



Advanced Depositions
August 22-23, 2018, AT&T Building, Nashville

Wednesday, August 22

7:30 – 8:00 am	Registration & Continental Breakfast
8:00 – 8:15 am	Welcome & Introductions
8:15 – 9:15 am	Critical Thinking: Anticipating the Defenses and Developing a Discovery Plan <ul style="list-style-type: none">• Finding landmines and rebuttals• Finding the facts that make the landmines irrelevant, immaterial, or incorrect• How juror attitudes affect your deposition strategy• Making these attitudes work for you in depositions
9:15 – 10:15 am	Basic Skills to Discover Everything the Witness knows, protect yourself from changes in testimony, and create soundbites <ul style="list-style-type: none">• Open-Ended Questions• Exhaustion• Boxing-in• Restating and summarizing
10:15 – 10:30 am	Break
10:30 am – 11:15 pm	Deposition Conduct (ethics) – Using the law to get to the truth in any case <ul style="list-style-type: none">• What are the rules?• Case Law• Handling objections at deposition• Deposition protocol• The most effective technique(s) to stop improper conduct in depositions
11:15 – 12:30 pm	Networking Lunch Provided



Wednesday, August 22, continued

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| 12:30 – 1:15 pm | Depositions of Corporate Representatives, the law on preparation and enforcement of the rule.
30(b)(6) case law |
| 1:15 – 2:00 pm | Crafting the Notice of Depositions of Corporate Representatives, and confirming that testimony will be binding. <ul style="list-style-type: none">• The 30(b)(6) Notice• Questions to lock in the binding nature of the testimony• What are the case central issues to explore• Crafting the notice of deposition |
| 2:00 – 2:30 pm | “Death Star” Depositions: Combining the 30(b)(2), 30(b)(6) and 34 Deposition into the Death Star <ul style="list-style-type: none">• Finding all the documents• Using a 30(b)(2) deposition to discover case dispositive information• Altered records: Lock the defendant in, then impeach with the originals• Using the “smoking gun” document |
| 2:30 – 2:45 pm | Break |
| 2:45 – 3:15 pm | Establishing Standards of Care and Conduct with Defense Witnesses <ul style="list-style-type: none">• The Miller Mousetrap• Finding the “right” rule for your case• Rhetorical questions |
| 3:15 – 4:15 pm | Group Exercise |



Thursday, August 23

8:00 am

Continental Breakfast

8:30 – 9:15 am

Deposing the Difficult/Evasive Witness

- How to identify the difficult witness
- How to control the difficult witness
- The one fact, one question approach
- How to deal with nonresponsive answers
- Using exhibits for control

9:15 – 10:00 am

Witness Preparation

- The dos and don'ts
- Unpacking the witness & setting the tone
- Practice Q & A: Diagnosing witness strengths and weaknesses
- Delivering quality feedback
- Checking in with your witness to assess the prep

10:00 – 10:15 am

Break

10:15 am – 11:30 am

Deposing the Defense Medical Examiner

- Establishing bias
- Polarizing your case
- Hitchhiking

11:30 am – 12:15 pm

Lunch (on your own)

12:15 – 1:00 pm

How NOT to depose the DME

- What words not to use
- Video examples of what not to do

1:00 – 1:45 pm

Using Daubert/McDaniel v. CSX as a sword Challenge

- Substance of the Rule
- Deposing with the structure of Daubert/McDaniel
- When to depose or not depose experts