

# THE BASICS OF PHYSICIAN DEPOSITIONS

Presented by:



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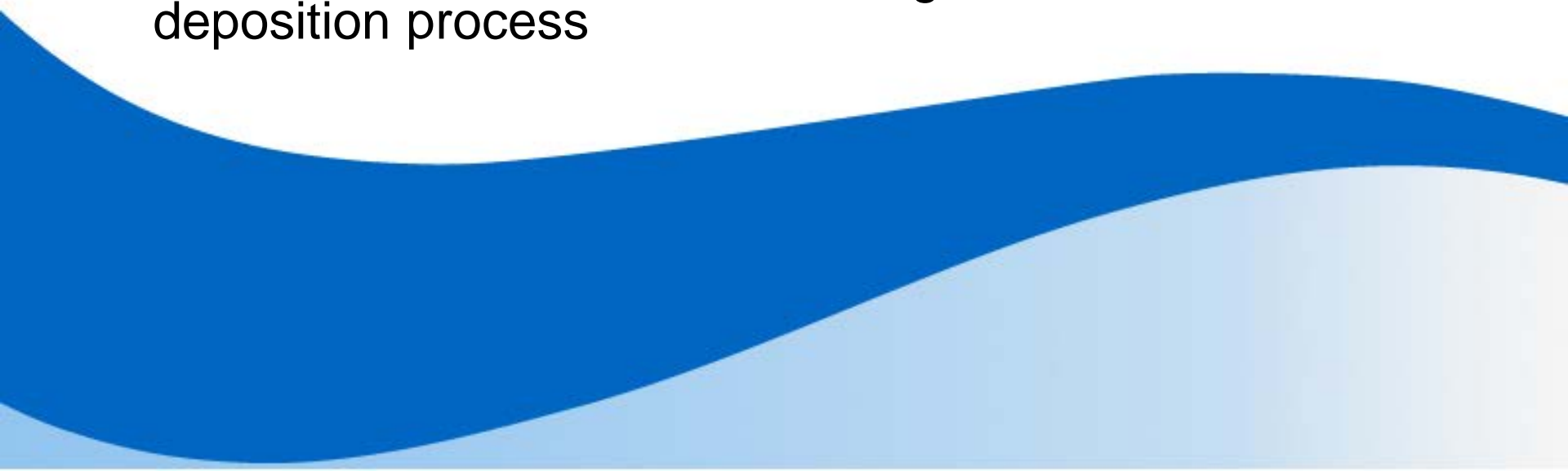
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# OBJECTIVES

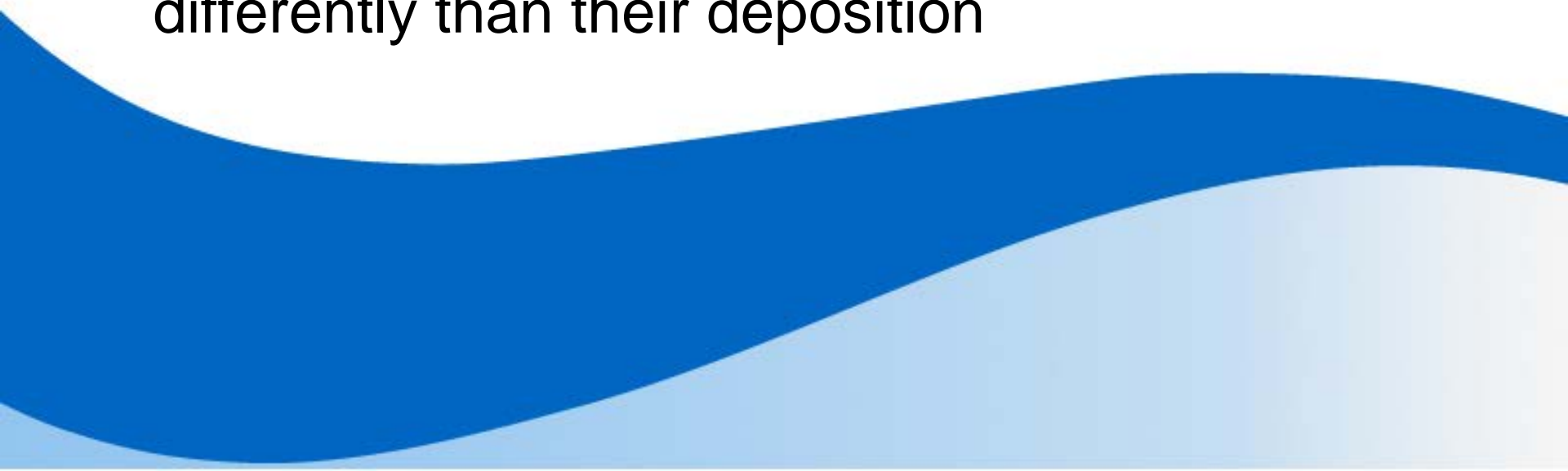
- Understand the purpose and format of a typical physician's deposition;
  - Recognize many of the tricks and tactics attorneys will use in an effort to trap the physician or extract testimony;
  - Understand how best to prepare for a pending deposition in order to provide the best possible defensive testimony; and
  - Leave with a better understanding of the overall deposition process
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# A DEPOSITION DEFINED

