

EXERCISE**DEFENDING AN EXPERT DEPOSITION*****Background***

You're on a litigation team defending a bank in a securities fraud lawsuit. To be successful, the plaintiffs must prove that their losses were caused by the fraud. One of the experts on the plaintiffs' side has opined to that causation.

You've retained Dr. Jonathan Kim, an economist, who opined that the losses the plaintiffs suffered were caused by market factors, including a recent recession. Dr. Kim is an economics professor at Harvard focusing specifically on loss causation, but not primarily on securities. He's been involved in several important securities fraud litigations, testifying mostly for defendants.

You're responsible for defending Dr. Kim at his deposition.

Instructions

Come prepared to discuss these questions:

- When prepping Dr. Kim on the substance of his testimony, what areas should you be sure to cover?
- What kinds of challenges you should be prepared to rehabilitate Dr. Kim on through re-direct?
- What kinds of objections should you be prepared to make at the deposition?