

AAALA – When the Client Walks Through the Door
October 8, 2016, 10:15-11:45 a.m. CT
“Preparing for Depositions”

Presented by
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Authority You Must Know Before Taking Your First Deposition (Attached)

1. Multnomah County Deposition Guidelines
2. Multnomah County Civil Motion Panel Statement of Consensus
3. ORCP 36-39, 46
4. Evidence Code 400's - 800's

Outline of Presentation

I. Preparation for Taking a Deposition

- a. Preparation
- b. Goals Identification
- c. Review documents/Discovery
- d. Prepare Your Big Questions
- e. Know Your Case
- f. Prepare Exhibits (triplicate)
- g. Court reporter
- h. Videotaping?
- i. Perpetuated Deposition, timely notice

II. Preparation for Defending a Deposition

- a. How to act – Stylistic differences – Use your style
- b. Review documents in discovery
- c. Flag anything and prepare witness
- d. Meet with client/prepare
- e. Instill confidence in client/witness
- f. Explain rules of deposition to witness
- g. Use of practice questions, videos, consultants – to prepare
- h. Various Objections – form, asked and answered, vague, privileged, compound, confusing, incomplete hypothetical, argumentative, assumes facts not in evidence, lack of foundation.
- i. Speaking Objections/Coaching – outlawed
- j. Be Prepared to Call Presiding if You Have A Disagreement

(continued on next page)

¹ Originally prepared by Tom D'Amore (D'Amore Law Group) and Anne Foster for MBA – Young Lawyers Section.

Other Tools That May Help (Attached)

5. Sample Outline of Questions
6. Deposition Preparation Letter to Client