

247 Deposition Questions for Expert Witnesses

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The following potential expert witness deposition questions/areas of inquiry have been excerpted from SEAK's 376 page text [How to Prepare Your Expert Witness for Deposition](#)¹. We hope you find them to be helpful.

Advertising

Please tell me all the ways in which you promote your expert witness practice.

How much do you pay for each of these ads?

Is your goal in advertising yourself to get additional work?

Is it important for advertising to be 100% accurate?

Biases

Charity

Please tell me every charity you have given more than \$250 to in the last 10 years.

Financial Interest in Outcome of Case

You are owed \$10,000 by your client. What are the chances of you collecting that money if your indigent plaintiff client loses this lawsuit?

Is the *de facto* financial interest you have in this case in any way influencing your conclusions?

Hired Gun

Are you here today as an advocate for your client?

Are you a professional witness?

Who should prevail in this lawsuit?

Interest Groups

Please tell me every association or interest group you belong to.

Personal

Prior to your involvement in this case, were you or anyone you know acquainted with anyone at [law firm that hired you]?

Prior to your involvement in this case, were you or anyone you know acquainted with anyone at [law firm that hired your client]?

Tell me where each of your children live and what they do for a living.

What medications and what dosages do you take?

Did you take these medications prior to coming to this deposition?

Are you impaired in any way today from answering questions at your deposition?

How many moving violations have you had in the past 5 years?

Plaintiff/Defense

What percentage of your legal consulting engagements are for plaintiffs?

What percentage of your legal consulting engagements are for defendants?

Where are the records to support these percentages?

¹ Mangraviti, JJ & Babitsky S, *How to Prepare Your Expert Witness for Deposition* (SEAK 2012).

Political

What political party, if any, do you belong to?

Please tell me every politician you have made donations to in the last ten years.

Please tell me every political party you have made donations to in the last ten years.

Please tell me every political action committee you have made donations to in the last ten years.

Have you ever run for public office?

Have you ever served as a public official?

Do you support tort reform?

Do you support gay marriage?

Are you pro-life?

Repeat Client

Have you been retained to work for this company before?

Have you been retained by this law firm previously?

Have you been retained by this attorney previously?

How much money have you generated in your career as a result of work for
firm/lawyer/company?

How many unfavorable opinions do you think it would take before firm/lawyer/company stopped
hiring you?

Credibility

Lies

Have you ever lied?

When was the last time you lied?

Are some lies permissible in your mind?

Professional Expert

How many legal matters do you currently have open?

How many legal matters have you worked on in the last 10 years?

CV

Age

How old are you?

Did you not list your dates of graduation so you could hide your age from people?

Why didn't you list your years of graduation?

Areas of Expertise

Are all of your areas of expertise listed on your CV?

Please tell me everything else that you are an expert in.

You claim to be an expert in 47 areas, does that make you a jack of all trades?

Which of the areas of your expertise are you best at?

Currency and Accuracy

Is this your current CV?

If your CV here isn't current, tell me everything that has changed since [date].
Is your CV accurate?
Is your CV complete?

Different Versions of CVs

Do you maintain any different versions of your CV?
Why do you maintain different versions of your CV?

Education

How were your grades at X?
How is it that you decided to study X?
How many other schools did you apply to?
Which schools accepted you?
Which schools did not accept you?

Expert Witness Work

How many legal matters have you worked on?
Why don't you list your forensic work on your CV?
Why do you list your forensic work on your CV?
Why do you list the results of the cases you have worked on?
Are you trying to help counsel win this case so that you can list another positive result?
Have your testimony or opinions ever been limited in any way by any judge, court, or administrative body?
When was the last time you lost a case?
How many *Daubert/Frye* challenges have you faced?

Extraneous Information

Why do you list your children and their dates of birth on your CV?
Why do you list your Social Security number on your CV?
How much was the initiation fee at your country club?
What size boat do you own?
Please list any organizations, societies, clubs, or other groups you are a member of.
What publications do you receive?
What publications do you read?
Do you carry E&O or malpractice insurance?

