

A man in a suit stands with his back to the camera, pointing at a large wall covered in hand-drawn diagrams and text. The wall features various legal concepts and processes, including:

- ACTION**: A diagram showing a person pointing to a circle containing two other people.
- OTHER TIPS**: A diagram showing two people with arrows indicating a process or flow.
- HOW TO DRAFT**: A diagram showing two people with arrows indicating a process or flow.
- DEPOS AT TRIAL**: A diagram showing a bar chart with an upward arrow.
- ANSWER TYPES**: A diagram showing a bar chart with an upward arrow.
- CROSS EXAM TOPICS**: A diagram showing a bar chart with an upward arrow.
- BUSINESS PLAN**: A diagram showing a flowchart with a central box labeled "BUSINESS PLAN" and several boxes branching out.
- IMPEACHMENTS**: A diagram showing a bar chart with an upward arrow.
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# WHEN TO USE DEPOSITIONS

- Hearings
  - Summary judgment
  - Compel
  - Sanctions
- Openings (clips)
- Directs (videos)
  - Out of county witnesses
  - Medical providers
  - 30b6
- Crosses (videos and impeachments)
- Closings (clips)

A man in a grey suit is standing in a room with a wooden floor, facing a large whiteboard. He is drawing various business diagrams and charts on the board. The diagrams include flowcharts, bar graphs, pie charts, and icons representing people and processes. The text on the board is written in a blue, hand-drawn style.

ACTION

OTHER TIPS

HOW TO DRAFT

DEPOS AT TRIAL

IMPEACHMENTS

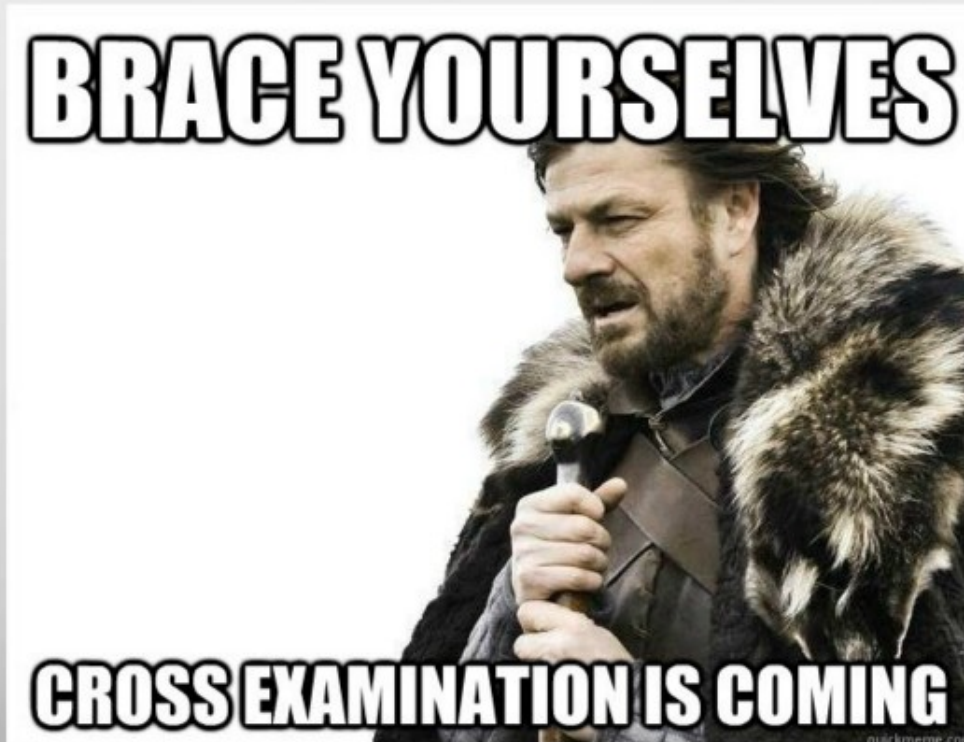
ANSWER TYPES

CROSS EXAM TOPICS

BUSINESS PLAN

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# HOW TO DECIDE CROSS EXAMINATION TOPICS



ID WITNESS'  
PURPOSE

ID MOST IMPORTANT  
POINTS

## ID WITNESS' PURPOSE

- Tell story
- Prove essential element
- Pinata
- Increase damages
- Explain difficult concepts
- Damage control



## ID MOST IMPORTANT POINTS

- **Before reading transcript**, write down *most important* points
  - 1 excellent point is usually better than 5 pretty good points
  - Consider witness' strengths and weaknesses
  - Consider case's strengths and weaknesses
- **After reading transcript**, reevaluate most important points
- Read transcript again, reevaluate
- Repeat... repeat... repeat...



