

EXERCISE

TIPS FOR TAKING A DEPOSITION

Background

You're part of a litigation team where your client is suing several of its former employees for violating a non-compete agreement. They quit their jobs and went to work for your client's largest competitor. These employees believed the provision was unenforceable and are resentful of the lawsuit. Your opposing counsel has been difficult and aggressive since the suit was filed.

Your team finally got a deposition scheduled with one of the former employees. You'll be taking the lead at the deposition and need to prepare this week.

Given how difficult opposing counsel has been, you're worried that the witness won't answer your questions. You're also concerned that opposing counsel will try to interfere in the deposition and may make it impossible to get anything useful from the deposition.

Instructions

Come prepared to discuss strategies that you will use to deal with:

- The witness not answering your questions; and
- Opposing counsel disrupting the deposition.