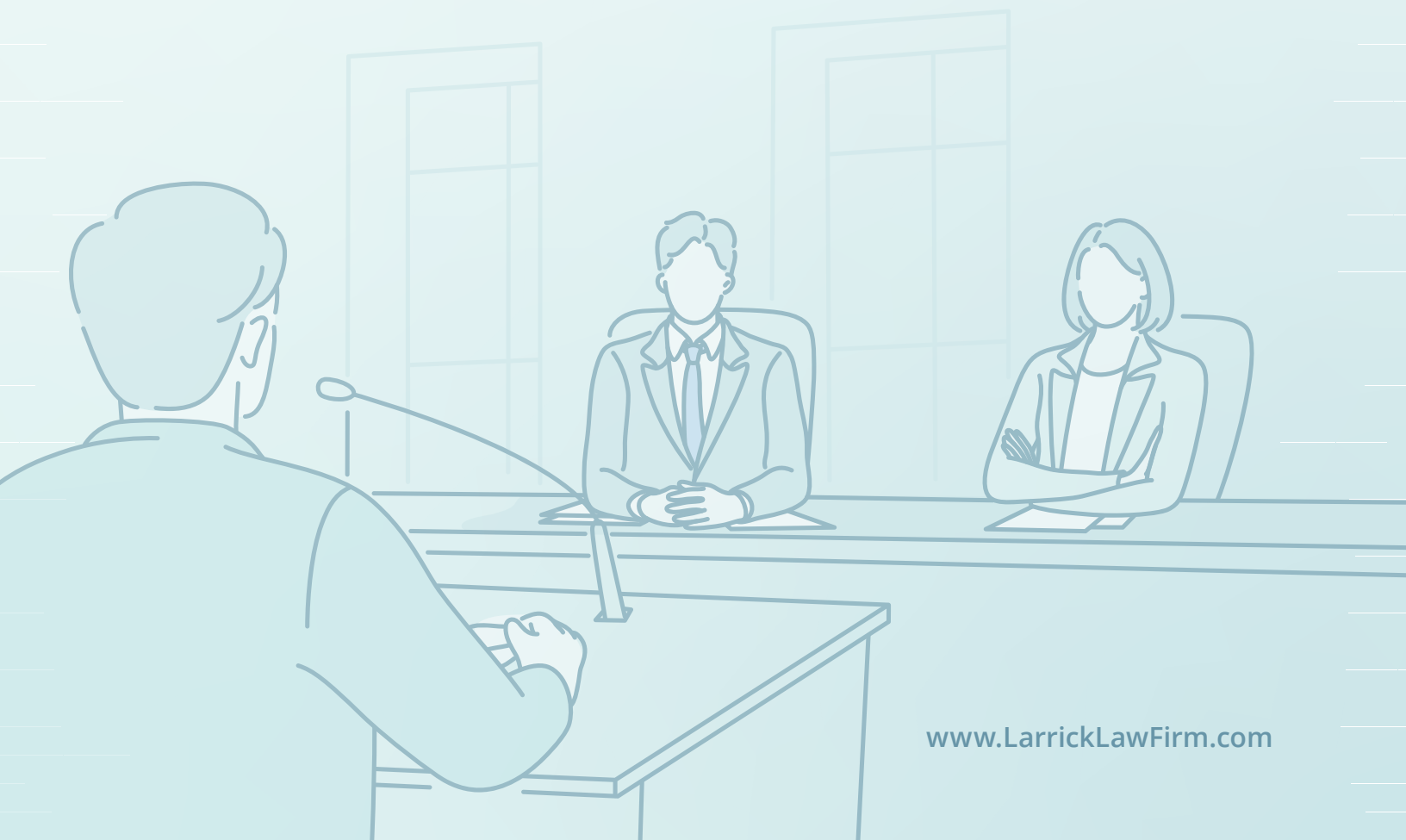


Top 5 Common Mistakes Lawyers Make In Client Witness Preparation (and how to avoid them!)



1

Use a pre-programmed video “How Depositions Work” to save time.

