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ALBERT J. MOORE
DAVID A. BINDER
PAUL BERGMAN
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Depositions

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DEPOSITIONS

IN A NUTSHELL

By

ALBERT J. MOORE

Professor of Law

University of California, Los Angeles

DAVID A. BINDER

Professor of Law

University of California, Los Angeles

PAUL BERGMAN

Professor of Law

University of California, Los Angeles

JASON LIGHT

Lecturer in Law

University of California, Los Angeles

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ALBERT J. MOORE
DAVID A. BINDER
PAUL BERGMAN
JASON LIGHT

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THE SCOPE OF THIS BOOK

This book focuses on deposition questioning strategies and techniques that maximize the likelihood that you can:

- * Obtain helpful answers to critical questions.
- * Find out everything deponents know about important topics and events.
- * Undercut harmful testimony that emerges at deposition.
- * Obtain information from deponents who claim not to understand your questions or who interpret your questions in a hypertechnical way.
- * Exploit deponents' conflicting statements.
- * Respond to opposing counsel's objections and obstructionist tactics.
- * Undermine adverse experts' opinions.

The book has the following four parts.

Part One:

Deposing Adverse Witnesses

Part One illustrates common questioning strategies and techniques you might employ in the context of the most common type of deposition, the deposition of an adverse percipient witness. This part discusses strategies and techniques for (a) ob-

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taining complete information, (b) encouraging deponents to provide your desired answer, (c) responding to incomplete, evasive or non-responsive answers, (d) undermining harmful testimony and (e) responding to inconsistent or implausible statements. Part One concludes with a discussion of how to respond to objections, instructions not to answer and obstructionist behavior of opposing counsel.

Part Two:

Preparing to Depose Adverse Witnesses

Part Two describes techniques and strategies for preparing yourself to take a deposition of an adverse witness. Experienced readers have undoubtedly developed their own system for preparation. Those readers can use the strategies and techniques in Part One whether or not they choose to employ the approach to deposition preparation described in this Part Two. This Part concludes with a discussion of the rules and procedures for arranging for depositions.

Part Three:

Special Depositions

Part Three focuses on taking “special” depositions, including those of an adverse expert, a Rule 30 (b) (6) deponent, and those to preserve the testimony of your own witness for trial.

Part Four:

Defending Depositions.

Part Four explores strategies and techniques for preparing a client or witness for a deposition

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and for defending at depositions taken by opposing counsel.

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