

Taking Depositions in Business Cases

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WINNING AT DEPOSITIONS
THE UNIVERSITY OF TEXAS SCHOOL OF LAW
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Deposition Basics

- Don't get too distracted by the complex technology or business issues in dispute.
 - This is discovery.
 - Don't forget to discover.
- Don't over argue your case.
 - Learn all you can about your opponent's case.
 - Save your argument for trial.
- You are there to learn:
 - Who? What? When? Where? Why?

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Who?

- Who are you deposing?
 - Opponent
 - High level employee
 - Low level employee
 - Non-party witness
 - Expert witness

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What?

- What can you get from your OPPONENT?
 - Reduce credibility.
 - Limit the scope of their knowledge.
 - Too many “I don’t knows” will not be well-received.
 - Let them go too far.
 - Learn all you can about your opponent’s case.

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What?

- What can you get from a HIGH LEVEL EMPLOYEE?
 - Prepare for combative.
 - Often a “know it all.”
 - Let him/her be arrogant.
 - Limit the scope of what he/she really knows.
 - Let them go too far.
 - Assign him/her the responsibility.
 - Learn all you can about what/who is driving their case.

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What?

- What can you get from a LOW LEVEL EMPLOYEE?
 - Explore the scope of their knowledge.
 - Often can be a gold mine.
 - Learn what you can about how their business operates.
 - Explore other witnesses’ knowledge and credibility.
 - Learn all you can about what/who is driving their case.

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