



From knowledge, justice.

Law Library News

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Learn more about . . . Law Day

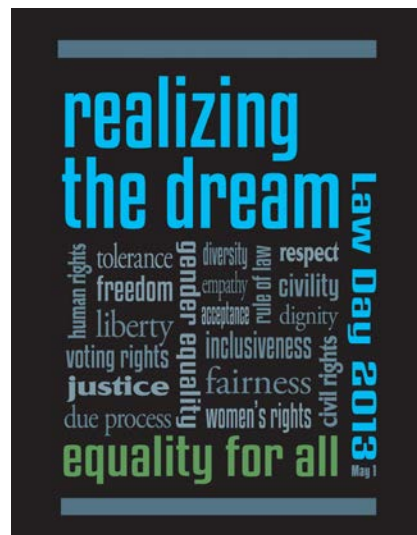
Each year, May 1st is celebrated as Law Day, a national day set aside to recognize the importance of the rule of law. This year marks the 150th anniversary of the issuance of the Emancipation Proclamation, and the Law Day theme, *Realizing the Dream: Equality for All* gives us the chance to explore the progress we have made against discrimination.

This year, Guam celebrates Law Week starting on April 29, 2013. Co-sponsors Judiciary of Guam, the District Court of Guam, and the Guam Bar Association, have scheduled many events throughout the week, including:

- Mock trial plays performed by elementary and middle school students at the Judiciary of Guam, April 29-May 2 at 6:00 p.m.;
- A special Law Day Naturalization ceremony at the District Court of Guam, April 30, 2013;
- The Law Fair at the Micronesia Mall on Saturday, May 4, 2013;
- And much more!

The public are welcome to attend the various Law Week activities.

This year, the Guam Law Library is proud to provide the prizes for the Law Day Essay Contest winners, including first place prizes of an iPad Mini (high



*Law Day 2013 – Realizing the Dream:
Equality for All*

school) and a Kindle Fire (middle school), as well as cash prizes for the second and third place.

As the island's only public law library, we encourage the island's students, and all members of our community, to reflect on the work that should be done to eliminate discrimination, and learn more about how the rule of law, protects our rights and seeks to guarantee equality for all.

Library Hours

Weekdays
8:00 a.m. – 6:00 p.m.

Saturdays
9:00 a.m. – 1:00 p.m.

Sundays
Closed

Holidays
Closed, except All Souls Day and Our Lady of Camarin Day

News & Announcements

➤ **Board of Trustees meeting.** The Board of Trustees will hold a regular Board Meeting on Wednesday, April 17, 2013, at 12:00 noon in the conference room.

➤ **Early closure.** The library will close to the general public at 5:00 p.m. on Tuesday, April

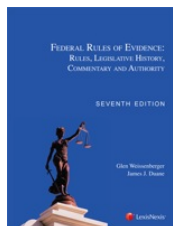
30, 2013 for a staff meeting. Eligible patrons wishing to use the library may obtain an access card. Please inquire at the service desk.

➤ **Law Fair!** Join the library staff at the annual Law Fair, at the Micronesia Mall center court on Saturday, May

4, from 10:00 a.m. to 3:00 p.m. Watch a mock trial play performed by schoolchildren, learn about court services, and meet representatives from court-related community partners and law enforcement agencies.

Focus on:

Federal Practice



Weissenberger's Federal Evidence, Seventh Edition

By Glen Weissenberger and James J. Duane

This one-volume softbound treatise provides clear and concise explanations for the application and practical effect of each Rule of Evidence--a valuable resource for any Evidence student. This treatise was recently cited as "the authoritative text" on federal evidence law (*United States v. Schlesinger*, 372 F. Supp. 2d 711, 720 (E.D.N.Y. 2005)). This edition contains a careful examination of the most recent changes in the

Federal Rules. This edition includes a detailed line-by-line summary and analysis of the newest Federal Rule of Evidence, Rule 502, which sets forth certain important new limitations on the waiver of the attorney-client privilege and work product protection. It also discusses the Supreme Court's latest decision in *Kansas v. Ventris* (2009), concerning the extent to which a witness may be impeached with prior inconsistent statements that were obtained in violation of witness's constitutional rights. And

of course it includes an extensive discussion of four landmark Supreme Court decisions, *Crawford v. Washington* (2004), *Davis v. Washington* (2006), *Whorton v. Bockting* (2007), and *Giles v. California* (2008), which have completely rewritten the law governing the right of a criminal defendant to rely on the Confrontation Clause to obtain the exclusion of otherwise admissible hearsay.

