SECTION F | DEPOSITIONS

1. Depositions should be taken only when actually needed to ascertain relevant facts or information that is reasonably calculated to lead to the discovery of admissible evidence, or to perpetuate testimony evidence. Depositions never should be used as a means of harassment or to generate expense. For example, unless a rule of procedure or court limits the length of time for a deposition to be taken, the length of time for depositions should be limited to as much time as is reasonably needed by counsel to take the deposition, and counsel should refrain from taking long depositions for the sole purpose of harassing the deponent or to generate expense.

2. When scheduling dates and times of depositions, reasonable consideration should be given to accommodating schedules of opposing counsel and deponents, when it is possible to do so without prejudicing the client's rights.

3. When scheduling depositions on oral examination, a lawyer should allow enough time to permit the conclusion of the deposition, including examination by all parties, without adjournment.

4. Counsel should not attempt to delay a deposition for dilatory purposes, but only if necessary to meet real scheduling problems.

5. Counsel should not inquire into a deponent's personal affairs or integrity when that inquiry is not relevant to the subject matter involved in the pending action.

6. Counsel should refrain from repetitive or argumentative questions or those asked solely for purposes of harassment. Counsel should not conduct questioning in a manner that is intended to harass a witness, such as by repeating questions after they have been answered, by raising one's voice, or by appearing angry at the witness, and counsel should also be courteous to not only opposing counsel and the deponent, but also to the court reporter, and counsel should be courteous when handing exhibits to the deponent and opposing counsel.

7. Counsel defending a deposition should limit objections to those that are well founded and permitted by the Florida or Federal Rules of Civil Procedure or applicable case law. Counsel should remember that most objections are preserved, and need be interposed only when the form of the question is defective or when privileged information is sought. When objecting to the form of a question, counsel simply should state: "I object to the form of the

question." The grounds should not be stated unless asked for by the examining attorney. When the grounds are requested, only the underlying legal basis for the objection should be stated and nothing more (i.e. counsel should not coach the witness or suggest any answers).

8. While a question is pending, counsel should not coach the deponent nor suggest answers, through objections or otherwise.

9. Counsel should refrain from self-serving speeches during depositions.

10. Counsel should not engage in any conduct during a deposition that would not be allowed in the presence of a judicial officer, including disparaging personal remarks or acrimony toward opposing counsel, and gestures, facial expressions, audible comments, or the like as manifestations of approval or disapproval during the testimony of the witness.

11. Attorneys should not state on the deposition record events that are not accurately taking place in the deposition. For example, counsel should not state on the record that an opposing counsel, party, or deponent is raising his or her voice or making inappropriate face gestures, or the like, if in fact the opposing counsel, party, or deponent is not raising his or her voice or making inappropriate face gestures, or the like, during the deposition.