

— THE NATIONAL —
CRIME VICTIM
— BAR ASSOCIATION —



2019

NCVBA National Conference

CIVIL ACTIONS FOR CRIMINAL ACTS

DECEMBER 4-6 • DENVER, CO
Sheraton Downtown Denver

Agenda



HELD IN CONJUNCTION WITH THE NATIONAL CRIME VICTIM BAR ASSOCIATION NATIONAL CONFERENCE,
"CIVIL ACTIONS FOR CRIMINAL ACTS"

THE 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, December 3, 2019

- 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, December 4, 2019

- 9 a.m. - 10 a.m. Opening Plenary
- 10:30 a.m. - 10:45 a.m. Break
- 10:45 a.m. - 11:30 a.m. **Kyle Farrar**

Combating Cyber/Media Abuse through The Civil Justice System: The Sandy Hook Story

This presentation will provide the audience with a case analysis of the defamation and intentional infliction of emotional distress lawsuits currently pending against Alex Jones and Infowars in Austin, Texas. The presentation will breakdown the legal mechanics that come into play when filing defamation and IIED lawsuits in the current era of Anti-SLAPP statutes. The presentation will also walk participants through the Constitutional defense challenges faced when bringing a defamation or IIED claim against a person or entity who has a mass appeal to a large portion of the public, causing listeners and followers to victimize the already damaged and injured.

- 11:30 p.m. - 12:15 p.m. **Becky Roe**



Anti-SLAPP Statutes in a #MeToo Era

The #MeToo era has spurred a backlash against victims. Often, victims who come forward face lawsuits for slander, defamation, and similar torts. This presentation will address appropriate actions for victims to pursue with a focus on anti-SLAPP statutes and other victim rights.

12:15 a.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. **Mike Haggard**

Effective Representation of Domestic Violence Victims in Negligent Security Cases

Oftentimes when evaluating negligent security cases, one issue that victims' attorneys look at is whether the case involves domestic violence or not. For years, lawyers have turned away from domestic violence cases under the feeling that it was a targeted event and that the assailant was singularly focused on his ex-wife, another family member, or someone that he desperately wanted to target and attack. This presentation will show plaintiffs' lawyers that domestic violence victims can be represented effectively in the most targeted domestic violence attack imaginable. The focus will be on the premises itself and the epidemic of domestic violence, which property owners have a responsibility to prevent.

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



SECRET SETTLEMENTS: Truth and Consequences

The presenters will discuss the pros and cons of settlement agreements that contain confidentiality, non-disparagement, or other “gag” provisions, including ethical implications, tax consequences, statutory and constitutional limitations, public policy concerns, enforcement provisions, and potential consequences for violations.

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

3:45 p.m. - 4:30 p.m. **Pete Singer**

Trauma-Informed Legal Practice

Trauma-informed practice has become a focus in many fields, including the legal field. The idea is discussed but often not well defined, and practical means of implementation seem elusive. This presentation explores key principles of trauma-informed practice and applies them to work with clients, victims, offenders, staff, organizations, and communities. It strengthens understanding of trauma, its prevalence, and its historical, physical, emotional, spiritual, and systemic impact. It asserts that trauma-informed practice is about the underlying culture and values by which individuals and organizations abide, rather than a checklist or spreadsheet. This deeper exploration of trauma-informed practices reframes the discussion and gives rise to practical, victim-centered strategies for implementation in the legal field.

4:30 p.m. - 6:30 p.m. Advisory Board Meeting - Amicus
Committee Meeting to follow



Thursday, December 5, 2019 - Moderators:

- 8:30 a.m. - 9 a.m. ARS Committee Meeting
- 9 a.m. - 10 a.m. Opening Plenary
- 10 a.m. - 10:30 a.m. Break
- 10:30 a.m. - 11:15 a.m. **Brad Edwards & Brittany Henderson**

Sexual Abuse at Sea -The \$71 Million Verdict

This presentation focuses on *Samantha Baca v. Island Girl, Ltd.*, which resulted in a jury verdict of \$71 million. This case highlights the difficulties of trying a sexual abuse case governed by maritime law, creative ways to obtain service on a foreign corporation, the value of cross examination, and how to obtain a large jury verdict in a civil sexual abuse case with less than \$5,000 in medical bills.

