

REMINDERS FOR THE DEPONENT

Tell the Truth

A deposition is not a conversation, it is a question and answer session. Do just that... Listen to the Question, Think about it, and Answer the Question.

Answer the question that is asked, not the question you want the lawyer to ask or the question you think the lawyer should have asked, or the question you expect the lawyer to ask next.

Do not guess or speculate unless you absolutely must or are asked to, and then make sure the lawyer asking questions knows that you are guessing or speculating.

If you don't know the answer to a question (whether the information is outside your area of responsibility or because you simply don't remember) just say so. I don't know or I don't remember is a perfectly acceptable response to a deposition question.

If presented with a document to review and answer questions about during the deposition, take the time to review the document carefully before answering questions, even if you think you are already familiar with the document or its content.

Your job during the deposition is to answer the questions asked truthfully and to the best of your ability. Generally, it is not your job to do research for the lawyer asking questions or prepare information for that lawyer in response to a line of questioning. Your lawyer (or the company's lawyer) will help you determine when it is appropriate to do these things and you should discuss with them before offering or agreeing to do so.

If being deposed as a representative of the company, then please be a good representative. Dress appropriately and behave appropriately, during the deposition and during the entire time you are on the premises where the deposition is being conducted.