

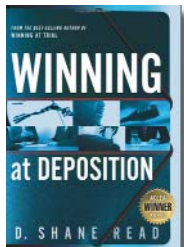
Book Reviews

Winning at Deposition

by D. Shane Read
256 pp.; \$71.25
Westway Publishing, 2013
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Reviewed by Thomas H. Falivene

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In every respect, D. Shane Read's book skillfully summarizes the art and science of taking depositions. Essentially an informative and comprehensive "how to" discussion, *Winning at Deposition* is an excellent resource for attorneys of all experience levels and areas of practice. The author is an adjunct professor at Southern Methodist University's Dedman School of Law and an Assistant U.S. Attorney in Dallas. He also is an accomplished writer and legal educator.

Notwithstanding the book's detailed content, it has an easy-reading style. The author dissects the deposition process and provides valuable insight regarding deposition strategy, mechanics, preparation, troubleshooting, and use at trial.

Winning at Deposition is arranged in cogent chapters addressing everything from preliminary considerations, such as the content of deposition notices, who may be deposed, exhibits, protective orders, objections, privilege, and sanctions, to more technical and advanced topics, such as determining a "theme" for the deposition, when depositions may be appropriately terminated, questioning styles, *Daubert*¹ considerations in expert depositions, and effec-

tively managing speaking objections and belligerent opposing counsel.

Given the book's almost encyclopedic treatment of deposition topics, it is difficult to imagine that anything significant is omitted. To prevent the text from becoming tedious or mundane, the author effectively injects numerous highlighted practice tips throughout, and includes interesting excerpts of deposition testimony provided by Bill Clinton, Bill Gates, and O. J. Simpson. In particular, *Winning at Deposition* is helpful in strategizing about the deposition process itself. Topics include "Seven Reasons to Take a Deposition," "Five Reasons Not to Take a Deposition," the proper use of outlines and exhibits, good/bad beginnings, the "Inverted Pyramid Technique," handling personal attacks, and even enlisting the help of trial consultants in the deposition process.

Confirming the importance of depositions, real-case examples are presented to illustrate how attorneys (some prominent) succeed and fail based on the conduct of depositions, and based on strategic decisions made spontaneously during the deposition process. In addition, pertinent legal precepts under federal and state civil and evidentiary rules are woven into the discussion to highlight and clarify applicable law.

The introductory pages of *Winning at Deposition* include a number of glowing testimonials from legal luminaries. Having read this book with interest—extensive portions of it twice—I would agree and recommend it to all attorneys involved in the litigation process.

In short, *Winning at Deposition* would be a welcome addition to any attorney's library. It is suitable for both veteran litigators and younger lawyers embarking on a litigation career.

Note

1. *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993). ■