

Inns of Court Presentation Handout

March 20, 2014

Group 1

Group 1's presentation focuses on all aspects of depositions. In order to get the most out of the presentation, we ask that each table discuss the question assigned to their group (see below). This will help prepare you to spot the issues raised in the three short vignettes we will role-play. After each vignette, we will open the floor to hear your thoughts and questions on how to handle these issues.

Group 2

Is it necessary to clear the time and place of a deposition with opposing counsel and parties?

Group 3

Does a deponent have the right to assistance of counsel during a deposition?

Group 4

How do you handle speaking objections, including those objections that direct a witness how to answer?

Group 5

When, if ever, is it appropriate to instruct a witness not to answer a question?

Group 6

When should you suspend, terminate, or adjourn a deposition? Is there ever an appropriate time to request judicial assistance with an unruly attorney or deponent?

Group 7

How do you handle an expert witness who refuses to be deposed because payment was not timely received for 1) his or her appearance or 2) record copies?

Group 8

Can an attorney instruct their client's expert witness not to answer an opposing counsel's question?