

**NEBRASKA DEFENSE COUNSEL ASSOCIATION  
ANNUAL MEETING AND SEMINAR**

**Friday, May 13, 2011  
Wilderness Ridge Golf Course – Lincoln, NE**

**Approved for 5.5 hours of CLE credits, including 1 hour of Ethics!**

**AGENDA**

**7:45–8:00            REGISTRATION AND CONTINENTAL BREAKFAST**

**8:00–8:20            CURRENT DEVELOPMENTS IN NEBRASKA CASE LAW**  
*Terry R. Wittler – Cline, Williams, Wright, Johnson & Oldfather LLP*

Mr. Wittler will provide a review of recent decisions by the Nebraska Supreme Court and Nebraska Court of Appeals, including opinions which impact defense practices and insurance claims handling.

**8:20–9:20            WHAT PERSONAL INJURY LAWYERS NEED TO KNOW ABOUT LITIGATION HOLDS**  
*Don Kohtz- Managing Director of Legal Solutions, Continuum Worldwide*

In the past several years spoliation of relevant evidence—and particularly spoliation of electronically stored information or “ESI”—has assumed a level of importance in civil litigation which warrants careful attention. Claims of spoliation and motions seeking discovery sanctions for failure to preserve relevant ESI result in costly and time-consuming detours from the litigation, and are occurring with greater regularity in all sorts of cases. Learn what you need to do to protect your practice and your clients from spoliation claims in 2011.

**9:20–10:10          THE ART OF VALUING BODILY INJURY CLAIMS**  
*Moderator: Steven W. Olsen—Simmons Olsen Law Firm, PC*  
*Panelists: Steve Gealy—Baylor, Evnen, Curtiss, Gruit & Witt, LLP*  
*Con Keating—Keating, O’Gara, Nedved & Peter, PC*  
*Pete Wegman—Rembolt Ludtke, LLP*

A panel of experienced personal injury lawyers and mediators share their perspectives on evaluating injury claims in today’s environment. Using several different vignettes, panelists will discuss and compare their approaches to evaluating claims and explain the factors which drive their evaluations.

**10:10–10:20          MORNING BREAK**

**10:20–11:20          TECHN-ETHICS**  
*Stuart I. Teicher, Esq.—Cutting Edge Ethics, New Brunswick, New Jersey*

Technology is changing fast, and each advancement brings new ethical complications. Trends like social networking, cloud computing and smartphones have made the practice easier, but they’re also creating ethical headaches. Stuart’s entertaining

presentation reveals the ethical dangers attorneys face in this new environment and discusses professionalism concerns that lurk in the background, including concerns with the latest trends like “locator” platforms.

**11:20–12:35**

**WATCHING THE DEFENSE RADAR**

A series of quick, touch-and-go updates designed to keep you current on the trends and developments that impact your daily defense practice.

- **THE PLAUSIBILITY PLEADING STANDARD IN NEBRASKA**  
*Professor John P. Lenich--University of Nebraska College of Law*
- **LANDOWNER LIABILITY UNDER THE RESTATEMENT 3<sup>RD</sup>**  
*Andrea D. Snowden--Baylor, Evnen, Curtiss, Gruit & Witt, LLP*
- **THE ECONOMIC LOSS DOCTRINE IN NEBRASKA**  
*John Svoboda—Gross & Welch PC, LLO*
- **DEFENSE STRATEGIES WHEN BAD FAITH AND CONTRACT CLAIMS ARE JOINED**  
*Jordan Adam—Fraser Stryker PC*
- **LEGISLATIVE UPDATE**  
*Kyle Wallor—Lamson, Dugan & Murray, LLP*

**12:35-1:35**

**PERSUADING JURORS THROUGH STORYTELLING AND THEME BUILDING**

*Richard Waites, J.D., Ph.D.—THE ADVOCATES*

How will the jury make its decision in your next case? Dr. Richard Waites, Attorney and Chief Trial Psychologist with one of the Nation’s leading jury consulting firms, will discuss the latest research on juror decision making and the psychology of persuasion. Leave with a better understanding of the forces which shape jurors’ perceptions, and learn strategies for developing more compelling and persuasive presentations that will resonate with today’s jurors.

**LUNCH**

*(served during presentation beginning at noon)*

**1:35–1:45**

**BUSINESS MEETING**

**1:45-2:00**

**FIRST ANNUAL NDCA AWARDS**

The NDCA is comprised of many incredible and talented trial lawyers who offer top-drawer legal services and deliver uncommonly good results to clients, while finding time to serve their communities and mentor the next generation of trial lawyers. To recognize and celebrate the exceptional defense lawyers among our membership, the NDCA will honor three members with the following awards:

*“Defense Lawyer of the Year”*  
*“Rising Star”*  
*“Master Emeritus.”*

**2:00**

**GOLF AND SOCIAL NETWORKING RECEPTION**