

IMPEACHMENT OF MADE-UP FACTS

What fact did the witness make up? Write it in this space:

1. YOU GAVE A DEPOSITION IN THIS CASE?

2. AT YOUR DEPOSITION, YOU TOOK AN OATH TO GIVE A FULL AND COMPLETE DESCRIPTION OF WHAT OCCURRED?

If witness denies, request judicial notice that all depositions are taken under oath to tell the whole truth.

3. AND YOU WERE GIVEN A COPY OF YOUR DEPOSITION SO YOU COULD CHECK IT FOR ACCURACY AND COMPLETENESS AND ADD ANYTHING YOU HAD OMITTED?

If witness denies, request judicial notice that this is standard deposition procedure.

[4. If the competition rules say that all depositions have been signed] THEN YOU SIGNED THE DEPOSITION, SWEARING IT WAS COMPLETELY ACCURATE?

If witness denies, request judicial notice of the page and paragraph number in the pretrial materials containing the stipulation that the deposition was signed.]

5. [optional - when in doubt omit] AND IN YOUR DEPOSITION, YOU TESTIFIED AS FOLLOWS:

Read relevant sections of deposition that do not mention the invented facts, if such a paragraph exists.

6. AND IN YOUR DEPOSITION, YOU SAID NOTHING ABOUT ___ [summarize new fact above]

If witness waffles, say: Will opposing counsel stipulate that the witness said nothing about _____ at the deposition?

If you run into problems, ask for a recess so the witness can refresh his/her memory by reviewing the deposition, and ask for a sidebar. At the sidebar, show the judge the competition instructions requiring the witness to admit that it is not in the deposition, and ask for sanctions against the other team in accord with the rule.

7. IN OTHER WORDS, YOUR TESTIMONY THAT ___ [summarize new fact above] ___ WAS DEVELOPED DURING PREPARATION FOR TRIAL?