



# Outsmarting the Trucking Reptile at Trial



Don't miss out on the most advanced, comprehensive seminar geared to defeating the plaintiff's reptile theory from the truck accident scene to closing arguments

An unprecedented one-day advanced workshop for trial lawyers and senior claims examiners

May 24, 2017

InterContinental Chicago Magnificent Mile  
Chicago, Illinois

**T**he DRI Trucking Law Committee is presenting an advanced workshop for trial lawyers, senior claims examiners, and industry professionals dedicated to the defense of the Reptile Theory. This unique workshop will provide practical techniques for conquering reptile cases in all areas of practice. You will learn what to consider in your answer, discovery, depositions, pre-trial motions, voir dire, examination of witnesses, and closing arguments at trial. The program is by the foremost trucking defense trial lawyers and world-renowned Reptile Theory expert, Bill Kanasky, Jr., PhD, of Courtroom Sciences, Inc. This advanced workshop is limited to 200 attendees to ensure an intimate forum for innovative discussions on how to fight the reptile on a daily basis.



**Stephen G. Pesarchick**  
Program Chair



**MaryJane Dobbs**  
Committee Chair



**Bradford G. Hughes**  
Program Vice Chair



**Matthew S. Hefflefinger**  
Committee Vice Chair



**John (Jack) J. Laffey**  
Law Institute



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## What You Will Learn

- The reptile and its misinterpretations, including key strategies of the plaintiff
  - Vital issues to consider in your answer and written discovery responses
  - How to prepare your 30(b)(6) witnesses effectively for the reptile experience
  - How to outmaneuver the reptile plaintiff attorney at deposition
- Keys for drafting, arguing, and winning motions in limine to keep the reptile out of your trial
  - Outrivaling and rebuffing the reptile in voir dire
  - Critical tips for openings, direct examination, cross-examination, and closing arguments at trial to contain, neutralize, and eliminate the reptile

## Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 Share on social media   

## Maximize Your DRI Seminar Experience

*No one gets you connected like DRI.*

- Access the **DRI Trucking Law Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.

## PROGRAM SCHEDULE

*Click on any speaker name to view bio.*

### TUESDAY, MAY 23

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

SPONSORED BY **Exponent**

7:30 p.m. **Dine Arouds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

### WEDNESDAY, MAY 24

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

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8:00 a.m. **Welcome and Introduction**

**John (Jack) J. Laffey**, *Laffey Leitner & Goode LLC*, Milwaukee, WI  
**Stephen G. Pesarchick**, *Sugarman Law Firm LLP*, Syracuse, NY

8:15 a.m. **The Reptile: An Overview on Its Misinterpretations and Key Strategies for Identifying the Reptilian Approach**

While the Reptile Theory has been widely discussed in trucking litigation, pervasive misunderstanding of the reptilian approach has caused some practitioners to fail to see the strategy being employed by opposing counsel until it is too late. This session will bring clarity to the fundamental understanding of what “the reptile” is and how to know that you have a reptile case.

**Bill Kanasky, Jr., PhD**, *Courtroom Sciences, Inc.*, Irving, TX

8:45 a.m. **Written Discovery and the Reptilian Lawsuit: Answering Written Discovery and Using Those Answers to Repel the Plaintiff**

Seasoned trucking litigators know that written discovery can create a minefield of issues as plaintiff’s lawyers seek irrelevant and sometimes non-existent documents. The reptile plaintiff is looking to secure the foundation of its case against the defendant early and often, making initial written discovery an easy trap for the unwitting trucking attorney and carrier. Learn how to approach written discovery in the reptile case to protect your client and send a clear message to opposing counsel.

**Bill Kanasky, Jr., PhD**, *Courtroom Sciences, Inc.*, Irving, TX

**Matthew G. Moffett**, *Gray, Rust, St. Amand, Moffett & Brieske LLP*, Atlanta, GA

9:30 a.m.

**Refreshment Break**

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**Heyl Royster Voelker & Allen PC**

9:45 a.m.

