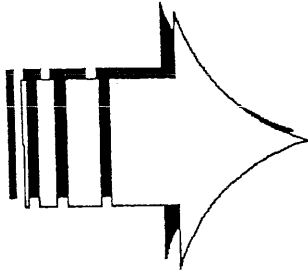


Depositions: You are the Star!



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DEFINITION: Statement under oath of what occurred. Questions are asked by the attorney requesting the deposition and by all other parties of record. Each attorney will ask questions relative to his self-interest.

TYPES OF DEPOSITIONS:

A. ***Discovery:*** Questions are permitted which are relevant or could lead to relevant material. This is the broadest category of depositions. It cannot be read at a trial.

B. ***Evidence:*** Deposition taken to preserve testimony. The testimony will be that of a trial. These types of depositions are now often videotaped, so it is imperative that you are prepared to appear persuasive on the camera.



In Federal Court, there is no differentiation between discovery and evidence depositions.

WITNESS PREPARATION:



Overcome anxiety - The attorney must over-come your natural fear of answering questions in a stressful environment where you don't know the rules. This will only come with time. So the attorney must spend the time necessary. Try not to smoke cigarettes or drink excessive amounts of coffee prior to the

deposition. Recognize that it is only natural to be nervous under pressure.



Review all documents - You must be familiar with all the documents. You must know all the abbreviations and be able to read your handwriting. If you don't feel comfortable with a technical area, this is the time to ask questions. If a document was not created to your satisfaction, then an explanation must be planned. Do not take any documents with you to the deposition that have not been previously produced through discovery. The opposing attorney is permitted to ask you questions about any document that you reviewed in preparation for the deposition.



Learn the art of answering questions - Answer only the question asked. Never read anything into the question. Don't try to outsmart the lawyer; she is trained to ask questions. Don't educate your opposition. He can never know as much as you do about the art and learning of medicine. Never ask the opposing lawyer a question. Just say that you don't understand the question and ask him to rephrase it. Never answer a question that is confusing or that you don't understand.

Remember that you can talk to your lawyer at any time. The lawyer is being paid to represent you so let her do her job.



Learn the art of making an impression - Now what would you wear to a job interview or to meet a client? Looks are important. Answer questions in a clear voice with no wavering. Be prepared for the information requested. Don't make light of the process, and a chip on your shoulder only gives the opposing attorney some reasons to go after you. It is of little use to become angry.



Where do I sit? - I would always suggest that you sit as far away as possible from the questioning attorney. Keep the personal space large.

DEPOSITION - THE DAY:



It's OK to say, "I don't remember" - Memory can change depending on the circumstances. No one ever wants a deponent to guess or conjecture. Remember you are testifying from objective memory and not from fantasy. Also, a deposition is not a memory contest.

Never volunteer information - Always wait for the question and then only answer that question. It is imperative that you follow this rule even if you ignore all the others.

Don't rush your answers - Allow the mind to understand the question. Also, waiting for a moment allows the attorney to object if necessary. Don't allow the questioning attorney to engage you in quick conversation. Remember, your words will be reduced to print which then have great weight.

Feel free to speak with your attorney - You can talk with your counsel at any time. The questioning attorney will object but don't let that intimidate you. Your attorney is being paid to represent you; let her do her job.

Answer only the question asked - Even if you know where the attorney is going, let him travel there alone. Don't help him. Your job is not to educate the attorney. He must be educated in some other forum.

Deposition not a social tea - Although the attorney may appear to be friendly, you can be assured that his client's interests are held above all else. Don't be lulled into a false sense of security.

Leave self-doubt for the Confessional - If you feel guilty about something, inform your lawyer. It serves no purpose to offer unsolicited excuses for your actions in a deposition format.



Maintain confidence - When you feel your confidence start to ebb, ask to take a break. You can take a break at any time. Use that opportunity to regroup.



Never waive signature - When the deposition is written, you will have an opportunity to review it for errors and omissions and make the necessary corrections. Don't miss out.

