

# Litigation and Appellate Forum

April 18, 2019

Bar Center – Nashville, Tenn.



## Program Producers:

Mary Taylor Gallagher, *Gullett Sanford Robinson & Martin PLLC*

Kyle Wilson, *United States Attorney's Office*

**Total Credits:** 3 General, 2 Dual

The TBA's Litigation and Appellate Sections have collaborated to offer a full day CLE containing essential and useful material for litigators and appellate practitioners alike. This year's program includes a session on appellate procedure, a presentation on social media issues and client intake, a dual credit legal technology hour related to hold and preservation systems, a session discussing ethical issues in brief writing and brief strategies, both trial and appellate as well as a presentation on the reasonable certainty requirement for calculating damages.

8:30 a.m. – 9 a.m.



## Registration/Welcome

9 a.m. – 10 a.m.

## Social Media Issues and Client Intake

This presentation will focus on social media essentials and e-devices for attorneys to address with clients seeking a divorce - both proactive and reactive - to reduce potential case-damaging exposure. We will focus on addressing social media concerns from intake and throughout the divorce process - along with some spectacular examples of what you never want to see from your own client but would love to obtain on the opposing party.

T. Leigh Hearn Rushton, *The Rushton Law Firm, PLLC*

10 a.m. – 11 a.m.

## Appellate Procedure: Noticing, Briefing and Arguing Your Appeal

This presentation covers everything you need to know about the nuts and bolts of appellate procedure. From the moment you have a final judgment in the trial court, the clock begins to run on your appellate rights. Learn best practices on the following three things related to your appeal: (1) how to provide proper and timely notice to the court that you wish to appeal; (2) how to think through your appellate issues and ultimately draft your appellate brief; and (3) how to prepare for, and present, oral argument.

William Roach Jr., *United States Attorney's Office*

11 a.m. – 11:15 a.m.



## Break

11:15 a.m. – 12:15 p.m.

**DUAL**

### **Know When to Hold 'Em**

Parties with improper data management or outdated data policies and procedures risk multimillion-dollar sanctions. Litigation and investigations are inevitable when over 100,000 global regulations – governmental, industry, and voluntary- apply to corporations. Join us as we discuss how to develop sound data management programs, utilize emerging tools and initiate hold and preservation systems before litigation ensues to reduce time, costs and panic.

Tiffany Fox, eDiscovery Project Manager, *Legility*

Sarah Miller, eDiscovery and Litigation Readiness Adviser, *Bradley*

12:15 p.m. – 1 p.m.



**Lunch (provided)**

1 p.m. – 2 p.m.

**DUAL**

### **The Ethics of Brief Writing & Brief Strategies**

This session will focus on ethical issues faced in brief writing and brief strategies generally, both trial and appellate.

Edmund Sauer, *Bradley*

2 p.m. – 3 p.m.

### **The Reasonable Certainty Requirement in Lost Profits Calculations – Best Practices for Proving Damages Calculations**

Reasonable certainty: what do we mean and how do we get there when calculating financial damages? This presentation will discuss this standard and the factors and information a financial expert needs to consider in reaching this standard when calculating damages. It will also discuss some real life experiences as well as working efficiently with your expert to reach that standard.

Misty Decker, Director, *Elliott Davis*

Mike Costello, Shareholder, *Elliott Davis*