



Minnesota State Bar Association
Continuing Legal Education
Your State Bar at Work for You

Winning *Before* Trial

*10 Keys to
Winning Depositions*



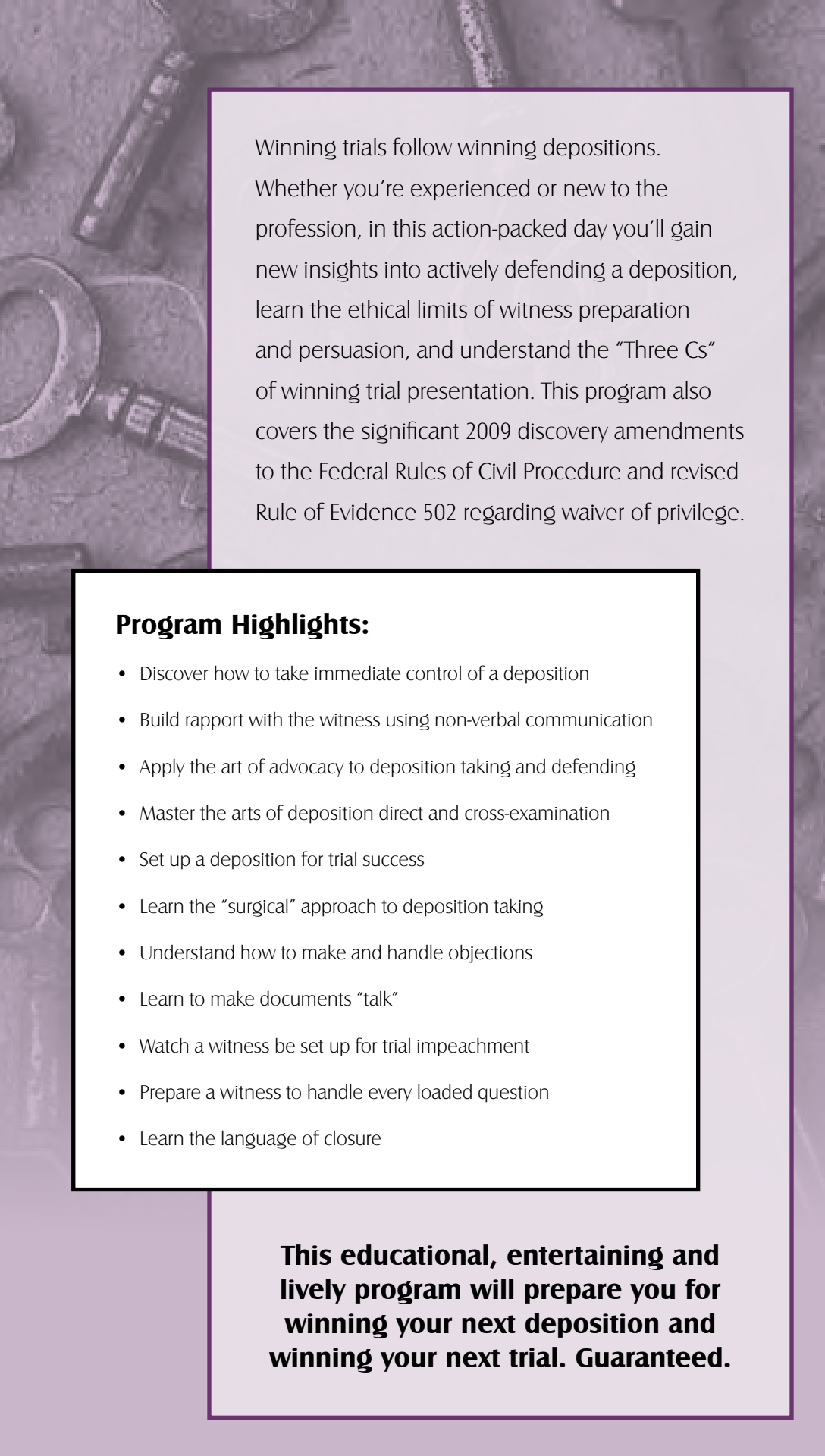
**Taught by
Dominic J. Gianna**

One of America's master advocates and one of the most outstanding teachers of trial advocacy, persuasion, and trial techniques in North America.

