

11-13-2015

Video: May It Please the Court: Techniques for Persuasive Witness Testimony

Mark Dobson

Nova Southeastern University

Jayne Cassidy

NSU Veteran's Law Clinic

Maxine Streeter

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**NOVA SOUTHEASTERN
UNIVERSITY**

Shepard Broad College of Law

Law Center Plus: Continuing Your Legal Education

May It Please the Court: Techniques for Persuasive Witness Testimony

**Friday, November 13, 2015
7:30 am – 9:30 am
3305 College Avenue
Ft. Lauderdale, FL 33314**

Mark Dobson

Professor of Law
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Education

J.D., Catholic University, 1973
LL.M., Freedman Fellow Temple University, 1977

Professor of Law Mark Dobson has been a member of the Nova Southeastern University College of Law faculty since August 1980. Before coming to NSU, Professor Dobson spent three years teaching law at the University of North Dakota. While there, he re-vamped the law school's Trial Advocacy program which partially resulted in North Dakota receiving the prestigious Emil Gumpert Award from the American College of Trial Lawyers.

Professor Dobson started NSU Law's Trial Advocacy program in Spring 1981. Besides Trial Advocacy, he regularly teaches Criminal Law, Criminal Procedure, Evidence and Advanced Criminal Procedure. In the Winter semester, Professor Dobson is the professor in charge of NSU's Criminal Justice Clinic field placement program. He has also taught classes in Professional Responsibility, Advanced Trial Advocacy and Education Law at Nova.

Professor Dobson's practical experience is in both criminal and civil law. He has been a civil Legal Aid attorney in Wichita, Kansas and Philadelphia. As for criminal law, he has prosecuted in two counties in Kansas as well as both Miami and Palm Beach, Florida. He currently is assisting veterans secure increases in their VA Disability Benefits. He is licensed to practice in both Kansas and Florida.

Professor Dobson's scholarly work is in the fields of Criminal Law, Criminal Procedure and Evidence. He is a regular contributor of articles for Preview of United States Supreme Court cases, which discuss pending cases for the United States Supreme Court. His most recent other publications are two extensive chapters on Hearsay and Hearsay Exceptions, soon to be published in Evidence in Florida, 10th edition.

Professor Dobson is an active member of the Florida Bar Criminal Law Section. Additionally he has been the Program Director since 1988 for the National Institute for Trial Advocacy Basic Trial Skills Program held at NSU law school each spring. He has also taught Trial Advocacy Skills as a NITA program faculty member in programs in North Carolina, Colorado, Utah and California.

Besides teaching at NSU and North Dakota, Professor Dobson has been a visiting faculty member at Washburn University (Kansas); Willamette University (Salem, Oregon), Loyola University of Chicago and Touro University on Long Island. He regularly coaches NSU law mock trial competition teams and participates in the law school's innovative Florida Bar Assistance Program (FBAP).

Professor Dobson has advised numerous student organizations in his career at North Dakota and Nova. These include the North Dakota Student Bar Association, North Dakota Moot Court Association, Nova Law Review, Nova Law Criminal Law Society and Nova Trial Association. In Winter 2013, he received the Nova Southeastern University Student Law Achievement Award for Co-curricular Advisor of the Year. He has been honored several times as law faculty member of the year by the student body and also served as NSU Law faculty graduation speaker.

Areas of Interest

Criminal Law	Negotiation
Juvenile Law	Professional Responsibility
Legal Education and law Students	Trial Advocacy

Jayne Cassidy

Adjunct Professor
954-262-6184
jcassidy1@nova.edu

Education

J.D., Seton Hall University Law School, 1993

Jayne Cassidy is the Director of the Shepard Broad College of Law's Veterans Law Clinic, and staff attorney.

Prior to joining NSU she was the supervising attorney for the EACH (Economic Advocacy and Community Health) and VALOR (Veteran Advocates Legal Outreach & Representation) Projects at Coast to Coast Legal Aid of South Florida, Inc. Cassidy created and implemented the VALOR Project which is a medical legal partnership with the Department of Veteran Affairs.

Cassidy is experienced in complex civil and criminal litigation and has a solid background in state and federal practice. She has served in the public sector as a Chief Assistant for the Broward County Public Defender and as an Assistant Attorney General.

Cassidy received her J.D. from Seton Hall University School of Law where she was a member of the *Legislative Law Journal*. She is a former Litigation Counsel for Carnival Cruise Lines, and practiced law in New York and New Jersey with Garberini & Scher and Bower & Gardner.



