

# Better Motion Practice

*How to Argue, Present and  
Write Motions More Effectively*

## LIVE PROGRAM & LIVE WEBCAST: APRIL 17, 2015

Live program will be at the CBA-CLE Classroom, 1900 Grant Street, Suite 300, Denver, CO

This "how to" argue, present, and write motions program is designed for lawyers who want to learn techniques to sharpen their skills by providing a practical overview of various kinds of motions you will likely encounter in pre-trial civil practice. You will learn specific techniques, skills and methods for persuading the court and decision-makers. The program will generally reference state and federal rules of procedure and evidence.

Newer lawyers will gain a better understanding of the kinds of motions available, and more experienced lawyers will learn how to be more effective, including in your use of technology in your presentations and arguing of motions.

### YOU WILL LEARN HOW TO:

- Draft and organize better briefs and exhibits
- Make more concise and persuasive arguments
- Present persuasive arguments using technology
- Be better prepared to argue and defend the most common pre-trial motions

VIDEO REPLAYS: MAY 5, 2015 • Denver, Colorado Springs, and Grand Junction

CREDITS: Submitted for 7 General CLE Credits

**REGISTER FOR THIS PROGRAM ONLINE! Go to [www.cobaracle.org](http://www.cobaracle.org)**

# Better Motion Practice

*How to Argue, Present and Write Motions More Effectively*



**Justin S. Kahn**, an accomplished civil litigator (and master magician!) is AV rated and triple board certified by the National Board of Trial Advocacy as a civil trial advocate and in civil pretrial practice advocacy. He is also board certified in medical malpractice by the American Board of Professional Liability Attorneys where he also serves on the board. Mr. Kahn has been an adjunct professor at the Charleston School of Law where he teaches civil pre-trial practice. His practice focuses on catastrophic personal injury matters and various kinds of complex litigation. He authors the South Carolina Rules of Civil Procedure Annotated as well as the South Carolina Rules of Evidence Annotated. Mr. Kahn has been involved with cases around the country, including in New York, New Jersey, Ohio, Tennessee and Alaska. Additionally, he writes and speaks nationally on various topics, including procedure, evidence, persuasion, and litigation. He is admitted to the United States Supreme Court, the Second, Third and Fourth Circuit Courts of Appeals, the District of Columbia, the United States District of Court of South Carolina and the South Carolina Supreme Court. You can reach Justin at 843.577.2128 or by email at [jskahn@kahnlawfirm.com](mailto:jskahn@kahnlawfirm.com).

At the end of the day, Mr. Kahn will be joined by Judges, including **Honorable Randall C. Arp**, 1st Judicial District Court, **Honorable D.D. Mallard**, 20th Judicial District Court, **Honorable Robert L. McGahey Jr.**, 2nd Judicial District Court, and **Honorable Elisabeth Weishaupl**, 18th Judicial District Court, who will share their views on what works, and doesn't work, for Judges and juries, and on effective oral advocacy and preservation of the record in motion practice.

## HERE'S WHAT YOUR COLLEAGUES HAVE SAID ABOUT JUSTIN S. KAHN:

*"... great at bringing concepts together to show people how they are actually used in practice"*

*"... a wealth of knowledge"*

*"... on a rating of 1-5 with 5 as the highest, Justin Kahn is 5+ as a speaker"*

## LIVE PROGRAM & LIVE WEBCAST: APRIL 17, 2015

Live program will be at the CBA-CLE Classroom • 1900 Grant Street, Suite 300, Denver, CO

---

VIDEO REPLAYS: MAY 5, 2015 • Denver, Colorado Springs, and Grand Junction

---

CLE CREDITS: Submitted for 7 General CLE Credits

## AGENDA

**8:30 am Registration and Continental Breakfast**

**9:00 am Welcome and Introduction**

**9:10 am Motions Overview**

- Goals of Seminar
- Big Picture
- Brief Review of Relevant Rules of Procedure and Evidence
- Kinds of Motions Generally
- Goals of Motions Generally
- Resources (Judicial and Others)
- Scheduling and Case Management Orders

**9:30 am Threshold Motions – Attacking the Pleadings, Jurisdiction, Venue, Amendment, and Parties**

- Motions to Dismiss
- Researching and Arguing
- Example Motions, Materials, Arguments

