

2019

# WINNING AT DEPOSITION: SKILLS AND STRATEGY

November 21, 2019

AT&amp;T Conference Center ■ Austin, Texas

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Earn up to 7.00 Hours of Credit (Approved in TX, CA, and OK. Expected in LA)

TX Accounting CPE Credit Approved

Approved TX Legal Specialization Credit: Administrative Law, Bankruptcy Law, Civil Appellate Law, Civil Trial Law, Consumer Law, Family Law, Labor and Employment Law, Personal Injury Trial Law, Workers' Compensation Law

43<sup>RD</sup> ANNUAL PAGE KEETON

# CIVIL LITIGATION CONFERENCE

November 22, 2019

AT&amp;T Conference Center ■ Austin, Texas

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Earn up to 7.25 Hours of Credit Including 1.00 Hour of Ethics Credit (Approved in TX, CA, and OK. Expected in LA)

TX Accounting CPE Credit Approved

Approved TX Legal Specialization Credit: Civil Appellate Law, Civil Trial Law, and Personal Injury Trial Law

2019

# WINNING AT DEPOSITION: SKILLS AND STRATEGY

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## THURSDAY MORNING, NOV. 21, 2019

### Presiding Officer:

**Quentin Brogdon, Crain Lewis Brogdon, LLP, Dallas, TX**

### 8:00 a.m. Registration Opens

Includes continental breakfast.

### 8:50 a.m. Welcoming Remarks

### 9:00 a.m. .75 hr

#### Developing a Winning Strategy

Discuss the fail-safe tricks to ensure you have a winning strategy at depositions.

Shane Read, U.S. Attorney's Office, Northern District of Texas, Dallas, TX

### 9:45 a.m. .50 hr

#### Developing Your Trial Cross Through the Adverse Deposition

Learn to take admission-seeking depositions of adverse witnesses so that they are effectively limited in their testimony at trial.

Elizabeth M. Fraley, Baylor Law School, Waco, TX

### 10:15 a.m. .25 hr

#### Discussion Group

Frank L. Branson, The Law Offices of Frank L. Branson, P.C., Dallas, TX  
Elizabeth M. Fraley, Baylor Law School, Waco, TX

### 10:30 a.m. Break with Q&A

Take a break from formal instruction and chat with program co-chairs about deposition strategies for your cases.

Quentin Brogdon, Crain Lewis Brogdon, LLP, Dallas, TX  
Shane Read, U.S. Attorney's Office, Northern District of Texas, Dallas, TX

### 10:45 a.m. .50 hr

#### Preparing Your Witness for Deposition

Witnesses win cases—and lose them. Learn how to keep your witness from giving it all up in a deposition and how to use the deposition to help prepare your witness to be a winner at trial.

Manpreet Kaur Singh, Fanaff, Hoagland, and Gonzales, Houston, TX

### 11:15 a.m. .50 hr

#### Overcoming the Problem Witness

Acquire the techniques to use against problem witnesses, including those who feign ignorance, are evasive, and are combative.

Frank L. Branson, The Law Offices of Frank L. Branson, P.C., Dallas, TX

### 11:45 a.m. Pick Up Lunch

Included in registration.

## THURSDAY AFTERNOON

### Presiding Officer:

**Shane Read, U.S. Attorney's Office, Northern District of Texas, Dallas, TX**

### LUNCHEON PRESENTATION

### 12:00 p.m. 1.00 hr

#### Lessons I've Learned from the Trenches

Discuss the hard earned lessons learned from taking depositions of high profile people from America's biggest corporations.

W. Mark Lanier, The Lanier Law Firm, Houston, TX

### 1:00 p.m. Break with Q&A

Take a break from formal instruction and chat with program co-chairs about deposition strategies for your cases.

Quentin Brogdon, Crain Lewis Brogdon, LLP, Dallas, TX  
Shane Read, U.S. Attorney's Office, Northern District of Texas, Dallas, TX

### 1:15 p.m. .50 hr

#### Depositions in Business Litigation

Discuss strategies for securing the testimony you need in complex business cases.