-- Book description from Amazon.com

Federal Trial Objections: 2013 Edition

By U.S. District Judge David Levi and U.S. Magistrate Judge Peter Nowinski; Updated by Gail Killefer)

Most evidentiary rulings are within the judge's discretion, and are made in seconds. Bad rulings are almost never reversible. As a result, victory usually goes to the lawyer who can prevail on the big objections in the heat of battle.

Designed for eve-of-trial and courtroom use, when time is short, Federal Trial Objections delivers quickly with:

- Pattern Objections — Model language for over 150 objections. Big headings and logical organization take you to the right objection in seconds.
- Comments — The application, scope, and purpose of the governing

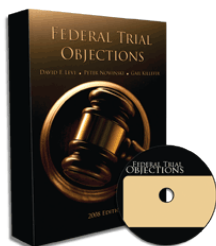
rules in readily-digested language.

- Practice Tips — Elevate your advocacy with the cautions, strategies, and advice from the bench offered here.
- Objection Tactics — Use these arguments to fight admission of the opposition's evidence, or to minimize its impact. Included are alternative strategies and what you need to put on the record.
- Responsive Arguments — Never let an unforeseen objection catch you flat-footed again. Anticipate, preclude, and meet objections with the authors' expert strategies for counter-attack.
- Case Law — Concise summaries of over 2600 cases speed trial preparation and help you cite supporting authority in your briefs

and in the courtroom.

Covers More Than Objections

The scope and breadth of Federal Trial Objections far exceeds the mechanics and arguments of making and meeting objections. Rules, definitions, distinctions, scope, weight, advice from the bench, examples, and procedures are provided for key evidentiary issues. Principles are extensively supported with case authority, and the underlying scholarship will impress you. From pretrial proceedings through expert testimony to summation, the practical coverage in this new trial practice book will quickly earn its inexpensive keep.



Comes with a full-text searchable CD



Proper Deposition Objections

By Susan Minsberg

With permission from Lawyerist.com

You're taking your first (or tenth) deposition. Make sure you are ready to handle objections. And make sure you know which objections are proper and which are improper. Once you are armed with that information, you can keep the deposition proceeding smoothly.

Face it, depositions can be tedious. But they are so important in litigation. Deposition testimony can make or break a case.

Remember, the purpose of a deposition is to gather information, not to show off. The permissible scope of discovery is whether the information you are seeking is reasonably calculated to lead to the discovery of admissible evidence. The standard is not whether it will be admissible. Rather, can it lead to admissible evidence?

Improper Deposition Objections

- **Irrelevant.** If the question may lead to admissible evidence, it is proper. If the question is so far afield, a relevance objection may be warranted.
- **Hearsay.** While a hearsay objection is appropriate at trial, it is not appropriate in a deposition. For example, if you ask the deponent, "What did Jane tell you?" the answer can lead to the discovery of admissible evidence. You can determine based on the answer whether you should take Jane's deposition and you can then ask Jane directly. If Jane's testimony is important, you can call Jane as a witness to testify at trial.
- **Assumes facts not in evidence.** Since this is not a trial, it is okay to assume facts that are not in evidence.
- **Calls for an opinion.** You do not need to lay foundation to determine whether the deponent is qualified to give an opinion. It is appropriate to ask for an opinion and how he or she arrived at that opinion. Those answers can lead to discoverable evidence.

→ Speaking and coaching objections.

The lawyer defending the deposition is not supposed to be testifying. Nor should the lawyer coach the deponent with objections. Objections should be stated succinctly in a non-argumentative and non-suggestive manner.