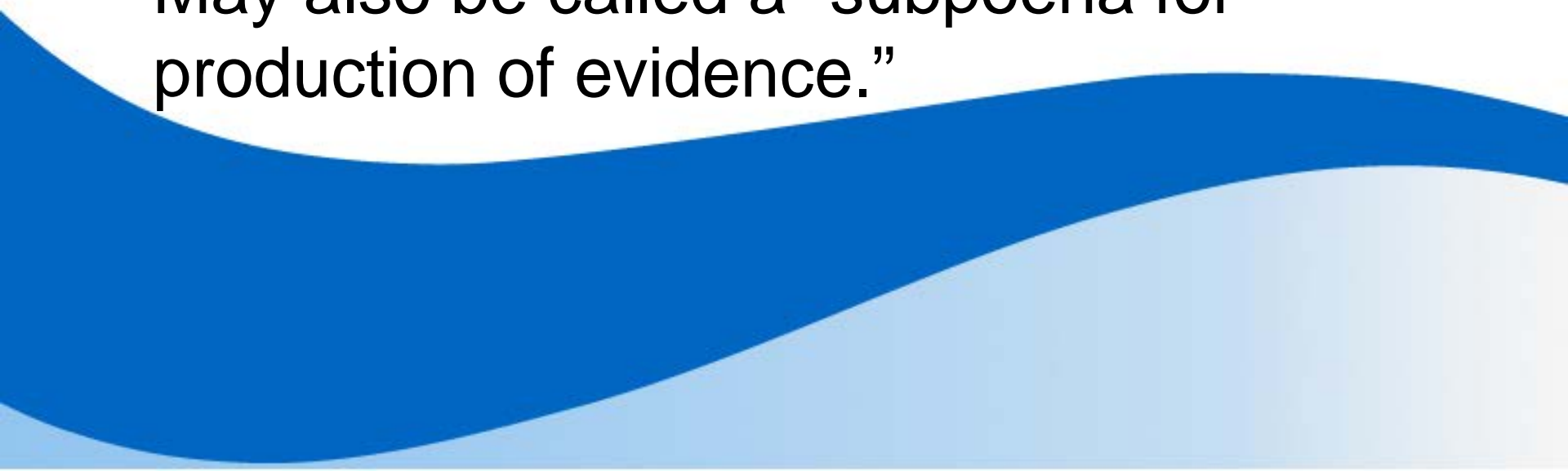
- A lawyer representing a party to a lawsuit asks questions to a witness under oath, but out of court




# Depositions have several basic purposes:

- Learn what a witness or party knows about case;
  - Fixes a witness's story so that it cannot be amended at trial;
  - Preserves testimony for witnesses who may not be available to testify at trial; and
  - Used to impeach a witness who testifies differently than their deposition
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# Subpoena Duces Tecum


- A summons may require you to appear and bring documents or other tangible evidence with you to a deposition.
  - May also be called a “subpoena for production of evidence.”
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# WHY AM I BEING DEPOSED?