Failures

Your CV lists your biggest successes of which you are most proud. Please tell me your 10 worst professional failures of which you are least proud.
Please tell me the subjects you had trouble with in college.
Which courses did you receive a D or F in?
Are you willing to share your college transcript with us? Why not?
Were you a member of any fraternities?
Did you engage in hazing?

Gaps

You have a gap here from the years xxxx to xxxx, please tell me:

- Everywhere you worked at that time.
- Why you left the job.
- All the times you have been fired.
- Everywhere you lived at that time.
- Everywhere you studied at that time.

Did you intentionally leave this information out of your CV?

Was it a mistake to leave this information out of your CV?

Why did you leave this information out of your CV?

Licenses

Have you ever had a license suspended or revoked?

Have you ever been denied a license that you applied for?

Have you ever been reprimanded by a licensing agency?

Have you ever given up any licenses?

Professional Organizations

Is your membership current in all of the professional organizations listed on your CV?

Do you agree with the policies of these organizations?

Have you signed any expert witness affirmations?

Why are you no longer a member of X organization?

Have you ever had any complaints filed against you to any of these organizations?

Publications

Is the list of your publications on your CV accurate?

Is it complete?

Have you ever published anything else?

Please tell me everything else you have published.

Do you currently have anything submitted for publication that has yet to be published?

Have you ever submitted anything for publication that has not been published?

Do you blog?

Where can we find your blog?

Sloppy/Out of Date

When was this CV prepared?

Why is it not dated?

Tell me what, if anything, have you accomplished since you last updated your CV.

Do you know how many mistakes are contained in your CV?

Why are the pages in your CV not numbered?

Why did you not note on your CV when it was last updated?

Did you prepare your CV yourself?

Did you check your CV for mistakes before it was released?

Did you do your best work when checking your CV?

Your old CV here has different information. Please tell me every reason why you made these changes to your old CV.

Would you hire someone who had lied on their resume?

Why not?

Would you hire someone who had sloppy mistakes on their resume?

Why not?

Subjective Assertions

Please tell me all the facts that you base your assertions in your CV on. (For example, that you are “nationally known.”)

Teaching

Is the list of presentations you have in your CV complete and accurate?

Did you prepare written materials for that talk?

Did you prepare slides/PowerPoints for that talk?

Do you still have your written materials/slides?

Do you know of anyone who would or should have your written materials or PowerPoints from that talk?

Who Wrote CV

Did you prepare your CV personally?

Do you normally refer to yourself in the third person?

Document Retention

Do you still have copies of any of your past deposition transcripts?

Do you still have copies of any of your past expert witness reports?

Ethics

Are you ethical?

Is it important to be ethical?

Would you believe an unethical expert witness?

What canons of ethics do you comply with?

When was the last time that you reviewed each of those canons of ethics?

Facts

How old was the plaintiff on the day of the accident?

How long was the longest skid mark you measured?

File

Is this your complete file?

Has anything been removed from this file?

Who removed it?

When was it removed?

Why was it removed?

Did you give permission for it to be removed?

Where are your billing records?

Where is the cover letter from retaining counsel?

Where are your emails from this case?

Fishing

Litigation

Have you ever been named as a defendant in a lawsuit?

Have you ever been named as a plaintiff in a lawsuit?

Have you or any business entity you were involved with ever filed for bankruptcy?

Past Addresses/Associations

Please tell me every address you have lived at since you turned 18.

Please tell me every person you have lived with since you turned 18.

Personal Relationships

Are you currently romantically involved with anyone?

Who are your three closest friends?

Prior Bad Acts

Have you ever been suspended from school?

Have you ever had any complaints filed against you?

Have you ever been convicted of a crime?

Have you ever been involuntarily terminated from a job?

Social Media

Which social media sites do you use?

Do you post to any message boards?

