

BOSTON UNIVERSITY SCHOOL OF LAW
EFFECTIVE AND ETHICAL DEPOSITIONS
JD 958

PROFESSOR CONSTANCE A. BROWNE

SPRING 2010 SYLLABUS AND ASSIGNMENTS AT A GLANCE

ROBERT A. MEISTER'S 6 Ps: "Planning, Preparation, having a Purpose, Pursuing your purpose, Paying attention, and Ignoring [the Ps] at your Peril".¹

Plus CAB's 1 P: Being Professional.

Class One: Tuesday, January 19, 2010

NO ASSIGNMENTS FOR THIS FIRST CLASS

Class Coverage: Course Goals, Syllabus, Administrative Memo, Reading Materials, Enrollment, and Introduction of the Plaintiff and Factual Analysis.

PLANNING, PREPARATION, HAVING A PURPOSE

Class Two: Monday, January 25, 2010

Class Coverage:

Deposition Preparation, Discuss "Road to *Compass Memo*", Elements of Plaintiff's Claims, Defendants' Defenses, Legal Element Factual Analysis.

Reading Assignment:

Please see Assignment Folder on Blackboard 8.

First Written Assignment

Write Road to Compass Memo on Designated topic. See detailed First Assignment Memorandum [Blackboard 8 - Assignments Folder].

¹ Robert A. Meister, Piper Marburg Rudnick & Wolfe LLP, "Deposition Techniques That Work", 2001 ABA, <http://www.bna.com.bnabooks/ababna/annual/2001/meister.doc>

Class Three: Monday, February 1, 2010

Class Coverage:

Continue to Prepare for a Deposition; Complete Discussion of "Road to *Compass*" Legal Element Model; Discuss Sequential Factual Analysis and Plausibility Factual Analysis; Goals of Deposing Adverse Witnesses; Deposition Outlines.

Reading Assignment:

Please see Assignment Folder on Blackboard 8.

Second Written Assignment:

Please write your initial deposition outline plan for deposing Simon Clark.

PURSuing YOUR PURPOSE

Class Four: Monday, February 8, 2010

Class Coverage:

Taking A Deposition; The Scope of Discovery; Witness Preparation; Privileges and Work Product; Basic Questioning Techniques; Develop Questioning "Systems", Role Play Exercises.

Reading Assignment:

Please see Assignment Folder on Blackboard 8.

Class Five: Wednesday, February 17, 2010 [SUBSTITUTE MONDAY SCHEDULE OF CLASSES]

First Interim Performance

We will not meet as a whole class this week. Instead you will perform your First Deposition in a small group at a time to be arranged during the week of February 16th.

The First Performance Involves: Beginning the Deposition and Using a Variety of Questioning Techniques.

Please read First Performance Assignment posted in the Assignments Folder on Blackboard 8 for detailed reading and performance assignment.

Class Six: Monday, February 22, 2010

Class Coverage: Review the First Interim Performances; Discuss Advanced Questioning Techniques; Developing Helpful Information; Weakening Harmful Information; Questioning an Entity; Dealing With Difficult Deponents.

Reading Assignment:

Please see Assignment Folder on Blackboard 8.

Class Seven: Monday, March 1, 2010

Second Interim Performance

We will not meet as a whole class this week. Instead you will perform your First Deposition in a small group at a time to be arranged during the week of March 15th.

The Second Performance Involves: Questioning An Entity.

Please read the Second Performance Assignment posted in the Assignments Folder on Blackboard 8 for detailed reading and performance assignment.

**SPRING BREAK - REMAINDER OF SYLLABUS
MAY BE REVISED AT THIS POINT**

Class Eight: Monday, March 15, 2010

Special Combined Class: Evidence Court

The students from the Plaintiff Seminar and the Defendant Seminar will meet together before a special session of Professor Connaughton's Evidence Class to observe discovery motions argued by volunteers from each seminar. This combined class will meet from 4:15 to 6:20.

Class Nine: Monday, March 22, 2010

Class Coverage: Defending Depositions; Deposition Evidence; Making Objections; Curing Objections; More Deposition Evidence; Communicating With the Deponent During the Deposition, Instructions Not To Answer, Perfecting the Record.

Reading Assignment:

Please see Assignment Folder on Blackboard 8.

Class Ten: Monday, March 29, 2010

Class Coverage: Introducing Exhibits, Handling Exhibits, Questioning About Exhibits, and Special Types of Depositions.

Reading Assignment:

Please see Assignment Folder on Blackboard 8.

Class Eleven and Class Twelve: Third Performance: Weeks of April 5th and April 12th, 2010

Class Coverage: Third Interim Performance

We will not meet as a whole class for these two weeks. Instead you will perform your Third Deposition in a small group at a time to be arranged during these weeks.

The Third Performance Involves: Taking and Defending a Trial Deposition of Adverse Witnesses.

Please read Third Performance Assignment posted in the Assignments Folder on Blackboard 8 for detailed reading and performance assignment.

**Class Thirteen: Thursday April 22, 2010 [SUBSTITUTE MONDAY
SCHEDULE OF CLASSES]**

Review for Final Deposition Performance

**FINAL DEPOSITION PERFORMANCES: April 23rd through May 7th
2010**

Each of you will be scheduled for your final 1 ½ hour deposition performance at a convenient time during the period from April 23, 2010 through May 7, 2010.