This six-hour CLE program is designed to help all lawyers first understand the basics and then some of the more complex problems associated with litigation practice today.

The first section discusses e-discovery, covering both the process’ fundamental components and concluding with a technology discussion led by a forensic expert.

The second section concentrates on expert witnesses and includes a review of how to engage an expert and obtain an opinion, a mock direct and cross examination of a business valuation expert followed by a panel discussion, and two breakout sessions conducted by litigators and experts designed to address issues specific to medical injury cases and construction cases.

This program concludes with one hour of ethics on common client complaints and examining the North Carolina State Bar’s grievance process.

The North Carolina Bar Association Foundation is accredited by the North Carolina State Bar as a provider of continuing legal education.
FOUR WAYS TO REGISTER

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*Credit cards only. **Please make checks payable to the NCBA Foundation.

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VIDEO REPLAY LOCATIONS | Select your location. For details, see http://tinyurl.com/433LTM
- Asheville | June 10, 2016, 9:00a | #433ASV
- Cary | May 24, 2016, 9:00a | #433BAR
- Charlotte/Concord | April 8, 2016, 9:00a | #433CRD
- Wilmington | June 24, 2016, 9:00a | #433WLM
Program Agenda

Thursday, February 11, 2016, 5:30–7:30p

**Early Arrivals Reception**
The Stock Room
230 Fayetteville Street
Raleigh, NC 27601

Friday, February 12, 8:15a–4:15p

**Registration**
8:15a

**Welcome and Introductions**
8:55

**The Nuts and Bolts & Practical Problem Solving of E-Discovery Issues**
James Hash and Susan McMinn
Almost every lawsuit has an e-discovery component. This session provides an overview of the basics including data preservation, data review and data production. Topics discussed include:
- Overview of commonly used e-discovery terms
- What rules govern e-discovery?
- When do e-discovery obligations begin?
- What do the rules require?
- Negotiating with opposing counsel about scope and format of discovery
- Finding, collecting and reviewing e-discovery materials for production
- Sending preservation letters to your clients
- Working with your client's IT department
- Working with outside professionals to marshal resources and conduct the necessary searches
- Advising clients on accessing data that appears to be lost
- Preserving the attorney-client privilege
- Tips for saving money in the e-discovery process
- What are the Rules of Professional Responsibility with regard to basic competencies to conduct e-discovery?
- Helping your client stay prepared even when no lawsuit is in sight

11:00 **Break**

11:15 **The Expert Set-Up: Do's and Don’ts of Obtaining Expert Opinions**
Allison VanLaningham Mullins
An overview of engaging expert witnesses from beginning to end that examines some of the most common questions and problems associated with experts. Topics discussed include:
- Engaging Experts
- Obtaining the Opinion
- Generating the Report
- Time/Billing/Fee Issues

12:15p **Networking Lunch** (included at Live program only)

**Litigation Section Annual Meeting**
L. Cooper Harrell, Mullins Duncan Harrell & Russell PLLC, Greensboro, presiding 2015-2016 Section Chair
1:00 The View from the Hot Seat: Sample Direct and Cross of a Business Valuation Expert
J. Wade Harrison, Catherine Stoddard and TBD
Live demonstration of direct and cross of a business valuation expert in an equitable distribution case followed by a panel discussion as to what worked, what didn't, and how to avoid pitfalls in preparation and examination from the perspectives of both the lawyers and the expert. The issues addressed include:
- How did preparation of the report impact testimony?
- What is the best way to prepare the expert for deposition, direct and cross?
- What is the most effective way to present technical information in an understandable way, and differences in persuading judges vs. jury?
- What strategies work best for cross-examination?

2:00 Breakout Sessions
Two different panels—one in the context of medical injury cases and one in the context of construction disputes—provide tips on matters such as how best to use an expert to aid in resolution of the case and to prevail in the dispute, the different types of experts you might use; fruitful areas for cross-examination of an expert, and the experts’ view on what the lawyers should or should not be doing in providing them information, preparing them for testimony, etc.

