

5.03 | 3. DEPOSITIONS (RULE 30)

Depositions are question and answer sessions that takes place outside the hearing of the Court, but are recorded by a court reporter. The person being deposed is under oath (the “deponent”), and that person may be a party, non-party eye witness, or expert witness. The deponent answers all questions under oath, meaning that he or she swears that his or her answers are true.

The party seeking to take a deposition should confer with opposing counsel and the deponent to choose a convenient time and place for the deposition. The party asking for the deposition must then prepare a notice of deposition and serve the notice on all parties.¹¹ You may ask questions of the deponent about any non-privileged matter that is relevant to the claims or defenses of any party. The party taking the deposition must pay the cost of the court reporter. After the deposition, the parties must obtain a copy of the transcript from the court reporter themselves.

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Honorable Mention: USNYND, USCAND)

Footnotes

¹¹ Specific instructions for a notice of deposition is contained in Federal Rule of Civil Procedure 30(b).

