

# They Want to do WHAT to Me? *Preparing for a Deposition*

- Charles High, *Kemp Smith* (El Paso, TX)
- Bob Sheeder, *Bracewell & Giuliani* (Dallas, TX)
- Kathy Perkins, *Workplace Law & Mediation* (Lawrence, KS)

## What is a Deposition?

- One step in the factual investigation of a lawsuit
- After a lawsuit is filed, lawyers send paper discovery requests
- Usually followed by depositions of people with knowledge of facts

## Purpose of Depositions



- Discover Relevant Facts
- Nail Down Parties' Positions
- Obtain Admissions
- Goals for Plaintiffs –avoid summary judgment; class certification, settlement leverage; embarrassment

## What Is A Deposition?

- In a deposition, an attorney asks a witness questions, which the witness must answer under oath.
- An attorney for the Company will accompany you to the deposition and make objections on your and Company's behalf.
- Everything is recorded (probably videotaped), typed and put into booklet form – can read and sign.
- What is said, and how it is said, are very important

## Scope of Testimony

- Depends on your experience & position with Company
  - Policies and practices of your Company
  - Plaintiff's employment with the Company
  - Your role in decisions impacting the Plaintiff
  - Other employees and how they were treated
  - Maybe personal questions about your job, experience and life
- But not matters outside your personal knowledge, UNLESS you are a
  - Rule 30(b)(6) witness

## What Is A 30(b)(6) Deposition?

- Federal Rule of Civil Procedure 30(b)(6) allows an examining party to request that a corporate entity designate witnesses to speak on behalf of the company about specific issues listed by the examining party
- You are speaking on behalf of the Company, not yourself
- Your testimony can be used against the Company in this proceeding and future proceedings
- You may be asked and will be prepared to discuss things beyond your personal knowledge

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## Title search: They Want to do WHAT to Me? Preparing for a Deposition

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[Employment Litigation: Depositions; The Use of Jury Consultants; Getting from Internet to Evidence; Failure to Mitigate; plus Mixed Motive Claims](#)

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