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### **Client Information: General Guidance to Witnesses for Depositions**

- Listen to the question
- Ask that it be repeated if you cannot hear it
- Also, if you do not understand it, say so (maybe I will object that it is a multi-part question)
- Make sure your answer is responsive to the question, no more, no less
- Do not volunteer information (going beyond the scope of the question), no matter who is asking questions (that includes me)
- Many questions require just yes or no answers (so answer them by saying, "yes" or "no"; the lawyer asking you the question will then ask you another question to get more specific information)
- However, if you cannot answer the question with just "yes" or "no," say so and explain why
- In your answer say only what you know (i.e., what you have personally seen or heard or read yourself) unless the question calls for whatever "information" you have. Similarly, if you do not remember something, don't be afraid to say so. And if you don't know something, say so.
- I may be able to object to objectionable questions, but even some of these questions must ultimately be answered. Do not answer until the objection is resolved in some way
- If you need a break, say so
- Speak loudly and clearly; do not say, "Hmm" or "Unh huh"; the reporter cannot record these well; so say, "yes" or "no"
- Do not bring papers to the deposition table.
- Opposing counsel or I can show you papers to refresh your recollection if necessary. (However, before the day of the deposition, do review carefully any relevant documents, especially any prior statements you may have made. Note to clients: Read carefully all of the pleadings in your case.)
- Do not worry if you cannot recall exact dates. Generally your recollection of them will not be important. In any given case, there might be only about five exact dates which are actually important to remember.
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- Try to keep your temper and avoid showing anger. (Thus, do not engage in any name calling unless you are quoting yourself or someone else.)
- Don't try to "psych" out the lawyers who ask you questions or try to shade your answers in anticipation of what you think he/she wants you to say