Please tell me every LinkedIn group you belong to.

Would you friend me so I can access your Facebook page?

Impeachment

Do you remember writing an advertorial entitled “X”?

Did you write in that advertorial the following...?

Isn't what you wrote inconsistent with the position you are taking under oath in this case?

If it's not inconsistent, please tell me why you believe it isn't inconsistent.

Why don't you retain your reports from past cases?

Why don't you retain your deposition transcripts from past cases?

Investigation

Budget

Did you have a budget for your work in this case that you had to live within?

Due to budgetary considerations, did you forgo doing anything that you would have preferred to have done?

Please tell me everything you had to forego because of budgetary reasons.

Please tell me everything you weren't able to do in the manner you preferred because of budgetary considerations.

Changed Circumstances

When did you inspect X?

How can you be sure X hasn't changed since the day in question?

Please tell me what might possibly have changed with X between the date of the accident and the date of your inspection.

Did you rule out each of these possibilities?

How did you rule out each of these possibilities?

Other Persons

Please tell me everyone you have discussed this case with.

Please tell me everyone you have discussed your opinions with.

Please tell me everyone who assisted you with this case.

Tell me everything each of these other people did to assist you.

Timeline

When were you first contacted regarding this case?

Who did you speak to?

What did they tell you about the case?

When did you agree to be designated as an expert in this case?

When did you receive the documents?

When did you form your opinions?

When did you visit the scene?

When did you conduct your testing?

Did you have all the time you needed to do an A+ job?

Did you feel rushed in any way?

Please tell me everything you weren't able to do because of time constraints.

Please tell me everything you weren't able to do as you would have wished because of time constraints.

What Reviewed

Did you receive all the documents in this case?

Please tell me everything you considered in forming your opinions in this case.

Please tell me everything you reviewed prior to this deposition.

Please tell me everything you considered in conjunction with your work on this case.

Did you review X?

Why didn't you review X?

Did you ask to review X?

Do you know why X was withheld from you?

When you didn't receive X from retaining counsel, did that make you suspicious?

Why did you render an opinion when you were unable to review X?

Would you like to review X now?

Now that you have reviewed X, how, if at all, does that change your opinion?

Involvement in Case

When were you first contacted in this case?

Who contacted you?

Do you have any information as to how retaining counsel found you?

Marketing

Please tell me everything you do to market or promote your expert witness practice.

What types of cases are you most interested in obtaining?

Does your marketing focus on plaintiff or defense work?

Are you actively trying to rebalance your practice with more [plaintiff or defense] work?

Do you have anyone helping you market or promote your expert witness services?

How much do you spend per year marketing or promoting your expert witness practice?

How much time do you spend per year marketing or promoting your expert witness practice?

Advertisement

Is this a copy of the listing you paid for in SEAK's expert witness directory?

Did you place this ad in the hopes of obtaining more cases?

How much did you pay for this ad?

Did you write the following in your ad?

Please tell me every media you have ever advertised your expert witness practice in.

Article

Was one of the reasons you published this article in a legal journal to get more expert witness work?

How much were you paid for this article?

How many publications did you submit your article to?

How many publications accepted your article for publication?

Did you purchase reprints of your article?

Brokers/Middlemen

Please tell me all the expert witness brokers/referral services you are listed with.

Did you perform due diligence on these organizations before you agreed to be listed?

How did you perform your due diligence?

Are you aware of how this broker markets your services?

Will you be accepting new cases from this broker?

Direct Marketing

Have you ever sent any emails to help get new expert witness business?

Do you have copies of the emails you sent?

Who were these sent to?

Why did you choose to send to these people?

When were these sent?

Have you ever sent any direct snail mail to help get new expert witness business?

Do you have copies of the mailing pieces you sent?

Who were these sent to?

Why did you choose to send to these people?

When were these sent?

How much have you spent on direct mail marketing in the last three years?

Directories

Please tell me every professional or expert witness directory where you have ever had a listing.

