	Kenan J. Kersten	J. Drew Ryberg
Greg Cook	Mark E. Larson	Steven V. Schlitz
Claude J. Covelli	Robert J. Lauer	Amy F. Scholl
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Gregory J. Egan	Wayne L. Maffei	W. Patrick Sullivan
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Laurence J. Fehring	Rick Mundt	Todd M. Weir
	James T. Murray, Jr.	William R. Wick – <i>Secretary</i>

## Schedule

- 7:30 AM**    **Registration**
- 8:00 AM**    **Introductory Remarks**  
*Jeffrey T. Nichols, ABOTA Chapter President*
- 8:05 AM**    **Remarks from the Bench**  
*Hon. Christopher R. Foley – Trial Judge of the Year*
- 8:10 AM**    **Opening Statements**  
*Plaintiff: Jeffrey A. Pitman*  
*Defense: Philip C. Reid*

### PLAINTIFF'S CASE

- 8:45 AM**    **Adverse Examination of Alex Morgan**  
*Direct Exam: Jeffrey A. Pitman*  
*Cross Exam: Philip C. Reid*
- 9:15 AM**    **Examination of Cindy Shinnars**  
*Direct Exam: Jeffrey A. Pitman*  
*Cross Exam: Philip C. Reid*
- 9:35 AM**    **Examination of Mark Johnson**  
*Direct Exam: Craig A. Christensen*  
*Cross Exam: Steven V. Schlitz*
- 10:05 AM**    **Panel Discussion**  
*Claude J. Covelli*  
*James A. Pitts*
- 10:20 AM**    **Break**
- 10:35 AM**    **Examination of Trooper Duane Meyers**  
*Direct Exam: Jerome A. Hierseman*  
*Cross Exam: Wayne L. Maffei*
- 11:45 AM**    **Panel Discussion**  
*Claude J. Covelli*  
*James A. Pitts*
- 12:00 PM**    **Lunch (on your own)**

### DEFENSE CASE

- 1:00 PM**    **Examination of Daniel McNulty**  
*Direct Exam: James S. Naugler*  
*Cross Exam: Gregory J. Cook*
- 1:30 PM**    **Examination of Deputy Pat Tillman**  
*Direct Exam: Lori Gendelman*  
*Cross Exam: Robert J. Gingras*

- 2:00 PM**    **Examination of Julie Hilbert**  
*Direct Exam: Lori Gendelman*  
*Cross Exam: Robert J. Gingras*
- 2:15 PM**    **Examination of Douglas Langhoff**  
*Direct Exam: Christopher P. Riordan*  
*Cross Exam: Laurence J. Fehring*
- 3:15 PM**    **Panel Discussion**  
*Clayton L. Riddle*  
*Daniel A. Rottier*
- 3:30 PM**    **Break**
- 3:45 PM**    **Instruct Jury**
- 3:55 PM**    **Closing/Rebuttal Arguments**  
*Plaintiff: Edward E. Robinson*  
*Defense: Barbara A. O'Brien*
- 4:35 PM**    **Panel Discussion**  
*Clayton L. Riddle*  
*Daniel A. Rottier*
- 4:50 PM**    **Jury Deliberations**
- 5:50 PM**    **Verdict/Panel Discussion**
- 6:00 PM**    **Program Concludes**

*Following program start time, schedule will vary slightly from above listed times.*

## Case Synopsis

Under a contract with the city, a construction company was performing sewer and water main construction along a main road. When a sheriff's deputy was responding to a burglar alarm in the area, he drove into the construction zone. His squad car struck a gravel pile in the construction zone, causing the car to overturn. The deputy was killed in the crash.

Seeking damages for wrongful death, the deputy's widow claims the crash was the result of negligence on the part of the construction company for failing to provide adequate barriers and warning signs. The construction company counters that the crash was the result of negligence on the deceased deputy's part because he was traveling at an unsafe speed and that he knew or should have known of the potential hazards within the construction zone. The jury will be asked to assign liability.

## Dates / Location

### In-Person Seminar – Brookfield

Thursday, November 10, 2022  
**Brookfield Conference Center**  
325 S. Moorland Rd.  
Brookfield, WI  
(262) 789-0220

### Live Webcast

Thursday, November 10, 2022

### Webcast Replay

Friday, November 18, 2022  
Tuesday, November 22, 2022  
Monday, November 28, 2022  
Tuesday, December 6, 2022  
Thursday, December 15, 2022  
Wednesday, December 21, 2022  
Monday, December 26, 2022  
Saturday, December 31, 2022

**Additional webcast replay dates are available for this program.**

Visit [wisbar.org/seminars](http://wisbar.org/seminars) for more information and to register.

## Credits

This program will be submitted to the Wisconsin Board of Bar Examiners for **10 CLE credits**. It does not qualify for EPR credits.

If you will be reporting attendance at this program to another entity for credit, note that the credits listed are based on a 50-minute credit hour standard.

