

Getting Ready for the Hot Seat: Preparing to Testify

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Types of Testimony

- Trial
- Deposition
- Administrative Proceedings
- Committee Hearings
- Any time a statement is reduced to writing



What are Depositions?

- Texas Rules of Civil Procedure 199
- Stenographers
- Location/Time
- People
- Under Oath



Why Depositions?

- Topics
- Discovery
 - Facts
 - Experts
- Summary Judgment
- Trial Preparation
- Judging Witness Presentation
- Settlement Negotiations
- Impeachment
- Absence at Trial



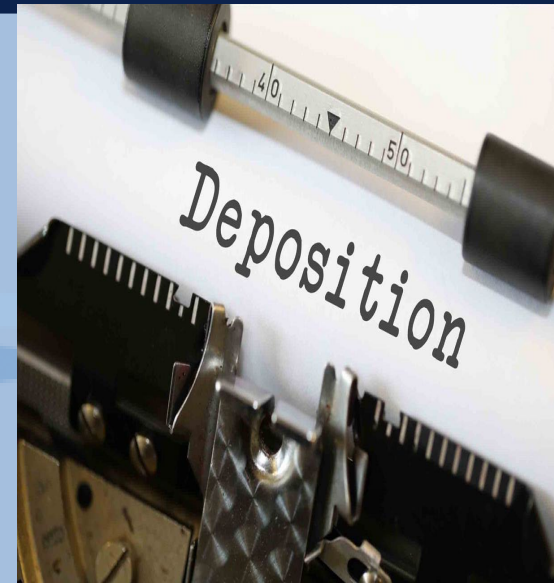
Deposition Objections

- Time and Place (Quash)
 - Apex Objections
- Leading
- Form
 - Compound; argumentative; misstates facts/testimony; assumes facts not in evidence; calls for opinion from unqualified witness; speculative; narrative; harassing; too general/vague; asked and answered; lack of foundation; witness does not have personal knowledge; incomplete hypothetical; attorney attempting to testify.
- Privilege
- Nonresponsive



Format

- Zoom v. In Person
- Question and Answer
- Exhibits
- Presentation
 - Sunday best; Professional; Civil
- Videotaped
- Breaks
- Length



Trial and Administrative Testimony

- Trial
 - Stenographer
 - Rules of Evidence
 - Foundations
 - Authentication
 - Relevance
 - Hearsay
 - Leading
 - Format
 - Jury
 - Bench
- Administrative Proceedings
 - Stenographer
 - Rules of Evidence
 - Relaxed or inapplicable
 - Format
 - Arbitration
 - State Office of Administrative Hearings
 - Committees

Witness Preparation

- Curriculum Vitae
- Pre-deposition meeting
- Stress management/hot seat preparation



Things to Remember

- Be honest
- Don't be Combative
- Only answer the question
- Pregnant Pauses
- Listen to Questions
- Clarify the Question
 - Buy time
- Take time to answer
- Don't know answers – Don't Guess
- Confidence in presentation
- Permanence of Testimony



Post Hot Seat

- Reflect with Counsel
- Read and Sign/Errata Sheet
- Prepare for next steps
- Summary

