**Deposition Instructions to Client**

***Note to Attorney: Some of the advice provided below is applicable primarily in personal injury cases. Practitioners will wish to tailor these instructions to suit particular cases.***

Under the law, the other lawyer has a right to take your “discovery deposition.” This means that you will be put under oath, and the lawyer will ask you questions relating to this case. The lawyer’s questions and your answers will be taken down by a court reporter. One of your lawyers will be present at all times.

There will be no judge or jury present. However, after the deposition is over, the court reporter will type out all the questions and answers, and both your lawyer and the other lawyer will receive copies. The original may be filed in court.

The deposition will assist the opposition in evaluating your case for settlement purposes and can be used at trial if your testimony is different than at the deposition. For this reason, it’s important to prepare before your deposition and handle yourself well during the deposition. Below is a list of instructions.

**Instructions:**

1. You should be clean, and wear clean, neat clothing.
2. Consider this an important and solemn occasion, and treat all persons in the deposition room with respect.
3. Come prepared to exhibit any and all injuries which you have suffered.
4. If this is a personal injury case, have with you the facts and figures of time lost from work, lost wages, and all medical bills incurred as a result of your injury.
5. Tell the truth.
6. Never lose your temper.
7. Don’t be afraid of the lawyers.
8. Speak slowly and clearly, and answer “yes” or “no” rather than “uh huh” or a nod or shake of your head.
9. Answer all questions directly and concisely.
10. NEVER VOLUNTEER any information. After the question has been asked, answer it. If “yes” or “no” will answer the question, do so and then STOP.
11. Do not magnify your injuries or losses.
12. If you don’t know, admit it. It is IMPERATIVE that you be HONEST and STRAIGHTFORWARD in your testimony.
13. Do not try to memorize your story. Tell your story to the best of your ability.
14. Do not answer a question unless you have heard it and clearly understand it. Ask for the question to be repeated or explained.
15. Do not guess or estimate time, speed or distance unless you are sure that the estimate is correct. When you answer, state that this is your estimate. Review these estimates with us beforehand.
16. Many of the questions you will be asked will not be admissible at the trial. The opposition is entitled to an answer in order to help them prepare their case. Do not try to hide information because you are afraid it can be used at trial to discredit you.
17. If we object to a question, stop talking and wait for our instructions to answer or not answer.
18. If you want to discuss something after the deposition, wait until we are alone.

REMEMBER, if you give the appearance of earnestness, fairness and honesty, and if you keep in mind the suggestions we have made, you will be taking a great stride toward successful completion of the litigation in which you are involved.

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**PRACTICE AID GUIDE:** The Essentials of Law Office Management

**CHAPTER 4** Maintaining the Attorney-Client Relationship and Law Office Procedure