

Guidelines for Deposition Witnesses

So you're going to have your deposition taken! Frightening? It doesn't need to be if you follow these simple instructions. As court reporters we have compiled this list of time-proven aids and hints, which, if followed, will make your testimony much more effective and your deposition a pleasant experience. Additionally, your adherence to these basic suggestions will make our job easier.

What is a deposition? A deposition is basically a written record of oral testimony, in the form of questions and answers, made before a public officer (Court Reporter) for use in a lawsuit. In the following paragraphs, we will take you through a deposition step by step so that when your turn comes, you will know what to expect.

1. Who will be present? Attorneys for the plaintiff and defendant, a Court Reporter, and YOU, the witness.
2. How is a deposition arranged? You or your attorney will be served with a copy of a Notice of Deposition or a Subpoena, setting forth the place and time of deposition. You should arrive at the appointed place on time.
3. After everyone is settled, the attorney will indicate to the Court Reporter that he is ready to begin the deposition. The reporter will ask you to raise your right hand and be sworn. You are now under oath, sworn to tell the truth, the whole truth and nothing but the truth.
4. The attorney will begin to ask you questions such as, "What is your full name?" "How old are you?" "What is your address?", "When were you married?" etc.
5. Spell your name for the reporter, as well as any other names that may be mentioned in the deposition.
6. If you don't know the answer to a question, say you don't know - don't guess. If you don't understand a question, ask the attorney to explain what he meant. If you are asked to give an estimate, do so - but indicate that it is only an estimate.
7. Do not chew gum while you are testifying and keep your hands away from your mouth.
8. Speak loudly so that everyone in the room can hear you.
9. Do not speak to other people in the room, however you may consult with your attorney.
10. Take your time to give as much thought to the answer as necessary.

11. Do not interrupt the attorney - allow him to finish his question.
12. Do not nod or shake your head for a “yes” or “no” answer. Also, “yes” or “no” are much easier to understand than “uh-huh” or “huh-uh”.
13. Try to be specific in your answers.
14. Do not volunteer information. Answer directly and simply the question that is being asked and then stop.
15. Do not exaggerate.
16. Do not try to memorize your testimony.
17. Do not debate or argue with the attorney.
18. Be serious at all times. A person who constantly attempts to crack jokes will lose respect and credibility.
19. If the attorney asks a question that is objected to by another attorney, be quiet and let them discuss it until you are directed whether to answer the question.
20. After the attorney has asked you all the questions he feels are pertinent to the case, the opposing counsel will have an opportunity, if he wishes to ask you questions. Again, speak clearly and tell the truth.
21. When both attorneys have finished their questioning, you will be asked if you wish to waive signature or if you would like to read the deposition if it is transcribed. You have a right, according to the Court Rules, to read the transcript of your deposition, make corrections in any of the testimony that you feel may have been inaccurately reported by the Court Reporter, and sign it. If you have an attorney, he will be glad to advise you whether or not to waive signature; otherwise it's up to you. Because of the logistics involved and the time it takes for you to read your deposition, most witnesses waive the right and leave it up to the reporter to make an accurate transcript. That's what they are there for.

Now that you know what to expect, relax, tell the truth, speak slowly, clearly and loud enough for everyone to hear you, and take pride in your role as a witness. You are an important and integral part of our judicial system.