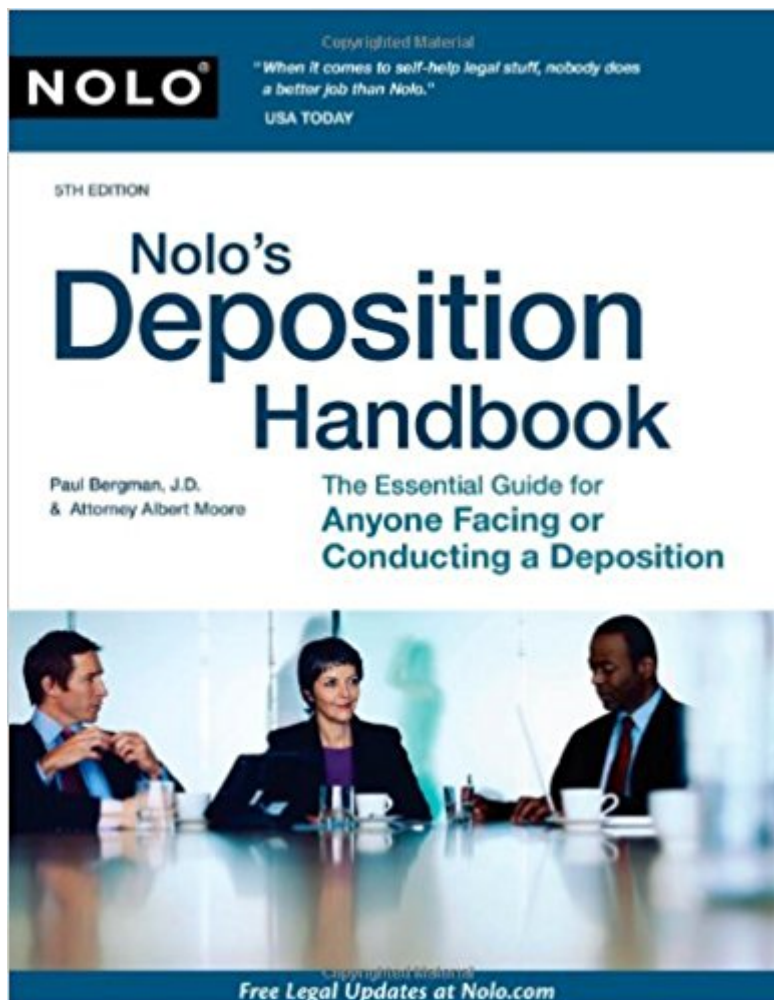




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Nolo's Deposition Handbook: The Essential Guide For Anyone Facing Or Conducting A Deposition



Synopsis

Take the mystery out of your deposition with this comprehensive guide. Getting deposed? Here's the book you need. Nolo's Deposition Handbook is for anyone who will conduct a deposition or will be deposed; providing all the information, tips and instructions you need whether or not you're represented by a lawyer. Packed with concrete suggestions and examples, the book explains how to: arrange a convenient date prepare for the deposition respond to questions with aplomb ask the right questions You'll even learn the three "golden rules" for answering questions and the trick questions lawyers often use to influence testimony. Written by two UCLA law professors and attorneys, Nolo's Deposition Handbook provides all the information you need to sail through the deposition process with confidence. A perfect book for law students, lawyers, legal assistants, witnesses, expert witnesses and people who represent themselves in court. The 5th edition contains updated statutes, cases and rules, plus new material on "electronic discovery", which applies to information stored in computers, including records and emails.

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Customer Reviews

Court cases are never as quick and tidy as television dramas would have us believe. In fact, most civil disputes are settled long before a judge has a chance to pound a gavel. That's why pretrial fact-finding procedures such as depositions play an increasingly important role in legal quarrels. In fact, it's not uncommon for a deposition to be the only testimony given. All of this explains why Nolo's Deposition Handbook can be such a useful resource. For the uninitiated, depositions are the process that enable either party in a lawsuit to question the other, as well as other witnesses, under

oath before a trial begins. To prepare readers, authors (and attorneys) Paul Bergman and Albert Moore do a commendable job of dealing with real-life issues, such as what to do--and not to do--in preparation for a deposition, what to do if you're asked to bring documents to a deposition, how far you can be required to travel, and how to deal with trick questions that many lawyers love to ask. Three "Golden Rules" are also offered to help people through the deposition process. Put simply, the rules are to listen to the entire question and then answer only that question; answer truthfully and completely; and if you don't understand a question, don't answer it. The tone of the entire book acknowledges--without being condescending--that legal arenas are an area where novices feel quite underqualified. For example, the authors warn against engaging in seemingly harmless chit-chat with a companion before and during breaks in a deposition. The reason is one that most non-lawyers would be hard-pressed to imagine: Deposing counsel can ask the companion to reveal what the deponent said. Of course, readers intrigued by that line of thinking will thoroughly enjoy the last half of the book, which is devoted to those interested in representing themselves in legal matters. --John Russell --This text refers to an out of print or unavailable edition of this title.

