

# FOR ANY CIVIL LITIGATOR –

**Don't Miss This In-Depth Program!**

**Highlights Include:**

- **How to get what you need for your case** – including:
  - Best practices for written discovery
  - Conducting effective depositions
  - Using technology and the Internet to find admissible evidence
- **New discovery developments and trends**
- **Best approaches** for obtaining discovery from businesses and organizations
- **How to use the Rules of Civil Procedure to your advantage** to curb common discovery abuses when dealing with an abusive opponent
- **When to call the judge**, how judges evaluate motions to compel, and when you should ask for sanctions
- **And more!**

## FACULTY

**Rebekah L. Bailey**  
Nichols Kaster, PLLP  
Minneapolis

**Lauren J.F. Barta**  
Course Chair  
Faegre Baker Daniels LLP  
Minneapolis

**Kathryn J. Bergstrom**  
Principal, St. John's Preparatory School  
Collegeville

**Magistrate Judge Hildy Bowbeer**  
U.S. District Court – District of Minnesota  
Saint Paul

**Arthur G. Boylan**  
Anthony Ostlund Baer & Louwagie P.A.  
Minneapolis

**Janel M. Dressen**  
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**Magistrate Judge Tony N. Leung**  
U.S. District Court – District of Minnesota  
Saint Paul

**Magistrate Judge Katherine Menendez**  
U.S. District Court – District of Minnesota  
Minneapolis

**Gregory R. Merz**  
Gray Plant Mooty  
Minneapolis

**Judge Edward T. Wahl**  
Fourth Judicial District  
Minneapolis

**Magistrate Judge Elizabeth Cowan Wright**  
U.S. District Court – District of Minnesota  
Saint Paul



Minnesota Continuing  
Legal Education

2550 UNIVERSITY AVE W #160-S, SAINT PAUL MN 55114

DATED MATERIAL – PLEASE EXPEDITE!



RECYCLABLE

# BETTER DISCOVERY

**Effective Processes,  
Best Practices &  
How to Handle Disputes**

**Wednesday, November 20, 2019**  
*In-person replay dates available.*



**For more information**  
Scan code for more information  
or to register for this course.

**Wednesday, November 20, 2019**

Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370 | Third Floor City Center; Minneapolis

*In-person replay details inside.*

 Minnesota Continuing Legal Education  
Your State Bar at Work for You

# BETTER DISCOVERY

**Effective Processes,  
Best Practices &  
How to Handle Disputes**

Join a top-notch faculty of experienced judges and litigators for full coverage and useful pointers on:

- **New Developments and Trends**
- **Targeted Written Discovery**
- **How to Deal with Discovery Bullies**
- **Strategic Deposition Practice**
- **Right-Sizing E-Discovery**
- **Additional Discovery Sources in the Internet Age**
- **When to Call the Judge**
- **And More!**

# Schedule

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

## 9:00 – 9:30 a.m. **Discovery Download: Developments and Trends Impacting Discovery Strategy**

This overview session will address recent developments and trends in discovery practice intended to facilitate efficient discovery and minimize discovery delays, including: Judges' Practice Pointers and Preferences; Local Rules; Rule 26(f) Conferences and Reports; Pretrial Scheduling Orders; and other techniques.

– Hon. Elizabeth Cowan Wright

## 9:30 – 10:30 a.m. **Written Discovery: Science and Art?!**

Presenters will discuss how to draft effective requests that are targeted to your written discovery plan and that comply with timing, form, and scope requirements; how to respond to discovery requests, including permissible objections; and when to seek a protective order.

– Deborah A. Ellingboe  
Daniel J. Herber

10:30 – 10:45 a.m.  
BREAK

## 10:45 – 11:30 a.m. **Practical Tips from the Bench on Handling E-Discovery**

This session will offer judicial perspective on important E-Discovery considerations, including: the role of proportionality in reducing the cost of civil litigation; the cornerstone of "Right Sizing" efforts in civil cases; fair application of proportionality; what the court expects of the parties in E-Discovery; and more.

