

The School Board of Polk County, Florida

YOUR DEPOSITION

Note: This information may be used for other court ordered testimony, i.e. a trial or hearing.

What is a deposition? It is a question and answer session held before a court reporter where you are placed under oath and swear to tell the truth. Normally, you will receive a subpoena, a legal document requiring your attendance at the deposition. The attorney who subpoenaed you will ask questions first. If other attorneys are participating, they may ask questions, too. Try not to be nervous. The most important thing is to tell the truth as best you recall.

When you receive a subpoena, always call the attorney's office at 534-0773 or ext. 51567, and fax your subpoena to us at 519-7972. We need to know about it right away. In some instances, there are steps we need to take before your deposition or record production, like having a school board attorney attend the deposition with you, or sending out a notice letter to parents or guardians. Please let us know immediately if you get served a subpoena.

There are two types of depositions. The first involves simply showing up and answering questions; the second also requires you to bring documents to the deposition. The latter is known as a deposition duces tecum. If the subpoena requires you to bring documents, you will need to gather the documents and take them with you to the deposition. Usually, it is sufficient to take a copy and leave the originals at work. The person taking the deposition will require you to verify under oath that the copied documents are in fact true and correct copies of the originals.

A deposition may be frustrating, because the interviewer may ask you the same question in six different ways. Please be patient, remain calm, and state your answer, again, even if you feel you have answered this question a hundred times already.

Here are some tips to help you make your deposition successful:

- Dress professionally. First impressions count.
- Wait for the attorney to finish speaking. Do not answer before the attorney finishes asking the question. Courtesy and patience on your part goes a long way.
- Make sure you understand the question before you answer. If you did not understand the question, ask the attorney to repeat or restate the question.
- If you do not know an answer, say so; resist the urge to guess.
- If you are asked to guess, state it as a guess or estimate only.
- Be precise. Answer the question before you, and do not volunteer any other information. If the attorney wants to know more about the facts, he or she will ask you to explain further.
- Answer in complete, audible sentences. The court reporter is transcribing your answers and it is difficult to record a nod of the head or aha.
- Remain calm and do not lose your temper. The attorney may ask some difficult or personal questions. Do not engage the attorney in debate.
- Tell the truth. You are under oath.
- Do not waive signing your errata (error) sheet. This will give you an opportunity to read your deposition transcript and make any necessary corrections.