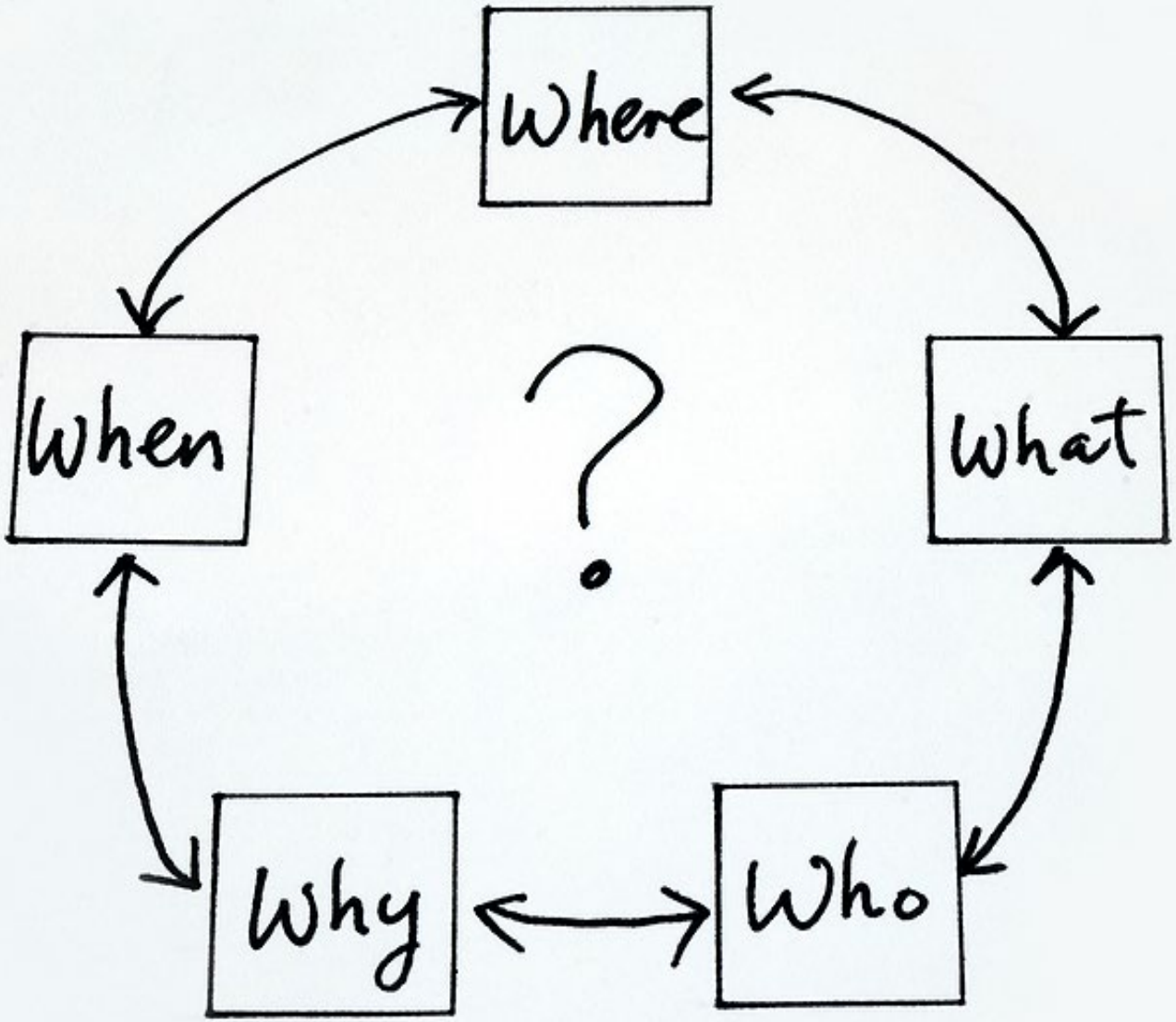
Depositions and Your Discovery Plan

Robert E. Kleinpeter

TTLA New Orleans Seminar

January 14, 2023


Where
When
?
What
Why
Who

Taking a Deposition or Making a Difference?

