"Everybody Has A Deposition Story" Rides Again

By Jerry Buchmeyer

This premise may sound familiar. But it *is* true that anyone can (and usually will) tell you "how" to take a deposition — but few will dare to warn you what may happen if you dare to depose. So ...

Did I Really Hear That?

Victor Carrera of Corpus Christi (Wood, Boykin, Wolter & Keys) was taking a deposition in July of 1984, when he innocently asked:

Q. Who was the person that recommended you for this job with GMG Construction?

A. The Union.

Q. But you don't remember an individual?

MS. SKARO: Are you asking how he gets out to a certain job? Who sends him out to a certain job; is that what you are asking?

MR. CARRERA: Yes.

MS. SKARO: Herman, explain to Mr. Carrera — explain how you get out to the ASARCO job from the Union, how you get out there?

THE WITNESS: *In my car.*

.....

Jerry Corbin of Denver City shares this excerpt from a deposition of the husband in a divorce case; the question is why his own attorney — who just could not believe that his client had admitted adultry during direct examination.

Q. You heard Mrs. Ericson explain to you that one of the grounds for this divorce is adultery, and she asked you if you had committed adultery and you said yes; was that true?

A. *Yes. But I have been truer to her than any woman I was ever married to, bar none."*

Bob Baker, the court reporter for Judge Don E. Cain in Pampa, submits the following — which actually happened in court "a couple of years ago."

Q. Mr. Jones, if you love your children so much, why do you not pay any child support?

A. I ain't sending her nothing. She don't spend it on the kids. She's shacking up with a guy named Sam and a guy named Frank, and then there's one named Jim and another one named Leon.

Q. Well, Mr. Jones, she is still supporting the children. As a matter of fact, *did you know that HUD is paying half of her rent?*

A. *Who?*

Q. *HUD.*

A. *Hmm, I didn't even know about him.*

Did I Really Ask That?

Steven Mason, assistant United States attorney in Tyler, submits this "compound confound" question:

"Now, Mr. Worthy, you also indicated that when Mr. Adkins talked to Mr. Minton that you didn't recall — I believe the question was: Did Mr. Adkins tell Mr. Minton anything other than what was on the form, and you said, "I believe, you didn't recall. I'd like to ask you: *Do you mean that you didn't recall whether you did or didn't recall whether you did not or don't recall whether you did or didn't?"*

(Steve adds that the witness answered the question surprisingly well.)[1]

What Did You Do In the Service?

Both **Robert M. Martin** of Dallas (Storey, Armstrong, Steger & Martin) and *Steven D. Peterson,* general counsel of the State Bar of Texas, shared some "quotable quotes" from Army Records of Trial, as reported in the April 1986 Judge Advocates Association Newsletter:

JUDGE: Do you think this girl was raped? In your heart?

ACCUSED: I've got mixed feelings about it.

JUDGE: Then why did you plead guilty?

ACCUSED: Well, my lawyer said that was the best thing for me to do.

JUDGE: What do you think of your lawyer?

ACCUSED: *Well, I've got mixed feelings about him, also.*

.....

JUDGE: Private _____, I now ask you how do you plead? However, before receiving your plea, I advise you that any motions to dismiss the charge or to grant other relief should be made at this time.

DEFENSE COUNSEL: Your Honor, the defense has no motions at this time. The accused pleads, to the charge and its specifications, guilty.

ACCUSED: Like hell I do.

[...to be continued...]

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1. **Steve Mason** also contributes this marvelous quotation from *Villaneuva v. McInnis,* 414 F.2d 415, 418 (5th Cir. 1984):

"We turn directly to the question of whether Villanueva proved such a deprivation [under §1983]. Villanueva alleged and, we may assume, proved a conspiracy to murder. He points to no other claimed deprivation. Of course *murder without due process* by a person acting under color of state law denies a federal right ... but here there was no murder. As is apparent there was only an 'agreement' to murder...."