

TAKING AND DEFENDING DEPOSITIONS

COURSE SYLLABUS SUMMER, 2013

INSTRUCTOR: WILLIE BEN DAW, III

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CLASS HOURS: Monday, Tuesday 6:00 p.m. - 8:35 p.m.

A. DESCRIPTION

Taking and Defending Depositions is a two credit-hour course that focuses exclusively on the methods, techniques, and usage of depositions in the litigation setting. This class will focus on preparing for and taking depositions in State Courts of Texas and will also cover depositions in Federal Court.

B. REQUIRED READINGS

- Malone, David, and Hoffman, Peter (2012) *The Effective Deposition: Techniques and Strategies that Work*. Fourth Edition.
- Dixon v. Providential Life Insurance Case File
- Texas Rules of Civil Procedure (can find online through Supreme Court's website)
- Selected Course Handouts

C. STRUCTURE OF THE COURSE

The class will be composed of nine (9) lectures and seven (7) "break-out" sessions in which each student will be expected to practice the skills discussed during the previous lectures. The first class period will be comprised solely of a lecture. Each class thereafter will begin with a break-out session followed by a lecture, with the exception of class number 6, which will consist of a midterm instead of a break-out session. Students are required to attend each lecture and participate in each break-out session.

Prior to each class period, each student is expected to complete the assigned reading before class and prepare for each break-out session. Each student will be evaluated during each break-out session, and the performance of each student will contribute to their respective final grades.

D. GRADING

The class will be graded on a curve which has been predetermined by the administrators of the law school. Grades will be assigned using the following:

MIDTERM:	20%
BREAK-OUT SESSIONS:	40%
FINAL:	40%

E. COURSE OUTLINE AND SCHEDULE

<u>CLASS</u>	<u>TOPIC</u>	<u>READING ASSIGNMENTS</u>
1	Lecture 1: Goals and Purpose of the Course General Background of Depositions Mechanics of a Deposition Beginning the Deposition Introduction to Funneling	Chapters 1, 2, 3, 4, 6 pp. 4-64, 91-116
2	Break-out Session - Beginning a Deposition Lecture 2: Style and Organization of a Deposition Preparing for a Deposition Funneling and other Deposition Techniques	Chapters 5, 7, 8 pp. 65-90, 117-195
3	Break-out Session - Obtaining Information using Funneling Lecture 3: Defending a Deposition Texas Rules of Civil Procedure and Depositions Federal Rules of Civil Procedure and Depositions Objecting and Responding to Objections During a Deposition Reviewing, Correcting, Editing and Supplementing the Deposition Transcript	Chapters 14, 15 pp. 327-371

4	Break-out Session - Defending a Deposition Lecture 4: Preparing the Witness	Chapter 13 pp. 296- 326
5	Break-out Session - Preparing the Witness Lecture 5: The Usage of Exhibits at Deposition Foundations as Applied to Depositions	Chapter 9, 10 pp. 197-260
6	<u>MIDTERM</u> Lecture 6: Review Session Question and Answer Session	None
7	Break-out Session - Laying the Foundation and Usage of Exhibits in deposition Lecture 7: Deposing a Corporate Representative	Chapter 19 pp. 429-444
8	Break-out Session - Deposition of Corporate Representatives Lecture 8: Deposing an Expert Witness	Chapter 20 pp. 447-489

9	Break-out Session - Deposition of Expert Witnesses Lecture: 9 Handling Obstructive Opposing Counsel Use of Depositions at Trial Videotaping Depositions Concluding the Deposition Final Review	Chapter 11, 16, 18, 21 pp. 261-280, 375-399, 407-428, 489-498
10	<u>FINAL EXAMINATION</u>	