Unit 10: Deposition and Trial

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Depositions and Trial

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Objective

Describe how to Rehabilitate a weak case, what to expect and how to prep for the litigation process, and how to present your case.
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Rehabilitating a Case

Start from Square One
- Identify the Gaps
- Determine how or if the gaps impact the case
- Determine what needs to be accomplished to fill the gaps that will negatively impact the case
- Assign the appropriate individual to address the issue

Be Honest
- Incorporate your attorney in the process
- Are the gaps fatal from a litigation perspective
- Bring your supervisor and executive staff on board
- Follow your attorney and executive directions

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Rehabilitating a Case

Do Not Focus on Fault
- If necessary, develop the entire case anew
- If new experts or testing is required, consider other expert sources
- Allow the previous investigator to learn from the issues
- Plan for having to explain any different findings during testimony – which is correct and why
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Preparation

For Depositions
- Know your employment and work history – do not exaggerate your training or investigative experience
- Review all case files, notes, documents, and evidence prior to testimony.
- Prepare necessary copies of documents, photos, and other items that you will use for your Deposition – have a complete set for you and your counsel, opposing counsel, and the court reporter.
- Dress appropriately. If in uniform, make sure everything is clean straight and properly displayed.
- Plan on being early – at least 30 minutes ahead of your schedule appearance.
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Preparation

For Trial:
- Review all case files, notes, documents, and evidence prior to testimony.
- Review transcripts of previous deposition and/or court testimony to ensure consistency – that would include previous similar cases – they will probably know what you said for a previous similar situation.
- Know the documents that you produced and what they indicate – be careful because they will try to take your statements out-of-context.
- Dress appropriately. If in uniform, make sure everything is clean, straight, and properly displayed.
- Plan on being early – at least 30 minutes ahead of your schedule appearance.
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Preparation

For Trial:
Dress appropriately. If in uniform, make sure everything is clean straight and properly displayed
Plan on being early – at least 30 minutes ahead of your schedule appearance.

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Knowledge Check

Once a case has been found to be weak, you must:
A. Drop the case and get on to the next one
B. Admonish the original case investigator and provide oversight on any future cases that are assigned to them
C. Conduct a complete analysis of the case to identify gaps and corrective actions needed
D. Turn it over to legal counsel and let them determine what to do

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The correct answer is:
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Knowledge Check

The best way to handle deposition or courtroom testimony is:
A. Settle the case prior to having to engage in such activities
B. Properly prepare, relax, and act professionally
C. Smile and only answer “yes” or “no” questions
D. Look at your attorney prior to answering questions

The correct answer is:

TRANSITION to Unit 11: Summary.