

—THE NATIONAL—
CRIME VICTIM
—BAR ASSOCIATION—

2020

NCVBA National Conference



CIVIL ACTIONS FOR CRIMINAL ACTS

NOVEMBER 10-13

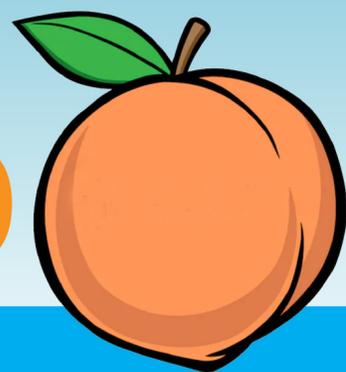
HILTON DOWNTOWN ATLANTA - ATLANTA, GA

Agenda

NATIONAL TRAINING INSTITUTE

NATIONAL CENTER FOR
VICTIMS OF CRIME

ATLANTA 2020



November 11-13

NATIONAL CENTER FOR
VICTIMS OF CRIME

www.VictimsofCrime.org/Training

—THE NATIONAL—
CRIME VICTIM
—BAR ASSOCIATION—

www.VictimBar.org

The National Crime Victim Bar Association (NCVBA) National Conference, "Civil Actions for Criminal Acts," provides essential, cutting-edge information on current legal subjects, as well as offers important resources and litigation strategies that attorneys need to best represent crime victims. Held in conjunction with the National Training Institute of the National Center for Victims of Crime, this annual gathering brings together up to 1,000 victim advocates, civil attorneys, criminal justice professionals, and law enforcement officers to share their knowledge and experience across disciplines.

Agenda

Tuesday, November 10th, 2020

- 9 a.m. - 5 p.m. CSA Section Meeting
- 4 p.m. - 6 p.m. Early Registration
- 6 p.m. - 8 p.m. Welcome Reception for Speakers and Members

Wednesday, November 11th, 2020

- 9 a.m. - 10:30 a.m. Opening Plenary
- 10:30 a.m. - 10:45 a.m. Break
- 10:45 a.m. - 11:30 a.m. **Brian Kent**

No Vacancy: The Hospitality Industry's Liability in Human

Hotels and motels have become one of the most common venues for sex trafficking, due to ease of access for buyers, ability to pay in cash and maintain secrecy through finances, and privacy and anonymity. Though most hotels now offer training to employees to prevent sex trafficking, it has had little impact. This presentation will examine what obligations hotels have in intervening with sex trafficking and the potential liability they face when they fail to act diligently.

11:30 a.m. - 12:15 p.m. **Andy Rogers & Kara Phillips**

Absence Makes the Heart Grow Fonder - How to Effectively Prove and Recover Damages Without Calling the Victim to Testify at Trial

As civil lawyers who dedicate their practice to representing victims of traumatic crime, we understand the toll testifying at trial can take on our clients. Sometimes, the best approach for the client and the case is to not call the client to testify at trial. This may seem counterintuitive when you intend to ask the jury to award a large damages verdict. The natural tendency is to believe the jury will be unwilling to award lots of money if they have not seen or heard from the victim in person. Over the past year, however, we have obtained two large jury verdicts totaling \$46 million and \$60 million (plus attorneys' fees), respectively, without calling the victim to testify at trial. In this presentation, we will walk through the facts of both cases and the different strategic considerations that led to our decision to not call our clients to testify.

12:15 p.m. - 12:45 p.m. Lunch

12:45 p.m. - 1:45 p.m. Afternoon Plenary

1:45 p.m. - 2 p.m. Break

2 p.m. - 2:45 p.m. **Laurie Koller & Louise Lipman**

Psychodrama for Crime Victims in Civil Cases

Laurie and Louise will discuss the techniques they used together to help prepare a 22-year-old victim of multi-year abuse from her pastor to testify at her deposition. The lessons that can be learned from this example and carried into other cases will be discussed.

2:45 p.m. - 3:30 p.m. **Jerry O'Neill**

Description to be listed soon!

3:30 p.m. - 3:45 p.m. Break

3:45 p.m. - 4:30 p.m. **John Leighton**

Jury Selection in Security and Sexual Abuse Cases in the 21st Century

An overview of techniques to select juries and use voir dire to best ferret out defense jurors in negligent security and sexual abuse cases, as well as conditioning juries without overly advocating the case. Focus will be given to the millennial and generation X jurors, who now compose the majority of jurors in venire panels. Some examples of questioning techniques will be given as well as categories of jurors to avoid as well as seek out. It will also include methods for using bad jurors to determine who the other jurors are that you want to strike, as well as identifying favorable jurors.