Use of Experts in Personal Injury, Med Mal and Workers’ Comp
(Brief note: This breakout session will not be available during the webcast.)
Brenda McClernan, William Elam, B. Andrew Farah, M.D. and Mark Valentine
Effective Use of Construction Experts—Defect and Contract Disputes
A. Holt Gwyn, Kevin Lugo and Stephen Robinson

3:00 Break

3:45 So Your Client is Very Unhappy: Navigating the State Bar’s Grievance Process*
Carmen Hoyme Bannon
A presentation by Deputy Counsel for the North Carolina State Bar concerning:
- Common client complaints to the State Bar
- An overview of the grievance process from the perspectives of both clients and attorneys
- Do's and don'ts of attorney responses to grievance complaints

4:15 Adjourn

FINE PRINT • REGISTRATION
Registrations are limited by space, and may include a live video broadcast overflow room. TRANSFERS Registrants may transfer from a Live program, Video Replay, Webcast, webinar or Phone/Audio Streaming Program without penalty within three business days after the program date. CANCELLATIONS Cancellations must be received by 9:00 a.m. the third business day prior to the program to qualify for a refund (less $75 administrative fee). Those not attending will receive the digital program materials in full consideration of tuition paid. MCLE CREDIT The North Carolina Bar Association Foundation is an accredited CLE sponsor under the MCLE Regulations promulgated by the NC State Bar Board of Continuing Legal Education. This program is approved (but not sponsored) by the Board for the designated number of CLE hours. Each attorney must maintain a record of his/her attendance for the NC State Bar annual report. MCLE credit is reported by NCBA Foundation only if a NC State Bar number is provided. Your CLE tuition includes mandatory State Bar fees used to support the State Bar’s Mandatory Continuing Legal Education program, the Chief Justice’s Commission on Professionalism and the Chief Justice’s Equal Access to Justice Commission. Your tuition also includes digital access to all program materials. DIGITAL PROGRAM MATERIALS You will receive a notification email when digital materials are available to download. To retrieve digital materials, log in and select “My Course Materials” on the CLE website. All of the materials for this program will be available for download in advance of the program. A limited number of printed books will be available for purchase at the Live program. VIDEO REPLAYS To qualify for the Early Bird tuition rate, registration must be received one week prior to program date. NC State Bar rules require a minimum number of pre-registered active State Bar members. The NCBA Foundation reserves the right to cancel any video program prior to the program date if registrations do not meet the NC State Bar requirement. Some sites require additional registration or evaluation forms. Visit http://tinyurl.com/433LTM for detailed information about these opportunities and their benefits. FOR MORE INFORMATION, VISIT WWW.NCBAR.ORG/CLE.
Program Information

Planners
- Thomas H. Davis Jr., Poyner Spruill LLP, Raleigh
- Pamela Duffy, Sharpless & Stavola PA, Greensboro
- Hillary Kies, Mullins Duncan Harrell & Russell PLLC, Greensboro
- Amanda Martin, Stevens Martin Vaughn & Tadych PLLC, Raleigh

Speakers
- Carmen Hoyme Bannon, Deputy Counsel for the North Carolina State Bar, Raleigh
- William Elam, Elam & Rousseaux PA, Charlotte
- B. Andrew Farah, M.D., High Point Division of UNC Regional Psychiatric Associates, High Point
- A. Holt Gwyn, Conner Gwyn & Schenck PLLC, Raleigh
- J. Wade Harrison, Harrison & Whitaker PLLC, Burlington
- James Hash, Everett Gaskins Hancock LLP, Raleigh
- Kevin Lugo, McDonough Bolyard Peck Inc., Raleigh
- Brenda McClearn, Sharpless & Stavola PA, Greensboro
- Susan McMinn, Carolina Digital Forensics, High Point
- Allison VanLaningham Mullins, Mullins Duncan Harrell & Russell PLLC, Greensboro
- Stephen Robinson, Sutton Kennerly & Associates, Greensboro
- Catherine Stoddard, Dixon Hughes Goodman LLP, Greenville, SC
- Mark Valentine, Orlando, FL

Hotel Information
Contact hotel(s) directly for reservations at the special NCBA room rate. Rates are based on availability and may sell out.

Embassy Suites, 201 Harrison Oaks Boulevard, Cary
Rate: $169 Single/Double. Rate includes a full cooked-to-order breakfast and the manager's evening reception.
Reservations: 919.677.1840  |  Reference Corporate ID: NCB

TownePlace Suites by Marriott, 120 Sage Commons Way, Cary
Rate: $106 studio queen with sleeper sofa (Sunday–Thursday). Rate includes a complimentary hot breakfast. All rooms come with a fully equipped kitchen.
Reservations: 919.678.0005  |  Ask for the NC Bar Association corporate rate.
Litigation

2016 Litigation Section Annual Meeting

E3: E-Discovery, Experts and Ethics

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1. Go to www.ncbar.org/CLE.
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