

February 9, 2020

RE: Deposition Preparation

Dear Client:

As you are aware, your deposition is coming up. I just wanted to brief you on how depositions work. In 1999, our Supreme Court completely revised the rules of depositions. After the Court's revision to the rules, there remain only three objections available: an objection as to leading, an objection as to the form of the question, and an objection as to non-responsiveness to the question (which would normally be asserted by the attorney taking the deposition). Under very limited circumstances, I can instruct you not to answer the question. I am not allowed to confer with you during the deposition, that is, you cannot lean over and whisper in my ear and I cannot whisper instructions back to you in your ear. The only time we can confer with each other is at a break. This basically means that the scope of questioning at a deposition is essentially unlimited. The opposing attorney can ask just about anything, and you have to answer every question. If either counsel objects, you will still have to answer the question (as there is no Judge there to make a ruling).

I wanted to give you a heads up with regard to this, as it is often difficult for the person being deposed to understand why objections are few and far between and the questions often seem irrelevant and unnecessary.

If you have any question about this, give me a call. Otherwise, I will see you at the deposition. As always, I am

Very Truly Yours,

SCHOPF LAW, PLLC

Jonathan G. Schopf

JGS/all

Enclosure