- As a medical malpractice defendant
  - As a treating physician
  - As an expert witness
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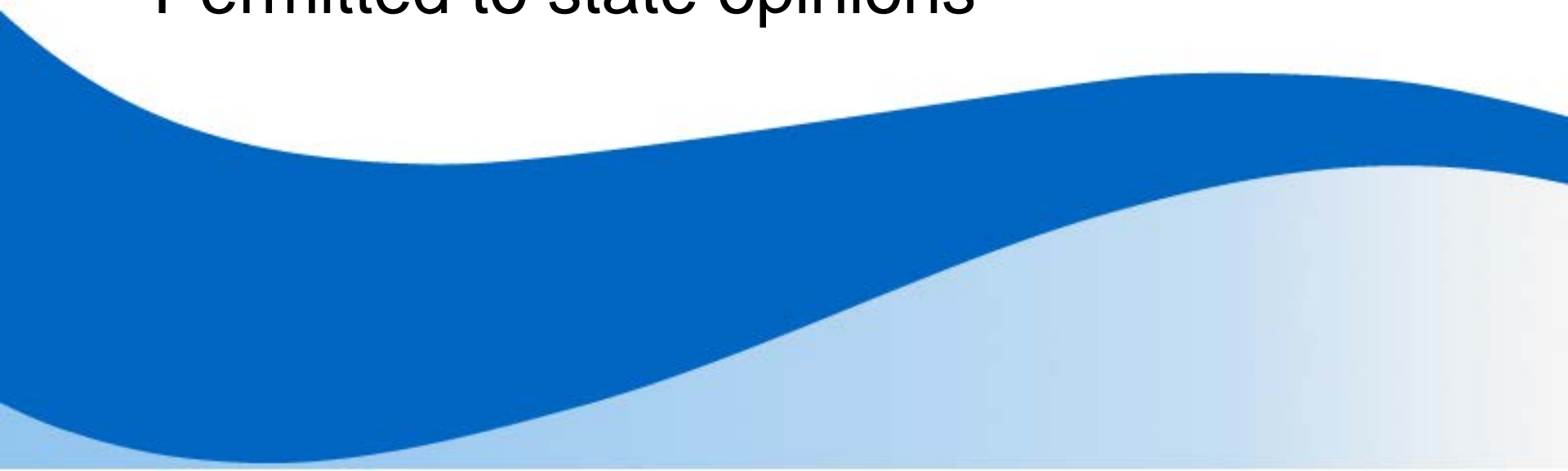
# Medical Malpractice Defendant

- Adversarial process
  - Goal is to show physician's negligence harmed the patient
  - Must be familiar with the patient's record
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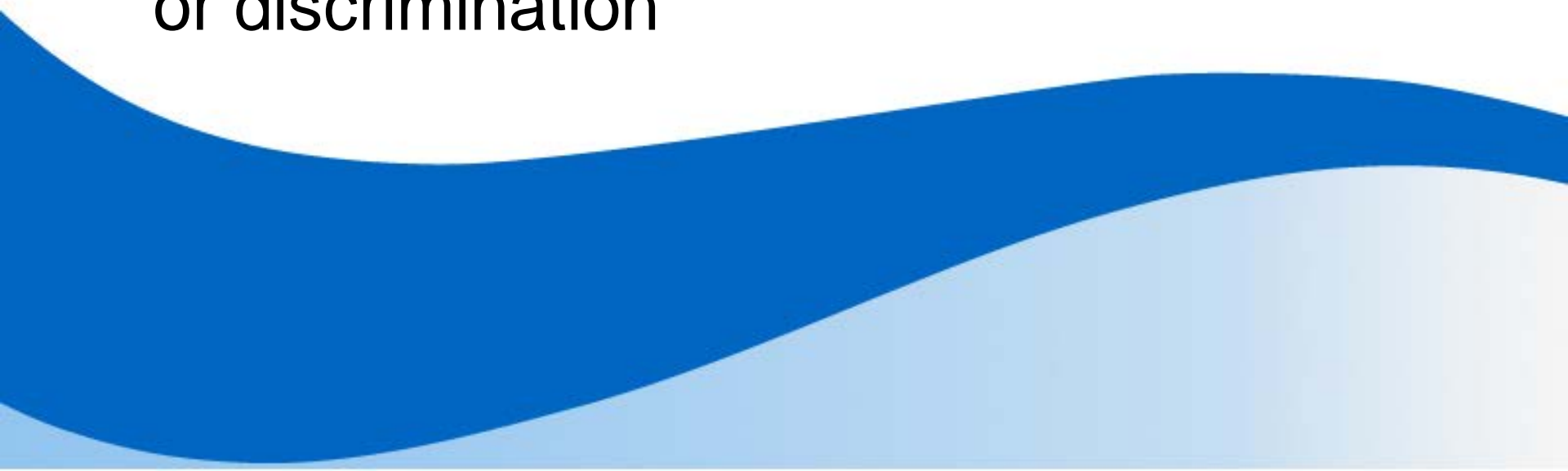
# Treating Physician

- Not a party to the lawsuit
  - Questions focus on patient's treatment, condition and prognosis
  - Not an expert witness
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# Expert Witness

- A witness who has specialized knowledge in a particular subject
  - Has received documents for a particular party in area of expertise
  - Permitted to state opinions
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# General Party Litigant or Witness


- Divorce
  - Contract disputes
  - Custody disputes
  - Witness to workplace sexual misconduct or discrimination
- 

