

Deposition Preparation Checklist

What is a Deposition?

A deposition is sworn testimony given outside of court where attorneys ask you questions to gather information for a case. Your answers are recorded by a court reporter and can be used during trial. Proper preparation is essential to protect your interests and present your testimony effectively.

Download Your Free Printable Checklist

Preparing for a deposition can feel overwhelming, but you don't have to navigate it alone. We've created a comprehensive, step-by-step checklist that covers everything you need to know—from initial preparation weeks in advance to handling tough questions during your testimony. This printable guide includes the seven golden rules of deposition testimony, practice questions with expert tips, common attorney tactics to watch for, and key phrases to use when you're unsure how to respond. Whether this is your first deposition or you're looking to refresh your preparation strategy, this checklist will help you feel confident

Phase 1: Pre-Deposition Preparation (1-2 Weeks Before)

✓ **Meet with Your Attorney**

Schedule a preparation session with your attorney to review the case, discuss potential questions, and develop your testimony strategy.

✓ **Review All Relevant Documents**

Carefully review all documents related to the case including contracts, emails, letters, reports, and any materials you may be asked about during the deposition.

✓ **Refresh Your Memory**

Review the timeline of events, key dates, and specific details about the matter at hand. Create a chronological summary if helpful.

✓ **Understand the Issues**

Work with your attorney to identify the key issues in the case and understand what the opposing counsel may be trying to establish or disprove.

✓ **Practice Testifying**

Conduct mock deposition sessions with your attorney to practice answering questions clearly and concisely.

Phase 2: The Golden Rules of Deposition Testimony

Rule 1: Tell the Truth

Always answer truthfully. You are under oath, and lying can result in perjury charges and destroy your credibility.

Rule 2: Listen Carefully to the Question

Make sure you understand the question completely before answering. If you don't understand, ask for clarification.

Rule 3: Answer Only What Is Asked

Don't volunteer information beyond what the question requires. Answer directly and concisely.

Rule 4: Think Before You Speak

Take a moment to consider your answer. There's no requirement to answer immediately.

Rule 5: Don't Guess or Speculate

If you don't know or don't remember something, it's perfectly acceptable to say "I don't know" or "I don't recall."

Rule 6: Stay Calm and Professional

Remain composed even if questions seem aggressive or repetitive. Don't let emotions control your responses.

Rule 7: Listen to Your Attorney

If your attorney objects or instructs you not to answer, follow their guidance.

Phase 3: Common Deposition Techniques to Expect

⚠ Be Aware of These Tactics:

- **The Friendly Approach:** The attorney may seem casual and friendly to get you to relax and share more than necessary
- **Repetition:** Asking the same question multiple ways to see if your answer changes
- **The Silence:** Pausing after your answer hoping you'll fill the silence with additional information
- **Rapid Fire Questions:** Asking questions quickly to prevent you from thinking carefully
- **Hypothetical Scenarios:** Asking "what if" questions to get you to speculate

Phase 4: Practice Questions

Background Questions

Q: Please state your full name for the record.

Practice Tip: Answer clearly and completely. This is a warm-up question.

Q: What is your current occupation?

Practice Tip: Be specific but concise. Don't elaborate beyond what's asked.

Q: Have you given a deposition before?

Practice Tip: Simple yes or no. Don't explain unless asked.

Document Questions

Q: I'm showing you what's been marked as Exhibit A. Have you seen this document before?

Practice Tip: Take time to review the document carefully. Answer only about whether you've seen it, not about its contents unless asked.

Q: Did you write this email?

Practice Tip: If you're certain, say yes. If you're not sure, say "It appears to be from my email account, but I'd need to verify to be certain."

Memory and Knowledge Questions

Q: Do you recall what was said in the meeting on March 15th?

Practice Tip: If you remember, answer specifically. If you don't remember clearly, say "I don't have a clear recollection" or "I don't recall the specific details."

Q: Isn't it true that you knew about the problem in advance?

