

**NORTH CAROLINA**  
**BAR ASSOCIATION**  
seeking liberty + justice

# Inside Appeals: Expert Advice to Improve Your Appellate Practice



## LIVE and WEBCAST

Friday, September 28, 2018  
North Carolina Bar Center  
8000 Weston Parkway, Cary

## REGISTER TODAY!

Save an extra 10% if  
registration is received  
by September 7, 2018.

[www.tinyurl.com/CLE775APM](http://www.tinyurl.com/CLE775APM)



**TOTAL CLE CREDIT**



Substance Abuse/  
Mental Health



Qualifies for NC State  
Bar Appellate Practice  
Specialization credit

**Appellate Practice Section  
Annual Meeting included.**

## AVAILABLE FORMATS



## PROGRAM SUMMARY

An all-star slate of speakers leads a deep dive inside appeals to explore thoughtful strategic, practical (and even spiritual) steps you can take to further develop your appellate practice and hone your appellate skills. In this wide-ranging program designed for intermediate to advanced appellate practitioners, we receive strategic advice from advocates and judges, discuss ways appellate counsel can work with trial counsel and rescue unpreserved errors for the record, revisit lessons from moot court to hone your oral argument skills, and learn how to incorporate mindfulness practices to improve your appellate practice.

## WHAT PEOPLE ARE SAYING...



I think this was a great event. I liked that it kept things fresh and looking forward to what's ahead of practitioners.



I liked the diversity in topics and speakers.



First time at the NC Bar facility. It was a great place for a CLE.

-Attendees, *Appellate Advocacy in the Digital Age: The Future Is Now* (2017)

# REGISTER TODAY!

**Online:** [www.tinyurl.com/CLE775APM](http://www.tinyurl.com/CLE775APM) | **By phone:** 800.228.3402

**By mail:** Attn: Accounting-NCBA, 8000 Weston Parkway, Cary, NC 27513

## STEP 1: Tell us who you are. (Please print clearly.)

Print Full Name: \_\_\_\_\_

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Email Address: \_\_\_\_\_

NC State Bar No. (Required for MCLE Credit): \_\_\_\_\_

**STEP 2: Select your tuition rate.** (Register early and save 10%. Payment must be received three (3) weeks prior to program date to qualify for the early rate.)

**Standard Rate:**  \$330 /  \$295 *Early*

**NCBA Member:**  \$275 /  \$250 *Early*

**Appellate Practice Section Member:**  \$255 /  \$230 *Early*

**CLE Premier Pass:**  \$0

## STEP 3: Select your learning format.

Live (775APM)     Webcast (775LWC)     Video Replay (See below.)

Video Replay registration (if selected).

Video Replays are scheduled for this program. The agenda may not include certain breakouts/tracks shown at the original program. For a list of dates and locations visit [www.tinyurl.com/CLE775APM](http://www.tinyurl.com/CLE775APM), and indicate your choice below.

Location: \_\_\_\_\_ Date: \_\_\_\_\_ Code: \_\_\_\_\_

## STEP 4: Complete your payment information.

(Registration is complete only after payment is processed. Please print clearly.)

I am registering for this program at the tuition rate checked above.

Enclosed is a check, payable to NCBA.     Please charge my credit card.

Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

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Discounts are available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 800.228.3402 for details.

# AGENDA

FRIDAY, SEPTEMBER 28, 2018 | 8:15 a.m. – 4:45 p.m.

**8:15 Registration and Continental Breakfast**

**8:55 Welcome and Introductions**

**9:00 Life Preservers on the Titanic: Issues Not Properly Preserved for Appellate Review** | Collins and Scherer

Appellate Rule 10 embodies the general error-preservation principle that the appellate courts only consider contentions that were properly raised, argued and decided in the trial tribunal. Nonetheless, a limited number of errors are so fundamental that a rule, law or case authority deems them automatically preserved for appellate review. In addition, doctrines such as plain error review and Appellate Rule 2 give the appellate courts discretion to review unpreserved arguments. Two experienced appellate practitioners identify different types of error preservation lifesavers — including when an unpreserved issue is likely to go down with the ship.

**10:00 Using Mindfulness to Improve Your Legal Practice<sup>†</sup>** | Nagae

Mindfulness can positively affect decision-making. Learn what mindfulness is and how developing it can lead to more professional, ethical decision-making. Hear about the different types and how meditation is linked to mindfulness. Finally, learn how to start a meditation practice.

**11:00 Break**

**11:15 Moot Court Revisited: Lessons for Appellate Practitioners from Moot Court Oral Arguments** | Korzen

Professor Korzen discusses lessons that appellate practitioners can learn from moot court oral arguments to sharpen their oral advocacy skills.

