



What To Expect: Depositions

General

Under state law, each side in a lawsuit has the right to conduct discovery. A deposition is a particular form of discovery available to both sides in a lawsuit. The following information will acquaint you with what is expected and how you can be an effective witness at deposition time.

What is a deposition?

A deposition is your testimony under oath. You will be asked questions by the opposing attorney (and in some cases by your own attorney), and the questions and your answers will be recorded by a court reporter. A court reporter is a person who is competent to record exactly what is said. Recording is done using special equipment that the court reporter is trained to operate. A deposition is less formal than a trial and will customarily be held either in the offices of one of the attorneys or in the office of the court reporter.

Purpose of a deposition

The opposing attorney wishes to find out what facts you know. The attorney is interested in what your story is now and what it is going to be at the time of trial. In addition to gathering information for their case, the opposing party hopes to catch you in an inconsistency, even if only on a minor point, so that at trial your story might appear to be inconsistent.

These are legitimate purposes. Your attorney has the same right to take the discovery deposition of the opposing litigant.

Deposition Pointers

1. **APPEARANCE.** It is important that you make a good impression on the opposing counsel and the opposing party. You should appear dressed as if you were actually going to court. You should be clean and wear clean, neat clothing. If you are the victim in the lawsuit, come prepared to exhibit all injuries you have suffered.
2. **RESPECT.** Treat all persons in the deposition room with respect. Do not be afraid of the lawyers. While some lawyers are as difficult to work with as what you see on T.V., the truth is that most lawyers are simply trying to get to the truth so that they can better guide the court on the proper resolution of a dispute.
3. **SPEECH.** Speak slowly and clearly. A reporter will likely be recording the testimony provided in a deposition. It is imperative that you speak clearly so that your testimony is accurately recorded.
4. **TRUTH.** Do not try to figure out before you answer whether a truthful answer will help or hinder your case. Many questions you will be asked will not be admissible at trial, but the opposition is entitled to an

answer in order to help prepare its case. Many cases are lost because a witness tries to hide something. Many of the questions cannot be used in the trial unless you have not told the truth and your false answers can be shown at the trial. Tell the truth.

5. **JUST THE FACTS.** Never state anything as a fact that you do not know. There is, however, a distinction between a guess and an honest estimate.
6. **CONTROL.** Limit your responses to the question asked. If the question elicits a “yes” or “no” response, simply state “yes” or “no”. Do not volunteer any facts not requested. Your attorney will get your side of the story out; there is no need to educate the other side if they don’t ask.
7. **KEEP YOUR HANDS TO YOURSELF.** Do not, unless your counsel so requests, reach for a social security card, driver’s license, or any other document.
8. **PREPARE.** Give the information you have readily at hand. If you are the plaintiff in the lawsuit, have with you the facts and figures about your time lost from work, wages lost, doctor bills, hospital bills, and all other facts concerning damages caused as a result of your injury.
9. **RELAX.** Do not try to memorize your testimony.
10. **CONFIDENCE.** You are in control of your testimony. Do not answer a question unless you have heard it and clearly understand it. Ask for the question to be repeated or, if necessary, for a moment to think. If you don’t understand a question, say so. Questions can be rephrased or broken into components.
11. **ACCURACY.** If you are the plaintiff in the lawsuit, report accurately your injuries or losses, but do not magnify them.
12. **CONTROL.** Answer all questions directly, giving concise answers to the questions, and then STOP TALKING.
13. **CONTROL.** If your attorney begins to speak, stop whatever answer you may be giving and allow him or her to make the statement.
14. **CONTROL.** Do not let the opposing attorney get you angry or excited.
15. **PROFESSIONALISM.** Never joke in a deposition.
16. **DISTANCE.** After the deposition is over, do not chat with the opponents or their attorneys.
17. The most important aspect of your lawsuit is *you*. If you are earnest, fair, and honest, and if in giving your deposition you keep in mind these suggestions, you will be taking a great stride toward the successful completion of your case.

After you have read this, please note any questions you may have and discuss them with your attorney before your deposition is taken. If you are not represented and would like to discuss your case, please contact us.

Whether you select Luke Law, LLC to represent you or another attorney, you owe it to yourself to be prepared.

Luke Law, LLC

1409 Kingsley Avenue, Building 9B
Orange Park, FL 32073

Phone: (904) 637-2700

Fax: (904) 278-8001

info@lukelaw.com