

CHECKLIST FOR INITIAL DEPOSITION QUESTIONS

The following is a list of standard questions to use at the beginning of a deposition, the purpose of which is to limit the deponent's ability to evade impeachment later in the proceeding (and for general housekeeping purposes):

1. Please state your full name for the record.
2. Good [morning/afternoon]. My name is _____. I am the attorney for _____. I will be taking your deposition today.
3. Let me begin by explaining the deposition process. I will be asking you questions. The court reporter will transcribe, that is, type down, my questions and your answers to them. Do you understand?
4. Your answers will be given under oath, subject to penalties of perjury, the same as if you were testifying in a courtroom. Do you understand?
5. Your testimony may be used later in this proceeding, and at the trial, as evidence. Do you understand?
6. If at any time today you do not understand one of my questions, in whole or in part, please tell me, and I will either explain it to you or rephrase the question. If you answer my question without asking for clarification, I will take that to mean you understood it. Do you understand?
7. If at any time today you do not hear one of my questions, in whole or in part, or for some reason you become distracted, please tell me and I will repeat the question. If you answer my question without asking me to repeat it, I will take that to mean you heard it clearly. Do you understand?
8. There will be times today that, in the middle of one of my questions, you may feel you know what I am going to say. Please wait, however, and let me finish my entire question before you answer, for the benefit of the court reporter. Will you do that for me please?
9. Likewise, if at any time today I start to ask you a question, and you were not finished with your answer to the last question, please tell me and I will allow you to finish. If you permit me to move on to another question without telling me you have more to say, I will take that to mean that you were finished with your answer to my previous question. Do you understand?

10. Your testimony today is to be based on your personal knowledge. If you do not know the answer to one of my questions, please tell me that you do not know. You are not here to guess, speculate, or offer conjecture. If you answer a question, I will take that to mean you believe your answer is based on your personal knowledge. Do you understand?

11. Is the attorney seated next to you, Mr./Ms. ____, representing you in this action?

12. From time to time your attorney may object to the form of one of my questions. Please give your attorney an opportunity to make the objection before you answer. Once the objection has been made, unless your attorney instructs you otherwise you can then answer my question. Do you understand?

13. If you need to take a break during the deposition, please let me know.

14. Is there any mental or physical reason why you would not be able to give accurate and truthful answers to my questions today?

Prepared by:

Orion G. Callison, III
The Callison Law Firm P.A.
15476 N.W. 77th Ct.
#611
Miami Lakes, Florida 33016
Phone: (786) 506-4461
E-mail: callisonlawfirm@gmail.com