

Deposition Techniques and Strategy *with David Markowitz*

Learn from a litigation master:

- ◆ Deposition goals
- ◆ How to ask questions effectively
- ◆ Dealing with the problem witness
- ◆ Style and demeanor
- ◆ Deposing expert witnesses

Thursday, October 22, 2009
9 a.m.–4:15 p.m.

Oregon Convention Center
Portland, Oregon

6.25 General CLE or Practical Skills credits



Deposition Techniques and Strategy *with David Markowitz*

Video Replays

Thursday, October 22, 2009

6.25 General CLE or Practical Skills credits

Oregon Convention Center
777 N.E. Martin Luther King Jr. Blvd.
Portland, Oregon

DEPOSITIONS CAN MAKE OR BREAK YOUR CASE, AND THIS IS your chance to learn from a master.

For more than 20 years, David Markowitz has been studying deposition and trial techniques and has presented dozens of seminars to improve the skills of practicing attorneys. David will share with you ten important goals to accomplish, including avoiding undesired results. Learn the value of question structure and how to deal with evasive and incomplete answers. The most important questions and techniques the best lawyers use will be covered, as will a key component of any deposition—knowing when to stop asking questions.

Through David's keen ability to communicate and persuade, he will demonstrate powerful, practical methods for getting the most out of your depositions, including the best ways to defend depositions, depose expert witnesses, and effectively use depositions at trial. Whether you are new to trial practice or want to refresh your deposition skills, this presentation by one of Oregon's litigation lions is an opportunity not to be missed.

Register online at www.osbar.org, by using this form, or by calling the OSB CLE Service Center at (503) 431-6413, toll-free in Oregon at 1-800-452-8260, ext. 413. For a full listing of OSB CLE seminars, please visit www.osbarcle.org.

This seminar will be videotaped and shown in its entirety at the following locations if three or more registrations are received at least a week prior to the replay date. To find out if a replay will be shown, please click on the Seminars Calendar at www.osbarcle.org and select the date of the scheduled video replay.

- ◆ **Astoria**
Friday, January 15
Di Bartolomeo Law Office
1139 Exchange St.
- ◆ **Bend**
Friday, January 8
Miller Nash LLP
1567 S.W. Chandler Ave.
Suite 204
- ◆ **Coos Bay**
Friday, January 8
Daniel M. Hinrichs PC
590 Commercial Ave.
- ◆ **Eugene**
Friday, January 15
Gaydos Churnside & Balthrop PC
440 E. Broadway, Suite 300
- ◆ **Grants Pass**
Thursday, January 7
Josephine County Courthouse
Room 222
N.W. 6th and "C" Streets
- ◆ **Hood River**
Friday, January 8
Wyers Haskell Davies PC
216 Columbia
- ◆ **Klamath Falls**
Friday, January 8
Boivin Uerlings & DiLaconi PC
803 Main St., Suite 201
- ◆ **LaGrande**
Friday, January 8
Mautz Baum & O'Hanlon LLP
1902 Fourth St.
- ◆ **Medford**
Friday, January 15
Frohnmyer Deatherage
2592 E. Barnett Rd.
- ◆ **Newport**
Friday, January 15
Macpherson Gintner & Diaz
423 North Coast Highway
- ◆ **Pendleton**
Friday, January 15
Mautz Baum & O'Hanlon LLP
101 S.E. Byers Ave.
- ◆ **Redmond**
Friday, January 15
Bryant Emerson & Fitch
888 W. Evergreen
- ◆ **Roseburg**
Thursday, January 7
Douglas County Counsel's Office
Law Library, Room 319
1036 S.E. Douglas
- ◆ **Salem**
Friday, January 8
The Vandermay Law Firm
New address:
2085 Commercial Street NE
- ◆ **Tigard**
Wednesday, January 13
Oregon State Bar Center
16037 S.W. Upper Boones Ferry Rd.
- ◆ **Vale**
Friday, January 8
Butler & Looney PC
292 Main St. S.

8:00 Registration

9:00 Taking Depositions Part I

- ◆ Deposition goals—ten important goals to accomplish
 - ◇ Determining goals and objectives
 - ◇ Accomplishing desired results
 - ◇ Avoiding undesired results
- ◆ How to ask questions effectively
 - ◇ Correct question structure
 - ◇ Dealing with evasive and incomplete answers
- ◆ What to ask
 - ◇ Asking the most important questions
 - ◇ Big questions—if, how, and when to ask them
 - ◇ Techniques the best lawyers use

One 15-minute break will be taken during the morning session.

Noon Lunch (On your own)

1:00 Taking Depositions Part II

- ◆ Dealing with the problem witness
 - ◇ The lying witness
 - ◇ The witness who “doesn’t remember”
 - ◆ When to stop asking questions
 - ◆ Getting it all—deposition thoroughness
 - ◆ Style and demeanor
-

Defending Depositions

- ◆ Goals
 - ◆ Pre-deposition meetings with witnesses
 - ◆ Teaching your client how to be a terrific deposition witness
 - ◆ Protecting your client during deposition—including proper objections
-

Deposing Expert Witnesses

Using Depositions at Trial

4:15 Adjourn

One 15-minute break will be taken during the afternoon session.

Meet David Markowitz . . .

