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**Deposition Workshop  
Jepson Alumni Center at the University of Richmond**

March 3-4, 2023

AGENDA

*9.0 HRS CLE APPROVED*

**FRIDAY, MARCH 3**

10:00-10:25 Registration and Coffee

10:25-10:30 Welcome and Introductions

*Alexandra Ellmauer*, VADA Young Lawyers Division Chair, Byrne Canaan Law

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

*Josh Dunn,* Planet Depos

*Melissa H. Katz*, VADA Past President, McGavin, Boyce, Bardot, Thorsen & Katz

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.

11:30-12:30 Deposing Medical Experts

*Samuel Bernier,* Frith Anderson & Peake

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.

12:30-1:00 Lunch

1:00-2:00 Taking Remote Depositions & Other Deposition Challenges

*Samuel Bernier,* Frith Anderson & Peake

*Gracemarie Braunberg,* Planet Depos

*Josh Dunn,* Planet Depos

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.

2:00-3:00 Preparing Your Own Witness

*Tate Love,* VADA Past President, TimberlakeSmith

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

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

*Marshall H. Ross*, VADA Past President, Emeritus Bar Member

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.

4:15-5:00 Exhibition of Depositions by Senior Attorneys Acting Roles of Deposition Parties

*James A. Cales,* VADA President-Elect, Furniss Davis Rashkind & Saunders

*Tate Love,* VADA Past President, TimberlakeSmith

*Julie Palmer* VADA President, Harman Claytor Corrigan & Wellman

Using the 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 Networking Reception**

**SATURDAY, MARCH 4**

8:15-8:45 Continental Breakfast Available

8:45-9:00 General Session: Explanation of the day’s procedures

*Julie Palmer.* VADA President,Harman Claytor Corrigan & Wellman

9:00-12:15 Breakout sessions, each comprising

4 associates

1 senior attorney

Deponent role players

Observers

9:00-9:45: Round 1and Feedback  
9:45-10:30: Round 2 and Feedback

10:30-10:45: Break

10:45-11:30: Round 3 and Feedback

11:30-12:15: Round 4 and Feedback

We will do four rounds of depositions, with attendees rotating between attorney roles, deponents and observing. The roles are found in the NITA case file – information about ordering the case file will be sent after registration. Additional registrants will observe and give constructive feedback.

Coaches

*James A. Cales,* VADA President-Elect, Furniss Davis Rashkind & Saunders

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

*Melissa Hogue Katz*, VADA Past President, McGavin, Boyce, Bardot, Thorsen & Katz

*Tate C. Love,* VADA Past President, TimberlakeSmith

*Julie Palmer*, VADA President, Harman Claytor Corrigan & Wellman

12:15 Adjourn