

DEPOSITION STRATEGIES

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The Deposition





The Versatile Deposition Tool

- Find out what witnesses know and believe.
- Obtain concessions and admissions.
- Test knowledge, beliefs and theories.

The Art and Science of Cross





The Art and Science of Cross

- “Great lawyers have failed lamentably in [cross], while marvelous success has crowned the efforts of those who might otherwise have been regarded as of a mediocre grade in the profession.” Wellman, *The Art of Cross-Examination* (1903).



The Art and Science of Cross

- “infinite patience and self-control; power to read men’s minds intuitively, ability to act with force and precision; a masterful knowledge of the subject matter itself, the instinct to discover the weak point in the witness under examination.” Wellman, *The Art of Cross-Examination* (1903).

Myths of Cross



Myths of Cross-Exam

- 1. Only experienced lawyers can be effective.
- 2. Effective cross-examiners need not be caring or sensitive.
- 3. Must be conducted in a very aggressive manner.
- 4. Witness must be destroyed.



Myths of Cross-Exam

- 5. Should always yield dramatic results.
- 6. Cross-exams are an opportunity to debate with the witness.
- 7. Cross-exams on TV and in movies are appropriate models.

To Cross or
Not to Cross?



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First appeared as part of the conference materials for the
36th Annual Page Keeton Civil Litigation Conference session
"Deposition Strategies"