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10TH Annual LWMMI Policyholder Conference

**Chula Vista Resort and Water Park
Wisconsin Dells, Wisconsin
May 8 and 9, 2019**

The Perfect Deposition and Municipal Employee Witness at a Trial

**Wednesday, May 8, 2019
2:45 PM – 3:45 PM**

Presented By:

**Ted Waskowski, Attorney
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LWMMI

League of Wisconsin Municipalities Mutual Insurance

The Perfect Deposition and Municipal Employee Witness at a Trial

Presented by:

Attorney Ted Waskowski
Stafford Rosenbaum, LLP

Deposition Testimony



Google Search Results

“Destroy a Witness”

THE ART OF CROSS-EXAMINATION - Law Firm Klein & Wilson ...

<https://www.kleinandwilson.com/Publications/The-Art-Of-Cross-Examination.shtml> ▼

If your goal is both to elicit important testimony from an adverse **witness** as well as **destroy** her credibility on other points, then elicit the helpful testimony before ...

How To Destroy A Witness On The Stand - Business Insider

<https://www.businessinsider.com/how-to-destroy-a-witness-on-the-stand-2013-7> ▼

How To **Destroy A Witness** On The Stand. Erin Fuchs. Jul. 9, 2013, 11:12 AM. Rachel Jeantel Rachel Jeantel, 19, the witness on the phone with Trayvon Martin ...

How to destroy a witness in court - Quora

<https://www.quora.com/How-can-I-destroy-a-witness-in-court-mock-trial> ▼

The best way is to let the **witness destroy** him or herself. For mock trial purposes, you usually receive some sort of summary, statement, or prior testimony to give ...

How to destroy your witness's credibility | Trial Theater | Secrets for ...

<https://trialtheater.com/trial-skills/direct.../how-to-destroy-your-witnesss-credibility/> ▼

Jun 19, 2009 - How you organize your facts can determine whether or not the jurors listen to your **witness**. Too often, lawyers think that they can dump a pile of ...

3 Ways to Destroy a Witness' Credibility During Trial | The Law Office ...

<https://www.oginski-law.com/.../3-ways-to-destroy-a-witness-credibility-during-trial.cf...> ▼

At trial your credibility is EVERYTHING. Tell a lie and you **destroy** your believability. Here are three ways to **destroy** your credibility during your trial.

Ten Tips for Testimony: Preparing for the Witness Stand

<https://www.kramerslaw.com/evidence/testifying-tips> ▼

While many witnesses fear the task of testifying in court with ... just the tool needed to **destroy** a **witness'** credibility and leave him limping off of the witness stand ...

The Art of Cross Examination: How to Destroy a Witness on the Stand

www.ciarb.org/.../the-art-of-cross-examination-how-to-destroy-a-witness-on-the-stand ▼

Jun 22, 2018 - No **witnesses** were harmed in the making of this seminar. On 7 June 2018, the London & South East YMG hosted its first seminar of 2018 ...

^{PDF} Witness Credibility - How To Prepare, Achieve, And Destroy It

azalaw.com/pubs/zavitsanos/D.pdf ▼

by J Zavitsanos - [Related articles](#)

Witness Credibility - How To Prepare, Achieve, And Destroy It. I. SCOPE OF ARTICLE. This article focuses on methods of attacking **witness** credibility. The paper ...

Two Ways to DESTROY a Witness' Credibility During Cross ... - YouTube

<https://www.youtube.com/watch?v=pNBR1CDOZr8>



May 6, 2018 - Uploaded by Gerry Oginski

Here are 2 ways to **destroy** a **witness'** credibility while cross examining him at trial here in NY... NY Medical ...

Rule 3.4: Fairness to Opposing Party & Counsel

https://www.americanbar.org/.../rule_3_4_fairness_to_opposing_party_counsel/ ▼

Aug 16, 2018 - ... to evidence or unlawfully alter, **destroy** or conceal a document or other ... (b) falsify evidence, counsel or assist a **witness** to testify falsely, ...

10 Case-Winning Witness Prep Tips | Family Lawyer Magazine

<https://familylawyermagazine.com> > [Articles](#) ▼

Mar 23, 2018 - Self-serving, non-responsive answers annoy judges, **destroy witness** credibility, and often backfire. Experienced lawyers will move to strike and ...

Trial Testimony



The Perfect Deposition and Municipal Employee Witness at a Trial

Presented by: Attorney Ted Waskowski, Stafford Rosenbaum LLP

- I. What is your deposition experience?
- II. What is a deposition?
- III. Difference between a civil and criminal matter and why there is a difference.
- IV. Depositions are part of discovery in civil cases.
 - A. Discovery includes written questions, requests for documents, requests to admit certain facts and inspections of evidence.
 - B. Depositions are oral questions to a witness under oath transcribed by a court reporter.
- V. Deposition Testimony
 - A. Why are you being deposed?
 1. To learn what you know.
 2. To try to find out how to get information from someone else.
 3. To try to get you to admit things/deny things.
 4. To obtain testimony that helps their client's claim or hurts you or your municipality.
 5. To impeach you at trial if you say something different from your deposition.

6. **BEWARE:** You may not be able to tell which of these things is happening.
- B. What should you wear?
- C. Be aware that the attorney suing you or your municipality is your adversary.
1. Generally, this is not a chance to tell your story.
 2. Don't be confused by a friendly, respectful, pleasant adversary.
 3. Don't be fooled, he/she is your adversary – their job is to advocate for their client.
 4. If they make you look bad, damage you, embarrass you in the process and it helps their client, they will do that – it's their job, it's not personal.
 5. Remember you are on defense – it's not how many points you score, but how many you give up.
- D. Protect yourself, so you don't become a victim or, worse, roadkill!
1. Tell the truth, that is fundamental.
 2. Listen carefully.
 - a. Listen to the whole question.
 - b. Make sure you understand the question.
 3. If you are sure that you listened and understand the question, then stop and think.
 4. Formulate a simple, truthful answer; then, and only then, answer.
 - a. Don't be cute, it may hurt you.

- b. Don't guess, that is dangerous.
 - c. Don't say you don't know if you do know – the other side is entitled to the information you have.
 - (1) You must provide a truthful answer, but you don't have to help the adversary.
 - (2) You don't have to guide them or help them clean up misconceptions if they have them.
 - 5. Don't do anything differently than you would in your professional life.
 - 6. Beware of hypothetical questions.
 - 7. Beware of questions that have two parts.
 - E. Objections by the lawyer representing you.
 - F. How to deal with bullying.
 - G. When to ask for breaks.
 - H. **Listen** to every single question.
 - I. What is a corporate designee?
 - J. What is a deposition for use at trial?
- VI. Testifying at Trial
- A. Often is the exact opposite of deposition testimony.
 - B. This is often the time for you to tell your story or the story of the municipality.
 - C. Only you can say certain things; you can say things your lawyer cannot.

- D. What will your lawyer ask you?
- E. If you are not working with the lawyer before testifying, ask why.
- F. How to get comfortable.
- G. Be truthful, straight-forward and don't be afraid to go on the offense.
- H. You can tell your story both in the direct testimony and cross examination.
- I. Be armed for cross, don't be afraid to challenge the questioner and don't be afraid to say that his/her view of the facts is incorrect.
- J. Don't be afraid to say that's not what happened if the lawyer suggests otherwise.
- K. Listen to the questions.
- L. Tell your story.
- M. Be assertive.
- N. Listen some more.
- O. Think about what you want to convey for sure and look for opportunities to convey it.
- P. Never/ever show anger if you are the defendant or associated with the defendant.