

**UNIVERSITY OF MINNESOTA LAW SCHOOL**  
**SYLLABUS**  
**DEPOSITION COURSE**  
**SPRING, 2006**

**12/26/05**

This class is intended to teach students the basic skills necessary to prepare for, defend, and take depositions in civil litigation under the federal rules of civil procedure.

This is a “learn by doing” skills simulation course. All students are expected to participate fully in their assigned exercises, to come prepared for every class, and to arrive on time for every class. A student’s absence, tardiness, or lack of preparation may affect his or her partners in simulation exercises, especially in class nos. 3-10. Accordingly, absences, tardiness, and lack of preparation which are not excused in advance (due to, for example, observance of a religious holiday) will negatively affect a student’s grade, and may result in the student failing the course.

The class will meet in Room (to be announced) for a total of 11 sessions from 3:30 p.m. to 5:30 p.m. every Monday and Thursday from Thursday, January 19 through Monday, March 6 (with three exceptions as identified below). Students who successfully complete the course will receive two credits. Each student’s grade will be based upon his or her performance on multiple assigned simulation exercises and the related written work, and upon class participation. There will be no final exam.

The text for the course is Successful First Depositions, 2d ed. by Bradley G. Clary, Sharon Reich Paulsen, and Michael J. Vanselow. The text is published by West Group, and is available in the Law School bookstore. It has a red cover (as compared with the 1st edition which has a blue cover). Material has been updated and expanded; so you will want the 2d edition. References in the syllabus to reading assignments are to chapters in Successful First Depositions, 2d ed. Students will also need a copy of the federal rules of civil procedure available for convenient reference.

**Class No. 1, Thursday, January 19:**

Read before class: Preface, Chapter 1, pages 11-20 of Chapter 2 in text.

Class time: Course logistics; explanation of schedule, introduction to depositions; purposes of depositions; discussion of the blueprint for depositions; assignment of roles for exercises; preview of a written deposition strategy blueprint, required for class no. 2.

Handouts: Final syllabus, confidential memos for the lawyers in the relevant first case (*Copymaster* file), confidential facts for students role-playing witnesses Dawson, Meade, Monroe and Spinner.

**Class No. 2, Monday, January 23:**

Written assignment due in class: A blueprint for the selected case file(s).

Read before class: Chapters 2 (pages 20-64), 3, and 9 in text.

Class time: Deposition rules and procedures; notice and subpoena requirements; the seven-hour rule; the ten-depositions per side rule; tactical impacts of rules; how to

prepare a lay witness to be deposed; show videotape of deposition preparation; preview of the preparation plan for an assigned lay witness to be defended, required for class no. 3.

**Class No. 3, Thursday, January 26:**

Written assignment due in class: Deposition preparation plan for an assigned lay witness to be defended.

Read before class: No new reading.

Class time: Simulation exercises in preparing lay witnesses for depositions, and related discussion; preview how to prepare to take a deposition and basic principles of taking and defending a deposition; preview preparation of a deposition-taking outline for an assigned lay witness, required for class no. 4.

**[No class on Monday, January 30: BGC coaching NMC team]**

**Class No. 4, Thursday, February 2:**

Written assignment due in class: Deposition-taking outline for an assigned lay witness (for half of class scheduled to take a deposition).

Read before class: Chapters 4 and 5 in text.

Class time: Simulation exercises in taking and defending depositions of lay witnesses, and related discussion. Half of class will take a deposition and half will defend one.

**Class No. 5, Monday, February 6:**

Written assignment due in class: Deposition-taking outline for an assigned lay witness (for half of class scheduled to take a deposition).

Read before class: No new reading.

Class time: Simulation exercises in taking and defending depositions of lay witnesses, continued, with roles reversed.

Handouts: At the end of class no. 5, assign students for exercises; hand out confidential memos for the lawyers in the second relevant case (*Pardon* file), and the confidential facts for students role-playing witnesses Call, Johnson, Pardon, and Robertson.

**Class No. 6, Thursday, February 9:**

Written assignment due in class: Deposition-taking outline for an assigned lay witness (for half of class scheduled to take a deposition).

Read before class: Re-read Chapter 5 in text.

Class time: Dealing with problem witnesses and attorneys; simulation exercises in taking and defending depositions of lay witnesses, adding twists illustrating problem witnesses and problem attorneys, and related discussion. Half of class will take a deposition and half will defend one.

**Class No. 7, Monday, February 13:**

Written assignment due in class: Deposition-taking outline for an assigned lay witness (for half of class scheduled to take a deposition).

Read before class: No new reading.

Class time: Simulation exercises in taking and defending depositions of lay witnesses, continued, adding twists illustrating problem witnesses and problem attorneys with roles reversed.

**Class No. 8, Thursday, February 16:**

Written assignment due in class: A deposition preparation plan for an assigned expert witness to be defended; a deposition notice and a deposition subpoena duces tecum for an assigned expert to be deposed.

Read before class: Chapter 6 in text.

Class time: Simulation exercises in preparing expert witnesses for depositions, and related discussion.

**[No class on Monday, February 20: Law School mid-winter break]**

**Class No. 9, Thursday, February 23:**

Written assignment due in class: Deposition-taking outline for an expert witness (for half of class scheduled to take a deposition).

Read before class: No new reading.

Class time: Simulation exercises in taking and defending depositions of expert witnesses, and related discussion.

**Class No. 10, Monday, February 27:**

Written assignment due in class: Deposition-taking outline for an expert witness (for half of class scheduled to take a deposition).

Read before class: No new reading.

Class time: Simulation exercises in taking and defending depositions of expert witnesses, continued, with roles reversed; preview preparation of list of points from depositions in the course that students would use as lawyers in support or defense of summary judgment motion, required for class no. 11.

**[No class on Thursday, March 2: BGC coaching ATLA trial team]**

**Class No. 11, Monday, March 6:**

Written assignment due in class: List of points from depositions to use in support or defense of a summary judgment motion.

Read before class: Chapters 7 and 8 in text.

Class time: Uses of depositions; special deposition issues; miscellaneous tactical questions; discussion of “what if” questions; course evaluation.

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