

WHAT DO YOU MEAN I'M A WITNESS?

35th Annual Employment Law Conference
May 6, 2022

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GOALS FOR THIS CLE

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

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THE GENERAL RULE

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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)

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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

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THE PRIVILEGE PROTOCOL

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