Gain new insights and strategies in the art and the science of both taking and defending depositions.

Friday, September 28, 2012

Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370 | Minneapolis



Winning trials follow winning depositions. Whether you're experienced or new to the profession, in this action-packed day you'll gain new insights into actively defending a deposition, learn the ethical limits of witness preparation and persuasion, and understand the "Three Cs" of winning trial presentation. This program also covers the significant 2009 discovery amendments to the Federal Rules of Civil Procedure and revised Rule of Evidence 502 regarding waiver of privilege.

Program Highlights:

- Discover how to take immediate control of a deposition
- Build rapport with the witness using non-verbal communication
- Apply the art of advocacy to deposition taking and defending
- Master the arts of deposition direct and cross-examination
- Set up a deposition for trial success
- Learn the "surgical" approach to deposition taking
- Understand how to make and handle objections
- Learn to make documents "talk"
- Watch a witness be set up for trial impeachment
- Prepare a witness to handle every loaded question
- Learn the language of closure

This educational, entertaining and lively program will prepare you for winning your next deposition and winning your next trial. Guaranteed.

the schedule

8:30 – 9:00 a.m. CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 10:30 a.m.

Key 1: The 4 Advocacy Purposes of Taking a Deposition

- Jury Thinking – Preparing the Closing Argument
- Trial Advocacy in a Nutshell
- The Magic of the 3 Cs
- Themes, Theories, Words & Phrases
- The 4 Purposes:
 - Information Gathering
 - Obtaining Admissions
 - Theory Testing
 - Credibility Judgment
- Charting the Deposition – The Organization

Key 2: Using the “Surgical Approach” – Opening Up & Closing Doors

- Using Depositions in Trial
- The Magic of the Simple Direct Sentence/Question
- Inviting and Opening up the Witness
- The Language of Closure: Exhausting the Witness’s Knowledge; 5 Ways to Get “Anything Else”; The Power of Listening; The Power of Silence; Non-Verbal Communication
- Closing the Door

Key 3: Obtaining Admissions – Cross Examination in Depositions

- The Impact Beginning – Avoiding the Standard Stuff
- Begin at the End. Why?
- The Keys to Deposition Cross-Examination
- Setting Trial Impeachments in Stone: The Rules of the Game; The Technique of the 3 Cs; Making it Stick

10:30 – 10:45 a.m. BREAK

10:45 a.m. – 12:15 p.m.

Key 4: Taking and Keeping Control of the Witness

- Testing the Witness
- Handling the Recalcitrant Witness
- “How Do You Know That?”
- Keeping and Staying on Track
- Using the “Always Win” Cross-Examination Question
- The 3 Rules to Unobjectionable Questions

Key 5: Taking and Keeping Control of the Opposition

- Training the Opposition
- Handling the “Mature” Opposition
- Handling the “Obstreperous” Lawyer
- Taking the “Obstreperous” Lawyer Down
- Handling Objections
- To Court or Not to Court? And How!

Key 6: The 10 Rules and How to Use Them

Key 7: Making Documents “Talk”

- Preparation of the Exhibits
- Using Exhibits as an Outline
- Repeating the Story
- Handling Exhibit “Objections”
- Authenticating Documents for Trial
- 2009 Amendments to the FRCP and FRE 502 Update
- ESI and the Federal Rules Changes

12:15 – 1:15 p.m. LUNCH (on your own)

1:15 – 2:15 p.m.

The Ethical Limits of Preparation and Persuasion

(1.0 ethics credit applied for)

2:15 – 2:45 p.m.

