

ADVANCED LEGAL DRAFTING: HOW TO GET THE “WRITE” RESULT AND BEST POSITION YOUR CLIENT TO BE THE APPELLEE

**FEBRUARY 19, 2015
12:00 P.M. TO 5:00 P.M.**

**JOINTLY PRESENTED BY
THE APPELLATE PRACTICE AND PROFESSIONALISM COMMITTEES**

12:00-12:20 Lunch, Reception, and Late Registration

12:20-12:30 General Welcome & Introductions by Stacy J. Ford, Esq.

12:30-1:00 **Advanced Writing: Do’s, Don’ts, and Maybe’s
(or is it: Dos, Don’ts, and Maybes?)**

Whether you are handling a criminal or civil case, and whether your audience is an appellate or trial court, your writing must be clear and persuasive. This segment will provide advanced legal writing guidance on what to do to achieve those goals, what not to do, and what (probably) does not matter.

Speakers: The Honorable James Edwards and Michael Brownlee, Esq.

1:00-1:30 **Pleadings: Striking the “Write” Balance in Complaints,
Answers, Affirmative Defenses, and Replies**

This segment on advanced pleadings drafting will provide techniques for building the foundation of successful claims and defenses, address common pitfalls that can lead to unnecessary costs and delays, and discuss both state and federal pleading requirements.

Speakers: The Honorable Margaret Schreiber, Staff Attorney Karen Mollie Smith, Esq., and Margaret Kozan, Esq.

Moderator: Nicola (“Nikie”) Popovich, Esq.

1:30-1:40 Break

1:40-2:10 **Strategic Motion Drafting: Take Your Audience Where
You Want Them to Go**

An interactive panel discussion on (1) persuasive writing techniques by choosing relevant, applicable law supporting the facts of the case; (2) analyzing and arguing for favorable caselaw or distinguishing unfavorable caselaw using deductive reasoning; and (3) drafting a supportive conclusion, leaving the court with an initial conclusion in your favor.

Speakers: The Honorable Heather Pinder Rodriguez, Staff Attorney Anna Palmer Darkes, Esq., and Jessica Hew, Esq.

Moderator: Staff Attorney Tarysha Henry, Esq.

2:10-2:40 **Preparing for Mediation: Drafting a Mediation Statement with the Mediator and Opposing Party in Mind**

This segment will provide experienced advice on how to draft an effective pre-mediation case summary for the benefit of the mediator, clients, and attorneys.

Speakers: Brandon Peters, Esq., and Nick Shannin, Esq.

2:40-2:50 Break

2:50-3:50 **Orders & Judgments: Making Them Complete, Clear, and Ready to Withstand the Rigors of Appeal**

No matter what type of law you practice, the language contained in an order or judgment can be crucial to its enforceability and appealability. This seminar will provide insights and guidance to help you write a clear and concise order or judgment that puts your client in the best position on appeal. As well, there will be a presentation on the specific requirements of orders related to FDUTPA claims and the award of attorneys' fees therein.

Speakers: The Honorable Alice Blackwell, The Honorable Thomas Sculco, and Carrie-Ann Wozniak, Esq.

Moderator: David Knapp, Esq.

3:50-4:00 Break

4:00-5:00 **Ethical Considerations in Drafting Pleadings and Motions: How to Navigate the Grey Areas**

This segment will discuss the importance of ethics and professionalism in pleading and motion practice in state and federal courts. It will focus on not only The Florida Bar rules, such as the duty of candor towards the court, but local rules requiring parties to make a good-faith effort to stipulate to issues not reasonably in dispute and resolve issues without the necessity of a hearing. Subjects will range from sufficiently investigating facts before making allegations in complaints and affirmative defenses; researching applicable law before asserting claims and defenses; and accurately stating facts and legal authority during motion practice.

Speakers: John Benford, Esq., Daniel Gutierrez, Esq., Michael Kest, Esq., and Patti Savitz, Esq.