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# APPELLATE PRACTICE

## *Hot Topics 2009*

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LIVE PROGRAM and LIVE WEBCAST:  
**NOVEMBER 19, 2009**

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

### WHAT YOU WILL LEARN:

- Learn Everything You Need to Know about Preservation of Issues for Appeal
- Master the Record on Appeal - Rules, Protocols, Correction, Supplementation and More
- Discover the Standards of Review - Civil, Criminal and Applying and Arguing Competing Standards
- Enjoy Lunchtime Ethics for the Appellate Practitioner with Judge Webb
- Hear the Judges' Panel Discuss Statutory and Constitutional Interpretation in the Appellate Courts

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**VIDEO REPLAYS:**  
**DECEMBER 16, 2009**  
Denver  
Colorado Springs  
Grand Junction

**CLE CREDITS:**  
*Submitted for 6 General  
CLE Credits, including  
1 Ethics Credit*

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Denver, Colorado Springs, and  
Grand Junction

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Join us for a fast-paced tour of the **HOT TOPICS** in Appellate Law for 2009. Get up to speed on your practice skills, network with your colleagues and enjoy an ethical lunch with **Judge Webb**. This is a day you will enjoy while learning all the critical information that you need to know to serve your clients to the best of your ability!

***REGISTER FOR APPELLATE  
PRACTICE HOT TOPICS  
2009 TODAY!***

### **PROGRAM AGENDA:**

8:30 - 9:00 am Registration

9:00 - 9:50 am

#### **Preservation of Issues for Appeal**

- The Rule of Preservation and the Reasons for It
- Specific Actions Required to Preserve Particular Issues for Appeal
- Proceedings off the Record: Discussions in Chambers and at Side-Bar
- Degree of Detail Required to Preserve an Issue
- Arguing for, and Defending Against, Failure to Preserve for Appeal
- Exceptions to the Rule

*Presented by Andrew M. Low and Lila M. Bateman*

**PROGRAM AGENDA:** *continued*

9:50 - 10:05 am Break

10:05 - 11:00 am

**The Record on Appeal**

Rules, Protocols, Emerging Developments, and Practical Tips Regarding Record Designation, Transmittal, Correction, Supplementation and Use in the Colorado Appellate Courts and the Tenth Circuit

*Presented by Marcy G. Glenn and Jessica E. Yates*

11:05 - 12:00 pm

**Standards of Review**

- Civil and Criminal Standards of Review
- Point and Counter/Point Discussion
- Applying and Arguing Competing Standards of Review on Appeal

*Presented by Paul A. Schwartz, Gregory J. Kerwin, John D. Seidel and Mark G. Walta*

12:00 - 1:15 pm

(12:10 - 1:00 pm)

**Lunch** (will be provided)

**Lunchtime Ethics for the Appellate Practitioner**

*Presented by Honorable John R. Webb*

1:15 - 2:45 pm

**Statutory and Constitutional Interpretation in the Appellate Courts**

- The Search for Legislative and Constitutional Intent
- Rules of Textual Interpretation
- Canons of Construction
- Use of Legislative and Constitutional History
- Use of Precedent in Statutory and Constitutional Analysis
- The Constitution as a “Living Document”
- Policy Considerations
- Arguing Matters of Statutory and Constitutional Interpretation

*Panelists: Honorable Michael L. Bender, Colorado Supreme Court; Honorable Allison H. Eid, Colorado Supreme Court; Honorable Janice B. Davidson, Colorado Court of Appeals; Honorable Daniel M. Taubman, Colorado Court of Appeals  
Moderator: Walter H. Sargent*

2:45 pm

**Adjourn**

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## FACULTY:

### CHAIR/MODERATOR

**Matthew S. Holman, Esq.**  
Colorado Attorney Generals Office  
Denver, CO

### FACULTY

**Lila M. Bateman, Esq.**  
Morrison & Foerster LLP  
Denver, CO

**Honorable Michael L. Bender**  
Colorado Supreme Court  
Denver, CO

**Honorable Janice B. Davidson**  
Colorado Court of Appeals  
Denver, CO

**Honorable Allison H. Eid**  
Colorado Supreme Court  
Denver, CO

**Marcy G. Glenn, Esq.**  
Holland & Hart LLP  
Denver, CO

**Gregory J. Kerwin, Esq.**  
Gibson Dunn & Crutcher LLP  
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**Andrew M. Low, Esq.**  
Davis Graham & Stubbs LLP  
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**Walter H. Sargent, Esq.**  
Walter H. Sargent, P.C.  
Colorado Springs, CO

**Paul A. Schwartz, Esq.**  
Shoemaker Ghiselli & Schwartz LLC  
Broomfield, CO

**John D. Seidel, Esq.**  
Colorado Attorney General's Office  
Denver, CO

**Honorable Daniel M. Taubman**  
Colorado Court of Appeals  
Denver, CO

**Mark G. Walta, Esq.**  
Walta Gehring Harms & Dingle LLC  
Denver, CO

**Honorable John R. Webb**  
Colorado Court of Appeals  
Denver, CO

**Jessica E. Yates, Esq.**  
Snell & Wilmer, LLP  
Denver, CO

## WEBCAST INFORMATION:

### NOTE TO WEBCAST PARTICIPANTS:

Course materials are provided in electronic 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. Once CBA-CLE has final materials prepared, they will be shipped immediately upon your request, but 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 (any newer computer)
- A reliable High-Speed Internet Connection
- Microsoft's Windows Media Player™ v.9 or higher

### TIPS FOR A BETTER WEBCAST EXPERIENCE:

[http://www.cba-cle.org/webcast\\_tips.html](http://www.cba-cle.org/webcast_tips.html)

### PLEASE RUN THIS TEST TO MAKE SURE YOUR COMPUTER MEETS THE MINIMUM SYSTEM REQUIREMENTS:

[http://www.cba-cle.org/webcast\\_test.html](http://www.cba-cle.org/webcast_test.html)

### ADDITIONAL INFORMATION:

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

# APPELLATE PRACTICE HOT TOPICS 2009



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**2 Or FAX form to...** *when using VISA or MasterCard.*  
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**3 Or MAIL form to...** CLE in Colorado  
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**4 Or register ONLINE...** *when using VISA or MasterCard.*  
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## LIVE PROGRAM / WEBCAST / VIDEO REPLAY ORDER FORM

### INDIVIDUAL TUITION:

- Non-member: .....\$279
- CBA Member: .....\$229
- CBA Litigation Section Member: .....\$209
- CBA Appellate Subsection Member: .....\$209
- New Lawyer (in practice 2 years or less): .....\$189
- CBA Associate Member: .....\$189

**LIVE: NOVEMBER 19, 2009** *(Please choose between the live program and live webcast)*

- LIVE PROGRAM** - Denver: CBA-CLE Classroom, 1900 Grant St., Suite 300 (L111910CLEL)
- LIVE WEBCAST** - Direct to your desktop (L111910CLEW)

*NOTE: Registrants who wish to participate via live webcast, must have access to a high-speed internet connection and to important e-mail instructions.*

### VIDEO REPLAY: DECEMBER 16, 2009

- Denver: CBA-CLE Classroom, 1900 Grant Street, Suite 300
- Colorado Springs: 421 S. Tejon Street, Suite 100
- Grand Junction: 1250 E. Sherwood Drive

**LIVE PROGRAM / WEBCAST / VIDEO REPLAY TOTAL \$** \_\_\_\_\_

## HOMESTUDY ORDER FORM

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

### COURSE MATERIALS ONLY:

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

### COURSE MATERIALS & RECORDED SEMINAR (CD)

- CBA Member: \$229       Non-member: \$279

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**HOMESTUDY TOTAL \$** \_\_\_\_\_

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