Proper Deposition Objections

- **Privilege.** This is the big one. It must be made or it is waived. This covers any privilege such as attorney-client and physician-client. You can ask, "When you spoke with your lawyer about this case, was anyone else in the room? Who?" Based on the answer, the privilege may have been waived. Privilege is the one rare case in which a deponent should be instructed to refuse to answer.
- **Form of the question.** This objection is usually asserted to make a clear record. For example, if the question is compound and the person answers yes, what portion of the question are they agreeing with? A form objection should also be made to a confusing question, as well as a question that calls for the witness to speculate. Form questions are waived if they are not made during the deposition.
- **Mischaracterizes earlier testimony.** This is also to make sure there is a clear record.
- **Asked and answered.** This is a useful objection to make sure that your client doesn't give a different answer than was given a few hours earlier. If you don't make the objection and your client does provide differing information, your client has obviously lost credibility.
- **Harassment.** If the deponent is being harassed or bullied, object. If that behavior continues, state on the record that if the specified conduct continues, you will terminate the deposition. Make sure the record will be clear to an outsider (i.e. the judge) that the witness was being harassed.

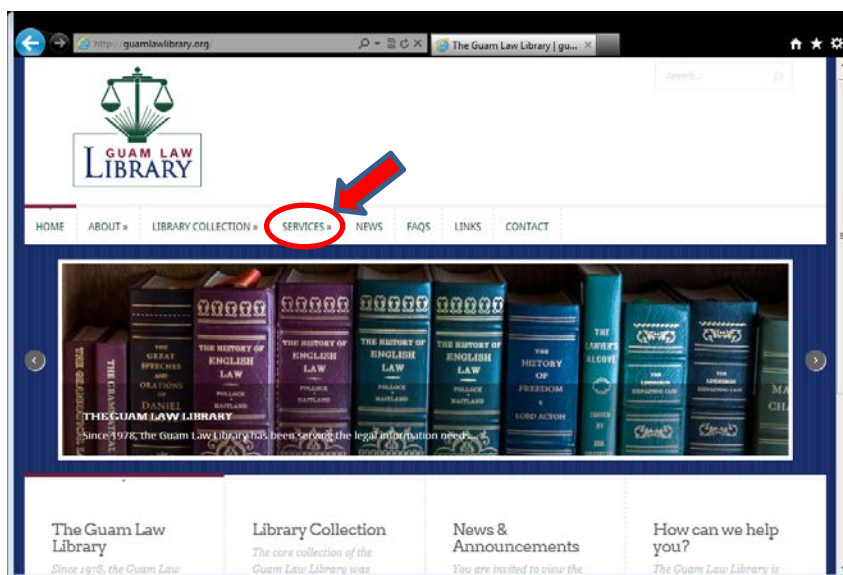
Whether you are defending or taking a deposition, knowing how to make and respond to objections, will lead to a more productive process.



Susan Minsberg, a contributing writer to Lawyerist.com, has been in private practice for 26 years, and is a former prosecutor and criminal defense attorney. She is also an adjunct faculty member in the Maynard Pirsig Moot Court Program at the University of Minnesota Law School.



Book Sale!



Visit us on the Web!

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The Guam Law Library is constantly updating its subscriptions and book collection to ensure that patrons have access updated legal information. When updates of certain subscriptions or when new versions of books are received, the older versions are offered for sale at greatly reduced prices. To see our Book Sale list, visit our website and click on the Services tab. You'll see a link to our Book Sale list.

The most recent list was updated in March, and includes the following books:

- American Jurisprudence 2d, vol. 31: Executors and Administrators to Exemptions (Last Update: May 2012), \$2.00
- American Jurisprudence 2d, vol. 33: 2011 Federal Taxation §§600-3209, \$2.00
- American Jurisprudence 2d, vol. 33A: 2012 Federal Taxation §§4000-15701, \$2.00
- CALJIC: California Jury Instructions, Criminal, Spring 2011 Edition, \$2.00
- Federal Jury Practice and Instructions Criminal Companion Handbook, 2010 Edition, \$13.00
- Federal Trial Objections, Second Edition, ©2007, \$16.00
- Federal Civil Rules Handbook, 2011 Edition, \$12.00
- Qualifying & Attacking Expert Witnesses (CD-ROM), December 2011, \$2.00
- Nolo's Simple Will Book, 6th Edition, ©2005, 2 copies at \$5.00 each

Drop by to see more!



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Beyond the Stacks



Ritidian Beach.

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that's about all.