A man in a grey suit is standing in a room with a wooden floor, drawing various business diagrams and charts on a large whiteboard. The whiteboard is filled with hand-drawn sketches including flowcharts, bar graphs, pie charts, and icons representing people and processes. The man is positioned on the right side of the frame, facing the whiteboard and pointing at one of the diagrams.

Other TIPS

ACTION

HOW TO DRAFT

DEPOS AT TRIAL

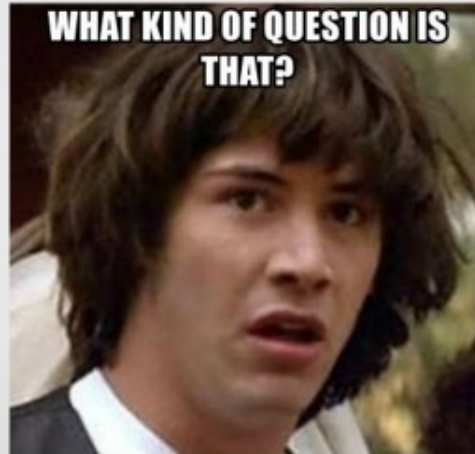
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# CROSS-EXAMINATION ANSWER TYPES

1

2

3



# HELPFUL ANSWERS\*

- Helpful answers... help you.
- If planning to impeach, helpful answers first

# COMMON-SENSE ANSWERS\*

- All jurors would agree on answer
- If witness does not agree, so what?
- Keep your credibility

# LIES

- A lie is *only* a lie, when you can ***immediately*** prove truth
- Be prepared for lie
- Be perfect in proving truth
- Prove truth efficiently
- A little drama is good

# ... DELAYED LIES

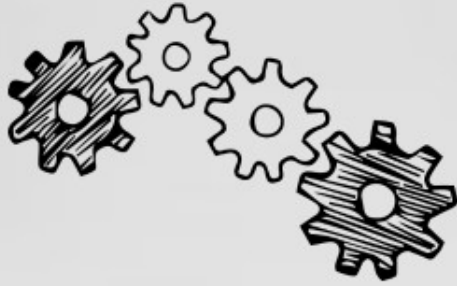
- Violate immediacy rule
- Difficult to execute because of delay
- Dangerous if you cannot effectively connect dots
- Sometimes necessary
- Huge drama (not reason alone to use them)

A man in a suit stands in a room, pointing at a large wall covered in hand-drawn diagrams and text. The wall features various legal concepts and icons:

- Top Left:** A diagram showing a person pointing to a group of three people, with the text "OTHER TIPS" next to it.
- Top Center:** A bar graph with four bars of increasing height.
- Top Right:** A complex flowchart with multiple boxes and connecting lines.
- Middle Left:** The word "ACTION" next to a diagram of two people with arrows between them, and the text "HOW TO DRAFT" next to a diagram of three people in a circle.
- Middle Center:** A diagram of three interlocking gears.
- Middle Right:** The text "DEPOS AT TRIAL" next to a diagram of a person writing on a document.
- Bottom Left:** A bar graph with five bars of increasing height, with the text "IMPEACHMENTS" next to it.
- Bottom Center:** The text "ANSWER TYPES" next to a diagram of a person with a lightbulb above their head, and "CROSS EXAM TOPICS" next to a diagram of a person with a lightbulb above their head.
- Bottom Right:** A diagram of a person with a lightbulb above their head, and a diagram of a person with a lightbulb above their head.

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# THE NUTS AND BOLTS

- 1 topic at a time
- Write *answers*, not questions
- Only word-for-word questions if:
  - need specific language
  - good chance at impeachment
- Say it outloud
- Prepare file\*

EXAMPLE  
1

EXAMPLE  
2

**People hung out; problem because it was dangerous**

- People are not allowed to loiter or hang out at the gas station (67:23-68:3)
- It is a problem for people to hang around at a gas station (45:2-5)
- It is up to Shawn Noorani to determine how long people can hang out (but you think an hour-plus) (68:4-8)
- You knew there was a problem with people hanging around the gas station (45:12-17)
- Police wanted you to stop people from hanging out (82:10-12)
- Police officers came and told you it had to stop (81:16-82:9)\*
- Even city council member told you it had to stop (81:16-82:9)\*
- Police told you to install new signs (81:16-82:9)\*
- You agree it is dangerous to have someone on your property hanging out for 40 minutes (with a gun) (78:19-24)

