Inns of Court

November 10, 2015

**Ethical Considerations in Preparing Lay Witnesses**

1. Perjury

a. Duty of candor and other ethical obligations in preparing for court

b. Your witness planning to perjure themselves

i. How to prevent

ii. What to do when things change at the last minute

c. Correcting prior false testimony and other remedial measures

d. Perjury vs. mistake

2. Exclusion

a. Federal Rule of Evidence 615/Tax Court Rule 145

i. Contours of the rule

b. Practice tips for using the rule and preparing your witness

c. Caselaw discussing the Rule and sanctions

d. Applicability of the Rule in depositions

3. Silent witness

a. Lawyer as witness

i. Subpoenaing a lawyer for testimony

b. 5th Amendment

c. Negative inferences

d. Out of control witnesses