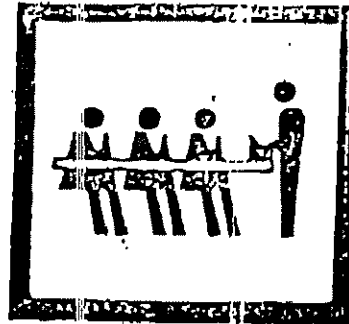


# AMERCO<sup>®</sup> MANAGEMENT BULLETIN

AM-526

December 16, 1976



ISSUED TO

AMERCO Pres. & Exec.  
Int'l. Co. Pres. & Exec.  
AMERCO District Mgrs.  
All Company Pres.  
Managers  
Area Field Men  
Technical Specialists

*Revised  
2/1/77*

## SUBJECT: DEPOSITIONS

Most of us are at some time compelled to testify by giving a deposition. We are required by law to tell the truth, the whole truth and nothing but the truth and we are under oath to do so. However, we are not required to be blabbermouths.

A deposition may be taken months or years before the trial, and is called for by the opposition's attorney (hired gun) for his benefit, not for your benefit. The objective of the "hired gun" will be to get you to talk; your objective must be to talk as little as possible.

It is not only fruitless but foolish to convince the "hired gun" that you are innocent, right or righteous. He doesn't care. His job is to get you to educate him or say something now so that he can hang you with it later. Whatever you tell him now, true or not - accurate or not, he will twist and take out of context at the time of trial. His guns will be out of their holsters then, and he will "gut shoot" you. Here is what I learned during a recent three days spent giving a deposition:

1. That I was in fact a "dumb shit." By this I mean ignorant (did not know; could not remember; or could not recollect) as to the true or accurate answer to most of the questions. The reason for this is that after 48 hours the memory curve drops off to approximately 10 percent of what we originally saw or heard. We simply can't remember. Most of us can only recall that which truly impacted on our memory, that which we deal with on a daily basis or that which we have recently studied. Moreover, we have no obligation to and should not spend time studying up so we can testify while giving a deposition. *So the first rule is to realize that you are a "dumb shit" and be glad that you are.* If you don't know the answer to the attorney's question consider yourself lucky.

2. Let the "hired gun" finish his question completely before you answer. Don't interrupt him with your answer. Don't anticipate what you think he is going to say. Let him finish on his own as he may end up with a different question than you anticipated.

3. Ask the "hired gun" to clarify his question if you are not absolutely certain as to the meaning of the question. Say:

"I do not understand the question:  
What do you mean by that question?: or  
Please restate the question."

4. You can only answer questions for which you have personal first-hand knowledge. Say:

"I do not personally know: or  
I do not know: or  
Not to my knowledge."

Do not believe that you know what in fact someone else knows. Make the "hired gun" find the man who does know and ask him the questions.

EXHIBIT "E"

5. *You can only answer questions on matters that you can truly and accurately recall at the moment.* Say:

"I do not recollect;  
I do not remember; or,  
I cannot accurately testify."

6. *Don't speculate, guess, imagine or presume.* Say:

"I would have to guess to answer that question; or  
I would have to presume things I don't know to answer that question."  
The best answer is: "I don't know."

7. *Don't believe that you are supposed to know everything or that you need to appear intelligent.* The truth is that you are "ignorant." Don't be embarrassed about this. Most of us know only a few things very well and on all other matters we are either truly ignorant or uninformed. Admit you are ignorant and join the club.

8. *Don't answer hopelessly broad questions* like: "What's the background on this?; What's the story behind this?; or Tell me what you know about this." You could spend all day rambling around attempting to answer these hopelessly broad questions. So you must ask the "hired gun" to clarify his question. Respond to these broad questions with your own question, such as:

"Who, what, why, when and where . . . are you referring to?;  
Can you be specific?; or  
Can you clarify that?"

Make him ask specific questions.

9. *Answer the question asked, not the one the "hired gun" should have asked.* He must ask the right question. If he asks a stupid question, answer the stupid question. Don't help him by reading between the lines and answering the question he should have asked but can't quite get to. Don't volunteer anything, regardless of how much you know or how little he knows.

10. *Keep it short.* The best answer is yes or no. The next best answer is one simple sentence. *Never let your answer exceed one simple sentence.* Never ramble on. In other words, tell no more than the minimum the question calls for. Make the "hired gun" dig it out. Make him work his ass off instead of letting him work *your* ass off.

11. *Don't tell the "hired gun" about any bulletin, newsletter or document unless he specifically pins you down with the precise question asking about the specific document by name.* Say:

"If I needed to learn about this subject I would ask so and so and he might direct me to someone who would know."

12. *Never tell the "hired gun" that someone else has a bulletin, newsletter, letter, memorandum or document of any kind.* You cannot possibly know this to be true because he or she may have thrown it out since you last saw it. If you never saw it, but thought it existed because someone else told you about it, then you did not know of its existence through your own knowledge and cannot testify of your own knowledge.

13. *Don't ever talk about a document, such as a letter, contract or memorandum unless you have the document in front of your eyes.* Tell the "hired gun" you would be happy to answer questions about the document if you could see it. If he hands you the document and asks you what the document means, tell him it means that is says - nothing more nothing less. If he wants to know what that is, read word for word, and every damn word right into the record. Don't give him your opinion of what the words mean. You did not write it.

14. *Never forget that the opposing attorney is a "hired gun."* His smiles and good manners are a mask to cover his brutal and vicious goal of your destruction. He is paid to destroy you. Never relax in his presence. Always be on guard. View him as the hired assassin that he is.

15. *Tell the truth.* Be serious and sincere, and above all be truthful. When you are sworn in, you swear "to tell nothing but the truth." Here is the rub: We normally "blabber" about subjects that we truly do not know about, and therefore tell "everything but the truth." This is exactly what the "hired gun" hopes you will do. Your careless statements are the "bullet" that he will use to "gut shoot" you with at the trial two years later.

16. *Call Martin Baxter or Mike Shoen, our trial attorney specialists in Phoenix, before you testify or give any deposition.* They will prepare you and insure that you have your own attorney to help you protect yourself when you give the deposition.

17. *Bring this bulletin with you when you give the deposition.* Keep it in your pocket and study it before you give the deposition and during every recess.

18. *Get adequate rest.* Giving a deposition is hard, hard work for the witness at best.

19. *Remember that you are truly a "dumb shit."*



L. S. (Sam) Shoen  
Chairman of the Board  
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