

Having your deposition taken can be an intimidating process. The attorney representing the injured worker is trying to build his case as best as he can. While the majority of attorneys who represent injured workers are courteous and professional, many can be belligerent and difficult. Adequate preparation for your deposition should eliminate the vast majority of your concerns. There are, however, some “tricks of the trade” in providing deposition testimony that will enable you to maintain control of your answers, provide testimony that supports your defenses, and convinces the claimant’s attorney that your trial testimony may harm his case. The law firm of Ross Vecchio presents the Ten Commandments of Deposition Testimony.

1. Do not volunteer information. Answer only the question that is being asked. No matter how much your answer may assist the case, do not expand your answer beyond the question that is being asked. A lengthy, detailed answer will only cause the opposing attorney to ask more questions.
2. Listen to the complete question that is being asked. Do not begin to formulate your answer until you have heard the entire question. Do not interrupt the questioner with your answer, since you do not know what is being asked until the question is complete.
3. Do not answer any question unless you understand the question and the information being requested. If you do not understand the question, feel free to ask for clarification. You are not required to answer a question that you do not understand. If you are uncertain, ask the opposing attorney to put the question in different words.
4. Do not guess when answering any question. If the attorney asks you to guess or hypothesize on facts that you are not sure of, respectfully decline to answer. It is perfectly acceptable to state that you cannot remember or you do not know. Just because you are asked a question does not mean that the question has an answer. You are not required to have the answer to every question being asked.
5. Do not bring any documents or materials to the deposition unless your attorney has advised you to do so. If you are presented with any documents through the course of the deposition, take the time to carefully review the document in its entirety.
6. Listen, concentrate, and focus on the question being asked. A deposition is not time to engage in small talk or joke with the opposing attorney. The opposing attorney will do his best to make you feel comfortable so that you let your guard down and provide him with additional or favorable information. Do not let the opposing attorney’s casual style lull you into believing that the deposition is an informal proceeding. The entire deposition is admissible in Court.
7. Be polite and cordial throughout the deposition. Do not become angry or hostile. The opposing attorney will do his or her best to make you confused

and angry. Not every opposing attorney tries to be abusive or obnoxious, but he or she wants certain answers to support the case.

8. When faced with a leading question, a question that suggests a yes or no answer, or a hypothetical question, make sure the question contains all the facts. That is, if a yes or a no answer does not adequately answer the question, say so. You are allowed to clarify your testimony to the greatest extent possible.
9. Do not hesitate to correct any errors or omissions made earlier in the deposition. If your ongoing testimony causes you to realize you made a previous mistake, say so. If you need to talk to your attorney privately in order to clarify a certain point, ask to take a break to speak with your attorney before the deposition continues.
10. Tell the truth to each question asked. Do not lie, exaggerate, or overstate what you know. Your attorney can deal with harmful facts far better than a surprise. False or misleading testimony about one fact calls your entire testimony into question.

Keeping these tips in mind will prevent you from becoming flustered at deposition. Again, thorough knowledge of your file is the best preparation you can undertake. An opposing attorney who realizes that you are also approaching the deposition from a dispassionate, professional standpoint will quickly realize that a fishing expedition will be of little benefit. This will cause him to focus on legitimate areas of inquiry, get the information he needs, and conclude the deposition as soon as possible.