Practice Tip: Don't let the phrasing intimidate you. Answer truthfully based on your actual knowledge at the time.

Challenging Questions

Q: You just testified that X, but didn't you say Y in your previous statement?

Practice Tip: Don't panic. Ask to see the previous statement. If there's a contradiction, explain it truthfully. If you were wrong before, admit it.

Q: Can you think of any other reason why this might have happened?

Practice Tip: This invites speculation. Only answer if you have actual knowledge. It's okay to say "I can only testify to what I know, not what I speculate."

Q: Is there anything else you think I should know about this?

Practice Tip: This is an invitation to volunteer information. Unless there's something directly relevant you haven't been asked about, a simple "No, I believe I've answered your questions" is appropriate.

Phase 5: Day Before the Deposition

✓ Final Review Session

Have a final meeting with your attorney to address any last-minute concerns and review key points.

✓ Prepare Professional Attire

Select business professional clothing. You want to appear credible and serious.

✓ **Get Adequate Rest**

Ensure you're well-rested. Depositions can last several hours and require mental alertness.

✓ **Confirm Logistics**

Verify the location, time, and parking arrangements. Plan to arrive 15 minutes early.

Phase 6: Day of the Deposition

✓ **Morning Preparation:**

- Eat a light, healthy breakfast
- Avoid alcohol and limit caffeine
- Bring water and any necessary medications
- Bring a notepad if you want to take notes (check with your attorney)
- Turn off your cell phone

✓ **Arrive Early**

Give yourself extra time to find parking, locate the correct office, and compose yourself before beginning.

✓ **Review Key Points with Your Attorney**

Spend a few minutes before the deposition reviewing the golden rules and any specific concerns.

Phase 7: During the Deposition - Best Practices

Communication Tips:

- **Speak clearly:** The court reporter needs to hear and transcribe everything you say
- **Avoid "uh-huh" or "uh-uh":** Say "yes" or "no" instead
- **Don't nod or shake your head:** Verbal responses only
- **Let questions finish:** Don't interrupt or talk over the attorney
- **One person speaks at a time:** Wait for complete silence before answering

What to Avoid:

- Don't argue with the attorney
- Don't make jokes or sarcastic comments
- Don't exaggerate or minimize facts
- Don't look to your attorney for every answer
- Don't discuss your testimony during breaks unless in private with your attorney
- Don't bring or refer to documents unless instructed by your attorney

Phase 8: Managing Difficult Moments

If You Don't Understand the Question:

"I don't understand the question. Could you please rephrase it?"

If You Don't Remember:

"I don't recall" or "I don't have a specific memory of that."

If You Need a Break:

You can request breaks for restroom use or if you're feeling overwhelmed. Your attorney can also request breaks.

If You Make a Mistake:

If you realize you gave an incorrect answer, inform your attorney during a break or correct it before the deposition ends.

Phase 9: After the Deposition

✓ Debrief with Your Attorney

Discuss how the deposition went, address any concerns, and plan next steps.

✓ Review the Transcript

You'll typically have an opportunity to review the deposition transcript. Read it carefully and note any errors for correction.

✓ Don't Discuss Your Testimony

Avoid discussing the details of your deposition with anyone other than your attorney.

Key Phrases to Remember

- "I don't recall."
- "I don't know."
- "Could you please repeat the question?"
- "I don't understand the question."
- "I need to see the document to answer accurately."
- "That's not my area of expertise."
- "I'd be speculating if I answered that."
- "That's my best recollection."
- "I need to take a break."

Final Reminders

Your deposition is important, but with proper preparation you can handle it successfully. Remember:

- You're there to answer questions truthfully, not to win arguments
- Your attorney is there to protect you and your interests
- Taking your time to answer carefully is not a weakness

- Honesty and consistency are your best tools
- This is a formal legal proceeding that deserves your full respect and attention

Disclaimer: This checklist is for informational purposes only and does not constitute legal advice. Always consult with your attorney about your specific situation and follow their guidance during deposition preparation and testimony.