

## **Research Assessment 4**

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Citation:

1. "Deposition Legal Information Institute". Cornell University Law School, n.d. Web. 22 Oct. 2015.
2. Moeller, Matthew. "On the Deposition Trail: Tips and Observations from a Young Lawyer." *American Bar*. American Bar, n.d. Web. 22 Oct. 2015.

### **Analysis:**

The term deposition was mentioned in one of my most recent research interviews with a forensic psychiatrist, and I had no knowledge whatsoever about what the word meant. After further inquisition, I found out that a deposition is an interview conducted under oath which is admissible in trials. In fact Dr. Dunn mentioned how he became interested in the specialty of Forensic Psychiatry after attending a deposition as an intern. As a result, I wanted to learn more about it since it seemed like a significant part of the field. Significant enough that it influenced Dr. Dunn who is now a credible and very successful forensic psychiatrist.

According to Cornell University Law School, "a deposition is witness's sworn out-of-court testimony that is used to gather information as part of the discovery process and sometimes at trial. " Under most circumstances, depositions do not involve the court and as a result are set up by the plaintiff and defense. Usually, the attorneys, oath administrator, and expert witness are the only ones present during this meeting. Depositions are conducted more often because an attorney can ask follow up questions making the content more valuable. The other option would be to send the witness a document of written out questions to answer. Although this choice to conduct an interrogatory is more cost effective and less time consuming, the content is not as in depth. Basically, a deposition is an opportunity for understanding the case better so that nothing surprises you while in court.

Depositions occur out of court and are therefore considered hearsay, which makes anything said during a deposition inadmissible in court. There are however a select few times where it is not considered as hearsay. The first reason is if a side admits to something against their interest in the deposition. Secondly, the content of a deposition is admissible in court if a witness contradicts their deposition when giving a testimony in court. The deposition would then be used to question in order to impeach them from the stand and strike their testimony from the records. The last reason a deposition would be used in a court trial would be if a witness was unable to stand trial due to a unavailability.

Furthermore, a deposition is only conducted for civil cases and never for criminal trials. A deposition is simply part of the discovery aspect of preparation. In a civil case such as a lawsuit, both sides have the right to conduct a formal investigation, to learn more about the case. Access to this information before trial allows the lawyers to prepare better and create their strategies. Discovery can

be performed in various forms, such as subpoenas for relevant documents, interrogatories, and depositions.

Whether you are observing as a new attorney or as a future expert witness, watching depositions can teach several things. Watching a deposition can help individuals learn how and what to prepare. However, if you do not listen and pay attention, small details can slip from your attention especially if there are multiple professionals present in the room, I think that if I ever got the opportunity to sit in during a deposition, I would take it no doubt. Not only would I learn how a forensic psychiatrist testifies but I would also learn the manner in which a lawyer questions. That way I could determine if I was comfortable and had the capability to testify in court as an expert witness.