



Intermediate Trial Skills: Exploring Tools and Techniques

ORIGINAL PROGRAM DATES

March 5 & 11, 2026

REPORTING YOUR CREDIT

This on-demand program was a live seminar presented on March 5 & 11, 2026. If you attended or viewed the original presentation, please note that WSBA members may not claim credit for the same CLE sessions if repeated within their three-year reporting period.

DESCRIPTION

Successful trial practice demands mastery of diverse tools and techniques while maintaining the ability to think fast and be resourceful. In this seminar, participants will explore a variety of these skills: the art of persuasion, the critical role of expert witnesses to tell the story, and the power of voice and nonverbal communication to enhance engagement and establish authority in the courtroom. Using discussion and demonstration, presenters will share insight into the multifaceted world of trial practice, beyond the procedural elements.

AGENDA

1 **Gone in 60 Seconds: How Experts Go Awry, Time and Time Again in Commercial Litigation**

The presenter will share insights and experience as to non-obvious, thematic issues with experts and their reports, that counsel should watch out for in hiring and instructing their experts, or probe deeply or seize on when dealing with opposing experts. The program will provide real world examples of these costly mistakes and how they can impact litigation. Whether you are the retaining attorney or are examining an opposing witness, you will learn how to spot these themes and either mitigate them or use them to your client's advantage.

Gene Phillips - PF2 Securities Evaluations, Inc., Los Angeles, CA

2 **Maximizing Juror Engagement: Mastering the WHO and the HOW of Courtroom Communication**

The stakes are never higher as a communicator than when you are in a courtroom. In that moment, you are not going to win by brute strength; you are going to win with your voice. Yet, how much time is spent working on developing the voice?

In this presentation, the presenter will teach the critical elements of the voice and nonverbal communication for maximizing juror engagement and establishing authority in the courtroom. She'll break down the types of jurors that are usually present on a panel and how to more effectively communicate with them – moving beyond WHAT you say to HOW you say it – to keep them interested and able to learn.

Kristi Foster - Foster Voice Studio, Vancouver, WA

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3 Trial as a Living Thing: Listening, Learning and Understanding the Foundation of Persuasion

Every case includes motions, voir dire, opening statements, direct and cross-examination, and closing argument. Persuasion happens when you enable these pieces to work together. The most persuasive trial lawyers see trials as a connected narrative rather than a series of isolated events. Each phase informs the next, and preparation should reflect that continuity. Don't just present your finder of fact a series of individual "snapshots". Instead, build them a factual and legal mosaic. Help your judge or jury understand not just what happened, but why it matters.

Paul Sewell - PWRFL, Seattle, WA

Hugh Barber - HKM Employment Attorneys LLP Trial Practice Group, Seattle, WA