Talks

Was one of the reasons you gave this talk to get more expert witness work?

How much were you paid for this talk?

Do you have any handouts, PowerPoints, or outlines for your presentation?

Tracking

Do you track where your cases come from?

Why do you track your cases?

Do you maintain a list of past cases/inquiry?

Website

Are you responsible for the contents of your web site?

Do you have a Facebook account?

Do you have a Twitter account with followers?

Do you blog?

Do you use your website to promote your expert witness practice?

Did you write the material on your web site?

Did you check the material on your web site after it was posted?

Would you hire a lawyer to defend you in an important case if that lawyer had several sloppy mistakes on her web site?

Are you proud of your web site?

Do you agree with everything you have written on your web site?

Do you agree with the practice of the organizations you provide links to on your web site?

Methodology

Alternative Explanations

Did you consider alternative explanations?

Please tell me all the alternative explanations you considered.

Please tell me all the reasons why you rejected each of these alternative explanations.

Calculations

Did you check your math?

Did anyone else check your math?

Please do the math for me. Run that calculation on this piece of paper.

Computer Assistance

Did you use any computer programs to assist you?

What version of the software did you use?

Are you aware of any problems with this software?

Are you aware of any known limitations to this software?

How does the computer software work?

What algorithms does it use?

What formulas does it use?

Error Rate

What is your margin of error?

How specifically did you calculate your margin of error?

Extrapolation

Did you extrapolate at all?

Why did you extrapolate?

Please tell me all the reasons you feel that your extrapolation was justified.

Field

Please tell me all the evidence you know of that supports the premise that your field of study produces reliable conclusions.

General Acceptance

Is your methodology generally accepted in your field?

On what do you base your testimony that your methodology is generally accepted?

Please tell me everyone in your field who you know to be using your methodology.

What is new or unique about your methodology?

Opinion for Litigation

Did you use the same methodology you have used in matters not involving litigation?

Peer Review

Please tell me every peer-reviewed article that supports your opinion in this case.

Protocol

Do you have a protocol for forming opinions in these types of cases?

Please tell me what your protocol is.

Did you follow your protocol in this case?

Prototype/Alternative Design

Did you formulate an alternative design?

Did you construct a prototype of that alternative design?

Testability

Is your methodology testable?

How is it testable?

Did you test it?

How did you test it?

What were the results of this testing?

Are the results reproducible?

Miscellaneous

Please tell me everything you did to prepare for today's deposition.

Money

Billing

How much have you billed to date in this case?

How much have you been paid to date in this case?

Fees

Why do you charge per hour?

How much are you being paid for your testimony?

How do you justify your fee?

Why do you charge more per hour for deposition than for record review?

Is testifying more stressful than reviewing records?

What was your gross forensic income last year?

What is your overhead for your forensic practice?

Income History

How much money have you made from legal consulting each year over the last five years?

What is the percentage of your income from legal consulting over the last 5 years?

Do you retain the 1099 tax forms sent to you by the entities that retain you for legal consulting work?

Notes

Did you take any notes during your work on this case?

Where are your notes? Why weren't they produced?

Did you underline or make any notes on any of the documents you reviewed in this case?

Explain why you highlighted this portion of the record.

Opinions

Assumption

Please tell me every assumption that you made in this case.

Degree of Certainty

Are all of the opinions you expressed being expressed by you to a reasonable degree of certainty?

What do you mean when you say reasonable degree of certainty?

Would you bet your life on the accuracy of your opinion?

What is your margin of error?

What percent chance is there that your opinion is incorrect?

Is it possible that you are just plain wrong?

Let's assume every other expert in this field disagreed with you, would you then change your opinion?

Legal Terms

You have stated that Dr. X breached the standard of care. Can you please define what you mean by standard of care?

How do you define negligence?

Lock Down

Please tell me all of the opinions you will be offering in this case.

Please tell me all of the reasons for each of these opinions.

Please state the areas that you will not be offering opinions in.

