

DEPOSITION TOOLS FOR THE CLIENT

1. **Tell the Truth:**
If you lie, it can and will be used against you at trial.
2. **Listen to the question:**
Make sure you understand before you answer. If there is any part of it you don't understand, say so.
3. **Answer the Question—Not some other question:**
Say no more than is necessary to answer the question. Do not volunteer extra information or explanations.
4. **Do Not Guess:**
If you don't know an answer, say so. If you don't remember, say so. It is your job to give the answers you know, not to guess about the answers you don't know.
5. **You are the witness, not the lawyer:**
 - a. Do not argue with the other side
 - b. Do not object
 - c. Do not try to sell your case
 - d. Do not try to make yourself look good
 - e. Just answer the questions.
6. **Watch out for questions that restate your answers:**
A lot of times the other side may take your answers and put them in other words—changing your meaning in ways you may not catch at the time. If the other side asks if his restatement of your answers is correct, you should say no and have your answer the way you said it.
7. **If you need to talk with me, ask for a break:**
It is perfectly acceptable to consult with your attorney during a deposition. I cannot tell you an answer, but I can answer your questions.
8. **Do not admit to committing a crime:**
If you think that you are going to, stop, ask to speak with me, we'll decide together whether you would like to assert the Fifth Amendment not to incriminate yourself.
9. **Beware of absolutes:**
These are questions that have the words "Always" or "Never." They can be dangerous because it is rare that something is absolute.
10. **If asked, admit you prepared for this deposition:**
There is nothing wrong in going over your testimony in advance. It would be irresponsible not to.

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11. If I object, stop and listen:

If you are talking when I object, stop talking at once. An objection is a danger signal. It says you should put your mouth in low gear and your brain in high gear

12. If you make a mistake, tell me before the deposition is over:

We will fix it. Mistakes happen, but they don't fix themselves.

13. If you get tired, ask for a break.

If you need to go to the restroom or get some water, say so. And if you start to argue or get talkative, which is natural when you get tired, I'll ask for a break myself.

14. Watch out how you phrase your answers:

do not be sarcastic or facetious. The cold record will not get the joke so wait until the deposition is over. Think about how what you say will appear on paper to someone who isn't there in person.

15. Remember the other lawyer is not your friend:

As friendly as the other lawyer may seem, they are on the other side—against you. Do not make chitchat or small talk with them.

16. AGAIN, BE TRUTHFUL!