



CNA HealthPro

FAQs – Deposition Attendance

Q. I'm involved in a malpractice lawsuit and am now in the deposition phase. Am I required to attend all the deposition sessions? My practice is busy and I'd like to keep time away to a minimum.

A. While you are not required to attend all depositions, you have the legal right to do so – and it's a good idea. While depositions can be time-consuming, we strongly recommend attending at least the plaintiff's and expert witness sessions.

Depositions are a crucial part of the discovery process, in which both sides gather information relevant to their case. The deposition phase will often be your first chance to see the plaintiff and learn about the case that is being built against you.

Your presence during the plaintiff's deposition may discourage him or her from exaggerating the extent of claimed damages. Plaintiffs are more apt to adhere closely to the facts when you are present at the deposition, listening carefully for any misstatements or misrepresentations.

Being present when the plaintiff's expert witness is being deposed may serve to diminish the expert witness's criticism of your treatment. Also, it places you squarely in the midst of the case, allowing you to suggest lines of questioning to your attorney during the course of the deposition testimony.

Depositions are more than a legal formality: They play an important role in establishing the elements of the case. In some instances, participants use the information that emerges during depositions as a basis for reaching a settlement. Your presence during depositions may pay off handsomely in the end.

This publication is for educational purposes only. It is not legal or dental advice. CNA makes no representations as to its correctness or completeness and accepts no liability for any injury or damage that may arise from its use. Specific legal or dental questions should be referred to a competent attorney or dental professional. This material may address and discuss matters for which your policy does not provide coverage, and the material does not create or imply the existence of coverage. Please consult your insurance policy for the specific terms and conditions of coverage.

CNA policies are underwritten by the property/casualty companies of CNA, Chicago, IL. CNA is a registered service mark of CNA Financial Corporation. ©2005 Continental Casualty Company. All rights reserved.