**10:30 am Networking Break**

**10:45 am Discovery Motions – Enforcing Discovery and Seeking Protection**

- Review of Relevant Rules
- Discovery Motion Examples
- Protection
- Compel
- Deposition
- Sanctions
- Subpoena Quash, Enforcement

**12:15 pm Lunch (on your own)**

**1:15 pm Effective Motion Practice – Effective Methods of Creating and Presenting Motions, Use of Technology, Charts, Exhibits**

- Techniques for Presenting and Persuading
- Use of Technology and Blowups
- Drafting and Organizing Effective Motions and Supporting Documents

**2:30 pm Pre-Trial Motions Directed to the Merits and Trial**

- In Limine
- Experts (Limiting/Excluding)
- Summary Judgment (Presenting and Defending)

**3:00 pm Networking Break**

**3:15 pm** **Views from the Bench and Interactive Roundtable Discussion:**  
Judicial Perspectives of **Honorable Randall C. Arp**, 1st Judicial District Court, **Honorable D.D. Mallard**, 20th Judicial District Court, **Honorable Robert L. McGahey Jr.**, 2nd Judicial District Court, and **Honorable Elisabeth Weishaupl**, 18th Judicial District Court, On:

- What to Do, and Not to Do, in Your Motion Practice
- Persuasive Arguments
- Preserving the Record

**4:15 pm** **Adjourn**

## FACULTY

### FACULTY

**Justin S. Kahn, Esq.**  
Kahn Law Firm, LLP  
Charleston, SC

### SPECIAL GUESTS

**Honorable Randall C. Arp**  
1st Judicial District Court  
Golden, CO

**Honorable D.D. Mallard**  
20th Judicial District Court  
Boulder, CO

**Honorable Robert L. McGahey Jr.**  
2nd Judicial District Court  
Denver, CO

**Honorable Elisabeth Weishaupl**  
18th Judicial District Court  
Centennial, CO

## WEBCAST INFORMATION

### WEBCASTING IS GREEN!

Course materials are provided in PDF format to all webcast attendees. If you prefer to receive the materials in paper form, you must make this request at the time of registration; the materials will be shipped when available and we cannot guarantee that you will receive them prior to the program.

### WEBCASTING IS EASY!

#### THE MINIMUM SYSTEM REQUIREMENTS:

- Your computer should have a 500 MHz or higher processor and at least 128 mb of RAM
- A connection to the Internet of at least 700 kbps is highly recommended, and most people now have connections at that speed or faster. Check your speed now (or go to <http://www.speedtest.net/>)
- Course materials are delivered in PDF format. You will need a recent version of Adobe Reader. Free download here: <http://get.adobe.com/reader/>

- Adobe Flash Player v. 11.X or higher (Free download here: <http://get.adobe.com/flashplayer/>)
- Tablets and iOS devices will need a web browser and a high speed wi-fi connection. Our video is encoded HTML5 compliant x264 format which will play on any contemporary device with sufficient bandwidth.
- You will also need a sound card and speakers, and a current web browser.

#### TIPS FOR A BETTER WEBCAST EXPERIENCE:

<http://cle.cobar.org/About/FAQs/Technical-FAQs#webcastvod>

You will receive a confirmation and instructions to view the webcast via email upon registration.