Maxine K. Streeter

Partner: Conrad & Scherer, Fort Lauderdale, FL
mstreeter@conradscherer.com
NSU Law Adjunct Professor

Education

JD, Nova Southeastern University Shepard Broad College of Law, 1991
BA, University of Florida, 1985

Maxine K. Streeter is a Partner in the Firm's Fort Lauderdale office. Recognized for her abilities to advocate in factually complex and legally sophisticated matters, Ms. Streeter's commercial litigation practice encompasses complex matters, business disputes, and fraud. Additionally, Ms. Streeter's practice includes the litigation and resolution of complex bankruptcy matters. Ms. Streeter has been rated AV Preeminent® by Martindale-Hubbell® since 1999.

Ms. Streeter is a seasoned litigator representing corporate clients and individuals in a wide range of matters ranging from complex commercial litigation and class action litigation to fraud, civil theft, RICO, negligence, land use litigation, consumer protection, and bankruptcy.

Ms. Streeter honed her legal experience during her tenure as a Senior Assistant Attorney General for the State of Florida where she served seven years in the civil litigation and economic crimes units. There, Ms. Streeter practiced in the intricate legalities of prosecuting civil RICO claims, as well as federal class action litigation for civil rights violations.

Prior to serving in the Attorney General's office, Ms. Streeter practiced at a prominent Fort Lauderdale firm. Again focusing upon complex cases, she represented clients in the area of securities litigation and arbitration, acting as lead counsel in securities and commercial matters before state and federal trial and appellate courts as well as before a variety of self-regulating securities industry organizations including the American Stock Exchange, Inc.; the National Association of Securities Dealers, Inc.; the New York Stock Exchange, Inc.; the National Futures Association; and the American Arbitration Association.



Course Title & Description:

May It Please the Court: Techniques for Persuasive Witness Testimony

Date: Friday, November 13, 2015

Time: 8:00 am to 9:30 am

Location: Shepard Broad College of Law, 3305 College Avenue, Fort Lauderdale, FL 33314

Handouts and Resources include relevant portions of the following documents or links to the articles, used with author's permission:

ORGANIZATION

Preparing for Your First Civil Trial, Part Six: Witness Preparation

https://apps.americanbar.org/litigation/litigationnews/trial_skills/second-chair-civil-trial-witness-preparation.html

PREPARATION

Checklist for Preparing Your Witness for Trial

<http://blog.ceb.com/2013/11/25/checklist-for-preparing-your-witness-for-trial/>

Preparing Your Witness To Be A Performer

<http://www.marshalldennehey.com/media/pdf-articles/O%20273%20by%20E.%20Ronquillo%20%2802.13%29%20Law360.pdf>

Preparing Your Witness for Trial

<http://trialtheater.com/trial-skills/direct-examination/preparing-your-witness-for-trial/>

WITNESS TIPS

How to be a Good Trial Witness

<http://www.mitchell-attorneys.com/legal-articles/how-to-be-a-good-trial-witness/>

Effective Courtroom Performance by Witnesses in a Criminal Case

<http://www.clarkprosecutor.org/html/victim/wtips.htm>

DURING TESTIMONY

Restrictions on Lawyers Communicating with Witnesses During Testimony: Law, Lore, Opinions, and the Rule

<http://www.floridabar.org> (Bar Journal article)

RULES

Florida Rules of Civil Procedure available at: <http://www.floridabar.org>

Course Outline & Timeline

Registration & Continental Breakfast:

7:30 to 7:55 am

Atrium & Faculty Study

Welcome & Introduction:

7:55 to 8:00 am

Elena Rose Minicucci, JD Director, Alumni Relations, NSU Shepard Broad College of Law Welcome
Introduce Law Professor Mark Dobson, Veterans Law Clinic and Adjunct Professor Jayme Cassidy,
attorney Maxine Streeter, Esq. and Tyson Schwartz (3L).

The case problem “NITA Liquor Commission v. Jones” is used with permission from National Institute
for Trial Advocacy *Problems in Trial Advocacy*.

Seminar Presentation

Professor Mark Dobson

Adjunct Professor and Veterans Law Clinic Director, Jayme Cassidy, Esq.

Maxine K. Streeter, Esq. (NSU JD 1991)

8:00 -8:10 am – “Mantras for Trial Testimony”

General Perspective Mantras

Trial: An Exercise in Communication and Persuasion

Persuasion: Creating an Effective Impression in the Mind of the Fact Finder
“Perception is Reality”

Four General Components:

Ourselves

Our witnesses

Our theme and theory

Our opponent’s case

Our Demeanor Should Be: Cool, Calm, Collected, Always in Control. Be seen as competent and
credible guides for the fact-finder.