5:00 p.m. - 6:30 p.m. Advisory Board Meeting - Amicus Committee Meeting to follow

Thursday, November 12th, 2020

8:30 a.m. - 9 a.m. ARS Committee Meeting

9 a.m. - 10:30 a.m. Opening Plenary

10:15 a.m. - 10:30 a.m. Break

10:30 a.m. - 11:15 a.m. **Guy D'Andrea and W. Jesse Forbes**

When & Why to Depose Your Own Client (including the mechanics behind that)

The presentation will discuss generally the benefits in certain circumstances of deposing your own client in an abuse / sexual assault case, especially when those clients are children or young adults. More specifically, the presentation will use as a case study an active case filed in Charleston, WV where Jesse and I represent 27 former children who were serially abused, which included sexual, physical and verbal abuse, torture, the solitary confinement of children medical neglect and educational neglect over a period of 25 years.

11:15 a.m. - 12 p.m. **Mel Hewitt**

Description to be listed soon!

12 p.m. - 12:15 p.m. Break

12:15 p.m. - 1:30 p.m. National Crime Victim Bar Association Awards Luncheon

1:30 p.m. - 2:15 p.m. **Mike Haggard**

Active Shooters & Mass Shootings - Unfortunate New Reality for Society & Inadequate Security Cases

In less than 24 hours, Americans witnessed two mass shootings in 2019, first in El Paso, Texas, then in Dayton, Ohio. Unfortunately, this has become a reality for parents, ordinary citizens, and EVERY business establishment in America. This thoroughly demonstrative presentation will provide recent case examples disputing the defense argument that mass shootings are unpreventable. Jury selection, case theories and expert selection will also be discussed in detail.

2:15 p.m. - 3 p.m. **Michael Neff**

Anatomy of a Case Against a Home Security Alarm Monitoring Company

What happens when a company we trust (and pay) to keep us safe actually increases the danger to its customers? In this presentation, Michael Neff will dissect a record-setting verdict against Monitronics, at one time one of America's largest alarm monitoring companies before they eventually filed for bankruptcy. Cases against alarm monitoring companies or home security companies are fraught with legal and factual pitfalls, even when the damages are catastrophic. However, Mike will show how to navigate these cases through discovery and up through trial.

3 p.m. - 3:15 p.m. Break

3:15 p.m. - 4:00 p.m. **Colonel Don Christensen**

Description to be listed soon!

4:00 p.m. - 4:45 p.m. **Jeff Fritz**

Description to be listed soon!

4:45 p.m. - 5 p.m. Break

5 p.m. - 6 p.m. Case Workshop

Friday, November 13th, 2020

9 a.m. - 10:30 a.m. Opening Plenary

10 a.m. - 10:45 a.m. **Lauren Groth**

Intimate Partner Violence and Title IX: Challenges and Opportunities in Representing IPV survivors in Title IX litigation

An emerging area of Title IX litigation involves deliberate indifference to IPV on university campuses. These cases raise unique challenges for plaintiffs and litigators because of misunderstandings regarding IPV and novel legal arguments that educational institutions have begun to raise in response to these Title IX claims. This presentation will take a look at these issues, including arguing that IPV is gender-based discrimination and addressing questions of control and causation, helping plaintiffs deal with victim blaming and shaming, and discussing best practices arising from the presenter's involvement in a significant IPV Title IX case against the University of Arizona.

10:45 a.m. - 11:30 a.m. **Phil Gerson**

Settlement Strategies and Secrets

From valuing a case to determining non-economic terms, this session goes beyond the basics of settlements and gives tips for negotiating and settling every type of case. The presentation will include discussion of valuing a case, how defendants and insurers evaluate settlement values, and valuation of multi-defendant cases among other topics.

11:30 a.m. - 11:45p.m. Break

11:45 a.m. - 12:30 p.m. **Ed Caldie & Brittany Michael**

When Defendants become Debtors

Very often the prosecution of personal injury lawsuits intersects with other areas of the law in ways we do not anticipate. The purpose of our presentation is to engage in some creative thinking and practical planning to help personal injury attorneys avoid the pitfalls of bankruptcy. Our presentation will cover scenarios where corporate (or non-profit) defendants file for bankruptcy or threaten to do so. We will also discuss more common situations, such as the near-universal concern, "will we be able to collect if we win?!" The presentation is intended to cover serious, helpful material, but to be interactive and enjoyable.

12:30 p.m. - 1:15 p.m. **Michael Gatto**

Criminal Restitution: Finding Coverage and Obtaining Preclusive Effect

The Presentation will cover a civil attorney's right to appear and present evidence of a crime victim's loss in a Criminal Court. The Presentation will provide an introduction to conducting Criminal Restitution Hearings; obtaining insurance coverage for Criminal Restitution Orders; and, Demonstrate the Use and Benefit of Restitution Orders in Civil Proceedings. The Presentation will also include tips for interfacing with the Prosecution as well as presentation of evidence at Restitution Hearings to obtain recovery of maximum economic loss.