

Checklist for Deposition Preparation

There are several best practices to consider when preparing to conduct a deposition:

- 1. Have a clear understanding of the purpose of each deposition.** This includes understanding the key issues in the case, the objectives for each issue, obtaining background information on the witness, and using that information to understand how each of the issues and objectives relate to the specific witness.
- 2. Address scheduling considerations early.** This includes notifying opposing counsel with proposed witnesses and dates, identifying how the deposition(s) will be conducted (e.g., in-person or virtual, recorded or just transcribed), choosing a court reporting service, and any special considerations, such as the need for an interpreter.
- 3. Research the law and know the rules.** It's important to know the rules, especially when it comes to rules that govern how depositions are conducted and what objections are acceptable.
- 4. Be organized.** This includes building an outline that ties to the issues and objectives identified above and preparing a list of documents that supports each outline item. However, it's important to be flexible with the outline as you want to be prepared to respond with follow-up questions based on how the witness responds. The outline should be a guideline, not a script.
- 5. Bring copies of key documents.** Quick access to key documents can greatly improve the effectiveness of an examination, allowing you to control the pace and tenor of the deposition. In addition to key documents, bring copies of the civil rules, which have provisions governing conduct and objections permissible during a deposition; a copy of the subpoena to mark the document as an exhibit to illustrate what the witness is required to bring to the deposition; and an interrogatory disclosure of what the witness will testify about.



Everlaw allowed me to prepare for and control pacing during examination. This allowed the discovery to be much quicker than it would have otherwise been, saving the client money and giving us a better strategic result.



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