

NORTH CAROLINA BAR ASSOCIATION

seeking liberty + justice

Masters of the Courtroom



LIVE and WEBCAST

Friday, February 1, 2019
North Carolina Bar Center
8000 Weston Parkway
Cary

REGISTER TODAY!

Save 10% if registration is
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www.tinyurl.com/CLE706CJM



TOTAL CLE CREDIT



Ethics/Professional
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Qualifies for NC State
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Specialization credit

**This program includes the
2019 Criminal Justice Section
Annual Meeting**

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Online: www.tinyurl.com/CLE706CJM | **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.)

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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*

Criminal Justice Section Member: \$255 / \$230 *Early*

CLE Premier Pass: \$0

STEP 3: Select your learning format.

Live (706CJM) Webcast (706LWC) 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/CLE706CJM 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: _____

Total Amount: _____ Signature: _____

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

AVAILABLE FORMATS



PROGRAM SUMMARY

The Masters series features previous winners of the Smith/Gilchrist awards, given annually to one outstanding defense attorney (Smith Award) and prosecutor (Gilchrist Award) statewide. This program provides valuable information, strategies and techniques for attorneys practicing in criminal courtrooms in North Carolina.

- *Why do we do this work?* Joe Cheshire examines the way criminal defense attorneys need to approach their jobs and the damage done to the justice system when they fail to perform their function.
- *The many faces of argument:* Locke Clifford delves into the world of framing an argument, including techniques and approaches for making winning arguments to a trier of fact in trial, to a prosecutor in plea negotiations and to a judge in sentencing.
- *Theories? We don't need no stinkin' theories:* Tommy Manning discusses developing an overall strategy for a trial centering on theory of the case. Attendees are given tools and strategies that can be used to build a cohesive and comprehensive trial plan tied to the theory of the defense.
- *Let's make a federal case out of it!* Sandra Hairston and Randall Galyon explain the policies, guidelines and factors that their offices use in determining whether to initiate a federal prosecution.
- *The ethics of prosecution:* Howard Cummings and Barton Menser participate in a panel discussion of ethics in the criminal justice system with an emphasis on the specific ethical challenges and obligations of prosecutors.
- *A life in the criminal justice system — was it worth it?* Sean Deveraux offers critiques and criticisms of both the actual and the perceived state of the criminal justice system, as well as strategies for practitioners who recognize the difference to use to the benefit of their clients.
- *Time to bring in the closer:* Wade Smith, the first recipient of the award that now bears his name, explains how to put it all together for the trier of fact in a way likely to lead to a win.

AGENDA

FRIDAY, FEBRUARY 1, 2019 | 8:30 a.m. – 4:30 p.m.

- 8:30 **Registration and Continental Breakfast**
- 8:55 **Welcome and Introductions**
Fay and Heroy
- 9:00 **Why We Do What We Do**
Cheshire
Practicing on either side of the aisle in the criminal justice system is taxing, stressful and usually thankless work. It is, however, vital that when this work is undertaken, it is done well. Joe Cheshire explains why we do this, how we should be doing it and why we need to get out of the way if we can't do it right.
- 9:50 **The Many Faces of Argument**
Clifford
As advocates, our job often boils down to simply convincing others to consider and adopt a certain point of view. Tactics for achieving this vary greatly, not only based on the subject matter at hand, but on the audience we are seeking to convince. Locke Clifford offers techniques and approaches to frame winning arguments that attorneys can make to a trier of fact in trial, to opposing counsel in plea negotiations and to a judge in sentencing.
- 10:40 **Break**
- 10:55 **Theories? We Don't Need No Stinkin' Theories**
Manning
Attorneys need to be strategic in each and every aspect of a criminal case, especially in the context of a trial. A portion of this strategy involves establishing and maintaining a consistent theme. Tommy Manning discusses developing an overall trial strategy and centering that strategy around a well-defined theory of the case.
- 11:45 **Let's Make a Federal Case Out of It!**
Galyon and Hairston
Sometimes it is easy to see the feds coming and other times it comes as more of a surprise. Sandra Hairston and Randall Galyon explain the policies, guidelines and factors that their offices use in determining whether to initiate a federal prosecution.
- 12:35 **Networking Lunch**
Criminal Justice Section Annual Meeting
Patrick B. Weede, Weede Law PLLC, Raleigh, 2018-2019 Section Chair, presiding

AGENDA

1:35 **The Ethics of Prosecution***
Cummings and Menser
A prosecutor is unlike any other lawyer and their ethical responsibilities are unique. Howard Cummings and Barton Menser participate in a panel discussion of ethics in the criminal justice system with an emphasis on the specific ethical challenges and obligations of prosecutors.

