



Trial and Appellate Attorneys

Deposition Lessons I've Learned Through the Decades

David J. Beck

“One important key to success is self-confidence. An important key to self-confidence is preparation.”

-Arthur Ashe

Pre-Deposition Preparation

Familiarize Yourself with the Case

- Know the legal issues in your case:
 - Study elements of the claims, counterclaims, and any affirmative defenses.
 - Know what questions will be submitted to the jury.
 - Review the pattern jury charge, if applicable.
- Investigate your client's side of the case:
 - Identify the key witnesses on both sides and their roles in the underlying events.
 - Consider the motivations of the key actors.
 - Interview your witnesses.
 - Review your client's documents.
 - Organize the information you learn; a chronology or "hot" documents folder can be very useful.

Familiarize Yourself with the Case

- Serve a request for disclosure.
 - Responding party must state legal theories and general factual bases for claims or defenses.
 - Responding party must state the amount and method of calculating damages.
 - Responding party must list persons with knowledge (potential witnesses).
- Serve focused interrogatories.
 - Interrogatory answers must be verified – any factual statements can serve as a basis for challenging contradictory testimony later.
 - Avoid overly-detailed interrogatories.
 - Focus on ascertaining the other side's main legal and factual contentions.

Learn the Documents

- These can be a most important resource.
- Contemporaneous documents give you:
 - Early familiarity with the facts.
 - Insight into both sides' positions when underlying events were unfolding.
 - A source of questions for deposition.
 - Ammunition to combat an untruthful or difficult witness.
- Organize your documents by:
 - Isolating the most important documents.
 - Constructing a timeline of events.
 - Constructing a narrative.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Deposition Lessons I've Learned Through the Decades

Also available as part of the eCourse

[2016 Winning at Deposition: Skills and Strategy eConference](#)

First appeared as part of the conference materials for the
2016 Winning at Deposition: Skills and Strategy session
"Deposition Lessons I've Learned Through the Decades"