

DOS & DON'TS FOR DIVORCE DEPOSITIONS

DO ...

- ☑ **Listen carefully to the question** and wait a moment before answering in case your lawyer objects to the question.
- ☑ **Answer the question truthfully, but only if you understand it.** If you don't, ask for the question to be repeated, or rephrased. You don't have to answer a question that you don't understand.
- ☑ **Answer only the question asked** and do not volunteer more information than the question requires.
- ☑ **Think about why your spouse's attorney may be asking the question:** is he or she trying to intimidate you or rile you up? If you recognize that the purpose of a question is to antagonize you, you are more likely to maintain your composure.
- ☑ **Watch your body language when you're answering a question.** Even if your voice remains calm, your spouse's attorney may be able to see if a question or subject bothers you by looking at your body language.

DON'T ...

- ☒ **Debate opposing counsel.** Being combative with opposing counsel will get you eaten alive. No matter how smart or clever you might be, entering into a verbal battle with even the worst of lawyers is not going to end pleasantly. When faced with an overly-aggressive attorney or a touchy question, keep your answers simple and maintain a calm demeanor. This will do the most good for your case and will have the added benefit of keeping the questioning short, thereby minimizing the time spent in an uncomfortable situation.
- ☒ **Answer more than the question asked for and don't overthink your answer.** All too often, witnesses think too much. When asked a question, they start a mental process that usually leads to disaster. "Why is he asking me this? If I say this, then he might ask me that next. Then he's going to ask about that, which I really don't want to talk about. I'd better try to explain this, so that he will understand/ like me/ believe me/be convinced I am a good person. I'd better say it now just to be sure he gets it. All right, what was the question again?" Don't let your mind run away with you like this. Focus on the question being asked, and answer the question asked, in as few words as possible.
- ☒ **Lie.** You can do no greater damage to your case than not telling the truth. No matter how damaging you might think the truth to be, it is never as damaging as a lie.
- ☒ **Guess or estimate unless you are asked to do so.** If you know the answer in approximate terms, i.e., "How much is in your checking account today?" be sure to say "I'm guessing" or "approximately" in your answer.

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