11:15 a.m. - 12 p.m. **John Leighton**

Evaluating and Taking Negligent Security Cases: What You Need to Know

This presentation provides an overview of the issues facing trial lawyers when they are considering taking a negligent security or sexual abuse case, the factors that militate in favor of and against taking the case, what steps can be employed to vet the client and case, and which cases to run from. Once taken, what are the ways the case can be fully evaluated and initiated for the best result? There will be a discussion of when and how to employ experts and investigators to help determine the viability and attractiveness of a security case.

- 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. **Greg Laker & Ashley Hadler**

Sexual Abuse in Residential Facilities

Participants will learn about the challenges of litigating cases against residential care facilities and how to mitigate them in this presentation. Specifically, this discussion will address how to identify and obtain evidence unique to residential care facilities, as well as ways to get deposition admissions to settle these types of cases and more.

2:15 p.m. - 3 p.m. **Adele Kimmel**

Failing Every Grade: A Report Card on the New Title IX Regulations

This presentation will provide an update on the U.S. Department of Education's new Title IX regulations, focusing mainly on how they will impact student survivors of sexual assault and your representation of victims in court or campus proceedings. The presentation will also address how the new regulations will severely curtail administrative enforcement by the Department of Education's Office for Civil Rights, making private enforcement through Title IX lawsuits even more important.

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

3:15 p.m. - 4:45 p.m. **Ben Andreozzi, Mike Haggard, & Jerry O'Neill**

Lessons Learned in Victim Advocacy

Attorneys Michael Haggard, Ben Andreozzi, and Jerry O'Neill will speak and present on a specific lessons learned while representing and advocating for victims of crime. Each will share experiences from recent cases and explain how in hindsight, they could have made better decisions in resolving the case. From investigation to mediation to trial, there are many opportunities to learn from.



4:45 p.m. - 5 p.m. Break
5 p.m. - 6 p.m. Case Workshop

Friday, December 6, 2019 - Moderator:

9 a.m. - 10 a.m. Opening Plenary
10 a.m. - 10:45 a.m **Mike Dolce**

Exposing the Wicked: Extracting Useful Testimony from Abusers and Rapists

Despite being criminals, abusers and rapists do not always invoke the Fifth Amendment. When they testify in depositions or at trials, whether in civil suits against themselves or in institutions that gave them safe harbor to prey on the vulnerable, they do not readily admit to their crimes. They frequently use the same methods of deception and evasion that facilitated their crimes in the first place. This presentation will explain how to capitalize on the weaknesses in how predatory individuals see themselves and people around them in order to cause them to unwittingly reveal the truth they want to hide. The presentation will educate the audience on how to defeat deceptive and evasive tactics predators try to use. The presentation will be facilitated with real litigation case examples (transcripts and videotaped testimony), including depositions, a civil trial, and a criminal deposition that became evidence in a successful criminal prosecution.

10:45 a.m. - 11:30 a.m **Devin McNulty**

Cost Effective Ways to Evaluate Crime Victim Cases at Intake

Evaluating crime victim cases can be time-consuming and costly if done inefficiently. There are numerous low cost resources available to busy practitioners to streamline initial case investigation processes and determine if the case should be accepted. Crime victim cases in civil court often pivot on foreseeability and collectability of a verdict or judgment. Following a few step-by-step protocols at the case intake stage can save time and money later by demonstrating the viability of a lawsuit.



11:30 a.m. – 12:15 p.m. **Stewart Ryan**

Commonwealth v. Cosby: How A Crime Victim Lawsuit and Lawyers Helped Deliver Justice

Commonwealth v. Cosby is a case that has been described as historical and groundbreaking for its impact on our nation's movement toward finally recognizing the gravity of crimes of sexual violence. At the time of conviction, the allegation against the defendant was more than 14 years old, but the arrest and conviction of the man who has been described as America's most prolific serial rapist could have never occurred without the tireless efforts of the survivor and her attorneys. They challenged the defendant in the civil arena when the criminal justice system failed them in 2005. This presentation will take the audience through the nearly three-year journey of the criminal prosecution with a particular focus on the positive impact of the 2005-2006 civil litigation, from the defendant's damaging deposition admissions to his once confidential settlement agreement intended to silence the survivor from law enforcement.

12:15 p.m. – 1 p.m. **Pamela Maass & John Clune**

From the Local News to Anderson Cooper: Media Strategies in High Profile Cases

This presentation will cover practice pointers for involving media and the press in both high profile and local cases including pros and cons of involving the press and media, preparing your client for high profile attention, dos and don'ts for communicating with press and media, timing and the impact of media on the case at various stages, and complying with gag and protective orders.

