

PROFESSIONALISM AT DEPOSITIONS

DISCUSSION QUESTIONS

1. As a preliminary matter, does The Florida Bar have jurisdiction to discipline Mr. Redding when his deposition conduct occurred in Delaware instead of Florida?
2. What Rules Regulating the Florida Bar, if any, did Mr. Redding violate in the video?
3. Are Mr. Redding's words a problem? What's wrong with them?
4. If Mr. Redding were applying for admission to the bar as a new lawyer, would we be concerned about his ability to performed as a lawyer based on the video? Why or why not?
5. What are the consequences of the incident to all those involved?
6. If Mr. Redding violated the Rules Regulating the Florida Bar, what sanctions would be appropriate?
 - a) First, what is the purpose of sanctions? What kind of sanction for Mr. Redding would serve those purposes?
 - b) The Standards allow consideration of mitigating and aggravating factors in determining discipline. Which factors are applicable here? On balance, which category has more weight? How did the factors influence the sanction you chose?
7. Did Mr. Redding's conduct violate Florida's Oath of Admission, Creed of Professionalism, or Ideals and Goals of Professionalism (i.e., the "Standards of Professionalism")? Even if Mr. Redding's conduct does not rise to an ethical violation, we likely all agree that it was unprofessional. What is unprofessional about it exactly?
8. When an attorney is asking questions during a deposition, what type of conduct could be considered unprofessional under Florida Bar Guidelines for Professional Conduct?
9. Could DuPont's counsel have handled the situation differently? Was there an approach that might have been both more successful and more professional?