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**Deposition Workshop
via Webcast**

March 12-13, 2021

DRAFT AGENDA
*Requesting 8.5 HRS CLE*

 **FRIDAY, MARCH 12**

10:25-10:30 Welcome and Introductions

 *Tate Love*, VADA President, Timberlake Smith

 *Sarah Jessee*, VADA Young Lawyers Division Chair, Lewis Brisbois

10:30-11:30 Videotaped Depositions and Beyond: What Every Lawyer Needs to Know

*Melissa H. Katz*, VADA Immediate Past President, Bancroft McGavin Horvath & Judkins

*David Andre,* Planet Depos

This session will cover videotaped depositions as governed by the Rules of the Supreme Court of Virginia and analyzed both by rule and code, along with examples of how best to use the technology of video depositions and achieve a maximum strategic advantage.

11:30-12:15 Taking Remote Depositions & Other Deposition Challenges

 *Alexandra J. Sipes*, VADA Board Member, Wilson Moskowitz Edelman & Dicker

Difficult depositions are those that propose special problems, especially for less experienced lawyers, such as dealing with difficult opposing counsel, a domineering senior lawyer, a sympathetic witness (child, elderly, mentally disabled) or privilege issues.  Now, we have to add to already complicated depositions the new issues posed by remote depositions, including use of software, presenting exhibits, and trying to connect with a witness virtually.   This session will cover strategies to prepare for and deal with these situations, look at applicable case law, and discuss when issues require calling a judge.

12:15-1:00 Lunch

1:00-2:00 Deposing Medical Experts

*John E. Peterson, Jr.,* Harman Claytor Corrigan & Wellman

This session will cover how to prepare for medical expert depositions, including taking depositions of plaintiff’s experts, and preparing for and defending the depositions of defense experts.  Deposition topics to consider and strategies to employ will be covered.   Among other things, the session will stress the importance of medical records review, and considerations for Rule 4:10 Examinations.

2:00-3:00 Preparing Your Own Witness

*Tate C. Love,* VADA President, Timberlake Smith

This session will focus on the fine points of preparing a client for deposition.  Among topics covered, participants will learn about the following topics:

* Deposition goals
* Limits on testimony
* Deposition preparation for success
* Source of factual information
* The importance of truth
* The importance of brevity
* Delivery of key messages
* The importance of study of key documents
* Use of objections and assertion of privileges
* Scientific literature
* Hypothetical questions
* Demeanor in stenographic and video depositions

3:00-3:15 Break

3:15-4:00 Preparation and Use of Depositions at Trial

*Marshall H. Ross,* VADA Past President, Office of the Attorney General of Virginia

This session will first address the application and consideration of procedural rules and court orders to understand the various deadlines and requirements necessary to preserve deposition testimony for trial.   The general application of the Rules of Evidence will be covered as well as the scope and procedure for making objections during the deposition for later use at trial.  The class will address the distinctions between party and non-party depositions as well as impeachment and substantive uses of depositions at trial.  Practical considerations also will be addressed relating to the effectiveness of deposition testimony at trial and common pitfalls relating to trial deposition presentation and objections.

4:00-5:00 Exhibition of Depositions by Senior Attorneys Acting Roles of Deposition Parties

*Tate C. Love*, VADA President, Timberlake Smith

*John E. Peterson, Jr.* Harman Claytor Corrigan & Wellman

*Alexandra J. Sipes*, VADA Board Member, Wilson Moskowitz Edelman & Dicker

Using an NITA case file, the session presenters will roleplay various scenarios in the case file, illustrating the deposition challenges inexperienced lawyers may face and options for overcoming them. The session will include a critique of each roleplay as well as allow for questions and answers.

**5:00-6:00 Virtual Social Hour**

**SATURDAY, MARCH 13**

8:45-9:00 General session: Explanation of procedure

*John E. Peterson, Jr.,* Harman Claytor Corrigan & Wellman

9:00-12:00 Breakout sessions, each comprising

4 associates

1 senior attorney

We will do four rounds of depositions. The deponent roles played by new lawyers are those found in the NITA case file – information about ordering the case file will be sent after registration.

Coaches

*James A. Cales,* VADA Secretary, Furniss Davis Rashkind & Saunders

*Christopher S. Dadak,* VADA Board Member, Guynn Waddell Carroll & Lockaby

*Melissa Hogue Katz*, VADA Immediate Past President, Bancroft McGavin Horvath & Judkins

*Jason G. Moyers,* VADA President-Elect, Frankl Miller Webb & Moyers

*John E. Peterson, Jr.,* Harman Claytor Corrigan & Wellman

12:00 Adjourn