Karen C. Burgess, Burgess Law PC, Austin, TX

### 1:45 p.m. .75 hr

#### Beating the Expert

Find out how to take an expert's deposition—how to avoid being intimidated and how to set realistic, attainable goals when you depose the "expert."

Quentin Brogdon, Crain Lewis Brogdon, LLP, Dallas, TX

### 2:30 p.m. .50 hr

#### Taking Depositions in Tort Cases

From lay witnesses to experts, lock down the elements of liability and damages for both sides with a view of depositions as they relate to the courtroom.

Jim M. Perdue Jr., Perdue & Kidd, Houston, TX

### 3:00 p.m. .25 hr

#### Discussion Group

Paul N. Gold, Aversano & Gold, Houston, TX  
Dicky Grigg, Spivey & Grigg L.L.P., Austin, TX  
Jim M. Perdue Jr., Perdue & Kidd, Houston, TX

### 3:15 p.m. Break with Q&A

Take a break from formal instruction and chat with program co-chairs about deposition strategies for your cases.

Quentin Brogdon, Crain Lewis Brogdon, LLP, Dallas, TX  
Shane Read, U.S. Attorney's Office, Northern District of Texas, Dallas, TX

### 3:30 p.m. .50 hr

#### Taking the Deposition of a Corporate Representative

Explore using the organization representative deposition, one of the more effective discovery tools to use when seeking discovery from an organization. Learn the ins and outs of using FRCP 30b(6) and TRCP 199.2(b) to depose the organization (a party or non-party) through the organization-selected representative(s) on topics you delineate relevant to the claims and defenses in the lawsuit.

Paul N. Gold, Aversano & Gold, Houston, TX

### 4:00 p.m. .75 hr

#### Deposition Lessons Learned the Hard Way

Learn how depositions can make or break your case.

Dicky Grigg, Spivey & Grigg L.L.P., Austin, TX

### 4:45 p.m. .25 hr

#### End of Day Q&A

Before you head out don't miss your final opportunity to chat with program co-chairs about deposition strategies for your cases.

Quentin Brogdon, Crain Lewis Brogdon, LLP, Dallas, TX  
Shane Read, U.S. Attorney's Office, Northern District of Texas, Dallas, TX

### 5:00 p.m. Adjourn

43<sup>RD</sup> ANNUAL PAGE KEETON  
**CIVIL LITIGATION CONFERENCE**

November 22, 2019 ■ AT&T Conference Center ■ Austin, Texas

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TX Accounting CPE Credit Approved

Approved TX Legal Specialization Credit: Civil Appellate Law, Civil Trial Law, and Personal Injury Trial Law

**FRIDAY MORNING, NOV. 22, 2019**

**Presiding Officer:**

**Francisco Guerra IV, Watts Guerra, San Antonio, TX**

**7:30 a.m. Registration Opens**

Includes continental breakfast.

**8:20 a.m. Welcoming Remarks**

**8:30 a.m. .50 hr**

**The Texas Anti-SLAPP Law**

Hear an update on the 2019 legislative changes from a principal author and a frequent speaker.

Jeff Leach, Texas House of Representatives,  
District 67, Allen, TX

**Commentator:**

Mark C. Walker, Dickinson Wright PLLC, El Paso, TX

**9:00 a.m. .50 hr**

**Expedited Trials**

Rule 169 of the Texas Rules of Civil Procedure provides a unique mechanism for expedited actions. Learn how to navigate this rule efficiently and effectively in order to streamline the litigation process and ultimately get to trial faster.

Hon. Lauren Reeder, 234<sup>th</sup> Civil District Court,  
Houston, TX  
Laura De La Cruz, Schechter McElwee Shaffer &  
Harris, LLP, Houston, TX

**9:30 a.m. .50 hr**

**Truth in the Balance**

Explore the nationwide trend toward new proportionality limits to discovery—especially E-Discovery—and a look at various ways that parties and courts have worked to strike the right balance.

