

AEREN LPO

# DEPOSITION SUMMARY

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# Deposition Summary Manual

## What is a Deposition?

A deposition is the taking of an oral statement of a witness under oath, before trial.

It has two purposes:

1. To find out what the witness knows, and
2. To preserve that witness' testimony.

In a deposition, an attorney can ask a number of questions. Not all of these are directly relevant, and they can be repetitive in nature, depending on the style an attorney uses. At the deposition, a clerk records the testimony, and the law firm may also use video and tape recording. The end result is a very large volume of data, all of which can be useful. Having a deposition summary as a shortcut to the key points may be important for people preparing for trial, as it can help them decide on trial strategies like who to call as a witness and what kinds of questions to ask.

## What is a Deposition Summary?

A deposition summary is a brief document going over the basic information from a deposition, testimony taken before a trial to help legal teams prepare. It provides an overview so people do not need to read the entire deposition transcript to find the key components of the testimony. Some law firms prepare their own, usually assigning the work to a paralegal or an administrative support person. Others may contract the work to a company specializing in deposition summaries.

## Preparing Deposition Summary

Preparing a deposition summary requires going over the testimony, taking ample notes on the substance of the deposition, and thinking about the most important information that comes up. Many law firms have a standard template they want people to use to convey basic information, including the date and time of the deposition, and who was present. Deposition Summarizer may break it into a series of headings covering specific topics, and can include a table of contents so attorneys can reference the direct testimony while they read. One is to ten pages is the standard thumb rule.

A deposition summary provides a gist of what happened during the deposition. Citations can be added to back up the claims. Extraneous and repetitive aspects of the deposition are not a part of the summary, as the goal is to cut to the core of the testimony. Attorney may think about the

information they would find most relevant and useful when working on a case of this nature. This can help them determine what to include and what to leave out.

A second party may review the testimony and the deposition summary for accuracy. People want to make sure the testimony is represented accurately and appropriately in the summary, and they also look for holes in the content. Since people may rely on the summary for making legal decisions, it is important to avoid leaving information out in the interests of brevity.

#### **Things Required -**

- Transcript of the deposition
- Word processing software

#### **Instructions for Summarization**

1. **Taking Notes** - Talk to the lawyer who took the deposition. Ask her if there is specific testimony that she wants you to look for in the deposition and note in the summary.
2. **Read the party's pleading** -- the complaint, if you are summarizing the deposition of the plaintiff or plaintiff's witness, or the answer, if you are summarizing the deposition of the defendant or the defendant's witness. As you read the pleading, focus on the allegations in the pleading and the facts the party has alleged in support of those allegations. (if provided by the attorney)
3. **Deposition Summary Format** - Open a new document in a word processing application. Use the required deposition summary format.
  - a. Page by page deposition
  - b. Chart summary deposition
  - c. Customized depositions
4. **Read the deposition transcript** - As you read, analyze the witness's testimony for information the deposing lawyer asked you to locate and for other information that may be relevant, based on your review of the pleadings.

5. **Type relevant information in the summary document** - For example, if the witness testifies that she previously gave a deposition in another civil lawsuit where a passenger in an automobile accident sued her, type "Previously deposed in 2001 as defendant in MVA litigation." (MVA is an abbreviation for motor vehicle accident.) Here, this information is relevant because the witness's sworn testimony in the prior lawsuit may be used to impeach her testimony if it is inconsistent with her testimony in the case at hand.
6. **Include breaks** noted in the deposition transcript in your summary; for example, a lunch break during an all-day deposition. The lawyer may recall that the witness made an important admission after the lunch break, so including breaks in the summary will help the lawyer find the admission. (As per instructions only)
7. **Recheck once done with summarization** – Attorneys should re-check deposition with regards to the content, accuracy, grammatical, spelling and formatting issues before submitting it to the concerned Head.

#### **Quick Recap –**

1. Deposition – An oral statement of a witness under oath.
2. Deposition Summary - Brief document going over the basic information from a deposition.
3. Preparing Deposition Summary - Going over the testimony; 1:10 pages is the standard thumb rule; Gist of the deposition.
4. Things Required - Transcript of the deposition; Word processing software
5. Instruction –
  - Taking Notes
  - Read party pleadings
  - Deposition summary format
  - Read deposition transcript
  - Type relevant information in summary
  - Include breaks
  - Recheck