Basic Mantras: Everything is Goal-Oriented

(1) Direct Examination Execution: Clear, Vivid, Memorable, Persuasive, Anticipating, Cross Examination,
Able to meet all Objections

(2) Cross Examination Goals: Get admissions of fact to use in closing argument. Questions should be:
Leading, Short, Simple, Factual

(3) Objections Should Be: Prompt, Precise, and Correct. (Prepare offers of proof in case they are needed).

8:10 - 8:50am Role Play Demonstration and Discussion

Professor Mark Dobson

Adjunct Professor and Veterans Law Clinic Director, Jayme Cassidy, Esq.

Maxine K. Streeter, Esq. (NSU JD 1991)

Tyson Schwartz (3L) will play the role of the witness

Role Play 1: (20 minutes) A brief Direct Examination demonstration of Mantras #1 and #3 (Direct Examination and Objections) will involve Professor Mark Dobson, Jayme Cassidy and Maxine Streeter playing the role of Judge and opposing counsel, respectively. The case concerns a litigation matter, “NITA Liquor Commission v. Jones” where a liquor store and its employee, Dan Jones, have been cited for selling liquor to a person the store employee should have known was intoxicated.

Seminar attendees will observe the role play and then the seminar speakers will discuss the Mantras, and how to use the Mantras in the courtroom. Applicable **Rules of Professional Responsibility** (Florida) will be discussed. Question & Answer session included.

8:50 - 8:55am

Professor Mark Dobson

Adjunct Professor and Veterans Law Clinic Director, Jayme Cassidy, Esq.

Maxine K. Streeter, Esq. (NSU JD 1991)

Review Mantras before role play

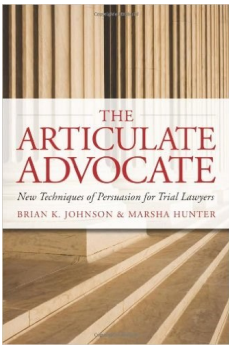
8:55 – 9:25am Role Play Demonstration and Discussion

Role Play 2: (20 minutes) A brief Cross Examination demonstration of Mantras # 2 and #3 (Cross Examination and Objections) will involve the cross examination of the main witness against the defendants – the officer who issued the citation in Nita Liquor Commission v Jones.

Seminar attendees will observe the role play and then the seminar speakers will discuss the Mantras and their use in the courtroom Question and answer session is included.

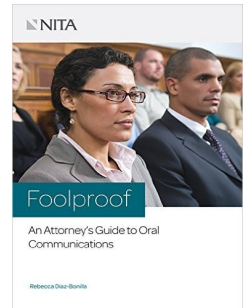
9:25 – 9:30am Recap and Final Question & Answers

Books on Persuasion and Public Speaking for Lawyers

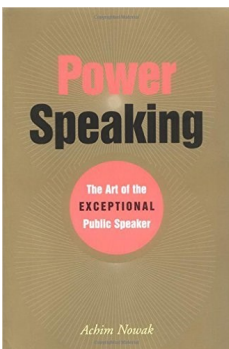


The Articulate Advocate: New Techniques of Persuasion for Trial Lawyers Brian K. Johnson & Marsha Hunter, Crown King Books.

Highly recommended by Professor Dobson.

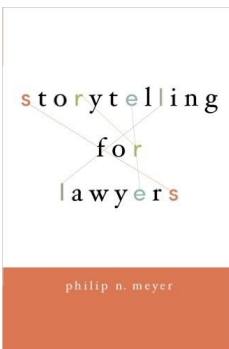


Foolproof: An Attorney's Guide to Communication; Rebecca Diaz-Bonilla, NITA (2014).

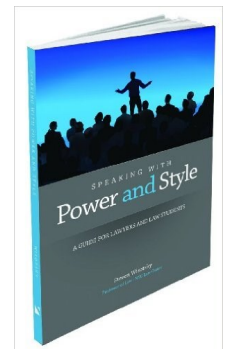


Power Speaking: The Art of the Exceptional Public Speaker; Achim Nowak; Alworth Press, NY (2004).

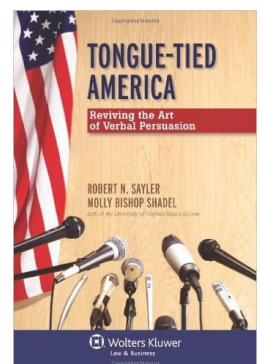
Speaking with Power and Style; Steven Wisotsky; NITA.



Storytelling for Lawyers; Phillip N. Meyer; Oxford University Press (2014).



Tongue-Tied America: Reviving the Art of Verbal Persuasion; Robert Saylor & Molly Bishop Shadel; Aspen Publishers, Wolters K Luwer Law & Business (2011).





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