

TAKING AND DEFENDING DEPOSITIONS

COURSE SYLLABUS

SUMMER 2026

INSTRUCTORS: Willie Ben Daw III

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Course Number/Section: 5200-17090

Room : 211

PROFESSOR DAW OFFICE PHONE:	(713) 266-3121
PROFESSOR DAW CELL PHONE:	(713) 824-0151 (use this one)
CLASS HOURS: Monday, Tuesday	6:00 p.m. - 8:20 p.m.

A. LEARNING OBJECTIVES/OUTCOMES/GOALS

Taking and Defending Depositions is a two-credit-hour course that focuses exclusively on the methods, techniques, and use of depositions in civil litigation. This class will concentrate on preparing for and taking depositions in State Courts of Texas, but will also cover depositions in Federal Court. The specific goal of the class is that students will be able to take and defend a complete civil deposition by the conclusion of the class. This class does not use AI.

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, ***Seventh Edition***;
- Texas Rules of Civil Procedure (through the Texas Supreme Court's website); and

- Selected Course Handouts.

C. COMMUNICATION

Because this class is taught exclusively by adjuncts, there are no office hours for this course. Students are encouraged to ask questions about the nature of the course and course expectations in the classroom or by email. As attorneys, the adjunct professors' capabilities of answering phone calls, especially during business hours, is extremely limited. Accordingly, email is strongly encouraged as the primary method of out of class communication with adjuncts.

D. STRUCTURE OF THE COURSE

All classes will be on campus.

The class will be composed of nine (9) lectures and six (6) "break-out" sessions in which each student will be expected to practice the skills discussed during the previous lectures. Students are encouraged to ask questions during lecture sessions. The first day of class will be comprised solely of a lecture and discussion. 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 Mid-term 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 and prepare for each break-out session. Each student will be evaluated/graded during each break-out session, and the performance of each student will contribute to their respective final grades.

Students will also be expected to attend one deposition and prepare a paper describing the process, the techniques utilized by the deposing counsel, the actions of the defending attorney, and any other observation that is relevant to the experience. The deposition should be either a complete deposition or the first two hours of a deposition. Students will be provided a list of depositions that are available to attend or they can make their own arrangements. The deposition can be attended via Zoom/Teams. The attended deposition and observation must occur while the class is ongoing. It cannot be something the student observed prior to the first day of class.

All four professors attend Zoom deposition on a regular basis. If you do not know someone who can allow you to observe a deposition via Zoom, you can attend one being conducted by one of the professors or an attorney at our firms.

E. GRADING

Your grade will be determined by adding up your scores in 5 separate categories; with those totals being applied to a predetermined curve required by the law school. The 5 categories represent 4 "tasks" and one overall professionalism grade. Below is a detailed description of the tasks to be performed.

Break-out Sessions - Students will participate in taking simulated depositions using the specifically assigned portions of the *Dixon v. Providential Life Insurance* case file, or other specific and provided assignments. Each break-out session will consist of a small group of students which will

remain constant throughout the class. Each student will be given a letter designation as either an “A” or “B.” The deponent for each session is determined by the student’s letter designation. For each exercise, one student will act as the attorney taking the deposition, and one student will act as opposing counsel. Witnesses will be provided. Students will be expected to have complete understandings of the problem/case file which is the subject of the break-out session. Students will be graded on their performance in each session. A student’s participation in the break-out sessions will also be a consideration in the professionalism portion of the final grade. Students are expected to prepare approximately 10 minutes of questioning for each break-out session. The break out session grades will comprise 35% of the final grade.

Mid-term – The Mid-term exam will comprise 20% of the final grade.

Professionalism – Each student will be expected to act in a professional manner, which involves zealous advocacy in conjunction with giving the witness, opposing counsel, court reporter and videographer the courtesy and respect that is appropriate. Also, the level of preparedness of each student for each class will impact the professionalism grade. Professionalism will make up 10% of the final grade. (Every student starts with full credit for professionalism.)

Deposition Observation paper – Each student is required to attend one deposition and write a three page paper describing the process, the techniques utilized by the deposing counsel, the actions of the defending attorney, and any other observation that is relevant to the experience. Students who are unable to attend a live deposition have the option of watching video depositions which will be provided by faculty upon request. The deposition observation paper will comprise 5% of the final grade.

Final – Each student will have 30 minutes to take a deposition of an assigned witness and will have to defend a deposition conducted by their “opposing” counsel. The final exam will comprise 30% of the final grade. The final examination will possibly take place over two days, if needed. On day one of the final, the student will either take or defend a deposition. On day two, the students will switch roles. (This could change depending on class size.)