**12:15 Appellate Practice Section Annual Meeting**

Gregory F. Schwitzgebel III, NC League of Municipalities, Raleigh, 2018-2019 Section Chair, Presiding

**12:30 Networking Lunch**

**1:15 Appellate Chess: Strategy for the Appellate Lawyer** | Connell, Erteschik and Leerberg

Tactical skills are not just for trial lawyers. With solid strategic thinking, appellate lawyers can maximize their chances on appeal or achieve a favorable settlement. Learn from three appellate-practice specialists who are willing — just this once — to share some of their favorite strategies with a room full of competitors.

**2:15 Trial and Appellate Lawyers: Partnering Before, During and After Trial** | Boone

Too often, we think that trial and appellate lawyers live in different worlds. In reality, they have many opportunities to work together before, during and after trial.

**3:15 Networking Social**

**3:45 View from the Bench** | Justice Jackson, Judge Dietz, Solicitor General Sawchak and Geer

Come hear from your audience. As appellate advocates, we write for and argue before appellate judges. This panel discusses what makes written and oral advocacy effective — and what makes it ineffective.

**4:45 Adjourn**

<sup>†</sup> Indicates portion providing Substance Abuse/Mental Health credit

# PROGRAM DETAILS

## SPEAKERS

- **Justice Barbara A. Jackson**, Supreme Court of North Carolina, Raleigh
- **Judge Richard D. Dietz**, North Carolina Court of Appeals, Raleigh
- **Solicitor General Matthew W. Sawchak**, North Carolina Department of Justice, Raleigh
- **Brian D. Boone**, Alston & Bird LLP, Charlotte
- **Allegra K. Collins**, Campbell University School of Law, Raleigh
- **Michelle D. Connell**, Wyrick Robbins Yates & Ponton LLP, Raleigh
- **Andrew H. Erteschik**, Poyner Spruill LLP, Raleigh
- **Martha A. Geer (former judge)**, Cohen Milstein Sellers & Toll PLLC, Raleigh
- **John J. Korzen**, Wake Forest University School of Law, Winston-Salem
- **Matthew N. Leerberg**, Smith Moore Leatherwood LLP, Raleigh
- **Sarah E. Nagae**, Nexsen Pruet LLC, Raleigh
- **Elizabeth B. Scherer**, Smith Moore Leatherwood LLP, Raleigh

## SPECIAL ACCOMMODATIONS

NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

## CLE SCHOLARSHIPS

CLE scholarships are available. Contact Membership Services at 800.662.7407 or email Amy Kemple at [akemple@ncbar.org](mailto:akemple@ncbar.org) for more information.

## HOTEL INFORMATION

Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and rooms may sell out.

### Embassy Suites

201 Harrison Oaks Boulevard, Cary

- **Nightly Rate:** \$169 single/double
- **Reservations:** 919.677.1840 or [www.tinyurl.com/NCBA-Embassy](http://www.tinyurl.com/NCBA-Embassy)
- **Corporate Account Code:** 2691626

### TownePlace Suites by Marriott

120 Sage Commons Way, Cary

- **Nightly Rate:** \$114 studio queen with sleeper sofa (Sunday–Thursday)
- **Reservations:** 919.678.0005
- **Ask for the NCBA corporate rate.**

## PLANNERS

- **Angela Farag Craddock**, Young Moore and Henderson PA, Raleigh
- **Kenzie M. Rakes**, North Carolina Department of Justice, Raleigh

We extend our sincere gratitude to the NCBA Appellate Practice Section and the planner and speakers who volunteered their time and expertise toward the goal of presenting an educational program of the highest quality.

## EARLY ARRIVALS RECEPTION

Thursday evening, September 27, 2018  
Details to follow.

## PROGRAM SPONSOR

**SILVER:** Commercial Surety Bond Agency



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NCBA is an accredited CLE sponsor under the MCLE regulations promulgated by the North Carolina State Bar Board of Continuing Legal Education.

### INTRODUCING...

# premier pass

The 2018-2019 CLE Premier Pass is an exclusive NCBA member benefit **providing unlimited CLE** including access to hundreds of On Demand programs.

[www.tinyurl.com/PremierPass](http://www.tinyurl.com/PremierPass)

**REGISTRATION:** All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped based on venue size and may include an overflow room with additional seating. **CHANGES TO EXISTING REGISTRATIONS:** Should an attendee need to cancel his or her registration to a Live, Webcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a \$75 administrative fee. An attendee may choose to transfer his or her registration at a program to the Live, Webcast or Video Replay format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute his or her registration to a Live or Video Replay program only. Substitution means sending another person to attend the Live or Video Replay program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at [askcle@ncbar.org](mailto:askcle@ncbar.org) or by calling 800.228.3402. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations, including On Demand registrations, cannot be cancelled, substituted or transferred once purchased. **NO-SHOWS:** Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a \$75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. **MISCELLANEOUS:** The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee's image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.