

Federal Court Trial Academy
Deposition Skills Training Program
May 7 – 9, 2015

I. Reading:

The Effective Deposition, Fourth Edition, NITA,

Case File: Flinders Aluminum Fabrication Corp. v. Mismo Fire Ins. Co., Ninth Edition,
NITA.

II. Schedule

Thursday, May 7 [Federal Courthouse]

Faculty: J. Foley J. Procaccini
 M. Oliverio J. Stern
 J. Murphy D. Zizik
 S. Prignano M. DeSisto

1:00 - 1:50 pm Lecture #1: Deposition Overview; Admonitions [Jury Assembly Room]

J. Smith: Introductions and welcome to the program
B. Magratten / N. Kuckes: Program overview, logistics
J. Foley: Deposition admonitions

2:00 pm - 3:30 pm Workshop #1: Admonitions [Meeting Rooms TBD]

Flinders and Mismo counsel will conduct the first five to seven minutes of the depositions of Arthur Jackson and Marie Williams. Participants are not yet to conduct substantive examinations, just practice the greeting and basic admonitions.

3:40 - 4:30 pm Lecture #2: Top of the Funnel Examinations [Jury Assembly Room]

B. Magratten

4:30 - 5:00 pm Strategy Sessions: Flinders & Mismo counsel meet separately with N. Kuckes and B. Magratten [Second Floor Courtrooms]

5:00 Reception [Jury Assembly Room]: All faculty and participants invited.

Friday, May 8 [Federal Courthouse]

Faculty: M. Weizenbaum M. DeSisto
 J. Procaccini N. McNamara
 J. Stern S. Kilpatrick
 MJ Sullivan S. Nakasian

9:00 - 9:50 am Lecture #3: Deposition Ethics

Hon. John J. McConnell

10:00 – 11:50 am: Workshop #2: Top of the Funnel Examinations [Meeting Rooms TBD]

Participants will practice the beginning eight to ten minutes of a substantive examination of Arthur Jackson or Marie Williams. Focus will be on open-ended questions and exhausting the witnesses' knowledge.

Flinders counsel may question Marie Williams on any of the following topics:

- Williams' affair with A. Jackson and motivations for accusing him
- Williams' knowledge of Flinders' finances
- Jackson's hiring of George Avery
- Jackson's efforts to refinance Flinders' debt
- Williams's suspicions of arson
- Williams's claim to overhear the "torch" conversation
- The events of the night of the fire

Mismo counsel may question Arthur Jackson on any of the following topics:

- Increases in insurance coverage limits
- His affair with Marie Williams
- Flinders' financial difficulties preceding the fire
- Jackson's attempts to refinance Flinders' debt
- Jackson's plan to revive Flinders' business
- Jackson's hiring of George Avery
- The demotion and dismissal of Marie Williams
- The events of the evening of the fire
- The rationale for having a large quantity of hydrochloric acid at the factory

12:00 – 12:50 pm Lecture #4: Middle of the Funnel: follow-up; filling in gaps; theory testing
[Jury Assembly Room]

M. Weizenbaum

1:00 – 2:00 pm Lunch on your own

2:00 – 4:00 pm Workshop #3: Middle of the Funnel Examinations; Using Exhibits [Meeting Rooms TBD]

Flinders and Mismo counsel continue their examinations of Arthur Jackson and Marie Williams, following up with the witnesses for details, filling in gaps in testimony, theory testing and using exhibits.

4:10 - 5:00 pm Lecture #5: Bottom of the Funnel Examinations [Jury Assembly Room]

Hon. Patricia Sullivan

Saturday, May 9 [Federal Courthouse]

Faculty: J. Vogel R. Ratcliffe
 MJ Sullivan D. Zizik
 J. Smith M. Oliverio
 J. Murphy J. Foley

9:00 - 9:50 am Lecture #6: Witness Preparation [Jury Assembly Room]

J. Murphy

10:00 - 12:00 am Workshop #4: Bottom of the Funnel Examinations [Meeting Rooms TBD]

Flinders and Mismo counsel conclude their examinations of Arthur Jackson and Marie Williams, distilling their testimony to the critical points and locking in admissions.

12:00 – 12:20 Program Wrap-up [Jury Assembly Room]

CLE certificates will be distributed.