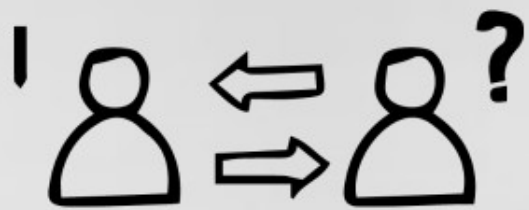
**Drugs at barbershop; lied about why shop left**

- A customer of yours told you that they believed the barbershop was selling drugs (52:11-4; 56:2-10)
- Barbershop and carwash owned by same person (53:1-3)
- You didn't tell the police (53:6-8)
- You asked the barbershop and they said, no, they were not selling drugs (52:15-17)
- The reason the barbershop was no longer at the shopping center was because it could not afford rent (52:18-20; 53:1-5)
- You never demanded the barbershop leave so illegal activity would stop (69:21-24)
- It had nothing to do with the allegations of selling drugs (52:21-23)
- ***Impeach with ROG response***

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## 2 TYPES OF IMPEACHMENTS

OMISSION

CONTRADICTION



- Get the lie. Do NOT confirm it.
- You remember when I came and asked you questions
- It was on [date]
- Under oath
- Supposed to tell the truth.. Just like now
- Court reporter there... wrote down everything
- I am handing you a copy of the transcript from [date]
- This has all the questions and answers
- You had 30 days to review and make any changes; you didn't change anything
- Let's display page A, line B
- I asked you this: [read question]
- Your answer was this: [read answer]
- MOVE ON!

- Get the lie. Do NOT confirm it.
- You remember when I came and asked you questions
- It was on [date]
- Under oath
- Supposed to tell the truth... Just like now
- Court reporter there... wrote down everything
- I am handing you a copy of the transcript from [date]
- This has all the questions and answers
- I asked you question and you gave answers for [hours]
- We took a few breaks; it was a long day
- Purpose was for me to find out everything you know
- Show me where you said [testimony]

A man in a suit stands in a room, drawing various legal and business diagrams on a large whiteboard. The diagrams include flowcharts, bar graphs, pie charts, and icons representing people, gears, and documents. The text on the board includes 'ACTION', 'OTHER TIPS', 'HOW TO DRAFT', 'DEPOS AT TRIAL', 'IMPEACHMENTS', 'ANSWER TYPES', 'CROSS EXAM TOPICS', and 'BUSINESS PLAN'.

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# DEPOSITIONS IN ACTION



***Rosebud:*** gas station shooting

Depo transcripts for impeachment



***Smith:*** vehicle crash

Vid-depo for impeachment/30b6 use



***Summerhill:*** dog bite

Depo transcript for impeachment





23.

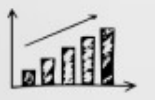
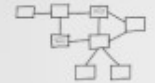


- CROSS-EXAM IS A SHOW; YOU ARE THE SHOW;  
DEPOS HELP THE SHOW
- MORE PREPARED; MORE YOU CAN LISTEN AND DETOUR
- PREPARATION MASKS ITSELF AS "THINKING ON  
YOUR FEET"
- NOT THE TIME TO CONNECT THE DOTS

A man in a suit stands in a room with a large whiteboard covered in hand-drawn diagrams and text. The diagrams include:

- ACTION**: A diagram showing a person pointing to a circle containing two other people.
- OTHER TIPS**: A diagram showing three people in a circle with arrows indicating a cycle.
- HOW TO DRAFT**: A diagram showing two people with arrows between them, and a gear diagram.
- DEPOS AT TRIAL**: A diagram showing a bar chart and a pie chart.
- ANSWER TYPES**: A diagram showing a bar chart and a line graph.
- CROSS EXAM TOPICS**: A diagram showing a circular flow of boxes with a lightbulb in the center.
- BUSINESS PLAN**: A diagram showing a central box labeled "BUSINESS PLAN" with arrows pointing to it from other boxes.
- IMPEACHMENTS**: A diagram showing a bar chart.

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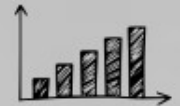
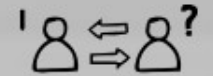


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RAFILAWFIRM.COM/BLOG/DEPOS-AT-TRIAL



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