

Depositions v. Trials:

Questions, Answers, Et Cetera

It started in January 1984, more than 10 years ago. That is when my “*et cetera*” column in the *Texas Bar Journal* began its tireless expose of *What’s Wrong With the Legal System* (“W³LS”) — *i.e.*, that lawyers are asking some incredible, industrial-strength stupid questions in depositions and trials; and that witnesses are responding, in kind, with some bizarre, twilight-zone answers.

Here are a few examples — *questions and answers that actually happened in depositions or trials* — from my past *et cetera* columns.

Those Witnesses

Raise Your Right Hand

- Q. Do you understand what you are to swear to?
 A. Yes, sir, I am to swear and tell the truth.
 Q. That’s right. And do you know what will happen if you don’t tell the truth?
 A. Well, your honor, I expect the other side will win the case.

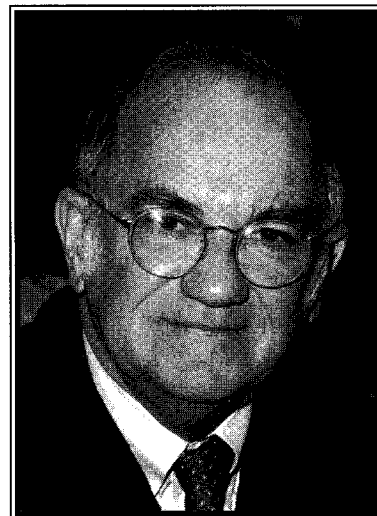
Do the Preliminary Stuff First

- Q. Mrs. Jones, is your appearance this morning pursuant to a deposition notice which I sent to your attorney?

- A. No. This is how I dress when I go to work.

- Q. Mrs. Bates, where do you live?
 A. Mexia, Texas.
 Q. Have you lived in Mexia all your life?
 A. Not yet.

- Q. Are you married?
 A. No, I’m divorced.
 Q. What did your husband do before you divorced him?
 A. A lot of things that I don’t know about.



By Jerry Buchmeyer

From The Twilight Zone

- Q. Is there anything about the accident or how the accident happened that we haven’t already discussed here today?
 A. Well, I don’t believe I understand your question.
 Q. Okay. We’ve talked about, in length, how the accident happened, what people said as to how the accident happened. Is there anything that we haven’t covered that you can think of, anything in your mind that you’re thinking about how that accident happened that I haven’t asked you and you’re thinking “he hasn’t asked me that” and “I’m not going to tell him because he hasn’t asked me,” is there anything?
 A. *My God, have you gone and lost your mind or something?*

Tell Me About Your Job

- Q. What do you do for a living?
 A. I help my brother.
 Q. What does your brother do?
 A. Nothing.

Well, How Did the Accident Happen?

- A. Well, when he hit me I knew there was an accident.
 Q. Do you know who hit who?
 A. I’d say we probably collided about the same time.

- Q. How on earth did you come to get so completely intoxicated?
 A. I got in bad company. You see, there were four of us. I had a bottle of whiskey and the other three don’t touch the stuff.

Are You Telling the Truth?

- Q. You are absolutely sure of that?

A. I'm positive of that, sir, I think.

Q. Do you know of any witnesses to the accident?

A. Well, none excepting the ones that saw it.

Q. When you got to the hospital, they took 12 stitches in your head?

A. They didn't take anything: they put 12 in.

But Did You Recover?

Q. What did the doctor tell you about your condition?

A. He said I had worked up a bad case of lazy.

And the Lawyers

Q. Now, Mrs. Johnson, how was your first marriage terminated?

A. By death.

Q. And by whose death was it terminated?

Death and Experts

Q. Now, isn't it true that when a per-

son dies in his sleep, in most cases, he just passes quietly away and doesn't know anything about it until the next morning?

The Accident

Q. In your opinion, how far apart were the vehicles at the time of the collision?

Q. Were you alone in the car?

A. Yes.

Q. Were you driving?

Marriage

Q. Mr. Slattery, you went on a rather elaborate honeymoon, didn't you?

A. I went to Europe, sir.

Q. You took your new wife?

Q. Were you acquainted with the deceased?

A. Yes.

Q. Was that before or after he died?

Q. Doctor, how many autopsies have you performed on dead people?

A. All my autopsies have been on dead people.

Q. Was that the same nose you broke as a child?

And the Child Witness

Q. And lastly, Gary, all your responses must be oral, okay? What school do you go to?

A. Oral.

Q. And where do you live?

A. Oral.

Judge Buchmeyer is chief judge, U.S. District Court, Northern District of Texas.

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