# Table of Contents

**Acknowledgments** ix  

*Preface* xi  

**Chapter 1: What Is a Deposition?** 1  

**Chapter 2: What Is the Purpose of a Deposition?** 5  

Goals 6  

Uses 7  

**Chapter 3: The Rules** 17  

**Chapter 4: The Underlying Documents, Discovery, and Pleadings** 29  

**Chapter 5: Defending a Deposition** 37  

1. Tell the Truth 38  

2. What to Expect at the Deposition 39  

3. Know What the Witness Will Say 41  

**Chapter 6: Taking a Deposition** 51  

The Nonparty Fact Witness 51  

The Party Witness 55  

**Chapter 7: Eliciting the Facts** 59  

The Leave-No-Stone-Unturned Approach 59  

The Bad-Facts-Only Approach 62  

Just-the-Relevant-Facts Approach 63  

**Chapter 8: Stupid Questions** 67
**Chapter 9:** Dealing with the Rambo Opponent  
1. Don’t Argue 74  
2. Don’t Get Mad 75  
3. Put a Statement on the Record 75  
4. Get Help 75

**Chapter 10:** Dealing with the Problem Witness 83  
How to Deal with the Long Talker 84  
How to Deal with the “Valley Girl” Witness 85  
How to Deal with the Condescending Witness 86  
How to Deal with the Lying Witness 88  
Rein in the Witness 89  
Withdraw from Representation 89

**Chapter 11:** Deposing the Expert 99

**Chapter 12:** Video Depositions 109

**Chapter 13:** After the Deposition 117

**Chapter 14:** Ethical Issues 127

*About the Author* 139

*Index* 141