

WHAT DO YOU MEAN I'M A WITNESS?

35th Annual Employment Law Conference
May 6, 2022

1

GOALS FOR THIS CLE

1. The General Rule
2. The Privilege Protocol
3. Special Cases
4. Waiver
5. The Advocate Rule

**BOULETTE GOLDEN
& MARIN L.L.P.**

2



THE GENERAL RULE

**BOULETTE GOLDEN
& MARIN L.L.P.**

3



THE GENERAL RULE

“[T]here is no blanket immunity that exempts lawyers from being
deposed. ...”

In re Mason & Co. Property Management, 172 S.W.3d 308, 313
(Tex. App.—Corpus Christi, 2005. orig. proceeding)

“Simple possession of a law license does not result in blanket
immunity from a deposition.”

Advanced Technology Incubator v. Sharp Corp., 263 F.R.D. 395, 397
(W.D. Tex. 2009)

**BOULETTE GOLDEN
& MARIN L.L.P.**

4

THE GENERAL RULE

“There is no rule that gives an attorney or an attorney's employees a privilege from being called to testify. ...”

In re Bexar County Criminal Dist. Attorney's Office, 224 S.W.3d 182, 193-94 (Tex. 2007) (J. Johnson dissenting)

“Except as otherwise provided by Constitution, by statute, by these rules, or by other rules prescribed pursuant to statutory authority, no person has a privilege to ... refuse to be a witness. ...”

TEX. R. EVID. 501

**BOULETTE GOLDEN
& MARIN L.L.P.**

THE PRIVILEGE PROTOCOL

**BOULETTE GOLDEN
& MARIN L.L.P.**

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: What Do You Mean I'm a Witness? (REPLAY)

Also available as part of the eCourse

[First Friday Ethics \(August 2022\)](#)

First appeared as part of the conference materials for the
2022 First Friday Ethics (August 2022) session
"What Do You Mean I'm a Witness? (REPLAY)"