Jim Weiss, Reynolds Frizzell LLP, Houston, TX

**10:00 a.m. Break**

**10:15 a.m. .50 hr**

**Experts and Disqualifications**

Winning or defeating a motion to disqualify an expert involves making key strategic decisions at every stage of expert discovery. Discuss the state of the law on expert disqualifications for common areas of expert testimony so that trial counsel can approach each stage of expert discovery, from the disclosure to the deposition, with an eye towards winning the *Daubert* or *Robinson* challenge.

Hon. Jeffrey V. Brown, U.S. District Court, Southern  
District of Texas, Galveston, TX  
Kelsi Stayart White, Ahmad, Zavitsanos, Anaipakos,  
Alavi & Mensing P.C., Houston, TX

**10:45 a.m. .50 hr**

**Confidentiality**

It's easy to lose attorney-client privilege protection. Don't let it happen to you and your client.

Steven Goode, The University of Texas School of  
Law, Austin, TX

**11:15 a.m. .75 hr**

**Litigating in a Divided Nation: Handling Strong Political Views During Trial**

In seeking justice, lawyers now must navigate intense divisions in our state and nation. What interpersonal skills and strategies can you use to identify divisive attitudes, and neutralize dangers like manipulation and polarization? Learn these concepts and how they differ from classic theories of conflict resolution.

Claude E. Ducloux, Attorney at Law, Austin, TX

**12:00 p.m. Pick Up Lunch**

Included in registration.

**TROUBLE LOGGING IN?**

A UT Law CLE account is created for conference attendees and product customers with information provided on the order form. An email address will serve as the User Name.

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**FRIDAY AFTERNOON**

**Presiding Officer:**

**Lisa Bowlin Hobbs, Kuhn Hobbs PLLC, Austin, TX**

**LUNCHEON PRESENTATION**

**12:20 p.m. .75 hr**

**Judicial Panel**

What judges think works best with juries. What judges know works best with judges.

Hon. W. Royal Furgeson Jr., U.S. District Judge,  
Retired, Dallas, TX  
Hon. Robert Pitman, U.S. District Court, Western  
District of Texas, Austin, TX  
Hon. Lauren Reeder, 234<sup>th</sup> Civil District Court,  
Houston, TX

**1:05 p.m. Break**

**1:20 p.m. .50 hr ethics**

**Proving Up Attorney's Fees**

Hear practical tips and considerations for recovering attorney's fees.

Greta S. McFarling, Chasoff Mungia Valkenaar  
Pepping & Stribling LLP, San Antonio, TX

**1:50 p.m. .50 hr ethics**

**#Blessed: Using Social Media in Trial**

Review effective and ethical use of social media during trial.

Tim Williams, Sprouse Shrader Smith PLLC,  
Amarillo, TX

**RESEARCH AND SELF-STUDY**

Did you know that the quality presentations and papers attendees receive at our conferences are available for self-study as part of our eLibrary? Purchase individual pieces à la carte or subscribe annually for just \$295. See the Registration Form or email [service@utcle.org](mailto:service@utcle.org) for more details.

2:20 p.m. 1.00 hr

### The Gig Economy

Revisit the rapidly evolving gig economy and take a tour through the myriad approaches courts and agencies have adopted, tested, and abandoned in their collective attempt to understand and classify the growing number of digital platform providers that now enable service providers to connect directly with end-users. Specific topics will include the limitations of the binary employee v. contractor classification system, the promises and pitfalls of a proposed hybrid "gig" worker classification, and the competing federal, state, and local efforts to find the right balance between entrepreneurial enablement and service provider protection.

Jason Boulette, Boulette Golden & Marin L.L.P., Austin, TX  
Michael J. Golden, Boulette Golden & Marin L.L.P., Austin, TX

3:20 p.m. Break

3:30 p.m. .50 hr

### Picking a Jury: A Quick Survey of the Law and a Demonstration

Voir dire can be outcome determinative in a jury trial. In the wake of a trio of opinions issued by the Texas Supreme Court almost 15 years ago, trial lawyers, and even many judges are still confused about what is and is not permissible. Learn what works today and why.

