**Deposition Critique 3**

Read and critique the passages below. The questioner was the defense attorney. Click on the link to read the rest of the dialogue. The person being questioned was the expert witness for the plaintiff. Determine where the expert went wrong. The answers are at the end. Names and dates have been changed, but otherwise these passages are quoted verbatim. This person was a Med League expert.

## Deposition Critique 3.1

Read and critique the passages below. The questioner was the defense attorney. The person being questioned was the expert witness for the plaintiff. Determine where the expert went wrong. The answers are at the end. Names and dates have been changed.

1. Q: You would agree with me, would you not, that your first report in this case was inaccurate?
2. A: it was not as accurate, that’s right.
3. Q: You’d agree with me it was inaccurate?
4. A: Yes

### Where did the expert go wrong?

**Disputing conclusions**

An expert should always be on guard when an attorney starts a question with “You would agree with me….” A better response would have been to say that the first report was accurate based on the information the expert had available to him at the time. In fact, the expert correctly answered this way earlier in the deposition when asked the same question by another attorney. simply reiterating this answer would have served him better than to acknowledge any inaccuracy in the conclusions.

## Deposition Critique 3.2

Read and critique the passages below. The questioner was the defense attorney. The person being questioned was the expert witness for the plaintiff. Determine where the expert went wrong. The answers are at the end.

1. Q: Do you have any thought as to what your costs will be for a trial appearance if necessary for a trial appearance in a case like this?
2. A. The fee would be $100 per hour with a four hours minimum. That would be my personal fee.
3. Q. Putting aside what Mrs. Iyer’s group may charge?
4. A. I am not sure what her company charges.

### Where did the expert go wrong?

**Knowing trial fees**

The better response would have been to quote our hourly rate of $200/hour. All services on the file are charged at the same rate. There is no increase for trial and no minimum number of hours. Refer to your expert witness agreement if you are unsure of rates.