**REGISTER FOR THIS PROGRAM ONLINE! Go to [www.cobaracle.org](http://www.cobaracle.org)**

# BETTER MOTION PRACTICE

**Register by PHONE**  
 when using VISA, MC or AmEx  
**In Denver: (303) 860-0608**  
**Toll-Free: (888) 860-2531**

**Or FAX form to**  
 when using VISA, MC or AmEx  
**FAX to: (303) 860-0624**

**Or MAIL form to**  
**CLE in Colorado**  
 1900 Grant St, Suite 300  
 Denver, CO 80203-4303

**Or Register ONLINE**  
 when using VISA, MC or AmEx  
 Go to [www.cobaracle.org](http://www.cobaracle.org)

## PROGRAM ORDER FORM

### STEP 1 - REGISTRATION TYPE: *(Select live program, live webcast, or video replay)*

- LIVE PROGRAM: APRIL 17, 2015** - In Denver at the CBA-CLE Classroom, 1900 Grant St., Suite 300 (LI041715L)
- LIVE WEBCAST: APRIL 17, 2015** - Must have access to high-speed internet (LI041715W)
- VIDEO REPLAY: MAY 5, 2015** - Please indicate video replay location:
  - Denver:** CBA-CLE Classroom, 1900 Grant Street, Suite 300 (LI041715V)
  - Colorado Springs:** 421 S. Tejon Street, Suite 100 (LI041715VCS)
  - Grand Junction:** 1250 E. Sherwood Drive (LI041715VGJ)

### STEP 2 - MATERIALS FORMAT:

- Materials on Flash Drive (pick up at conference)       Printed Book (pick up at conference)

### STEP 3 - REGISTRATION CATEGORIES:

- |   |   |
|---|---|
| <input type="checkbox"/> Non-member: .....\$349                   | <input type="checkbox"/> CBA Member: .....\$299                             |
| <input type="checkbox"/> CBA Litigation Section Member:.....\$269 | <input type="checkbox"/> CBA Solo Small Section Member: .....\$269          |
| <input type="checkbox"/> Paralegal/Legal Support Staff:.....\$249 | <input type="checkbox"/> New Lawyer; in Practice 5 years or less:.....\$249 |
| <input type="checkbox"/> <b>CLE Elite Pass Holder:</b> .....\$50  |   |

**PROGRAM ORDER FORM TOTAL \$** \_\_\_\_\_

## HOMESTUDY ORDER FORM

*To receive CLE Credit you must purchase both the course materials AND the recorded seminar.*

### STEP 1 - SELECT DESIRED PRODUCT FORMAT:

- Video-On-Demand** (LI041715N)       **MP3 Audio Download** (LI041715J)  
 **Paper course materials and recorded homestudy on CD-Rom** (LI041715D)

### STEP 2 - SELECT PAYMENT CATEGORY:

- Non-member: .....\$349       CBA Member: .....\$299  
 **Elite CLE Pass Holder** (MP3 and VOD ONLY):.....**FREE**       **Basic CLE Pass Holder:** (MP3 and VOD ONLY).....**FREE**

### STEP 3 - COURSE MATERIALS ONLY: (Paper Only - LI041715C) *Skip this step if you purchased the HOMESTUDY.*

- Non-member: \$125       CBA Member: \$95

*NOTE: Shipping & handling only applies to orders you receive via mail. Materials will be mailed to you approximately 2 weeks after live program.*

Price \$ \_\_\_\_\_  
 Shipping & Handling \$ 10.95  
 Subtotal \$ \_\_\_\_\_  
 Applicable Sales Tax (7.62% Denver, 4% RTD and 2.9% rest of Colo.) \$ \_\_\_\_\_  
**HOMESTUDY TOTAL \$** \_\_\_\_\_

Name \_\_\_\_\_ Atty. Reg. # \_\_\_\_\_

Firm/Organization \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone (        ) \_\_\_\_\_ Fax (        ) \_\_\_\_\_

- Enclosed is my check made payable to **CBA-CLE**     VISA     MasterCard     AmEx

Credit Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_

*Required for credit card orders*

**CLE Use Only:** Check #: \_\_\_\_\_ Approval #: \_\_\_\_\_

# Better Motion Practice

*How to Argue, Present and Write Motions More Effectively*

Co-sponsored by the CBA Litigation Section

**LIVE PROGRAM & LIVE WEBCAST:**

**APRIL 17, 2015**

Live program will be at the CBA-CLE Classroom, 1900 Grant Street, Suite 300, Denver, CO

VIDEO REPLAYS: **MAY 5, 2015** • Denver, Colorado Springs, and Grand Junction

CLE CREDITS: Submitted for 7 General CLE Credits

**REGISTER FOR THIS PROGRAM ONLINE! Go to [www.cobaracle.org](http://www.cobaracle.org)**



1900 Grant Street, Suite 300, Denver, Colorado 80203-4303

Nonprofit Org.  
U.S. Postage Paid  
Permit No. 1638  
Denver, CO