



Oregon Law Institute
of Lewis & Clark Law School

Two new programs featuring

Robert Musante

The Anatomy of a “Superstar” Deposition:

David Boies vs. Bill Gates in U.S. vs. Microsoft

Thursday, February 21, 2013

8:30–4:00; **6.25** General MCLE Credits

Attacking Adverse Witness’s “I Don’t Know” and “I Don’t Remember”

Friday, February 22, 2013

8:30–12:30; **4** General MCLE Credits

**AMBRIDGE
EVENT CENTER**

1333 NE Martin Luther King Jr. Blvd.
Portland, Oregon

The Anatomy of a “Superstar” Deposition: *David Boies vs. Bill Gates in U.S. vs. Microsoft*

Thursday, February 21, 2013

Ambridge Event Center
6.25 General MCLE Credits

A knock-your-eyes-out analysis of the awesome discipline of deposition cross-examination. Using a score of video clips from the intensely contentious three-day deposition taken by the country’s most lauded civil litigator of the world’s richest man in the most high profile civil case in America since the U.S. brought suit against John D. Rockefeller’s Standard Oil, this seminar will teach you **the** correct paradigm for taking the very best “fact” witness deposition in every case for the rest of time.

8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

- 8:30–10:00
- The country’s highest-rated civil litigator introduced
 - The Grand Unified Theory, part #1
 - “Great” adverse depositions: the most important, teachable aspect of civil litigation
 - Background and core case facts
 - Extended video excerpts: a competent deposer vs. a formidable witness—the “superstar deposer” vs. a formidable witness

10:00–10:10 BREAK

- 10:10–11:20
- Battleships
 - The G.U.T. of civil litigation, part #2
 - Cross-examiner’s lab: 7 advantages
 - The rule re saving “stuff” for surprise at trial—the rationale—pre-trial considerations—at trial considerations—the exceptions
 - Establishing rapport with deponent

11:20–11:30 BREAK

- 11:30–12:30
- The rule re leading questions at deposition—the potential exceptions
 - A deposition Holy Grail: the provable lie
 - Encouraging a damaging truth
 - The rhetorication rule and intensifying arguments
 - Noun-epithets and refrains

12:30–1:30 LUNCH (on your own)

- 1:30–2:50
- Noun-epithets and refrains
 - Nearly every deposition-taker’s most significant failing
 - Evidentiary depositions vs. discovery depositions
 - Definition of a truly “great” adverse deposition
 - Firewalling—interrogatory—like questions—wall-to-wall, ceiling-to-floor terms—enumeration—looping

2:50–3:00 BREAK

- 3:00–4:00
- Whack!...the difference between a mere booklet of Q&A and a trial transcript
 - Define the uncertain in deponent’s answer
 - Make the implied in deponent’s answer express
 - Specify limits of deponent’s answer
 - Adverse deponent’s universe of escapes from “Deceiver!!”

4:00 p.m. ADJOURN

Attacking Adverse Witness's "I Don't Know" and "I Don't Remember"

Friday, February 22, 2013

Ambridge Event Center

4 General MCLE Credits

To every adverse witness the answers that represent the Scylla and Charybdis of cross-examination, the perilous answers that the witness seeks to dodge whenever possible, are the damning admission and the vulnerable-to-impeachment denial. To accomplish that dodge, the adverse witness, perhaps at the unethical urging of the opposing attorney, most usually employs the tactic of responding to cross-examiner's "yes or no" questions with dishonest "maybe" answers: the "I don't know" or the "I don't remember." This seminar teaches how to best attack these toughest-to-successfully-attack answers...whether at deposition or in trial.

8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:30–12:30

There will be a 15-minute break

- Why depose?
- How to depose...with Whack!
- Pick a chair: "Yes," "No," or "Maybe"
- One answer per question: a test of your critical listening skills
- The several meanings of "I don't know"
- Lines of attack against the "I don't know"—Witness's "knowledge trail"—Dramatically define the "limits" of witness's knowledge
- The invalid "I don't know"
- One woefully lame deposition re "I didn't know at the time"
- Why "I don't remember" is the all-time, toughest answer to successfully attack
- Adverse deponent's motives re "forgetting"
- The Rosetta Stone line of questioning attacking the "I don't remember"—Dramatically define the "limits" of witness's memory—Dramatically define witness's relationship to the "forgotten" information (12 factors)

12:30 p.m. ADJOURN

About the Speaker

Robert Musante is the nation's foremost teacher of deposition cross-examination skills. A former deputy district attorney, civil trial attorney, and lecturer in trial practice for 16 years at the University of California, Boalt Hall Law School, he has taught his unique and highly entertaining seminars to more than 40,000 litigators in 42 states. He has made in-house presentations to the attorneys general of 11 states and to the partners and associates of more than 80 litigation law firms, including Lane Powell, K&L Gates, Bullivant Houser Bailey, Perkins Coie, and Miller Nash.



