



LAWYER TO LAWYER MENTORING PROGRAM DISCOVERY

The following is intended to facilitate a discussion about handling the discovery aspect of litigation including tips for preparation and proper behavior during depositions. See Tennessee Rules of Professional Conduct 3.3.

WHAT WENT WELL?

Start by sharing with each other a brief story of something that went well in your practice this week:

Share your reflection by asking one of these questions: What caused the good event? What does it mean? How did you contribute? Others? How can you have more such events in the future?

ACTIVITIES FOR TODAY

- Share with the new lawyer ways to properly draft and respond to written discovery. Discuss the inadvertent production of documents. See Tennessee Rules of Professional Conduct 4.4.
- Share with the new lawyer proper behavior and examples of ways *not* to behave in depositions. Discuss the potential consequences for improper behavior. To the extent that you have experienced a lawyer acting improperly in depositions, share those experiences with the new lawyer.
- Discuss how to properly advise and prepare your client or witness for a deposition. What constitutes improper advice and/or preparation?
- Discuss professional ways to handle a situation where opposing counsel is acting improperly or unprofessionally during a deposition.
- Discuss the types of disputes that would warrant calling a judge for resolution during a deposition.
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- Review the civil and local rules regarding discovery and depositions.



ACTION STEPS

End the session by discussing what action steps you can take to either improve or set yourself up for future success based on today's discussion. Discuss how one or more of your Signature Strengths can help you achieve success in these steps.

RESOURCES

Tennessee Rules of Professional Conduct Rules 3.3 & 4.4:
<http://www.tsc.state.tn.us/rules/supreme-court/8>