

The Negligence Corner

A Checklist For The Deposition In A Negligence Case

By: **Kenneth J. Landau, Esq.**

The following questions should be asked at the examinations before trial. Reviewing these potential questions with your client will assist you in preparing them for the deposition, help you to obtain information necessary for the Bill of Particulars, and to evaluate the case for settlement.

A. Place Of Accident

1. Date, time and place.
2. Lighting conditions and weather.
3. Traffic control devices.
4. Traffic control signs.
5. Any obstructions of view of any of the motorists.

B. Description Of Accident Scene

1. Direction, position and speed of each vehicle before accident.
2. Awareness of other vehicles.
3. Number of lanes.
4. Evasive maneuvers.
5. Contacts between vehicles.
6. Movement of plaintiff(s) within vehicle.
7. Traffic control devices.
8. Road angle and slope.
9. Weather and condition of roadway

C. Witnesses

1. Police Department at scene; officer's name and badge number.
2. Ambulance.
3. Other emergency personnel.
4. Names, addresses and telephone numbers of witnesses and other occupant(s) of vehicles(s).
5. Conversations with police

D. Vehicles Involved

1. Owner, title holder, operator, name and address.
2. Condition (before and after accident).
3. Repairs.
4. Equipment.

5. Seat belts.
6. Air bags.
7. Cellular phones.

E. Information About The Witness

1. Name and date of birth.
2. Marital status.
3. Children and their ages.
4. Telephone number and address of nearest relative.
5. Other cars in household.
6. Occupation and employer.
7. Lost wages/time out of work/time confined to bed and home. If unemployed, date last worked, status in finding future job.
8. Other activities could not participate in (a) BEFORE return to work; (b) AFTER return to work; and (c) at the present time.
9. Hospitals, doctors and injuries.
10. Prior accidents or injuries.
11. Under any disability or medication at time of accident.

F. Slip And Fall Case

1. Sidewalk/road conditions.
2. Weather reports (for snow and ice).
3. Special use.
4. Design defects.
5. Photos of defects.
6. Report to property owner.
7. Accident reports prepared by property owner.

The Nassau Academy of Law will offer a seminar on Conducting An Examination Before Trial And Using It At Trial in early March. Call the Academy of Law at (516) 747-4070 for further information.

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