- Don’t just aspire to take a deposition
- Aspire to make a difference in your case

An Important Legal Equation

$$E + L = V$$

EVIDENCE

TENNESSEE PRACTICE

Volume 8

TENNESSEE PATTERN JURY INSTRUCTIONS CIVIL [T.P.I.—CIVIL]

TWENTY FIRST EDITION

September 2021

Prepared and Edited by
THE COMMITTEE ON PATTERN JURY INSTRUCTIONS (CIVIL)
OF THE
TENNESSEE JUDICIAL CONFERENCE

REPORTER
John B. Coke, Esq.

THOMSON REUTERS®

For Customer Assistance Call 1-800-328-4880

Mat #42718681

shutterstock.com · 498075052

shutterstock.com · 74134186

P
L
A
N

Written Case Discovery Plan

- Show an affirmative defense is baseless
- File or defeat motions
- Support your expert's conclusions
- Support your client's harms and losses
- Address juror biases

Focus Groups

Moral Foundations - Positive

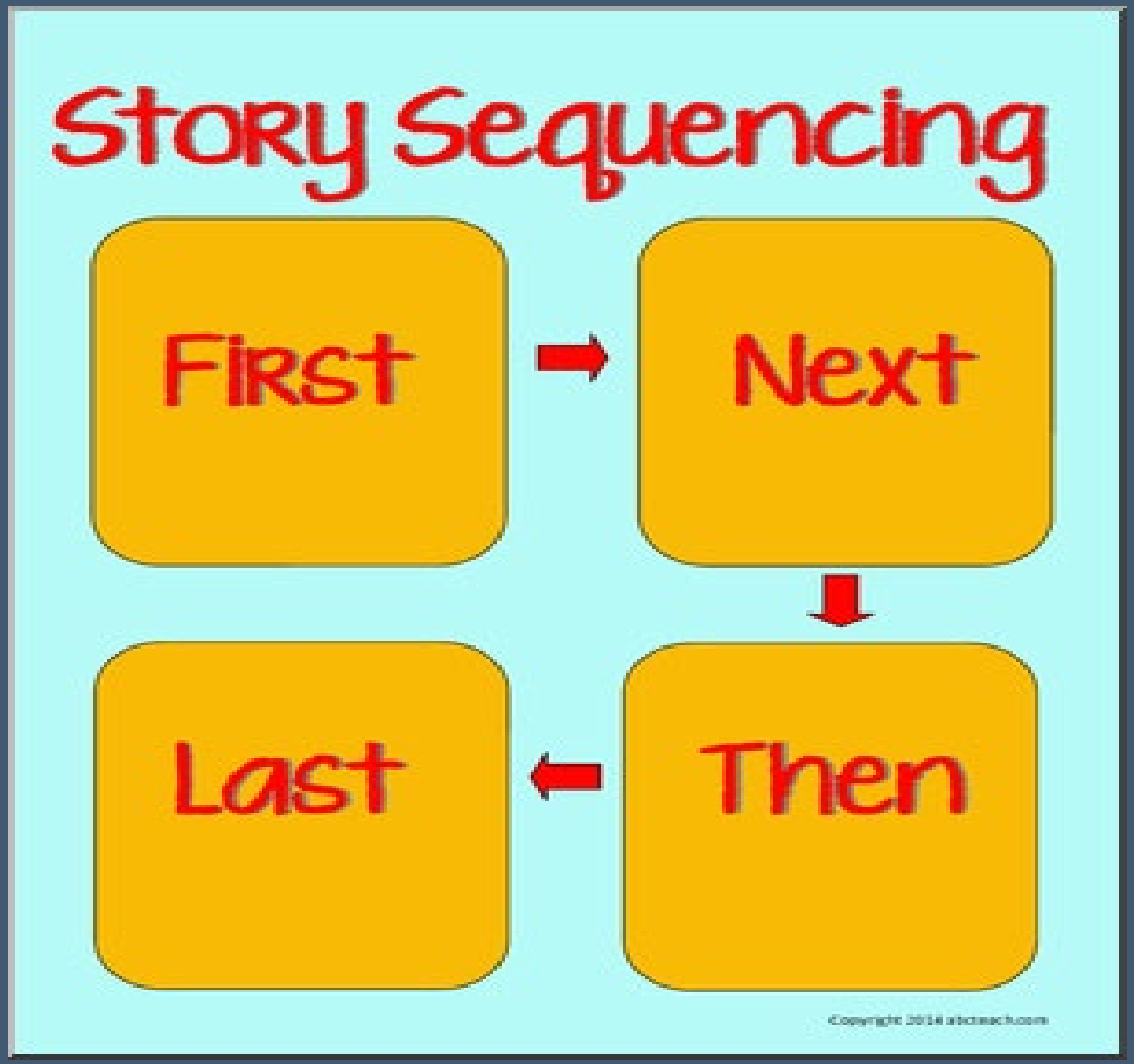
1. Care
2. Fairness
3. Authority
4. Sanctity
5. Loyalty

