

## DEPOSITION INSTRUCTION SHEET

Under the law of Georgia, each side to a lawsuit has the right to take the discovery deposition of the opposing party. The opposing party may require you to appear at a specified time and place and to give your testimony, under oath, which testimony is taken down by a court reporter and typed out for future use in the lawsuit.

The following information and instructions are offered in an effort to better acquaint you with what is expected of you and how you can be an effective witness at discovery deposition time.

### **A. What Is A Discovery Deposition?**

In its simplest form, a discovery deposition is the oral testimony of a witness taken under oath before trial and at which time most of the objections available at trial do not apply; the basic rule being that the questions asked need only address themselves to information that is relevant to the case or to discovering relevant facts.

### **B. Purpose Of Discovery Depositions**

The purpose of the discovery deposition is to pick the mind of the witness of all the facts which he or she may have in his or her possession which will assist the lawyers in the preparation and trial of the lawsuit.

### **C. Your Physical Appearance**

You should remember that usually the first opportunity that the opposing counsel has to see you comes at the time of the giving of the discovery deposition. It is important that you make a good impression upon opposing counsel and his client and you should appear at deposition time dressed as you would expect to dress if you were actually going to Court to appear before the jury.

- You should be clean.
- You should wear clean, neat clothing.
- Treat all persons in the deposition room with respect.
- Come prepared to exhibit any and all injuries which you have suffered.
- Have with you the facts and figures with respect to your lost time from work, amount of wage lost, doctor bill(s), hospital bill(s), and all other facts with respect to the damages caused as a result of your injury.
- Consider this an important and solemn occasion and avoid "getting chummy" with opposing counsel or his client.

### **D. How To Act While Giving Your Testimony**

- Tell the truth.
- Never lose your temper.
- Don't be afraid of the lawyers.
- Speak slowly and clearly.
- If you don't understand the question, ask that it be explained.
- Answer all questions directly, giving concise answers to the questions, and **STOP TALKING**.
- **NEVER VOLUNTEER** any information. Wait until the question is asked – answer it and **STOP**. If you can answer "yes" or "no," do so and **STOP**.
- Stick to the facts and testify to only that which you personally know.

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- Do not magnify your injuries or losses.
- Be conservative with respect to a description of your injuries. Adopt an unexaggerated attitude toward your injuries.
- Testify only to the “basic facts” and do not attempt to give opinions or estimates of time and distance unless you have good reason for knowing such matters.
- If you don't know, admit it. Some witnesses think they should have an answer for every question asked. You cannot know all of the facts and you do yourself a disservice if you attempt to testify to facts with which you are not acquainted. It is **IMPERATIVE** that you be **HONEST** and **STRAIGHTFORWARD** in your testimony.
- Don't try to memorize your story. Justice requires only that a witness tell his story to the best of his ability.
- You must tell the truth on these depositions. You cannot change your testimony later.
- It is not our purpose to give the opposing party any more information than we have to. This is no time to convince the other side of the value of your case. We will do that another time. Therefore, only answer the questions asked and answer them with as few words as possible.
- Do not answer a question unless you have heard it and clearly understand it.
- Don't guess. If there is something you don't know, admit that you don't know it.
- Don't guess or estimate time, speed, or distance unless you are sure that the estimate is correct, and then make certain that when you answer that you state that this is your estimate.
- Many of the questions you will be asked will not be admissible at trial but the opposition is entitled to an answer in order to help them prepare their case. Many cases are lost because the witness tries to hide something. Tell the whole truth on these depositions. Many of the questions cannot be used in trial unless you have not told the truth, and then your false answers can be shown at trial.
- If we object to a question, stop talking and we will instruct you after we object to either answer the question or not to answer it.
- After the depositions are over, do not discuss anything in the presence of the opposing lawyers or reporter. Anything you say may then reopen the deposition. If you want to discuss something after the deposition, wait until you and your lawyer are alone.

**Remember**, perhaps the most important aspect of your lawsuit is YOU and the appearance you make. If you give the appearance of earnestness, fairness, and honesty, and if in giving your discovery deposition you keep in mind the suggestions herein made, you will be taking a great stride toward successfully and satisfactorily completing the litigation in which you are involved.

**What you do** at the deposition can help you or hurt you depending upon your attitude, truthfulness, and appearance.

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