

Guidelines for Deposition Behavior

Depositions proceed under the authority of the rules of the court.

Counsel are operating as Officers of the court and should comport themselves accordingly.

Depositions generally are to be conducted under the Missouri Rules of Civil Procedure.

Depositions should be conducted in such a way as to ensure that the testimony taken during a deposition is completely that of the deponent, and not a version of the testimony that has been edited or glossed by deponent's lawyer.

- Counsel shall not engage in any conduct during a deposition that would not be allowed in the presence of a judicial officer.
- Private conference between deponent and his/her attorneys when a question is pending to the witness are improper if their purpose is to influence the answer of the witness.
- Objections made in the presence of the deponent which are used to suggest an answer to the witness are improper.
- It is improper for the deponent's attorney to act as intermediary interpreting questions and deciding which questions the deponent should answer.
- Any objection to evidence during a deposition shall be stated concisely and in a non-argumentative and non-suggestive manner in accordance with Rule 57.03(d) of the Missouri Rules of Civil Procedure.
- An attorney may instruct a deponent not to answer only when necessary to preserve a privilege or to enforce a limitation on evidence directed by the court.
- Excessive length objection and colloquy suggesting how deponent should respond are improper.
- Depositions are to be limited to what they are intended to be: question and answer sessions aimed at uncovering the facts in a lawsuit.