

Deposition Checklist

PRE-TRIAL PRACTICE

CHECKLIST IN TAKING PLAINTIFF'S DEPOSITION

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This is not intended to be all-inclusive. Each case, of course, requires an interrogation indicated largely by the investigation file, but this is intended to give pointers that are sometimes overlooked.

1. Ask the (1) name; (2) social security number; (3) exact date of birth of the witness; (4) and whether he has ever gone under any other name; (5) or different spelling of the same name.
2. General history of the witness, including: (1) where he was born; (2) all places where he has lived; (3) names and location of (a)father; (b)mother; (c)brothers and (d)sisters; (4) education.
3. Marital history - (1) whether he is married or divorced; (2) where marriage or marriages took place; (3) and if divorced how many times; (4) how many children; (5) where former spouse or spouses can be located; (6) their maiden and present name; (7) and where divorce was granted.
4. (1) Description of the accident, letting witness first describe it in narrative form; (2) and then question-ing him specifically; (3) condition of the street or other scene of accident; (4) weather condition.
5. Names and addresses of all witnesses known to plaintiff. Pin him down as to who saw the accident.
6. Whether or not any statements were made at the time of the accident or any admissions were made by any of the parties to the accident.
7. What occurred immediately after the accident; whether claimant went to the hospital and, if so, how.
8. Names and addresses of all doctors who have treated him prior and subsequent to the accident and who selected such doctors. He should identify his "family doctor," if he has one, and just what treatments for anything that he has received.
9. Have witness sign authorization in the following form: "All doctors who have treated me and all hospitals in which I have ever been a patient are hereby authorized to give to the bearer of this authorization or of any facsimile copy hereof, all information relative to my physical condition, past, present or future." This should be dated and signed by the witness and witnessed by his attorney.
10. Ask if claimant is willing to submit to a medical examination by doctors of defendant's selection and if not then will he agree to an examination by doctors selected by the court.
11. Ask witness whether he or any member of his family, as far as he knows, has ever had a claim for personal injury against any person, firm, corporation or governmental agency, and follow this up, depending upon the answer of the witness.
12. (1) Ask the witness whether he has ever had any previous accidents or injuries of any character; (2) any subsequent accidents or injuries to this one; (3) does he have any health and accident insurance paying money for prior injuries or the injury made the basis of this suit; (4) is he receiving any government benefits for disability, unemployment, etc. (5) has he applied for any jobs or insurance that required a physical examination either shortly before or at any time after the accident.
13. (1) Determine the nature of previous jobs; (2) how much he was making; (3) for whom he was working; (4) why employment was terminated; (5) what qualifications and experience the witness had for the type of work he was doing when injured; (6) and ask what income tax he paid,

demand a copy of return; (7) inquire as to what work witness has done since accident, and describe just what his duties are or were; (8) determine his employers and earnings with particular care for the year preceding his injury.

14. (1) Definitely determine what part or parts of the witness' body were injured and eliminate all other portions; (2) if there is any particular member of the body injured, have him state what he can or cannot do with that particular member; (3) go into detail as to what witness can and cannot do. This becomes important when movies are used.

15. (1) Ask for his status during the last war; (2) where his draft board was, and (3) if he was turned down, why; (4) obtain a signed authorization permitting bearer to review his army records and examine his records at any Veteran's Administration hospital; (5) obtain his service serial number and Veterans Administration Claim Number for identification purposes.

16. Inquire whether witness has ever been arrested, indicted or convicted of felony or crime, offense or misdemeanor and whether or not he has ever been in jail or prison. Geographically locate where the offenses occurred.

17. In automobile cases (1) obtain his drivers license number; (2) ask if his license has ever been revoked, suspended or put on probation together with details; (3) ask for history of all prior automobile accidents and moving traffic violations.

18. Explain to plaintiff that the purpose of the deposition is to bring out all the relevant facts from the plaintiff's standpoint and then ask: "Is there any other fact relevant to this matter about which I have not asked but which might have a bearing on this case?"