## Faculty

### Program Directors

**Mark E. Larson**

Gutglass Erickson Larson & Schneider, S.C.,  
Milwaukee

**Steven L. Nelson**

von Briesen & Roper, S.C., Milwaukee

### Moderator

**Michael P. Crooks**

von Briesen & Roper, S.C., Madison

### Presiding Judge

**Hon. Christopher R. Foley**

Milwaukee County Circuit Court  
Milwaukee

### Panelists

**Claude J. Covelli**

Madison

**James A. Pitts**

Schoone, Leuck, Kelley, Pitts & Pitts, S.C.,  
Racine

**Clayton L. Riddle**

von Briesen & Roper, S.C., Milwaukee

**Daniel A. Rottier**

Habush, Habush & Rottier, S.C.,  
Madison

### For the Plaintiff

**Craig A. Christensen**

Habush, Habush & Rottier, S.C., Appleton

**Gregory J. Cook**

Greg Cook Law Offices, S.C., Waukesha

**Laurence J. Fehring**

Habush, Habush & Rottier, S.C.,  
Milwaukee

**Robert J. Gingras**

Gingras, Thomsen & Wachs, Madison

**Jerome A. Hierseman**

End, Hierseman & Crain LLC, Milwaukee

**Jeffrey A. Pitman**

Pitman, Kalkoff, Sicula & Dentice, S.C.,  
Milwaukee

**Edward E. Robinson**

Cannon & Dunphy, S.C., Brookfield

### For the Defense

**Lori Gendelman**

Otjen Law Firm, S.C., Waukesha

**Wayne L. Maffei**

Cross, Jenks, Mercer & Maffei LLP,  
Baraboo

**James S. Naugler**

Moen Sheehan Meyer, Ltd., La Crosse

**Barbara A. O'Brien**

Borgelt, Powell, Peterson & Frauen, S.C.,  
Milwaukee

**Philip C. Reid**

von Briesen & Roper, S.C., Milwaukee

**Christopher P. Riordan**

von Briesen & Roper, S.C., Milwaukee

**Steven V. Schlitz**

Nodolf Flory LLP, Eau Claire

## Registration

**ONLINE:** [www.wisbar.org/seminars](http://www.wisbar.org/seminars)

**PHONE:** (800) 728-7788

**FAX:** (608) 257-5502

**MAIL:** State Bar PINNACLE Registrations

P.O. Box 7158

Madison, WI 53707-7158

**State Bar CLE/PINNACLE Passbook registrations:** Passbook Certificates must be received by the State Bar at least one business day prior to the event. For in-person seminars, walk-in registrations using Passbook Certificates are also welcome.

**Registration cancellations:** Please visit [wisbar.org/cancellations](http://wisbar.org/cancellations) for information on PINNACLE registration cancellation policies.

**Course materials for those attending the seminar:** Course materials are provided in PDF format and are downloadable from *myStateBar* on [wisbar.org](http://wisbar.org) up to two days prior to and 90 days after your seminar.

**COVID-19 safety information:** Complete and current safety guidelines can be found at [wisbar.org/covidsafety](http://wisbar.org/covidsafety).

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*Special thanks to Rosenberg Consulting Services, Inc. and Sunset Playhouse for their work in support of this seminar.*

## Attendee Book Bonus!

### Wisconsin Trial Practice

Seminar attendees will enjoy a **free two-week trial** of the **Wisconsin Trial Practice Books UnBound®** title along with the option to **save 20%** on either a one-year subscription to the Books UnBound title or the print book.\* Prepare for every stage of trial with step-by-step guidance on practices and procedures.

\* Attendees will receive information to access the free trial and discount via email after attending the program. Discount applies to both print and digital Books UnBound editions of this title and cannot be applied to previous purchases. Offer valid as long as CLE credit is available for this program. For Books UnBound users, discount may be applied to purchase of individual Books UnBound title only and may not be used on purchase of full library.



## Additional Learning Opportunities

### Pretrial Techniques 2022

Learn to leverage pretrial motions effectively in personal injury cases from experienced litigators who will walk you through every step. Each of their motions will be argued before and given a ruling by the presiding judge, just as it would be in the courtroom. **4 CLE**

**Webcast Replays:** Oct. 17, 2022 | Oct. 20, 2022 | Oct. 26, 2022 | Nov. 4, 2022 | Nov. 12, 2022  
Dec. 13, 2022 | Dec. 21, 2022 | Dec. 29, 2022 | Jan. 26, 2023

### The Wisconsin Rules of Evidence: A Courtroom Handbook

An essential reference when you need the rules of evidence at your command during trial. Locate applicable evidentiary rules quickly and easily, thanks to the user-friendly index, table of cases, tabs with topical headings, and multiple cross-reference features (includes 2021-22 supplement).

**Print Book:** #AK0050; 618+ pp.; 10th ed. 2020-21; **Member:** \$229 | **Nonmember:** \$286.25  
**Books UnBound Subscription:** #AE0050\_SUB; **Member:** \$225 | **Nonmember:** \$281

### Civil Litigation Forms Library

PINNACLE® fillable forms are practice templates you can modify and adapt to your particular needs, and the *Civil Litigation Forms Library* includes more than 200 forms for motions, summonses, complaints, affidavits, interrogatories, and more! Save time and improve your accuracy by having the forms you need at your fingertips 24/7.

**Online Subscription:** #FSFB3000; **Members only:** \$149/year  
(Discounts available on multi-user subscriptions.)

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#### IN-PERSON SEMINAR:

Thursday, Nov. 10, 2022 –  
Madison

#### LIVE WEBCAST:

Thursday, Nov. 10, 2022

#### WEBCAST REPLAYS:

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