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Subject: Groden Deposition

RE: Mitchell and writing in response to your telephone call stating that you wish to attend the Groden deposition. In order for you to make your plans, the details are as follows: the deposition is scheduled for 9:00 a.m. on Tuesday, August 20, at the U.S. Attorney's Office on the Third Floor of the Earle Cabell Federal Building at 1100 Commerce Street in Dallas. This is the same building where the Dallas hearing was held. As I said to you, I believe that all Board members are fully entitled to attend the depositions. I would, however, like to express some thoughts that I have. First, to the extent that you desire to be informed about what transpires in the depositions, the transcripts have always been and will continue to be fully available to you and the other members of the Board. I urge you to read them and I would be very interested in your comments, suggestions, and observations on them. Reading the transcripts is certainly an easier, cheaper, faster, and more efficient way to obtain the information than attending the depositions. Second, I appreciate your statements that your desire to attend the deposition has nothing to do with the (unsigned) letter about the medical depositions that was circulated at the Board's last hearing and that you do not wish to "micro-manage" the work I am doing. Third, David and other staff members have attended some of the prior depositions that were held in the Washington area. I always find it valuable to get their thoughts, suggestions, observations, insights, and proposed questions. I have no doubt that you would be able to contribute as well. However, I frankly am concerned that your presence might be a distraction to me. When I am preparing for and conducting a deposition, I try to focus as single-mindedly as I can on the witness and on the issues that need to be addressed. It is obvious that you are a man of strong convictions and that you do not hesitate to express your convictions in strong terms, particularly when you disapprove of something. I am concerned that during the deposition my focus might shift from the witness to attempting to anticipate your reactions and potential disapprobation. In saying this, I should nevertheless add that I have conducted more than a hundred depositions in extremely difficult situations. One example occurred during a multi-million dollar lawsuit against my client, a prominent French corporation. Depositions were scheduled in Paris for a two week period in which I had to prepare 10 witnesses (including two former Presidents of the corporation) for depositions and to conduct the depositions in both French and in English. The depositions were at the General Counsel's office in Paris, and attorneys for the corporation attended the depositions. But in these and other depositions, I never had the sense that my clients -- who were understandably interested in and concerned about what was happening at the depositions -- were trying to second-guess me. I do not know whether you would try to second-guess me. I am certain that my concern that you might do so would be an unhelpful distraction. I very

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