

Woodshedding Bibliography

One of the recurring themes in scholarly articles about ethical witness preparation is that there are not that many scholarly articles about witness preparation. That may have been the case a while back, but my recent research on the topic uncovered several worthwhile articles about witness preparation. As noted in my presentation, most of these scholars approach witness preparation issues in terms of best practices to avoid improperly influencing a testifying witness, while acknowledging that there are few bright-line prohibitions in witness preparation other than suborning perjury.

While all of these articles are worth reading, the starred articles are the most authoritative and interesting. Enjoy!

- ★ Liisa Renée Salmi, *Don't Walk the Line: Ethical Considerations in Preparing Witnesses for Deposition and Trial*, 18 REV. LITIG. 135 (Winter 1999).
- ★ John S. Applegate, *Witness Preparation*, 68 TEX. L. REV. 277 (Dec. 1989).
- ★ Richard C. Wydick, *The Ethics of Witness Coaching*, 17 CARDOZO L. REV. 1 (Sept. 1995).
- ★ Stephen M. Goldman & Douglas A. Winegardner, *The Anti-False Testimony Principle and the Fundamentals of Ethical Preparation of Deposition Witnesses*, 59 CATH. U. L. REV. 1 (Fall 2009).

Joseph D. Piorkowski, Jr., *Professional Conduct and the Preparation of Witnesses for Trial: Defining the Acceptable Limitations of "Coaching,"* 1 GEO. J. LEGAL ETHICS 389 (Fall 1987).

Michael H. Berger, *The Ethical Preparation of Witnesses*, 42 COLO. LAW. 51 (May 2013).

James H. Mutchnik, Tammy A. Tsoumas, and Jonathan J. Faria, *Put Me In, Coach: The Ethics of Witness Preparation*, American Bar Association Section of Antitrust Law, 63rd Annual Antitrust Spring Meeting (April 2015).

Stan Perry and Teshia N. Judkins, *Ethical Witness Preparation: Stepping Back from the Line for the Lecture*, HOU. LAW (July/August 2010) at 34.

Edward Carter, *Horse-Shedding, Lecturing and Legal Ethics*, Illinois Institute of Technology, Chicago-Kent College of Law (2008) (PDF available on web).

Roberta K. Flowers, *Witness Preparation: Regulating the Profession's "Dirty Little Secret,"* 38 HASTINGS CONST. L.Q. 1007 (Summer 2011).

Ken Broda-Bahm, *Keep Your Witness Out of the Woodshed,* PERSUASIVE LITIGATOR (www.persuasivelitigator.com) (Aug. 2011).

Erin C. Asborno, *Ethical Preparation of Witnesses for Deposition and Trial,* American Bar Association Litigation Section,
<http://apps.americanbar.org/litigation/committees/trialpractice/articles/121311-ethics-preparation-witnesses-deposition-trial.html>.