

THE HOLY GRAIL OF DEPOSITION PREPARATION
OCTOBER 2005 ATLA PRESENTATION

Ty Hyderally, Esq.
Law Offices of Ty Hyderally, PC
96 Park Street
Montclair, NJ 07042
tyh@employmentlit.com
www.employmentlit.com
phone (973) 509-0050 x118
fax (973) 509-2003

- **Document Review.**
 - Review Complaint, Interrogatory answers, and documents produced by defendant.
 - Review deposition testimony of co-employees, human resources, supervisors, etc.
 - Basics Review
 - Why were you terminated – Not, I don't know...
 - What are you seeking...
 - What did we do wrong...
 - Did you complain?
 - Why?
 - Why not?
 - Be mindful of *Farragher* and *Ellerth*
 - Review of the Elements of the claim.
 - LAD
 - CEPA
 - Retaliation
 - Breach of Contract

- **Dress for success.**
 - What to wear, what to wear?

- **Laser thin.**
 - Do you know what this is?
 - Just the question asked please.
 - Do you know what time it is?
 - Same question, same answer.
 - The Four Horsemen
 - Yes.
 - No.
 - I don't know.
 - I don't understand.

- **Confront the Pain.**
 - Go over who might be at deposition.
 - Purge anger at boss.
 - Don't be surprised about co-workers being there supporting company.
 - Ignore expressions of indignation.
 - Ignore what defendant is saying.
 - Ignore theatrics.
 - I'm hurt, I'm really really hurt.
- **Review of relevance.**
 - Most of deposition will seem irrelevant.
 - If it is not asked, it is okay.
 - Don't volunteer, you can say it later.
- **No need for help.**
 - If lawyers get into it, don't get contentious.
 - Client is there for one purpose.
- **Where to look.**
 - Opposing counsel.
 - Court reporter.
 - Counsel.
 - Corporate representative.
- **Surprise presents are no fun.**
 - I have a document in my purse that proves that...
- **It is okay not to remember.**
 - Client's asked about who said what 3 years ago.
 - Read document carefully before you acknowledge you remember seeing it.
 - Added documents to personnel record.
 - Never assume.
 - Client shown company handbook.
 - Review this issue.
 - Handbook compliance.
- **Paranoia may destroy ya.**
 - They are all out to get me.
 - Everyone at work did something wrong.
 - Everything that occurred at work reflected a concerted effort to get me.
- **However, watch out for the controlled unknown.**
 - My co-employee will testify in my favor.

- **Co-employee is present employee of company.**
- **Mitigation of Damages.**
 - **Review job seeking efforts.**
 - **Go over this issue from day of intake.**
 - **Log book.**
 - **Pumping it up don't work.**
 - **The future is speculation.**
- **Emotional Distress Damages.**
 - **Client testimony is enough.**
 - **Review impact of event.**
 - **Be mindful of dates.**
- **Things to know**
 - **Prior job history.**
 - **Review of resume.**
 - **100% accuracy.**
 - **Criminal history.**
 - **Mental history.**