**Defending the 30(b)(6) Deposition from the Reptile Plaintiff**

The 30(b)(6) deposition of the trucking company representative is recognized as being of utmost importance in the defense of a trucking lawsuit. But, preparing the 30(b)(6) representative for a reptilian style deposition, and defending that deposition effectively, requires the defense lawyer to possess unique and specific skills. This comprehensive and critical discussion will focus on how to identify the right 30(b)(6) witness for a reptile deposition, prepare the deponent, defend the deposition, and protect the record for trial.

**Bill Kanasky, Jr., PhD**, *Courtroom Sciences, Inc.*, Irving, TX

**Carlos Rincon**, *Rincon Law Group, PC*, El Paso, TX

11:45 a.m.

**Keep the Reptile Away: Effectively Drafting and Arguing Motions in Limine to Prevent the Reptile from Reaching the Jury Box**

Motions in limine can be the last, best tool to keep the Reptile Theory from making it to the jury. To be effective, reptile-focused motions in limine must be clear, specific as to the evidence to be excluded, and sufficiently founded in law to be persuasive. This session will present practical tips for drafting effective motions in limine, including presenting exemplar motions that will be instructive in all jurisdictions.

**Wendy L. Wilcox**, *Skane Wilcox LLP*, Los Angeles, CA

12:15 p.m.

**Lunch** (*on your own*)

1:30 p.m.

**Effective Voir Dire in the Reptilian Era: Thwarting the Reptile—How to Defend Against the Reptile When Picking a Jury in a Trucking Lawsuit**

Any seasoned trucking trial lawyer knows that voir dire is often the most important part of a jury trial. The Reptile Theory underscores the importance of effectively using voir dire to counteract a plaintiff's reptile strategy strategically. More than others, the trucking industry is highly susceptible to the reptile in jury selection, because everyone has interacted with a truck on the road at some point in time. This session will go over the science of how to rebut the reptile in voir dire, how to pose specific questions tailored for the defense, and how to do the same in federal court.

**Bill Kanasky, Jr., PhD**, *Courtroom Sciences, Inc.*, Irving, TX

**Wendy L. Wilcox**, *Skane Wilcox LLP*, Los Angeles, CA

2:15 p.m. **Too Late: Everything You Needed to Know About Reptile at Trial, but Didn't**

From opening to closing, and everything in between, this session will engage attendees in an advanced discussion of crucial trial techniques in a trucking case. Opening statements in a trucking trial set the theme for the defense of the entire case, and this session will discuss those critical “can't-miss” points to be included in every opening involving the reptile. This session will also address successful direct and cross-examination techniques to make the reptile argument less effective. Finally, the panel of speakers will discuss how to present a persuasive closing argument in the face of the reptile.

**Bill Kanasky, Jr., PhD**, *Courtroom Sciences, Inc.*, Irving, TX

**Kurt M. Rozelsky**, *Smith Moore Leatherwood LLP*, Greenville, SC

**Heidi E. Ruckman**, *Heyl, Royster, Voelker & Allen PC*, Rockford, IL

4:30 p.m. **Refreshment Break**

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4:45 p.m. **Fight the Reptile to Win the War, Not the Battle: Admitting Liability, Avoiding the “Insurance Trap,” and Using the Reptile Against the Plaintiff**

Trucking cases can involve facts that lead to stipulated liability on behalf of the trucking defendants. Experienced professionals know that disputing liability in an indisputable case can lead to unintended consequences, and that this is particularly true when dealing with the reptile. This session will also address the conventional insurance trap that can doom a case early and provide a framework for when and how a defense lawyer can flip the Reptile Theory against the plaintiff.

**All Faculty**

5:30 p.m. **Closing Remarks**

**Stephen G. Pesarchick**, *Sugarman Law Firm LLP*, Syracuse, NY

## GENERAL INFORMATION

### In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

### Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

### CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **7.50** hours. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at [dri.org](http://dri.org) for the **latest information for your state.**

## Hotel Accommodations

A limited number of discounted hotel rooms have been made available at the **Inter-Continental Chicago Magnificent Mile, 505 North Michigan Avenue, Chicago, IL 60611** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$299 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](http://dri.org) and go to the **DRI Trucking Law Workshop page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 312.944.4100** and mention the **DRI Trucking Law Workshop.**

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 24, 2017**, to be eligible for the group rate. Requests for reservations made after **April 24, 2017** are subject to room and rate availability.

