

Deposition Preparation & Guidance

This guide is designed to help you understand the deposition process and be fully prepared. A deposition is a **formal legal proceeding** where the opposing attorney will ask you questions under oath. Their goal is to obtain information that will help their client and potentially weaken your case. You must approach it seriously and strategically.

1. What Is a Deposition?

- A formal question-and-answer session, under oath, recorded by a court reporter.
 - Takes place in a lawyer's office, conference room, or via Zoom.
 - Attorneys from both sides may be present.
 - Everything you say is recorded and can be used in court.
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2. What Will Happen

1. **You'll be sworn in** – You promise to tell the truth.
 2. **The opposing attorney will ask you questions** – These may cover background info, events in the case, and other details.
 3. **Your attorney will be with you** – They can object to improper questions, but you will answer most questions.
 4. **A transcript will be made** – You may review it later for accuracy.
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3. The Three Core Rules for Answering Questions

Rule 1: Pause and Ask Yourself – Do I Understand the Question?

After the defense attorney asks a question, stop and think. This pause gives you time to make sure you understand what is being asked and allows your attorney a moment to object if necessary.

Rule 2: Do I Have the Information to Answer the Question?

Only answer if you have firsthand knowledge. Do not provide information you learned from other people or sources unless you are specifically asked to do so.

Rule 3: Answer Only the Question Asked

If you understand the question and have the information to answer, give only that answer—nothing more. Do not offer extra details, background, or explanations unless specifically asked. Example: If you are asked, “*Do you know what time it is?*” the correct answer is “Yes” or “No.” Do not give the actual time unless the next question asks for it.

4. The One Exception to the Three Rules

When you are asked about **damages**—how you have been harmed or affected—you must give a **thorough and complete answer**. This is your opportunity to fully describe your injuries, pain, limitations, emotional impact, and how your life has changed. Only you can tell this story, and if you give a short or vague answer, the defense will later try to minimize what happened to you.

5. Additional Guidance for a Controlled Deposition

- Tell the truth – Even small inaccuracies can harm your case.
 - Stay calm and polite – Do not argue or become defensive.
 - Take breaks – You can ask for one anytime (except when a question is pending).
 - Avoid talking over the attorney – Let them finish before responding.
 - If you need a question repeated, ask.
 - Do not try to “explain” unless asked directly.
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6. What You Should NOT Do



- Do not guess at facts or numbers—if you estimate, say it’s an estimate.
 - Do not share privileged conversations with your attorney.
 - Do not joke, use sarcasm, or make offhand comments.
 - Do not bring notes unless your attorney approves.
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7. Remember the Purpose

- The opposing attorney’s job is to protect their client—not you.
 - They will try to get information that helps their case.
 - Every question is asked for a reason—answer carefully and truthfully, but do not volunteer more than necessary.
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8. Quick Checklist for Deposition Day

- ☒ Get a good night’s sleep.
- ☒ Dress neatly but comfortably.
- ☒ Eat something before you go.
- ☒ Bring your ID if in person.

-  Arrive early (or log on early if remote).
 -  Trust your preparation and remember your attorney is there to protect you.
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Note: This is general guidance. Your attorney will review case-specific issues with you before your deposition and will be present throughout the entire process.