– Hon. Hildy Bowbeer

## 11:30 a.m. – 12:30 p.m. **Taking an Effective Deposition: Getting the Evidence That You Need**

This session will cover practical strategies for getting the testimony you need, making effective use of exhibits, creating the language of the case, and selecting the right type of question for the situation and pinning down the story – all while following the rules that control the actions of lawyers and witnesses in depositions to ensure you don't make a mistake that will come back to haunt you later.

– Kathryn J. Bergstrom  
Gregory R. Merz

12:30 – 1:15 p.m.  
LUNCH (JOIN A FELLOW ATTENDEE)

## 1:15 – 2:00 p.m. **Best Practices for Obtaining Discovery from Businesses and Organizations**

This session will address how to effectively conduct discovery that will provide responsive answers to questions and responsive documents; key points on taking and defending Rule 30(b)(6) Depositions; how to further legal arguments through the discovery process; effective tips on conducting supplemental discovery or discovery follow-up to uncover responsive information and documents; and how to bring compelling and fully supported motions to compel further discovery.

– Rebekah L. Bailey

## 2:00 – 2:45 p.m. **Alternative Discovery Opportunities in the Information Age**

This session will cover various opportunities for identifying admissible evidence based on publicly available information about clients, opponents, and witnesses, including use of web-based search engines, social media and public record searches. The presenters will also address considerations for retaining private investigators, accessing video and audio recordings, and more.

– Lauren J.F. Barta  
Timothy E. Grimsrud

2:45 – 3:00 p.m.  
BREAK

## 3:00 – 3:45 p.m. **How to Deal with Discovery Bullies**

In this session, you will learn about how to use the Rules of Civil Procedure to your advantage to curb common discovery abuses when dealing with an abusive opponent.

– Arthur G. Boylan  
Janel M. Dressen

## 3:45 – 4:30 p.m. **Judicial Intervention in Discovery Disputes: When to Call the Judge and What to Ask For**

A distinguished panel 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.

– Hon. Tony N. Leung  
Hon. Katherine Menendez  
Hon. Edward T. Wahl  
Lauren J.F. Barta, moderator

## Can't Attend on November 20?

Attend an in-person replay in Minneapolis or across the state.

## COURSE INFORMATION

### LIVE PRESENTATION

**Wednesday, November 20, 2019**  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370  
Third Floor City Center, Minneapolis

### IN-PERSON REPLAYS

*Schedule times may differ from the live program. 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 – 12/3/19**  
**Minneapolis – 12/18/19**  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370  
Third Floor City Center

**Brainerd – 1/3/20**  
**(Reg. 9:00; Replay 9:15)**  
Brainerd Public Library  
416 South Fifth Street

**Duluth – 1/10/20**  
**(Reg. 8:30; Replay 9:00)**  
Pier B Resort  
800 West Railroad Street  
Pilot House Boardroom

**Mankato – 1/17/20**  
**(Reg. 8:15; Replay 8:30)**  
Farrish Johnson Law Office  
1907 Excel Drive

**Saint Cloud – 1/14/20**  
**(Reg. 8:15; Replay 8:30)**  
Rinke Noonan Law Firm  
1015 West Saint Germain Street

**Walker – 1/17/20**  
**(Reg. 8:45; Replay 9:00)**  
Cass County Courthouse  
300 Minnesota Ave

### CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.25 standard CLE credits**. The maximum number of credits an attendee may claim for this course is **6.25**.

### SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. Most scholarships awarded are 50% off the seminar price. To obtain an application, contact Grant at **651-254-2111** or **gdavies@minnkle.org**.

### CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar written materials and PowerPoint presentations through their website account. Passholders may purchase the materials at 50% of the full retail price.

### ACCOMMODATION

If you have a disability and need an accommodation in order to attend, contact Minnesota CLE 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.

### QUESTIONS?

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# BETTER DISCOVERY

**Wednesday, November 20, 2019**

Minnesota CLE Conference Center

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### PLEASE "✓" APPROPRIATE BOX:

**LIVE: 11/20/19**

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

### IN-PERSON REPLAY:

\$265 MSBA member  \$265 paralegal  \$325 standard rate

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### CAN'T ATTEND?

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### TO REGISTER:



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