2:35 **Break**

2:50 **Perception vs. Reality in the Criminal Courtroom**
Deveraux
The criminal justice system is one of fiction's favorite subject matters. Because of this, outsiders often feel as if they know the ins and outs of the system. Sean Deveraux offers critiques and criticisms of both the actual and the perceived state of the criminal justice system, as well as strategies for practitioners who recognize the difference to use to the benefit of their clients.

3:40 **Time to Bring in the Closer**
Smith
Wrapping an entire defense into a closing argument is one of the things that separates the greats from the rest of the pack. Anticipating or responding to your opponent's argument, determining the issues upon which the trier of fact will swing, and formulating and delivering an argument that swings them to your side are the kinds of things of which great closing arguments are made. Wade Smith, one of the masters of our profession, explains how it's done.

4:30 **Adjourn**

* Indicates portion providing Ethics/
Professional Responsibility credit

PROGRAM DETAILS

SPEAKERS

- **Joseph B. Cheshire V**, Cheshire Parker Schneider & Bryan PLLC, Raleigh
- **Locke T. Clifford**, Clifford & Harris PLLC, Greensboro
- **Howard J. Cummings**, Wake County District Attorney's Office, Raleigh
- **Sean P. Devereux**, Devereux & Banzhoff PLLC, Asheville
- **Randall S. Galyon**, U.S. Department of Justice, Winston-Salem
- **Sandra J. Hairston**, U.S. Department of Justice, Greensboro
- **Thomas T. "Tommy" Manning**, Manning Law Firm PLLC, Raleigh
- **Barton M. Menser**, Charlotte
- **Wade M. Smith**, Tharrington Smith 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 AND PUBLICATION SCHOLARSHIPS

Full and partial scholarships are available for attorneys experiencing a financial hardship of any kind.

Apply at www.ncbar.org/cle/scholarship.

HOTEL INFORMATION

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

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.**

Embassy Suites (limited availability)

201 Harrison Oaks Boulevard, Cary

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

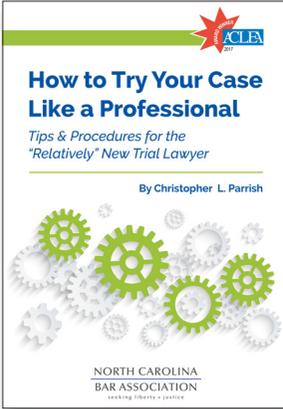
PLANNERS

- **William L. Fay**, Fay & Grafton, Asheville
- **William R. "Rob" Heroy**, Goodman Carr Laughrun Levine & Greene PLLC, Charlotte

We extend our sincere gratitude to the NCBA Criminal Justice Section as well as the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the highest quality.

RELATED INFORMATION

How to Try Your Case Like a Professional: Tips & Procedures for the “Relatively” New Trial Lawyer



Available Formats:
eVersion or Print & eVersion

Publication Date:
May 17, 2016

Winner of the 2017 “ACLEA’s Best Publications” award!

Within the pages of this award-winning publication, the author shares more than 60 invaluable tips and provides insight into real-world courtroom procedures in North Carolina. Topics are grouped into pretrial, trial and post-trial phases of the litigation process, and are discussed in the order in which they occur during trial:

- Securing, Preparing and (Cross-) Examining Witnesses
- Selecting and Addressing the Jury
- Strategies for Opening Statements and Closing Arguments
- Elements of State/Defense Case-in-Chief
- Delivery of a Verdict
- Perfecting an Appeal
- and much more!

This wealth of practical knowledge — a culmination of nearly two decades of litigation experience and more than 80 jury trials — is sure to benefit any “relatively” new trial lawyer.

Details and ordering information:

www.ncbar.org/CLEBookstore or 919.677.0561

SAVE THE DATE!

Friday, March 15, 2019

The ABCs of Criminal Court: CLE and Second Edition Book Release

NC Bar Center, Cary

Contact the CLE Department for updates and details at 800.662.7407.

NCBA

8000 Weston Parkway
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Masters of the Courtroom

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INTRODUCING...

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The 2018-2019 CLE Premier Pass is
an exclusive NCBA member benefit
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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 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 canceled, 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.