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EFFECTIVE DEPOS

Practical Rules

Real-Life Examples

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The Goal of This Presentation

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“Effective Depos” is a CLE topic that does not lack for attention. Over the years, many top academics and practitioners have tackled this topic and, consequently, have filled law-library shelves and CLE binders with their thorough work product. (I mention some of the better efforts in this presentation, particularly at slide 24.)

Writings on the “effective depos” topic are only as good as your personal experience. That is, unless you have lived through the sorts of experiences relayed by the writings – e.g., evasive or lying witnesses, witnesses with foreign-language translators, abusive or disruptive opposing counsel, near fights during depositions – you will gain little from the writings. At least, that’s my perspective. Accordingly, I like to peruse the writings on effective depositions once or twice a year, in light of the specific experiences I’ve had that will better connect me to what the writer is trying to teach. This way, I glean more from the writings because I have a frame of reference – namely, my own real-life experience – to which I can relate the writings.

Rather than give you another laundry list of “dos” and “don’ts,” “helpful questions,” etc., I’m trying in this presentation *to show you* some of my experiences. The hope is that by seeing, hearing and reacting to the video-clips imbedded in this presentation, you will learn more from the helpful-technique pointers that I’m trying to make. Also, hopefully you will learn more from the various other writings on the well-worn topic of “effective depositions.”

– JH

P.S. I’m typically taking depositions (more so than defending them), so most of my pointers are specifically for attorneys taking depositions. Nonetheless, the pointers should be broad enough to benefit even attorneys defending depositions.

The Context:

1

Depos are expensive and time consuming.

2

Depos frequently are videotaped.

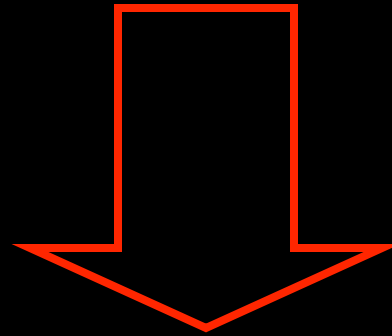
3

Depos can cause a case to settle.

4

Depos may be occurring less frequently.

The Context



**The Examining Lawyer Must
Make Each Depo Count
by
Protecting the Record**

How to Protect Your Depo Record

**The Gentle Reminder:
“Just say ‘Objection, form’ please”**

How to Protect Your Depo Record

**The Gentle Reminder:
“Please Properly Use the
‘Instruction not to answer’ ”**