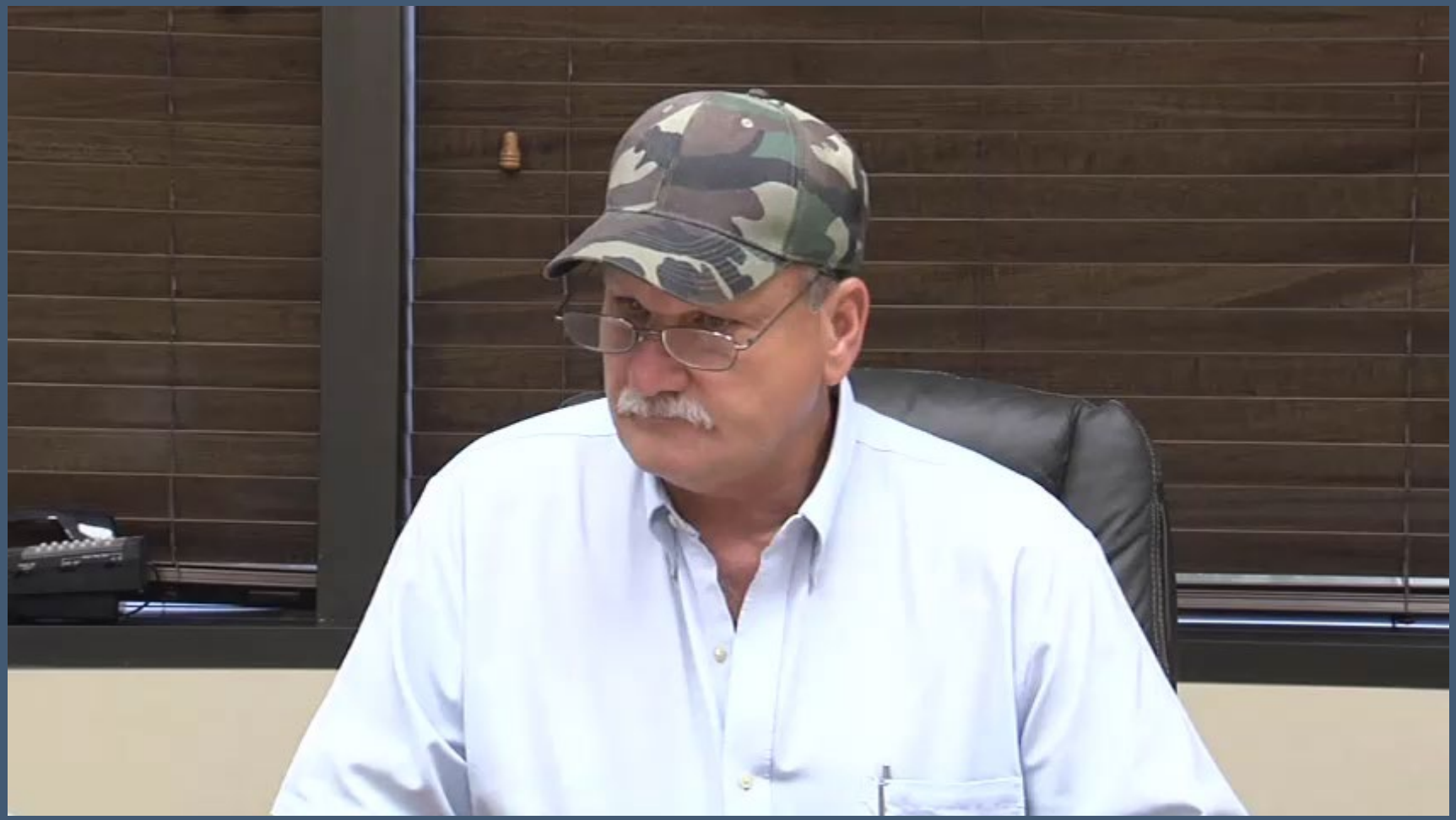
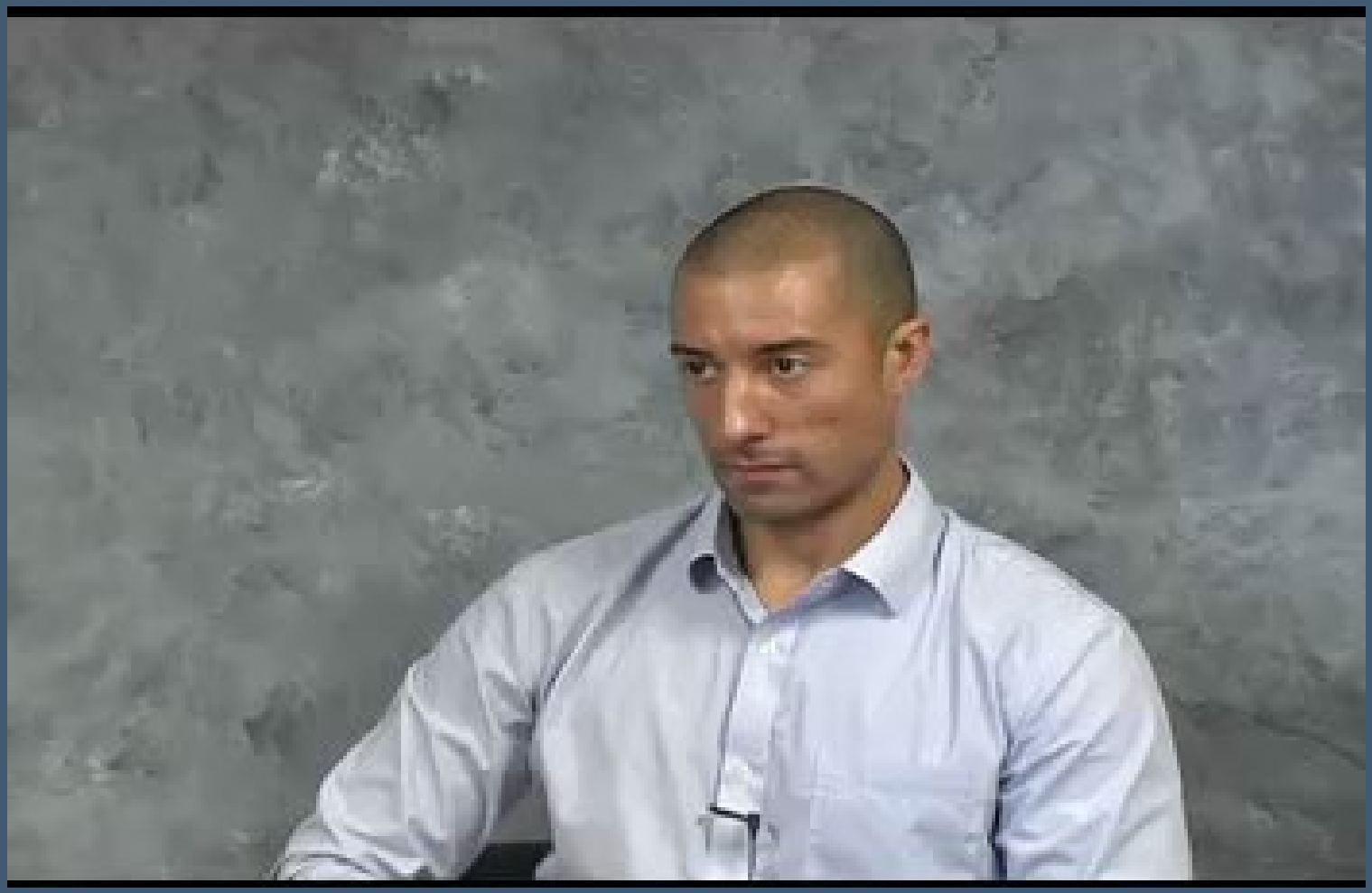
Moral Foundations - Negative

1. Harm
2. Cheating
3. Subversion
4. Degradation
5. Betrayal

Five Juror Biases –The Jury Bias Model

1. Personal Responsibility (Accountability)
2. Suspicion
3. Anti-Plaintiff
4. Victimization
5. Stuff Happens


Story Sequencing
First
Next
Then
Last

Why Use Video Depositions

- Facial expressions
- Body movement
- Posture
- Gestures
- Eye contact
- Voice