Quentin Brogdon, Crain Lewis Brogdon, LLP, Dallas, TX  
Aaron J. Burke, Fee, Smith, Sharp & Vitullo LLP, Dallas, TX

4:00 p.m. .75 hr

### Opening Statements: How to Use A Proven Marketing Formula to Clarify Your Story to the Jury

Story has been used since ancient times to captivate the human brain. It is easier for a person to remember stories than hard facts. Many fortune 500 companies and political campaigns have turned to a story formula in their marketing to help them clarify their message to their intended audience. Explore that same story framework to help attorneys tell a story during opening statements that will help clarify the message they want conveyed to the jury.

Donald Delgado, West, Webb, Allbritton & Gentry, P.C., College Station, TX  
Baili B. Rhodes, West, Webb, Allbritton & Gentry, P.C., College Station, TX

4:45 p.m. Adjourn

## WINNING AT DEPOSITION FACULTY AND PLANNING COMMITTEE

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# REGISTRATION FORM

DS19/PL19

**Online:**  
www.utcle.org/conferences/DS19/signup  
www.utcle.org/conferences/PL19/signup

**Mail:**  
The University of Texas School of Law  
ATTN: CLE  
PO Box 7759  
Austin, TX 78713-7759

**Fax:**  
512.475.6876

**Questions?**  
512.475.6700

*If you would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 days prior to the conference.*

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City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Registrant's Email (required) \_\_\_\_\_ Assistant's Email (optional) \_\_\_\_\_

*Invoices, confirmations and receipts are emailed to these addresses.*

## CONFERENCE REGISTRATION

### LIVE EVENT REGISTRATION

*Special group registration rates available. Call 512.475.6700*

#### Winning at Deposition Registration

*Includes Electronic Course Materials, Thursday Luncheon Presentation, and Winning at Deposition book.*

- Individual registration by Wednesday, November 13. . . . . \$325
- Individual registration after Wednesday, November 13. . . . . \$375

Winning at Deposition Printed Course Binder is not available.

**Winning at Deposition Registration Total** . . . . . \$ \_\_\_\_\_

#### Civil Litigation Registration

*Includes Electronic Course Materials, Luncheon Presentation, and e-supplement sessions.*

- Individual registration by Wednesday, November 13. . . . . \$425
- Individual registration after Wednesday, November 13. . . . . \$475

#### Civil Litigation Printed Binder – Available Through Wednesday, November 13

*Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase".*

- Printed Course Binder . . . . . \$37.89 (\$35\*)
- \* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Texas Sales and Use Tax Exemption Certificate with order.

**Civil Litigation Registration Total** . . . . . \$ \_\_\_\_\_

**REGISTRATION SUBTOTAL** . . . . . \$ \_\_\_\_\_

## POST-CONFERENCE PRODUCTS

#### Winning at Deposition eConference – For Texas and California MCLE Credit

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4–6 weeks after live event. Hours may vary depending on actual event runtime.*

- Winning at Deposition eConference . . . . . \$275

#### Winning at Deposition Post-Course Binder – For Research and Self-Study

*Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.*

- Electronic Post-Course Download (PDF) . . . . . \$135.31 (\$125\*)
- \* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Texas Sales and Use Tax Exemption Certificate with order.

**Winning at Deposition Post-Conference Products Subtotal** . . . . . \$ \_\_\_\_\_

#### Civil Litigation eConference – For Texas and California MCLE Credit

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4–6 weeks after live event. Hours may vary depending on actual event runtime.*

- Civil Litigation eConference . . . . . \$375

#### Civil Litigation Post-Course Binder – For Research and Self-Study

*Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.*

- Electronic Post-Course Download (PDF) . . . . . \$135.31 (\$125\*)
- \* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Texas Sales and Use Tax Exemption Certificate with order.

- Printed Post-Course Binder. . . . . \$189.44 (\$175\*)
- \* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Texas Sales and Use Tax Exemption Certificate with order.