### Registration Policy

The registration fee includes course materials, continental breakfasts, refreshment breaks and networking reception. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **May 2, 2017** (*please allow 10 days for processing*). Registrations received after **May 2, 2017**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **May 2, 2017**. Cancellations received after **May 2** and on or before **May 9, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **May 9** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email ([seminars@dri.org](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

**Travel Discounts** DRI offers discounted meeting fares on various major air carriers for **DRI Outsmarting the Trucking Reptile Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

## FACULTY

*Click on any name to view bio.*

**MaryJane Dobbs**, Bressler, Amery & Ross PC,  
Florham Park, NJ

**Matthew S. Hefflefinger**, Heyl, Royster, Voelker &  
Allen PC, Peoria, IL

**Bradford G. Hughes**, Selman Breitman LLP,  
Los Angeles, CA

**Bill Kanasky, Jr., PhD**, Courtroom Sciences, Inc.,  
Irving, TX

**John (Jack) J. Laffey**, Laffey, Leitner & Goode LLC,  
Milwaukee, WI

**Matthew G. Moffett**, Gray, Rust, St. Amand, Moffett &  
Brieske LLP, Atlanta, GA

**Stephen G. Pesarchick**, Sugarman Law Firm LLP,  
Syracuse, NY

**Carlos Rincon**, Rincon Law Group, PC, El Paso, Texas

**Kurt M. Rozelsky**, Smith Moore Leatherwood LLP,  
Greenville, SC

**Heidi E. Ruckman**, Heyl, Royster, Voelker & Allen PC,  
Rockford, IL

**Wendy L. Wilcox**, Skane Wilcox LLP, Los Angeles, CA

**View faculty bios on the [Outsmarting the Trucking Reptile at Trial Seminar webpage](#); click on "View speakers" button.**



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March 15–17

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*The Venetian Palazzo Resort, Las Vegas, NV*

March 23–24

### **Toxic Torts and Environmental Law**

*Sheraton New Orleans, New Orleans, LA*

May 4–5

### **Retail and Hospitality Litigation**

*Loews Chicago Hotel, Chicago, IL*

May 11–12

### **Business Litigation**

*Loews Chicago Hotel, Chicago, IL*

May 17–19

### **Employment and Labor Law**

*Hilton Nashville Downtown, Nashville, TN*

June 15–16

### **Diversity for Success**

*Swissôtel Chicago, Chicago, IL*

June 22–23

### **Young Lawyers**

*The Westin Austin Downtown, Austin, TX*

September 7–8

### **Cybersecurity and Data Privacy**

*Westin Michigan Avenue, Chicago, IL*

## Publications for Your Practice

Members can access committee newsletters and seminar course materials via **DRI Online** at [dri.org](http://dri.org).

### **Newsletter *In Transit* (3 times a year)**

Visit the **Trucking Law Committee page** on [dri.org](http://dri.org) for information about the committee and related resources.

### **Trucking Law** focus in *For The Defense*

**December 2017** (*upcoming*)

**December 2016**

**December 2015**



### **Diversity and Inclusion in DRI: A Statement of Principle**

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

## SEMINAR SPONSORS

DRI wishes to thank our sponsors for their support at this year's seminar!

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# Outsmarting the Trucking Reptile at Trial

May 24, 2017

InterContinental Chicago Magnificent Mile | Chicago

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Please list any special needs \_\_\_\_\_

Are you a first-time attendee at this DRI seminar?  Yes  No

How many attorneys \_\_\_\_\_ What is your primary  
are in your firm? \_\_\_\_\_ area of practice? \_\_\_\_\_

## REGISTRATION FEE

Registration fee includes conference attendance, networking events, and course materials. DRI will email a link to download the course materials to all registrants two weeks in advance of the conference.

- Member \$495
- Nonmember \$595
- Law Student Member FREE
- In-House Counsel\* FREE
- Claims Executive/Examiner\* FREE (\*as defined on page 5)

*For inclusion on the preregistration list  
and to receive course materials in advance,  
**register by May 2, 2017.***

## PAYMENT METHOD

- My check for \_\_\_\_\_ (USD) is enclosed.
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