“You Aren’t in Charge Here, Abe!”
How Might Lincoln Handle a Contentious Deposition?

BUT . . .
“You Aren’t in Charge Here, Abe!”
How Might Lincoln Handle a Contentious Deposition?
BUT . . .
Lincoln didn’t take depositions,
AND . . .

What would that have to do with leadership, anyway?
Depositions as Crucibles of Anarchy and Incivility

No Judge = No Rules?
Depositions as Crucibles of Anarchy and Incivility

No Judge = No Rules?

Leadership Up For Grabs

Too Much Coffee
LINCOLN’S APPROACH TO ADVOCACY

The Deposition from Hell
LINCOLN’S APPROACH TO ADVOCACY

Who Won?

LINCOLN’S APPROACH TO ADVOCACY

Who Told His Client He Won?
Five Traits That Defined Lincoln's Approach to Advocacy

- Empathy
- Civility
- Self-Control
- Vision
- Pragmatism

EMPATHY

“the ability to understand and share the feelings of another”
"You have a case of incipient verbal diarrhea."
Letter to John D. Johnson

“When I came into Charleston day before yesterday, I learned that you are anxious to sell the land where you live and move to Missouri... You have raised no crop this year; and what you really want to do is sell the land, get the money, and spend it. Part with the land you have, and, my life upon it, you will never after own a spot big enough to bury you in. . . . Now, I feel it my duty to have no hand in such a piece of foolery.”

Abraham Lincoln
November 4, 1851
Edwin Stanton: “Long-Armed Ape!” “Imbecile!”

Abraham Lincoln: “Would you like to be my Secretary of War?”

“Die when I may, I want it said by those who knew me best that I always plucked a thistle and planted a flower where I thought a flower should grow.”

“The best way to destroy an enemy is to make him a friend.”

“Anyone who mistook his civility for weakness soon would find himself on his back in a ditch.”
ONE STEP TO CIVILITY AT DEPOSITIONS . . .

Let Everybody Talk (and talk, and talk . . .)
CIVILITY

Let Everybody Talk (and talk, and talk . . .)

“Better to remain silent and be thought a fool than to speak out and remove all doubt.”

Abraham Lincoln
(or Confucius, or Benjamin Franklin, or Mark Twain, or . . .)
Let Everybody Talk (and talk, and talk . . .)
If you find yourself interrupting, stop.

Let Everybody Talk (and talk, and talk . . .)
If you find yourself arguing, stop.
Let Everybody Talk (and talk, and talk . . . .)
If you find yourself interrupting, stop.
If you find yourself arguing, stop.
At the first sign of clear air, try:

CIVILITY

Let Everybody Talk (and talk, and talk . . . .)
If you find yourself interrupting, stop.
If you find yourself arguing, stop.
At the first sign of clear air, try:

“Please don’t interrupt me, and I promise not to interrupt you.”
Let Everybody Talk (and talk, and talk . . . )
If you find yourself interrupting, stop.
If you find yourself arguing, stop.
At the first sign of clear air, try:
"Please don't interrupt me, and I promise not to interrupt you."
"I've stated my objection."

CIVILITY

Let Everybody Talk (and talk, and talk . . . )
If you find yourself interrupting, stop.
If you find yourself arguing, stop.
At the first sign of clear air, try:
"Please don't interrupt me, and I promise not to interrupt you."
"I've stated my objection."
"Let's move on."
Let Everybody Talk (and talk, and talk . . . .)
If you find yourself interrupting, stop.
If you find yourself arguing, stop.
At the first sign of clear air, try:
“Please don't interrupt me, and I promise not to interrupt you.”
“I've stated my objection.”
“Let's move on.”
“Next question, please.”
SELF-CONTROL

W. McGough - by Mr. 

Tell me, what is your name, again. 

A: Walter Thomas McGough, Jr. 

Q: Do you go by "Junior"? 

A: Never in my life. I mean, no one's 

ever called me "Junior." If you put — I mean, 

as a nickname. Is that what you mean? 

Q: Yes, that's right. 

A: No. 

Q: What I want to know is your role in 

the Section Nine transaction.
Friday’s Law #4

You can never change another human being; you can only change yourself. Once you change, they change, but you cannot change them.

Paul J. Friday, PH.D
Chief of Clinical Psychology
UPMC Shadyside

“Are you telling me that . . . ?
"Are you telling me that...?"
"Answer my question!"

"Are you telling me that...?"
"Answer my question!"
"I didn't ask you that!"
“Are you telling me that . . . ?
“Answer my question!”
“I didn’t ask you that!”
“Let me remind you you’re under oath.”

“I move to strike.”
“Are you telling me that . . . ?
“Answer my question!”
“I didn’t ask you that!”
“Let me remind you you’re under oath.”
“I move to strike.”
“You don’t run this deposition.”

“Are you telling me that . . . ?
“Answer my question!”
“I didn’t ask you that!”
“Let me remind you you’re under oath.”
“I move to strike.”
“You don’t run this deposition.”
“Shut up.”
“Are you telling me that . . . ?
“Answer my question!”
“I didn’t ask you that!”
“Let me remind you you’re under oath.”
“I move to strike.”
“You don’t run this deposition.”
“Shut up.”
“Don’t be tellin’ another lawyer to shut up. That’s not your god damn job, fat boy.”

Edwin Stanton: “Long-Armed Ape!” “Imbecile!”

Abraham Lincoln: “Would you like to be my Secretary of War?”

Lincoln had the ability “to look beyond the slight.”
Lincoln had the ability “to look beyond the slight.”

But look to what?

Lincoln had the ability “to look beyond the slight.”

“Lincoln could look a long way ahead and calculate the triumph of right.”
PRAGMATISM

“I can make more generals but horses cost money.”
How Might Lincoln Handle a Contentious Deposition?

1. He would understand and lead his client.
2. He would treat everyone with civility.
3. He would manage himself.
4. He would let everyone have their say.
5. He would be far-sighted and pragmatic.
Abraham Lincoln?