



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

Strategic Discovery:

How to Fight Discovery Abuses and Win Discovery Disputes

This seminar focuses exclusively on the number one issue for litigators:

How to walk the line between zealous advocacy and engaging in abusive tactics in discovery and how to prevent your opponent from crossing it.

Minnesota's top litigators will teach you how to prepare for discovery, how to get what you need for your case, how to handle discovery disputes, what the most common abusive tactics are, and how to respond effectively to them.

Plus, insights on judicial intervention in discovery disputes from **Magistrate Judge Jeffrey J. Keyes**, **Judge William H. Leary III**, and **Judge Tony N. Leung**.

Wednesday, May 20, 2009
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center, Minneapolis

Video replay details inside.

Faculty

Will Stute *(Course Chair)*

Faegre & Benson LLP; Minneapolis

Link Christin

Minnesota Continuing Legal Education; Saint Paul

Annamarie A. Daley

Robins, Kaplan, Miller & Ciresi L.L.P.; Minneapolis

E. Michelle Drake

Nichols Kaster, PLLP; Minneapolis

Terrence J. Fleming

Lindquist & Vennum PLLP; Minneapolis

Magistrate Judge Jeffrey J. Keyes

United States District Court; Saint Paul

Judge William H. Leary III

Second Judicial District; Saint Paul

Judge Tony N. Leung

Fourth Judicial District; Minneapolis

Vincent D. Louwagie

Anthony Ostlund Baer & Louwagie P.A.; Minneapolis

Scott Piering

Cargill, Inc.; Wayzata

Steven E. Rau

Flynn, Gaskins & Bennett, LLP; Minneapolis

Eric J. Rucker

Briggs & Morgan, P.A.; Minneapolis

Fran Sepler

Sepler & Associates; Minneapolis

Eric C. Sjoding

Target Corporation; Minneapolis

Sarah B. Stroebel

U.S. Bank; Minneapolis

Mary Cullen Yeager

Faegre & Benson LLP; Minneapolis

Schedule

8:30 – 9:00 a.m.

CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:15 a.m.

Strategic Discovery: The Big Picture

Your course chair provides an overview of the discovery rules, common types of discovery disputes, and how to stay focused on the big picture throughout the discovery process.

– *Will Stute*

9:15 – 10:00 a.m.

Leveling the Playing Field in Discovery

Two experienced litigators discuss how you can level the playing field when opposing counsel is more experienced or brings greater resources to the case. They will also share proactive steps you can take to prevent problems at the outset of litigation.

– *Mary Cullen Yeager*

– *E. Michelle Drake*

10:00 – 10:45 a.m.

How to Get What You Need Without Being a Jerk: The Art of Being Appropriately Aggressive

The speakers will address techniques for conducting effective written discovery and for taking and defending depositions. They will also share advice on how to prioritize your discovery, how to assert yourself in litigation, how to pick your battles, and when to compromise.

– *Steven E. Rau*

– *Annamarie A. Daley*

10:45 – 11:00 a.m.

Questions and Answers

11:00 – 11:15 a.m. BREAK

11:15 a.m. – 12:00 p.m.

In-House Perspectives on Discovery Disputes

A panel of local in-house counsel shares their perspectives on discovery disputes, including:

- How involved do clients want to be with discovery planning?
- When should outside counsel check with the client about a discovery dispute?
- How can outside counsel best share information with their clients?

– *Scott Piering*

– *Eric C. Sjoding*

– *Sarah B. Stroebel*

– *Will Stute (Moderator)*

12:00 – 1:00 p.m. LUNCH (ON YOUR OWN)

1:00 – 1:45 p.m.

Understanding Litigation Bullies: Why Do They Act That Way and What Can I Do About It?

Workplace trainer and consultant, Fran Sepler explores commonly asked questions about litigation bullies and their behavior, including:

- What are some common traits of litigation bullies?
- How common is bullying by adults?
- Can you set rules for interacting with bullies to limit or discourage their bullying behavior?

– *Fran Sepler*

1:45 – 2:30 p.m.

When the Opposing Lawyer Crosses the Line: Effective Responses to 10 Common Discovery Abuses

The speakers will explain strategies for responding to these written discovery and deposition tactics:

1. Stalling
2. Coaching witnesses
3. Providing too little or too much information
4. Misquoting prior answers

5. Inflicting excessive costs on opposing party
 6. Repetitive questioning
 7. Irrelevant requests
 8. Canned discovery
 9. Withholding evidence
 10. Baseless assertions of privilege
- *Vincent D. Louwagie*
 - *Eric J. Rucker*

2:30 – 2:45 p.m.

Questions and Answers

2:45 – 3:00 p.m. BREAK

3:00 – 3:45 p.m.

Judicial Intervention in Discovery Disputes: When to Call the Judge and What to Ask For

A panel of judges will provide insights into how judges handle discovery disputes; including when to call the judge for help, how they evaluate motions to compel, and when you should ask for sanctions.

- *Magistrate Judge Jeffrey J. Keyes*
- *Judge William H. Leary III*
- *Judge Tony N. Leung*
- *Link Christin & Will Stute (Moderators)*

3:45 – 4:45 p.m.

Interactive Ethics: When Do Aggressive Tactics Become Ethical Violations?

1.0 ethics credit (applied for)

Using the audience response system and a series of discovery hypotheticals, this session will explore the ethical lines you should not cross. The speakers will also discuss when you should report someone for unethical behavior in discovery.

- *Terrence J. Fleming*
- *Will Stute*

LIVE PRESENTATION

Minneapolis – Wednesday, May 20, 2009

Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center

VIDEO REPLAYS

Schedule times for replays are subject to change due to abbreviated lunch and break periods. Start times are as indicated below. Please register at least one week in advance to secure your copy of the course materials on the day of the seminar.

Minneapolis – 6/9/09 & 7/21/09

(registration 8:30; replay 9:00)
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center

Duluth – 10/23/09

(registration 8:30; replay 9:00)
Radisson Hotel Duluth—Harborview
505 West Superior Street

Mankato – 7/24/09

(registration 8:15; replay 8:30)
Farrish Johnson Law Office
Eastwood Industrial Centre, 1907 Excel Drive

Moorhead – 6/22/09

(registration 9:00; replay 9:15)
Moorhead City Hall
City Mall, Basement Room East

Saint Cloud – 7/14/09

(registration 8:45; replay 9:00)
Kelly Inn
Highway 23 & Fourth Avenue South

Willmar – 7/20/09

(registration 8:30; replay 9:00)
Anderson, Larson, Hanson & Saunders
331 Third Street Southwest

COURSE MANUAL

Every attendee will receive a helpful course manual containing resource materials on topics covered at the seminar. If you cannot attend, you can still receive this terrific manual. Use the order form at right to place your order today.

CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.25 hours of CLE credit, including 1.0 ethics credit**. The maximum number of total credits you may claim for this course is **6.25**.

ACCOMMODATION

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

CANCELLATION POLICY/ NO-SHOW POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the course materials at 50% of the full retail price.

QUESTIONS?

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

**REGISTRATION/
ORDER FORM**

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How to Fight Discovery Abuses
and Win Discovery Disputes**

Wednesday, May 20, 2009 | Minnesota CLE Conference Center

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PLEASE "✓" APPROPRIATE BOX BELOW:

LIVE – 5/20/09:

- \$195 MSBA member \$235 standard rate
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VIDEO:

- \$150 MSBA member \$180 standard rate
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NEW LAWYER DISCOUNT!

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