F. ATTENDANCE

Participation in break-out sessions is the primary tool in this course for developing deposition techniques. Accordingly, attendance will be closely monitored. Absences may be (and will be freely) excused with good cause, which would include but is not limited to legitimate familial, medical, or work-related complications. The student must communicate their absence before the class. Failure to notify the adjuncts prior to class, even if excused, **will** have a significant effect on the professionalism portion of the grade. Unexcused absences will not be tolerated; students with unexcused absences will receive a score of 0 for the break-out session which they missed as a result of the unexcused absence AND a 50% reduction in the professionalism portion of the grade.

G. ADDITIONAL INFORMATION

1. The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code’s provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is

deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

2. The university's Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling (713) 743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. Their webpage can be accessed here: http://www.uh.edu/caps/outreach/lets_talk.html

3. UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment in which students, faculty, staff, and visitors are 6 free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University system's Anti-Discrimination Policy webpage, Antidiscrimination Policy, Sexual Misconduct Policy webpage, and Sexual Misconduct Policy. Under the University Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

4. Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without the advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use the instructor's recordings for their own studying and note-taking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

H. COURSE OUTLINE AND SCHEDULE

<u>CLASS</u>	<u>TOPIC</u>	<u>READING ASSIGNMENTS</u>
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1	<p>Monday, June 8</p> <p>Lecture 1: Goals and Purpose of the Course Background and Mechanics of Depositions Beginning the Deposition Introduction to Funneling</p>	<p>Chapters 1, 2, 3, 4, 6</p> <p>pp. 4-64, 91-116</p>
2	<p>Tuesday, June 9</p> <p>Break-out- Beginning a Deposition A - Sheriff Altair Khouri B - Norman F. Crowe</p> <p>Lecture 2: Funneling and other Deposition Techniques Style and Organization of a Deposition Preparing for a Deposition</p>	<p>Chapters 5, 7, 8</p> <p>pp. 65-90, 117-195</p>
3	<p>Monday, June 15</p> <p>Break-out- Obtaining Information Using Funneling A - Sheriff Altair Khouri B - Norman F. Crowe</p> <p>Lecture 3: The Usage of Exhibits at Deposition Foundations as Applied to Depositions</p>	<p>Chapters 9, 10</p> <p>pp. 197-260</p>
4	<p>Tuesday, June 16</p> <p>Break-out- Laying the Foundation and Usage of Exhibits in deposition A - Sheriff Altair Khouri B - Norman F. Crowe</p> <p>Lecture 4: Defending a Deposition Texas Rules of Civil Procedure and Depositions Federal Rules of Civil Procedure and Depositions Objections During a Deposition Reviewing and Supplementing the Deposition Transcript</p>	<p>Chapters 14, 15</p> <p>pp. 327-371</p>

5	<p>Monday, June 22</p> <p>Break-out- Defending a Deposition A - Sheriff Altair Khouri B - Norman F. Crowe</p> <p>Lecture 5: Deposing a Corporate Representative</p>	<p>Chapter 19</p> <p>pp. 429-444</p>
6	<p>Tuesday, June 23</p> <p><u>MID-TERM</u></p> <p>Lecture 6: Handling Obstructive Opposing Counsel Deposition Follies and Pitfalls</p>	<p>None</p>
7	<p>Monday June 29</p> <p>Break-out- Deposition of Corporate Representatives A and B - Cross-Examination of Robert/a Wilson</p> <p>Lecture 7: Deposing an Expert Witness</p>	<p>Chapter 20</p> <p>pp. 447-489</p>
8	<p>Tuesday, June 30</p> <p>Break-out- Deposition of Expert Witnesses A and B - Cross-Examination of Allister/Allison E. Upchurch, MD</p> <p>Lecture 8: Preparing the Witness Use of Depositions at Trial Concluding the Deposition</p>	<p>Chapter 11, 13, 16, 18, 21</p> <p>pp. 261-280, 296- 326, 375-399, 407- 428, 489-498</p>

9	Monday, July 6 No Break-out exercise (report directly to the main classroom) Lecture 9: Zoom/Team Depositions Final Review	None
10	Tuesday, July 7 (Wednesday, July 8 if needed) <u>FINAL EXAMINATION</u> NITA Liquor Problem “A” group deposes Dan Jones “B” group deposes Officer Bier	None