What Oregon Attorneys Have Said About Musante's Seminars

- Eye-opening; logical. Best I have taken.
—*Stephen Joncus, Klarquist Sparkman*
- A+ for practical content. A+ for instructor. Vastly superior to others... no comparison. —*Lee Nusich, Lane Powell*
- Entertaining, fast-paced, thought provoking. Very practical.
—*Christopher D. Moore, Malagon Moore & Jensen*
- This is the best seminar that I have ever attended, and I have been to several seminars that were quite good. Musante's style was animated and riveting. I am an in-house intellectual property attorney and have been for 16 years. I am currently involved in patent litigation and need education on depositions... this seminar provided a wealth of information for me.
—*Thomas Lenihan, Tektronix, Inc.*
- Highly useful content for my criminal defense trial work. Musante is an A+. —*Mark Smolak*
- First rate! Musante is thorough and animated. Every little bit helps, and the "bits" were major, not trivial.
—*Bruce Rubin, Miller Nash*
- Extremely provocative. Very practical. It will dramatically improve the quality of my adverse depositions if I follow up on the study and preparation. —*Charles Duncan, Ray Bradley Law Offices*
- Awesome practical content. Musante was perfect! I finally have a discipline to address "I don't know" and "I don't remember."
—*Kimberley Hanks McGair, Farleigh Wada Witt*
- At the top of trial related CLEs because it focuses on rules that can be used in any case, rather than on fact-specific war stories. Practical solutions to common problems effectively and passionately communicated. [Musante] clearly has a passion for his subject.
—*James H. Van Dyke, Portland City Attorney's Office*
- Excellent. Good visuals and expressive skills. Musante presented usable concepts for litigation rather than the usual review of case law applicable to a particular subject. —*Harriet Isenberg*
- Much better than all others. Very helpful to the long-time practitioner, which is rare. Musante is excellent; could wake the dead.
—*Karen O'Kasey, Hoffman, Hart & Wagner*
- Very practical seminar... very dynamic speaker.
—*Peter Davis, Zipse, Elkins & Mitchell*

QUESTIONS?

Call (503) 768-6580 or (800) 222-8213.
Check out our website at www.lclark.edu/org/oli
or e-mail us at oli@lclark.edu.

REGISTRATION FORM

The Anatomy of a “Superstar” Deposition

Thursday, February 21, 2013

Attacking Adverse Witness’s

Friday, February 22, 2013

featuring Robert Musante

Name	OSB No. or Profession
Firm/Organization	
Street Address	City/State/Zip
Phone	E-Mail

TUITION

BOTH PROGRAMS

- \$310 Early registration (received by February 15, 2013)
- \$170 OLI Annual Passholder (OLI Pass No. _____) and Oregon judges and their lawyer staff (received by February 15, 2013)
- \$20 Add to above tuition if registration received after February 15, 2013

INDIVIDUAL PROGRAMS

- The Anatomy of a “Superstar” Deposition*
 - \$195 Early registration (received by February 15, 2013)
 - \$115 OLI Annual Passholder (OLI Pass No. _____) and Oregon judges and their lawyer staff (received by February 15, 2013)
- \$20 Add to above tuition if registration received after February 15, 2013
- Attacking Adverse Witness’s “I Don’t Know & I Don’t Remember”*
 - \$145 Early registration (received by February 18, 2013)
 - \$85 OLI Annual Passholder (OLI Pass No. _____) and Oregon judges and their lawyer staff (received by February 18, 2013)
- \$20 Add to above tuition if registration received after February 18, 2013

Note: These programs will not be recorded.

COURSE MATERIALS *Included with registration. Please select one:*

- Electronic course book (a link to a PDF of the materials will be emailed no later than 48 hours prior to the seminar date)
- Print version

ENCLOSED IS \$ _____ BY:

- Check payable to Oregon Law Institute (OLI)
 - Credit Card: Acct. # _____ - _____ - _____
 - VISA MasterCard Discover AmEx
- Exp. Date: _____ Signature: _____

Return this form with payment to:
OLI Registrar
620 SW Main Street, Ste. 706
Portland, OR 97205-3037

...or fax (503-768-6585) or e-mail
(oli@lclark.edu) this registration form to
OLI, including credit card information.

CONFIRMATION: Confirmation will be sent via e-mail.

CANCELLATION POLICY: Tuition minus a \$25 handling charge will be refunded if the cancellation request is written and received by Friday, February 15, 2013.

NEED ASSISTANCE: If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.

TUITION ASSISTANCE: A limited number of scholarships are available based on financial need. Contact OLI.