**Deposition Instructions**

As part of the pre-hearing procedure, the insurance carrier has the right to take your deposition. A deposition is the taking of your sworn testimony. The deposition is used to obtain information about your medical and employment history, prior injuries and prior claims. If the carrier has had an investigator film you, it can also be used to impeach you if you testify to an inability to do things a video shows you doing.

The deposition will be informal and is usually attended only by you, me, the defense attorney and a court reporter.The deposition begins with the court reporter administering an oath to you to tell the truth. After that, the attorney for the carrier will advise you of the rules for the deposition. The attorney will then begin asking you questions.

**Rules for Depositions**:

1. **Tell the truth**. Never lie during a deposition. You are sworn to tell the truth.

2. Before answering, **understand the question**. Make sure you understand the question, or you can be set up for an inaccurate answer. If you don’t understand, ask. Listen to the question. Don’t anticipate the question, or interrupt the question. Make sure your answer is your answer, not the answer the attorney is attempting to get you to answer.

3. **Don’t guess** about an answer. If you don’t know the answer or can’t remember an event or a date, say so.

4. **Take your time** answering. Take as much time as you need to answer the question asked.

5. **Answer the question asked**. Don’t volunteer information not asked for. Think about the answer to ensure that you are answering the correct question. Never attempt to be helpful or teach the attorney about a subject. Don’t attempt to persuade the attorney that he/she is wrong and you are right. The most common mistake is to volunteer information. Answer the question and then stop. Do not fix the question if you think it is a bad question. Answer the question asked.

6. You are **entitled to a fair question**. If the definition of words is unclear, ask the attorney: “What do you mean by….?”

7. **Answer audibly**. Head nods are not able to be put into the transcript. Answer yes or no, not uh huh or nu huh.

8. **Be relaxed**.Prior to the deposition, do whatever you need to do to relax.

9. Be **wary of questions** that begin, “Don’t you agree” or “Isn’t it true”. Don’t agree unless what is asked is true and is your answer.

10. **Do not look to me** for assistance in your answer. You must provide the answer, not me.

11. Be **courteous**, but firm. Answer questions respectfully and avoid making jokes or wisecracks.

12. Some attorneys will be **confrontational**. Do not argue or lose your temper. If an objection is proper, I will make it and tell you not to answer.

13. **Do not try to help** the case by exaggerating or not telling the truth.

14. **Do not bring papers** with you to the deposition.

15. **Dress as for court**. Wear clean, neat clothing. Be clean and well groomed.

16. **Do not chew gum**, tap fingers, play with pencils, etc.

17. **Speak clearly and slowly** to allow accurate transcription of the deposition.

18. Get **adequate rest** before the deposition. Get a good night’s rest.

19. If you are **interrupted** by the attorney when answering a question, continue to complete your answer.

20. **Do not promise** to obtain additional information or do something after the deposition. If asked, state that you will discuss this with me.

21. **Correct prior answers** if you determine that they were inaccurate.

22. If asked the same question over and over, answer truthfully and give **exactly the same answer**.

23. **Testify from your own knowledge**, not someone else’s. Do not assume facts.

24. **Ask for a break** if you need one, or if you need to talk to me.

25. **Do not exaggerate**. Tell the truth. Do not try to hide the truth or divert the attorney from the truth. Assume that the attorney has done his/her homework and will catch you if you lie or exaggerate about your history.

26. **Don’t box yourself in**. Do not make definitive limiting statements that limit your future answers, such as “That’s the whole story” or “Nothing else happened.” Avoid words such as always, all, never, and ever.

27. After the deposition, if you **discover errors or additional information**, inform me.

Be truthful, honest, earnest, and fair, and treat all parties with respect, and you will be successful in your deposition.