

## DEPOSITION PREPARATION GUIDELINES FOR WITNESSES

© 2002 Michael G. Hanlon

- **Always tell the truth.** Your credibility is crucial. Even the smallest misrepresentation will make you appear like you cannot be believed.
- **Listen to each question very carefully.** Make sure the lawyer has finished the entire question before answering. Pause and think about your answer, choosing your words carefully.
- **If you do not understand the question, say so:** “I do not understand the question, could you be more specific?”
- **If you do not remember, say so:** “I do not specifically recall.” However, a witness’ selective recall of some events (usually favorable) but not others (unfavorable) obviously will be viewed with suspicion and adversely affect your credibility. Therefore, always give your best recollection (but succinctly).
- **Answer only the specific question asked.** Be as brief as possible. A simple “yes” or “no” often suffices.
- **Do not volunteer information.** Do not refer to other evidence such as “If I had my calendar, I might know.” If you find yourself talking at length, bring your answer to an end.
- **Do not guess or make assumptions when answering.** State only facts that are known to you from personal observation.
- **Stay calm.** Do not argue or lose your temper. If you become tired or angry, pause and collect your thoughts or take a break after answering any pending question.
- **If your lawyer objects to a question, stop testifying and listen.** Unless your lawyer instructs you not to answer, after an objection has been made, pause, think carefully and proceed cautiously when answering.
- **Do not try to outwit the opposing lawyer or attempt to anticipate his or her line of questioning.** Simply concentrate on each question as it is asked and respond accurately and briefly.
- **Use caution** when the opposing lawyer’s question begins with: “**Is it fair to say that...**” “**Do you agree generally that..**” “**So, if I could summarize your last answer, you said...**”
- **Read each document marked as an exhibit carefully** (even if you are familiar with it or it is lengthy). Wait for a specific question after indicating that you have read the exhibit. Do not volunteer what you know about the exhibit.

LAW OFFICES OF MICHAEL G.  
HANLON A PROFESSIONAL  
CORPORATION  
111 SW Columbia Street  
Suite 1010  
Portland, Oregon 97201  
TELEPHONE (503) 228-9787  
FACSIMILE (503) 224-4200