



# Deposition Preparation Guide for Clients

This guide is to prepare clients of The Law Office of Norman Gregory Fernandez for their deposition.

If you have any questions, call our office at  
800-816-1529 ext. 0.



# Client Deposition Preparation Guide

## ★ CALIFORNIA PERSONAL INJURY DEPOSITION PREPARATION GUIDE

Law Office of Norman Gregory Fernandez Legal Publications

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The information presented here is also available at <https://thepersonalinjury.com/deposition-preparation-for-clients/>

Watch the below video for deposition preparation and then read the information provided after the video. If you have any questions call our office.

## Depo Prep Video



# Client Deposition Preparation Guide

## Depo Pre Guide

### INTRODUCTION

You are receiving this Deposition Preparation Guide because you have an upcoming deposition in your California personal injury case. A deposition is one of the most important events in your entire lawsuit. What you say — and how you say it — can significantly affect settlement value, liability assessment, and the overall outcome of your case.

This guide will teach you:

- What a deposition is
- How the process works
- How to answer questions safely and truthfully
- What to avoid
- How to protect your privacy
- How defense attorneys try to trap witnesses
- What to expect after the deposition

If you have ANY questions not covered here, you may contact my office anytime. We are here to protect you.

### 1. WHAT A DEPOSITION IS

A deposition is a formal question-and-answer session under oath. It usually takes place in a conference room, not a courtroom. A court reporter records every word. Sometimes a video camera is used.

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There is no judge present.

The defense attorney asks questions.

Your attorney protects you by objecting when necessary.

Your testimony may be used:

- In settlement negotiations

- In court

- To impeach you (attack your credibility)

- To compare with your medical records

- To compare with prior statements

This is why proper preparation is essential.

## 2. WHY DEPOSITIONS MATTER

Your deposition:

- Is often the most important part of your entire case

- Determines how the defense assesses your credibility

- Greatly influences settlement value

- Can strengthen your case if done well

- Can seriously damage your case if done poorly

Insurance companies and defense attorneys frequently value a case based almost entirely on the plaintiff's deposition performance.

A truthful, calm, concise deposition = higher case value.

A sloppy, talkative, emotional deposition = dangerous.

## 3. THE GOLDEN RULES OF TESTIFYING

- ✓ Always tell the truth

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Never guess. Never exaggerate. Never minimize.

- ✓ Listen carefully before answering

Do NOT begin speaking until the question is complete.

- ✓ Answer only the question asked

Do not volunteer information.

Do not explain unless asked.

- ✓ Keep answers short and simple

“Yes.”

“No.”

“I don’t remember.”

“I don’t know.”

These are legitimate, respectable answers.

- ✓ Do not guess

You must know the difference between a guess and an estimate — this is covered in Section 4A.

- ✓ Stop speaking if your attorney objects

Wait until your attorney tells you to proceed.

- ✓ Stay calm and polite

Do not argue, get angry, or try to “win” the deposition.

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## 4. HOW TO ANSWER QUESTIONS

- ✓ Pause before answering

Give yourself a moment to think and allow your attorney to object.

- ✓ Only answer what is asked

If they ask, “Do you have trouble sitting?” your answer is:

“Yes.”

Not: “Yes, and I also can’t stand or walk very far...”

- ✓ Speak clearly and slowly

The court reporter must capture every word.

- ✓ It is OK to say “I don’t know”

If you do not know — SAY SO.

Do NOT try to fill in the blanks.

- ✓ It is OK to say “I don’t remember”

Memory fades naturally. It is not a sign of dishonesty.

- ✓ Ask for clarification if needed

If the question is confusing, unclear, or compound, ask them to rephrase it.

★ 4A. GUESS VS. ESTIMATE — KNOW THE DIFFERENCE

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Defense attorneys LOVE to force people into guessing.

To protect yourself, you MUST know the difference:

What Is a Guess?

A guess is:

- A random answer

- Based on nothing

- Something you “make up”

- Something you think the attorney wants to hear

- Something you cannot defend later

Never guess.

If you guess, they WILL use it against you.

What Is an Estimate?

An estimate is:

- Your best approximation

- Based on something you actually observed

- Based on human experience

- Something you can explain if asked

Examples:

- “It took about 20–30 minutes for the ambulance.”

- “The car was roughly 2 or 3 car lengths away.”

The defense is entitled to your best estimate only if you truly have a basis for it.

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★ Never guess to give an estimate.

If you cannot estimate, simply say:

“I don’t know.”

“I don’t remember.”

“I didn’t observe that.”

“I can’t estimate.”

These are 100% acceptable answers.

Example: The “Which Body Part Hit First?” Trap

Defense attorneys often ask:

Which part of your body hit the ground first?

Which part hit second?

What direction were you falling?

Which shoulder, hand, knee, etc. struck first?

Most people do not remember this because:

It happened fast

They were in shock

They were in pain

They were focused on the injury, not biomechanics

Many clients try to reconstruct the event in their mind to “be helpful.”

! Reconstructing = Guessing

This is dangerous.



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Reconstructing is when a client:

- Tries to imagine the sequence
- Creates a mental replay that didn't exist
- Attempts to fill in missing details
- Wants to appear cooperative

This is technically a guess, and it is extremely harmful.

