

DEPOSITION TIPS AND HINTS

ROBERTS & more

DEPOSITION TIPS AND HINTS

General

- The goal is to appear credible, honorable and truthful.
- Look engaged and interested. This is especially important if the deposition is videotaped.
- Prepare key messages – those points that reinforce your argument in the case. Memorize and practice them.
- Practice responses to anticipated questions in front of a mirror.
- Kisses of death: arrogance, anger, lack of confidence, giving too much detail

When you testify

- Remember **you** are the expert. **You** were there; the plaintiff's lawyer wasn't. You know more than s/he does.
- Listen carefully to the question. Think first, then speak. Answer the question simply and clearly using plain language.
- Generally speaking, the shorter the answer, the better. Don't be too helpful.
- Accept the obvious.
- Reshape the question if necessary. "What I would say is...."
- The plaintiff's lawyer will ask the same question a variety of different ways to find inconsistency in your answers. Keep your answers consistent.
- If you need a minute to collect your thoughts, repeat the question back to the lawyer. "I understand you are asking..."
- It's ok to ask to have the question repeated or ask for clarification.
- If you don't know the answer, say so. If you don't remember, say "I don't recall."
- Your lawyer will object if there is a problem. S/he can also correct the record if you make a mistake.
- Remember you can't control the questions, but you can control your answers. You cannot be made to say anything you don't want to say.