Key 8: Powerful Witness Preparation – Powerful Witness Presentation

- 5 Rules to Effective Preparation
- Training the Witness for Attack
- The Mock Deposition

2:45 – 3:00 p.m. BREAK

3:00 – 4:30 p.m.

Key 9: Non-Defensive Defending

- The Power Defense
- When and How to Object
- Making Valid “Form” Objections
- To Counsel or Not? Preparing the Witness for 3 Critical Questions; Handling the “Loaded” Questions; Handling the Unprepared Lawyer

Key 10: Taking and Defending a Powerful Expert Deposition

- Expert Admissions and How to Get Them
- Using the “Bouncing Ball” Method
- “How Do You Know That?”
- The *Always Win* Expert Cross-Examination: Identifying and Removing the Power; Marco Polo and Genghis Kahn; Expert Opinions Defined; *Always Win* Cross-Examination Questions
- Using Technology to Win
- Video Deposition Skills – Taking and Defending the Persuasive Video Deposition; 5 Rules to the Successful Video Direct Examination; 3 Cross-Examination Rules for Video Cross-Examination
- The “Technical” of TV

about the instructor



Dominic Gianna is recognized as one of America’s master advocates and an inspired teacher of trial advocacy and persuasion. He believes that CLE should be fun, interesting and immediately useful in your practice.

He is a founding partner of Middleburg Riddle & Gianna with offices in New Orleans, and Dallas, and is a fellow of the International Society of Barristers. Gianna was recognized with the prestigious Keeton Award from the National Institute of Trial Advocacy as one of the most outstanding teachers of trial advocacy in the United States.

What others have said about Dominic Gianna:

“

Dynamic and informed.

Gianna is engaging, interesting, organized,
and a superb communicator.

Incredible energy and enthusiasm!

”

LIVE PRESENTATION**Friday, September 28, 2012**Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370
Minneapolis**CREDITS**

Minnesota CLE is applying to the State Board of CLE for **6.0 CLE credits, including 1.0 ethics credit for the 1:15 session.** Minnesota CLE is also applying to the MSBA for **6.0 Certified Civil Trial Law Specialist credits.** The maximum number of credits attendees may claim for this course is 6.0.

NEW LAWYER SCHOLARSHIP PROGRAM

In recognition of the challenges facing lawyers entering the profession, Minnesota Continuing Legal Education has established a scholarship program for unemployed and underemployed lawyers admitted less than three years. Those wishing to apply for such assistance should contact Grant at **651-254-2111** or **gdavies@minncle.org** for details.

CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel their registration at least 3 business days before the program will receive a full credit on their account; if fewer than 3 business days, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call 651-227-8266 or 800-759-8840.

QUESTIONS?

Please call Minnesota CLE at **651-227-8266** or **800-759-8840** or visit us online at **www.minncle.org**.

Winning Before Trial

Friday, September 28, 2012
Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370; Minneapolis

PLEASE "✓" APPROPRIATE BOX BELOW:**LIVE – 9/28/12**

\$295 MSBA member \$295 paralegal \$355 standard rate

NEW ATTORNEY DISCOUNT!

I was first admitted to the bar after September 28, 2009 and have deducted \$60 from the registration fee marked above.

I have a Minnesota CLE Season Pass™. Pass # _____

Check here if address below is new.

Name (first) _____ (mi) _____
(last) _____

Firm _____

Address _____

City/State/Zip _____

Phone _____ Fax _____

Email _____

Attorney License No. (if applicable) _____

Profession, if non-attorney _____

ENCLOSED IS \$ _____ BY:

Check (payable to Minnesota CLE)

VISA MasterCard Discover AmEx

Card No. _____ Exp. _____

Signature _____

**MAIL TO:**

Minnesota CLE
2550 University Avenue West, Suite 160-S
St. Paul, MN 55114

**OR FAX TO:**

Minnesota CLE at 651-227-6262

**OR CALL:**

Minnesota CLE at 651-227-8266
or 800-759-8840

**GO ONLINE:**

www.minncle.org