If you do NOT remember which part hit first:

Say one of the following:

- "I don't remember the sequence."
- "It happened too fast."
- "I can't reconstruct it."
- "I know I fell, but I don't know which part hit first."

Never make up a story.

Never guess to please the attorney.

Never reconstruct events.

Only answer what you KNOW.

## 5. WHAT NOT TO DO

✗ Never guess

✗ Never volunteer extra details

✗ Never exaggerate

✗ Never minimize

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✗ Never argue

✗ Never try to be funny or sarcastic

✗ Never discuss settlement

✗ Never admit illegal drug use until you have talked to me

This is critical. Consult me privately first.

✗ Never talk to your attorney during questioning

Only during breaks.

## 6. PROTECTING YOUR PRIVACY

California law protects your privacy.

You do NOT need to disclose:

- Unrelated medical issues

- Financial matters unrelated to the case

- Family issues not related to the case

- Private personal matters not related to the case

Your attorney will object to improper questions.

When an objection is made — STOP speaking until told to answer.

## 7. COMMON DEFENSE ATTORNEY TRICKS

Defense attorneys often:

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Ask broad questions to make you ramble  
Misstate your prior testimony  
Push you to estimate without basis  
Try to frustrate or confuse you  
Use long silences to pressure you to talk  
Ask for sequences you don't remember  
Ask compound questions  
Pretend to "help" you answer

Stay calm.

Stick to short, truthful answers.

## 8. MEDICAL QUESTIONS & PRIOR INJURIES

Defense attorneys will explore your entire medical history.

Rules:

- ✓ Only discuss injuries related to this accident
- ✓ Never volunteer private medical issues
- ✓ Don't disclose unrelated conditions
- ✓ Don't guess about prior injuries
- ✓ Keep answers short and factual

## 9. ACCIDENT DETAILS QUESTIONS

They will ask:

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Where you were going

What you saw

Road conditions

Weather

Speed

Position of vehicles

What happened immediately after

Rules:

- ✓ Keep answers short
- ✓ Do NOT estimate speed or distance unless you have a basis
- ✓ Do NOT accept incorrect descriptions
- ✓ Do NOT try to explain or justify anything
- ✓ If you don't remember — say so

## 10. PAIN, SUFFERING & DAILY LIMITATIONS

Tell the truth about:

Pain

Limitations

Activities you can no longer do

How your life has changed

Do NOT:

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Minimize  
Exaggerate  
Compare to others

## 11. EMPLOYMENT & WORK QUESTIONS

They may ask about:

Job duties  
Lost wages  
Physical demands  
Prior injuries at work  
Restrictions

Rules:

- ✓ Tell the truth
- ✓ Do NOT speculate
- ✓ Discuss only what you know
- ✓ Don't embellish your limitations

## 12. SURVEILLANCE & SOCIAL MEDIA

Defense frequently uses:

Video surveillance  
Social media  
Photos  
Private investigators

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Assume you are being recorded at all times.

Do NOT:

- Post physical activities

- Discuss your case

- Delete content (illegal spoliation)

## 13. ZOOM / REMOTE DEPOSITIONS

- ✓ Most depositions are NOW done by Zoom

The majority of depositions in California are done remotely.

- ✓ Either attorney can require the witness to appear in person

If defense counsel insists on an in-person deposition, you must attend in person unless the court orders otherwise.

### Rules for Zoom Depositions

If your deposition is remote:

- Sit in a quiet, private room

- No people, pets, or interruptions

- Use a neutral background (NOT virtual)

- Camera at eye level

- Speak clearly into the microphone

- Do NOT text or message anyone

- Do NOT communicate privately with anyone during testimony

Attorneys watch your eyes and body language carefully.

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## Time Limits

- ✓ California depositions are limited to 7 hours on the record

(Unless special circumstances exist.)

- ✓ A deposition can continue “day-to-day” until complete

Most depositions take one day.

## 14. IN-PERSON DEPOSITION ETIQUETTE

- ✓ Dress professionally

Business casual is best.

- ✓ Arrive 15 minutes early

Do not rush in flustered.

- ✓ Turn off your phone

Not silent — OFF.

- ✓ Sit upright

Posture shows credibility.

- ✓ Stay calm and polite

You never argue in a deposition.

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## 15. BREAKS, OBJECTIONS & COMMUNICATION

- ✓ You may take a break anytime (except when a question is pending)

Take breaks to:

- Calm yourself
- Drink water
- Speak privately with your attorney
- Regroup
- Use the restroom

- ✓ Objections

When your attorney objects:

STOP speaking immediately.

Wait for instructions.

- ✓ No speaking to your attorney during a question

Only during breaks.

## 16. FINAL ADVICE & CONFIDENCE CHECKLIST

Before the deposition:



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- Sleep well
- Eat beforehand
- Bring your glasses/hearing aids
- Review this guide
- Do not take mind-altering medication
- Arrive early

During the deposition:

- Tell the truth
- Pause before answering
- Keep answers short
- Do not guess
- Do not volunteer information
- Stay calm

## 17. REVIEWING YOUR TRANSCRIPT (ERRATA SHEET)

You may be given the chance to review your written transcript afterward.

You may correct:

- Spelling errors
- Typos
- Misheard words
- Minor mistakes

But substantive changes can be used against you.

Examples:

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Changing how the accident happened

Changing body part sequences

Changing distances or times

Changing when pain started

Only fix real mistakes — we will review it together.