**Civil Litigation Post-Conference Products Subtotal** . . . . . \$ \_\_\_\_\_

#### Annual eLibrary Subscription – For Research and Self-Study

*Extensive resources including audio, video, papers, and slides from UT Law CLE programs.*

- eLibrary 12-Month Subscription . . . . . \$319.34 (\$295\*)
- \* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Texas Sales and Use Tax Exemption Certificate with order.

**eLibrary Subscription Subtotal** . . . . . \$ \_\_\_\_\_

**TOTAL POST-CONFERENCE PRODUCTS** . . . . . \$ \_\_\_\_\_

**ORDER GRAND TOTAL** . . . . . \$ \_\_\_\_\_

### METHOD OF PAYMENT

- Check (make check payable to The University of Texas at Austin)  VISA  MasterCard  American Express  P.O.

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Visit

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## AUSTIN

**November 21 & 22, 2019**

### CONFERENCE LOCATION



#### AT&T Conference Center

The University of Texas at Austin  
 1900 University Avenue  
 Austin, TX  
 877.744.8822

#### Special Room Rate:

\$189 good through October 24. Reference "UT Law CLE Conference" when calling reservations. (Subject to Availability)

#### Parking:

Daily self-parking will be validated for the AT&T Conference Center garage or surrounding UT garages. Please note Dobie is not a UT garage and parking cannot be validated. Separate fees apply for valet and overnight parking.

### KEY DATES

**November 13, 2019**

*Last day to order a printed binder*

**November 13, 2019**

*Last day for early registration*

Add \$50 for registrations received after this time

**November 15, 2019**

*Last day for full refund cancellation*

**November 18, 2019**

*Last day for partial refund cancellation*  
 \$50 processing fee applied

**November 21, 2019, at 8:50 a.m.**

*Winning at Deposition Begins*

**November 22, 2019, at 8:20 a.m.**

*Civil Litigation Conference Begins*

### REASONS TO ATTEND WINNING AT DEPOSITIONS

A successful deposition is the most important weapon you have to win your case. But much of the conventional wisdom about depositions is completely wrong. How can you be sure to get it right every time? Attend the **2019 Winning at Deposition: Skills and Strategy** one-day conference to learn from top Texas litigators as they share their deposition tips and techniques:

- Gain fail-safe tricks for a winning strategy at depositions
- Discover the secrets to successful witness preparation
- Acquire the skills to effectively cross-examine an adverse witness and deal with evasive and combative witnesses
- Learn how to beat the other side's expert witness and defend your own
- Understand the unique strategies for taking a deposition in business and a tort cases
- Master the art of taking the deposition of a corporate representative
- Obtain the essential steps of a successful deposition when representing your plaintiff

### REASONS TO ATTEND THE CIVIL LITIGATION CONFERENCE

Join leading litigators, judges, and law professors, Friday, November 22 at the **43<sup>rd</sup> Annual Page Keeton Civil Litigation Conference**. This year's one-day conference in Austin has updates and analysis of important developments in civil litigation practice, insight into developing areas of civil litigation, and substantive coverage of practice tips and advocacy strategies. Highlights include:

- Update on the 2019 Legislative changes to the Texas Anti-SLAAP law
- The *Judicial Panel* shares what judges think works best with juries and what judges know works best with judges
- Explore the rapidly evolving gig economy including the competing federal, state, and local efforts to find the right balance between entrepreneurial enablement and service provider protection
- *Picking a Jury: A Quick Survey of the Law and a Demonstration*
- *Opening Statements: How to Use A Proven Marketing Formula to Clarify Your Story to the Jury*
- Hear updates and insights on expedited trails, attorney's fees, confidentiality, E-discovery and more

Registrants will receive an eSupplement with additional on-demand programming that will allow you to complete the 15/3 TX MCLE requirement.

### WINNING AT DEPOSITION MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 7.00 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and Oklahoma Bar Association MCLE presumptively approved provider (#169).

### CIVIL LITIGATION MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 7.25 hours, of which 1.00 credit hour will apply to the legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and Oklahoma Bar Association MCLE presumptively approved provider (#169).