"Nolo has excellent materials if you're in a do-it-yourself legal mood." (Houston Chronicle 2008-02-01)"Nolo publications guide people simply through the how, when, where and why of the law." (The Washington Post 2007-02-01)"Nolo publications are known for their clarity and reader friendliness. -- " (New Orleans Times-Picayune 2007-03-01)

Most non-lawyers have never taken part in a deposition, and fewer would want to. And without a doubt one element that makes the legal system such a confusing and intimidating maze for the non-practitioner is the complexity and opacity of the rules and procedures, simply the anxiety of not knowing how things are done; where lawyers who do this sort of thing on a regular basis are much more comfortable with a set of arcane procedures and know that the non-lawyers are nervous and vulnerable even before they sit down. This book will not make depositions an enjoyable or rewarding experience for the non-lawyer, but it will do a lot to dispell some of the mystery and intimidating aspects of the procedure. Each step of a deposition is clearly laid out; who does what, why, in generally what order, and the significance of one's own preparation and conduct. A deposition is, much more often than not, the only chance parties to a civil case will get to testifying, as something better than 90% of all cases are settled prior to an actual trial, so it is critical to understand the deposition phase of a case. While there are chapters on most potential elements or aspects of the deposition, including video and written transcripts, expert testimony, taking and giving a deposition,

and so on, the most important parts of the book focus on self-preparation. This most definitely includes reviewing and getting one's own story straight, and listening extremely carefully to each and every question. A chapter on lawyerly tricks or practices deployed to trip one up is well worth reading. Simply being aware of what is going on, taking one's time answering, and being concise and direct are what depositions are all about; there is no room for long-winded self-examination, moralizing, and so on. Too many people seem to want to make friends, justify themselves, or browbeat others; that will only hurt you here. This book cannot make your case for you; but it does give the reader a certain confidence with at least the procedure to be followed when that time comes, and that's worth something.

The two authors are law professors at UCLA, and their talent for weaving essential content into mnemonic, entertaining bites shines in this book. I'm not personally familiar with the law faculty at UCLA, but most likely they don't retain the ignorant and misinformed, in turn implying that these folks must know what they are writing about. General ideas are followed by nutshell examples that fix the concept in mind in a way easily remembered. Names in the examples are simply charming. For example, there is Jerry Atric and a wrongfully discharged employee named Mal Treeted. We also hear the brief story of a software contractor named Evan Elpus suing Mackrosoft and deposing vice president Jenny Daynow and the President, Noah Way. Stupid, yes, and also funny. I'm mostly interested in the single chapter specifically for expert witnesses, easily worth the price of the entire book for me. For example, the tip about preparation for a deposition cautions about what documents to review and not review. Anything you review to refresh your recollection is discoverable. Documents otherwise not available to the other side may thus become available if you carelessly refer to them in preparation for a deposition. Small detail, but potentially vital. Generally, any documents in your file you bring to a deposition are subject to discovery and the other attorney is apt to have copies made of the entire file. Other advice is to keep a chronological file so you can keep dates and times easily reportable. There are many more nuggets for expert witnesses, although this is only one chapter. Part one is for deponents: 1) Overview, 2) Use in a Lawsuit, 3) Preparation, 4) Responding to Questions, 5) Beginnings, "the usual admonitions", 6) Background questions, 7) Refusing to answer questions, and 8) Expert witnesses. Part 2 is doing depositions when you represent yourself. Although interesting to read, if I were ever involved in a lawsuit important enough to involve depositions, I would want an attorney representing me. Even if depositions were not involved, if it is a lawsuit, I would personally want to be represented by an attorney.

Do not take the foolish advice " just be Honest"Take this adviceBe prepared-Learn how the game worksLearn how to tell " the truth"After you learn the way the game works..What the rules are ?During 7 hrs of questions ?My truth was not easily twisted-as it would have been-had I gone in without training- My goal was to be preparedKnow the game the rulesAnd only them... AnswerIn the legal format that- keeps u telling the truth and avoiding the traps set upBy the poor advice " just tell the truth'--The Only person who advises such foolishness?Is the Opponents Lawyer-He knows -he can then ? Twist your truth...easily into lies...

I found this book helpful as an associate in my first few years of practice, and as a reference guide now. Chapters and sections are broken down logically.

A deposition is a question and answer session with a lawyer, given under oath, and which can be used as a record of that person's testimony at a trial. Because a deposition's primary purpose is to give the opposing side in a lawsuit ammunition to use against you, it is very, very important that you be prepared and confident when you give your deposition. Giving a deposition can be incredibly nerve-wracking, even for someone who has done them before. For a first-timer, preparation is essential. This book lays out the basics of the deposition process and gives helpful hints to avoid common mistakes that people make at depositions. I am a practicing lawyer and I always advise my clients who are facing a deposition to buy and read this book before they are deposed. If you're facing a deposition, you should buy and read this book.

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