COURSE DESCRIPTION AND SYLLABUS

Course Methodology

With only a small percentage of cases actually going to trial, the real battleground for most litigation is the deposition. Depositions can make or break a client’s case and knowing how to effectively take and defend depositions is key to a successful litigation strategy. Deposition testimony often plays a pivotal role in determining motions for summary judgment and in settlement.

This is a practical skills course and students will learn the basics of taking and defending the depositions of lay witnesses, Rule 30(b)(6) corporate representatives and expert witnesses. Through lecture, video examples, classroom demonstrations and mock deposition exercises, students will learn the procedural rules governing depositions, various examination techniques, how to handle documents, how to assert and respond to objections, how to prepare a deponent and the ethical issues surrounding depositions. A mock deposition exercise will be conducted by experienced lawyers.

Grading

Grades will be assessed as follows:

Quiz- 40%
Detailed witness examination outline- 60%

The law school’s mandatory curve policy is applicable to this course.

Required Readings Before the First Day of Class

Students should read Federal Rules of Civil Procedure, Rules 26-31, 37 & 45, all of which are posted on the course TWEN page.

Additional reading and reference materials that will be necessary to complete the required witness examination outline will be posted on TWEN during the course week.
Office Hours

Since I do not have an office at the law school, I will make myself available after each class and at other times at the law school by appointment. I am also available for consultation and questions via phone or email.

COURSE SCHEDULE

9:00 a.m.- 4:00 p.m. with 1 hour lunch break

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<th>DATES</th>
<th>TOPICS DISCUSSED/ASSIGNMENTS</th>
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| July 18, 2011 | • What is a Deposition and Why is it Important?  
|             | • The Laws/Rules Governing Depositions  
|             | • The Types of Depositions  
|             | • The Purposes for Taking Depositions  
|             | • Ethical Considerations Re: Depositions  
|             | • Advantages and Disadvantages of Depositions  
|             | • The Mechanics of Taking Depositions  
|             | • Video Depositions  
|             | • Telephone Depositions |
| July 19, 2011 | • Preparing to Take a Deposition  
|             | • Deposing the Fact Witness  
|             | • Stipulations  
|             | • Preliminary Questions  
|             | • Questioning Techniques  
|             | • On the Record/Off the Record Issues  
|             | • Handling Objections  
|             | • Using Documents  
|             | • Concluding the Deposition  
<p>|             | • Common Problems |</p>
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| July 20, 2011 | • Deposing the Corporate Representative  
• Deposing the Expert Witness  
• Defending Depositions  
• Post Deposition Issues |
| July 21, 2011 | • Classroom Quiz  
• Preparation of a Detailed Deposition Examination Outline From a Given Set of Facts |
| July 22, 2011 | • Examination Outline due at beginning of class  
• Observe and Discuss a Mock Deposition Taken and Defended by Experienced Lawyers. |

The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in this class, reasonable prior notice needs to be given to Barbara Dickey, Associate Dean of Student Affairs, and to the Center for Disability Services (CDS) to make arrangements for accommodations. CDS is located at 200 South Central Campus Drive (Union Building), Room 162, or you can call 801-581-5020.

All written information in this course can be made available in alternative format with prior notification.