# WHO ARE THE PARTICIPANTS?


- Parties
- Attorneys
- Court reporter
- Consultants
- Deponent (non-party)
- Videographer



# OBJECTIONS

- Your attorney may object to a question asked of you for reasons of:
    - Relevancy or form
    - Privileged communication
  - Immediately stop your answer and listen to the objection carefully
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# BREAKS

- Take breaks when you need them or if your attorney suggests it
  - During a break, do not speak with anyone other than your own counsel
- 

# Sample Depositon

- <https://www.youtube.com/watch?v=jGuuEHa1J2k>



# TEN POINTS TO REMEMBER WHEN THE DEPOSITION HAS BEGUN

1. Tell the truth



# TEN POINTS TO REMEMBER WHEN THE DEPOSITION HAS BEGUN

2. Review the medical records




# TEN POINTS TO REMEMBER WHEN THE DEPOSITION HAS BEGUN

3. Depositions are not conversations

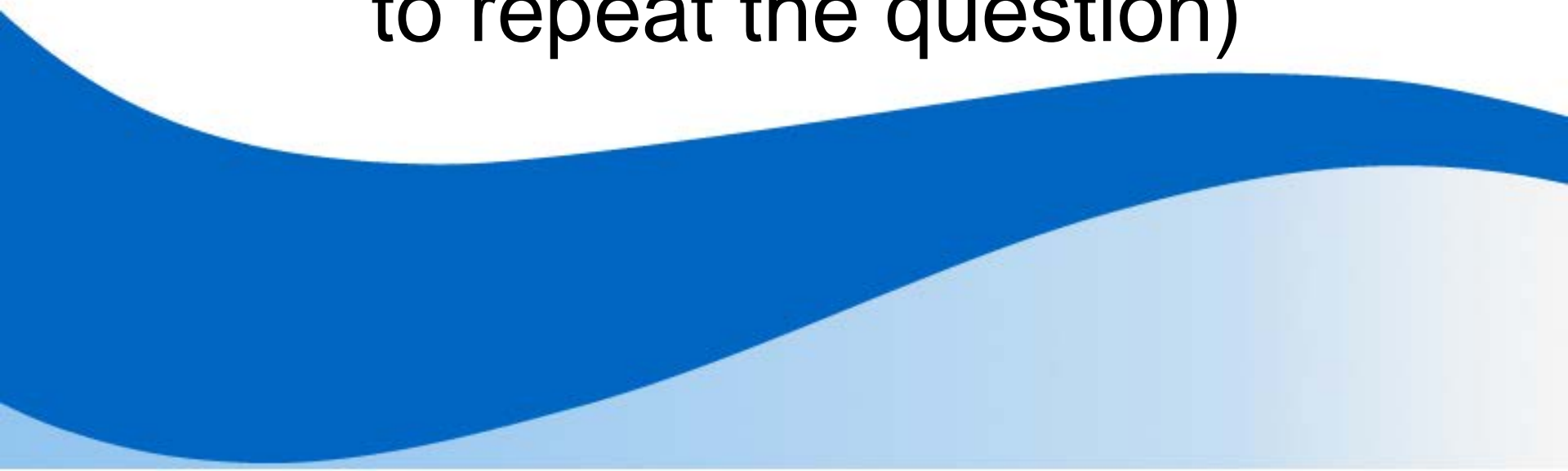


# TEN POINTS TO REMEMBER WHEN THE DEPOSITION HAS BEGUN

4. You cannot win your case at a deposition, but you can lose it
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# TEN POINTS TO REMEMBER WHEN THE DEPOSITION HAS BEGUN

5. Listen carefully and pause before you answer (it is beneficial to repeat the question)



# TEN POINTS TO REMEMBER WHEN THE DEPOSITION HAS BEGUN

6. Keep your answers short



# TEN POINTS TO REMEMBER WHEN THE DEPOSITION HAS BEGUN

7. Never guess



# TEN POINTS TO REMEMBER WHEN THE DEPOSITION HAS BEGUN

8. Do not get angry






# TEN POINTS TO REMEMBER WHEN THE DEPOSITION HAS BEGUN

9. Make eye contact



# TEN POINTS TO REMEMBER WHEN THE DEPOSITION HAS BEGUN

10. Stop talking when your attorney makes an objection




# AFTER THE DEPOSITION


Always request to review the transcript!



# Key Takeaways

- You must completely understand the theme of your case.
  - You should know every allegation made against you or the defendant.
  - Know the best answers in defense.
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# Word to the Wise

- Consider deposition prep by qualified attorneys.
  - Supplemental coverage is available for deposition representation
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