

WHAT'S A DEPOSITION?

A deposition is merely a series of questions which the opposing attorney will ask of you and the answers which you will give to him. The deposition will probably take place in a court reporter's office. You will be placed under oath by the court reporter, and I will be present throughout the entire procedure. Whatever you say will be transcribed by the court reporter and may be filed in your case. We will receive a copy of the questions and answers, which will be available for you to read at a later date. The opposing attorney will also receive a copy of these questions and answers which he will confront you with later if your testimony during the deposition is different or in any way contradictory to the testimony you give at trial. The procedure is relatively informal, and although it is important, you should not be nervous. There is no way of determining exactly how long your deposition will last, but estimate it will last between one and two hours.

The opposing attorney will be very interested in finding out many things about you and the facts of your case. You should make a complete, honest and frank disclosure of anything you are asked, but do not volunteer any information you are not asked. Every question should be answered without any unnecessary explanations and as briefly as possible. When the opposing attorney has finished asking you questions, your attorney will have the opportunity to add anything they feel needs further explanation. Leave it to your attorney's judgment what needs to be expounded upon rather than trying to convince the opposing attorney that you know everything about the case. If the deposition goes along in the usual course, your attorney may not ask you any questions. So long as you tell the absolute truth, you need not feel any explanation is warranted in order for anyone to believe your testimony. Merely state a truthful answer and do not try to convince anyone why it may be a logical answer or not. Your attorney will object to questions on your behalf.

PERSONAL APPEARANCE AND CONDUCT

One of the things an opposing attorney will discover during the deposition concerns your personality and appearance. Your dress and appearance should be neat, clean, and conservative in style, as it should be later on if your case goes to trial. We want you to be extremely polite during the deposition and treat the other attorney with respect and courtesy, regardless of the opposing attorney's attitude or treatment. However, do not hesitate to respectfully disagree during questioning.

TYPES OF QUESTIONS

Make absolutely certain that a question is completely finished before you give your answer. Take all the time that is necessary to completely understand the question before you give your answer. Do not ever be embarrassed to say that you do not understand a question or a particular word within a question. Also, be very careful that you do not say "yes" or "no" to a question which may actually contain two different questions. This could be an attempt to trip you up by making it appear your answers are somehow inconsistent. You may re-state the questions separately and answer them separately. Do not try to guess whether or not the answer will help or harm your lawsuit. Tell the truth as best you can and leave it to others to judge the result.

SCOPE OF THE QUESTIONING

Generally, the other attorney will ask questions in detail concerning the accident giving rise to this lawsuit. He will be interested in eliciting your version of how the accident occurred. There are very few matters about which he will not be allowed to inquire.

A general question that the other attorney might ask you is, "How did this accident happen?" In response to such an open-ended question, you should give an answer that is truthful, but brief. Remember you are under oath and every word you say will become a part of the permanent file which can be used either for you or against you. Therefore, it is best you tell your story as clearly and as succinctly as possible. Brevity is a virtue. Never forget that if you truly do not know the answer to a question, the only truthful answer is "I don't know," or "I do not recall."