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Deposition Rules For Adjusters

Since you are a licensed professional representing the Carrier and because you have information concerning the workers' compensation files that you handle, under the law, the other lawyer has a right to take your "discovery deposition." This means that you will be put under oath and the lawyer will ask you questions relating to this case. The lawyer's questions and your answers will be taken down by a court reporter. A lawyer representing you and the Employer will be present at all times. There will be no judge or jury present. However, after the deposition is over, the court reporter will type out all the questions and answers, and both the other lawyer and your lawyer will receive copies. The original may be filed in court.

The deposition will assist the opposition in evaluating the case for further discovery that may be needed, for settlement purposes and it can be used at trial if your testimony is different than at the deposition. For this reason, it's important to prepare before your deposition and handle yourself well during the deposition.

Below is a list of instructions you should adhere to:

1. Wear normal business attire.
2. Consider this an important and solemn occasion; treat all persons in the deposition room with respect.
3. You should come prepared with "work copies" of the documents that you previously provided to Claimant's counsel.
4. Try not to be nervous as your testimony will not make or break this case.
5. Tell the truth.
6. Never lose your temper.

7. Don't be afraid of the lawyers.
8. Speak slowly and clearly, and answer "yes" or "no" rather than "uh huh" or a nod or shake of your head.
9. Answer all questions directly and concisely.
10. NEVER VOLUNTEER any information. After the question has been asked, answer it. If "yes" or "no" will answer the question, do so and then STOP.
11. Do not try to overstate your position on the matter. Leave your feelings out of it.
12. If you don't know, admit it. It is IMPERATIVE that you be HONEST and STRAIGHTFORWARD in your testimony.
13. Do not try to memorize any facts or figures. Be prepared to tell what you know to the best of your ability.
14. Do not answer a question unless you have heard it and clearly understand it. Ask for the question to be repeated or explained.
15. Do not guess or estimate anything unless you are sure that the estimate is correct. When you answer, state that this is your estimate.
16. Many of the questions you will be asked will not be admissible at the trial. The opposition is entitled to an answer in order to help them prepare their case. Do not try to hide information because you are afraid it can be used at trial to discredit you.
17. If your attorney objects to a question, stop talking and wait for instructions to answer or not answer.
18. If you want to discuss something after the deposition, wait until you are alone with your attorney.

REMEMBER, if you give the appearance of earnestness, fairness and honesty, and if you keep in mind the suggestions I have made, you will be taking a great stride toward successful completion of the litigation in which you are involved.

For further questions, please do not hesitate to contact
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