- a. This is an impersonal approach that can damage the level of confidence the client has in their lawyer. They know it is a tactic to save time instead of meeting face-to-face.
- b. The attention span of an adult is approximately eight seconds. Even if the client watches the video, lawyer has no way to know if the information was received and processed.
- c. More than likely, client will ask you all the questions they have, no matter if they watch the video or not. Because isn't that what they hired you for? Answers to their legal questions and help them with their case.

CORRECT WAY:

Use a face-to-face meeting to address the logistics of how a deposition works. While a deposition may appear routine to you, there are many details that clients want to know about. One of those details could entirely ease your client's worries and instantly build a new trust bond with you.

2

Failing to address bad advice/false impressions given by the Internet and TV/movies.

- a. Google and YouTube are two of the top Internet search engines, and ignoring the fact that clients use these sources to get answers about their case is close to malpractice. Clients can find deposition videos of President Donald Trump, Justin Bieber, Lil Wayne and the list goes on, and not to mention the countless lawyer 'how to' videos. HINT: Most of these videos, if not all, will hurt your case if the client follows the advice.
- b. TV and movies are the closest thing clients have to seeing a deposition or a trial, and therefore they set their expectations of what will happen. Again, TV and movies usually get it wrong.
- c. Clients are embarrassed to ask if what they see/read on Internet and TV/movies is how it really happens.

CORRECT WAY:

Ask clients where they go to find information and ask direct questions about using the Internet to find answers about depositions, who has given them advice on what to do, and what they have seen on TV. Listen to their responses and explain the false realities of the Internet, how TV and movies get it wrong and how TV/Movies get it right.

3

Sending client medical records and discovery responses to review BEFORE your prep meeting.

- a.** A pre-meeting review can create confusion and increased worry because client didn't create or write these documents.
- b.** The client can see this request as waste of time or bothersome because they don't know what they are looking at or what they should be looking for in their review.
- c.** The client reviews the documents and creates a list of questions the lawyer must now answer, which are time-consuming and irrelevant to the deposition. Essentially, creating more work for the lawyer, and expending more time.

CORRECT WAY:

Save these documents until after you have spent a significant amount of preparation time with the client. The client will be more at ease and have a greater understanding of the deposition/trial process. You can give the client a framework for the document review to reduce confusion and save everyone's time.

4

Telling the client to say as little as possible and don't explain.

- a. Defense lawyers love this testimony approach. This type of limited testimony gives them the freedom to “fill in the blank” with their own explanations when they talk to their clients and when they talk to the jury.
- b. Withholding truth can only hurt your client. Your client may appear untrustworthy or having a low intelligence. If the jury doesn't get vital explanations straight from the party involved, then the jury won't trust your client.
- c. Typically, this is a tactic used by lawyer when they don't want to take the time to prepare clients. The lawyer assumes this is the safest route if they don't spend time learning what the client has to say.

CORRECT WAY:

Meet face to face, ask questions, and listen to explanations. Most clients don't know what is important to their case and what is fluff – SO they tell it all. The lawyer can educate the client and empower the client to know when explain to important facts and stories, and when to stop sharing. This process helps the lawyer overcome their own fears about clients that 'talk too much' or 'over-share' on irrelevant prejudicial topics.

5

Preparing more than one client at a time

- a. We can only focus on the needs of one person at a time, thereby automatically ignoring the other person(s). You don't want any person to feel ignored and jump to the assumption their testimony is not important.
- b. What works for one person, doesn't always work for another. This is especially important when it comes to explanations about the process, questions and the purpose of a deposition.
- c. If you group clients together that gives the impression you want the same story from each of them. Similar to woodshedding clients.

CORRECT WAY:

Prepare clients and witnesses one person at a time. It may appear that this will be a cost inefficient method, but the individualized attention will bear the fruit of confident, clear testimony.



Contact the Larrick Law Firm today

Elizabeth is here to help secure your case by strengthening your client, making your witnesses confident and your case rock-solid. Contact the Larrick Law Firm today to get started on organizing the information we need for witness preparation.

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