

NAVIGATING THE EDDY OF DEPOSITION TESTIMONY: A MOCK DEPOSITION



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Who are we?

Trial attorneys representing public entities for over 50 years

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OVERVIEW

- WHAT IS A DEPOSITION?
- HOW DOES IT WORK?
- THE GROUND RULES/ADMONITIONS
- THE “REAL” GROUND RULES
- MOCK DEPOSITION
- ANALYSIS OF WITNESS

WHAT IS A DEPOSITION?



- Sworn testimony under oath
- Question and answer session

WHO CAN BE DEPOSED?

- Individual parties
- Person Most Knowledgeable/Qualified
- Employees
- Third party witnesses
 - Eyewitnesses
 - Treating Physicians
 - Friends
 - Family

HOW DOES IT WORK?



- Who sits where?
- Noticing party goes first
- All others in turn
- Follow up questions permitted
- 7 hour time limit...except for PMK/PMQ

THE GROUND RULES/ADMOCTIONS

- Formal proceeding
- Penalty of perjury
- Talk one at a time
- Best testimony
- Duty to tell truth
- Verbal responses
- Not an endurance contest
- Not a memory contest
- Objections
- Deposition transcript
- Rely on responses
- Review transcript
- Changes to testimony
- Sign transcript

THE “REAL” GROUND RULES



- You will NOT win the case
- Limit responses: Yes/No
- Develop themes
- Know the documents
- Don't help the other side

MOCK DEPOSITION



ANALYSIS OF WITNESS

- How well did the witness follow the “real ground” rules?
- What did they do right?
- What could they have done better?

QUESTIONS?

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