Dave Markowitz is considered by many to be among the best trial lawyers in the Northwest. Once labeled an “800 pound piranha,” Dave’s commanding presence and keen instincts have made him a courtroom icon. Over the last two decades, Dave has shepherded his firm, Markowitz Herbold Glade & Mehlhaf PC, from its beginning as an ambitious two-attorney litigation shop to its present status as one of the premier business litigation firms in the region. In addition to his active trial schedule, Dave shares his craft with lawyers of all levels. He is a frequent lecturer on litigation-related topics for the Oregon State Bar, the Oregon Law Institute, and the Multnomah Bar Association. He regularly presents a nationally recognized training seminar on depositions. Dave is recognized in *The Best Lawyers in America* for Business Litigation, is a fellow of the American College of Trial Lawyers, is a member of the American Board of Trial Advocates, and was listed as one of the Top Ten Oregon Litigators by the *National Law Journal*. He was recognized by Chambers USA as one of the two top commercial litigators in Oregon, and he is one of four Oregon lawyers included in the Lawdragon 500 Leading Litigators in America. Dave frequently acts as a mediator and arbitrator to resolve commercial disputes, and he served as a pro tem judge in Multnomah County for several years.

What Oregon attorneys say about David Markowitz and his CLE seminars:

- ◆ “I am new at taking depositions and find the guidance provided by Mr. Markowitz extremely helpful and useful.”
- ◆ “David is direct, concise, and practical. One of the most useful seminars I have attended.”
- ◆ “Very educational and useful. Great integration of video excerpts.”
- ◆ “Video clips and anecdotes were very helpful. Very organized and informative; great program.”

OSB CLE Seminars Planner:

- ◆ Kes Joerg, kjoerg@osbar.org, (503) 431-6326

SEMINAR REGISTRATION

PORTLAND

- \$175 OSB Member—Early registration
(received before noon, Monday, 10/19/09).... \$ _____
- \$195 OSB Member—Regular registration
(received after noon, Monday, 10/19/09) \$ _____
- \$205 Non-OSB Member \$ _____
- \$0 **2009–2010 Season Ticket** (Please register
by noon, Monday, 10/19/09, to guarantee
a seat and course materials. Season Ticket
registrations received after this time are
welcome and will be accommodated on a
space-available basis.)..... \$ _____
- \$0 50-year OSB members may attend free of
charge \$ _____
- \$0 Oregon judges and their lawyer staff (see
below) \$ _____
 - Registrant is a judge
 - Registrant is a lawyer staff member for
the following judge

Judge (please print)

Signature of Judge (required)

TOTAL REGISTRATION FEES (DEP09) (728) \$ _____
WB

VIDEO REPLAY

(Please see video replay schedule on previous page.)

Location: _____

- \$175 Registration \$ _____
- \$0 2009–2010 Season Ticket \$ _____
- \$0 50-year OSB members may attend free of
charge \$ _____
- \$0 Oregon judges and their lawyer staff (see
below) \$ _____
 - Registrant is a judge
 - Registrant is a lawyer staff member for
the following judge

Judge (please print)

Signature of Judge (required)

TOTAL REGISTRATION FEES (DEP09) (728) \$ _____
WB

SEMINAR PRODUCT ORDERS

Seminar products will be available approximately two weeks after the live program.

- \$195 Audio CDs and course materials
(DEP09.KCD) \$ _____
 - \$325 DVDs and course materials (DEP09.KDV) ... \$ _____
 - \$65 Course materials (DEP09.HB) \$ _____
- 2009–2010 Season Ticket No. _____
discount—subtract 20%: –
- Subtotal:..... \$ _____
Shipping and handling fee:..... \$ 7.00
TOTAL ORDER:..... \$ _____
WB

For audiocassette and VHS formats, please call the CLE Service Center at 503-431-6413, or toll-free in Oregon at 1-800-452-8260, ext. 413.

DVD RENTALS

For additional viewers, please call 503-431-6351, or toll-free in Oregon at 1-800-452-8260, ext. 351.

- \$195 DVD rental and course materials
(DEP09.KDR) \$ _____
- Subtotal:..... \$ _____
- 2009–2010 Season Ticket No. _____
DVD rental discount—subtract 30%:..... –
- Subtotal:..... \$ _____
Shipping and handling fee:..... \$ 7.00
TOTAL ORDER:..... \$ _____
WB

GENERAL INFORMATION

QUESTIONS? Call the CLE Service Center at 503-431-6413, or toll-free in Oregon at 1-800-452-8260, ext. 413. For information about upcoming seminars, please visit the CLE Calendar at www.osbarcle.org.

CANCELLATIONS: Cancellation requests must be received at least 48 hours prior to the start of the seminar to qualify for a refund. Requests are accepted via phone, fax, or mail; please see “Four Ways to Register” for contact information. All cancellations are subject to a \$20 cancellation fee.

TUITION ASSISTANCE: Tuition assistance is available on the basis of financial need. Fax a request stating your financial situation to 503-968-4456 no later than one week before the seminar.

DIETARY RESTRICTIONS OR SPECIAL ACCOMMODATIONS: Call 503-431-6351, or toll-free in Oregon, 1-800-452-8260, ext. 351.

Bar # Name

Firm Name

Email Phone Fax

Address

City State Zip Code

PAYMENT OPTIONS

- Check Enclosed: Payable to Oregon State Bar
- Credit Card (VISA or MasterCard only)

All information below required when paying by credit card.

Credit Card Number Expiration Date

Name on Credit Card (please print)

Credit Card Billing Address

City State Zip Code

Authorized Signature

FOUR WAYS TO REGISTER OR ORDER

Registrations and orders will not be processed without payment.

1. **ONLINE** at www.osbar.org.
2. **PHONE:** 503-431-6413, or toll-free in Oregon at 1-800-452-8260, ext. 413
3. **FAX with VISA or MasterCard number:** 503-968-4456
4. **MAIL with check:** Oregon State Bar, CLE Registration, P.O. Box 231935, Tigard, OR 97281-1935