Will you be offering any other opinions in this case?

Peer Review

Did anyone check your work?

Who peer reviewed your work?

Who chose the person to perform the peer review?

What is your relationship with the person who peer reviewed your work?

Please tell me what makes this person qualified to peer review your work.

Did this peer review result in any changes to your report?

Did this peer review result in any changes to your opinion?

Please tell me everything that you changed in your report after it was peer reviewed.

Please describe your quality control process.

Subjective/Objective

Is your opinion subjective?

Tell me all of the reasons why you do not consider your opinion to be subjective.

Willingness to Change Your Opinion

Tell me all the circumstances under which you'd be willing to change your opinion.

If X assumption turns out to in fact be untrue, would you change your opinion?

Other Experts

Are there experts who are more qualified than you in this area?

Who are the experts who are more qualified than you in this area?

Is the opposing expert qualified in the field of X?

Tell me every reason why you feel the opposing expert is less qualified than you.

Tell me every reason why you disagree with the opposing expert's conclusions.

Please tell me every error the opposing expert made in this case.

Would you agree that X institution where the opposing expert graduated from is a prestigious university?

Why should the jury believe you as opposed to the opposing expert?

Did the opposing expert deviate from accepted practice?

If so, why didn't you report the opposing expert to the relevant licensing agencies and professional societies?

Would a person who sub-specializes in this area be more qualified than you?

Procedural

Do you agree to waive reading and signing?

Can I assume that if you answer a question I ask, that you understood the question?

Qualifications

Certification/Licenses

Did you take a test or tests to obtain your licenses/certifications?
Did you ever fail any such test?
Did you study hard for the tests you failed?

Continuing Education

Is it important for you to take continuing education to stay current in your field?
Have you taken any continuing education courses covering X?
Have you taught any continuing education courses covering X?
Were you provided written materials?
Do you still have these?
Why didn't you list these continuing education courses on your CV?

Experience

Please summarize all of the practical, hands-on experience you have in the field of X.
When was the last time you actually did this yourself?

Expertise

What exactly are you an expert on?
Are you an expert in X?
Will you be offering any opinions on X?
Please tell me all the documents that you relied on to form your opinions.
Are you an expert on who is and who is not telling the truth?

Literature

Do you keep current with the literature in your field?
Which journals do you subscribe to?
How many unread journals do you have in your office or home?
Could there be important information in the journals that you have not yet gotten around to reading?
Which journals do you keep current with?
Which books in this area do you own?
What are the authoritative journals in this field?
What are the authoritative texts in this field?
Is X (journal or book) authoritative?

Mail-Order Degree

Please tell me how much you paid for X credential.
Did you take a test?
Did you receive your certificate in the mail?
Are you proud of your mail-order degree?

Report

Does this report represent your best work?
Did you check over this report for mistakes before you signed it?

Did anyone else check this report for mistakes before you signed it?
Did you provide an oral report to counsel prior to drafting this written report?
Why did you provide an oral report?
Did your oral report in any way differ from your written report?
Please tell me every way in which it differed.
Did you document in your report your entire investigation?
Is this paragraph standard boilerplate language that appears in most of your reports?
Are all of your opinions contained in your report?
Are all of the reasons for your opinions contained in your report?
Are all of the documents you considered contained in your report?
You wrote on your report that your report is privileged. Please tell me the privilege you are referring to.

Please define the following terms you used in your report:

“To a reasonable degree of certainty”

“Work product”

“Proximate cause”

“Negligent”

“Grossly negligent”

“Malpractice”

Why did you choose to use the following words in your report:

“Appears to”

“I believe”

“Could”

“Possibly”

“May very well”

“It seems”

“Could be consistent with”

Please tell me who or what exactly you were referring to where you used the pronoun (“he,” “she,” “it,” “we,” “they,” “them,” etc.) in your report.

Why didn’t you cite any references in your report?

Why didn’t you cite any contrary references in your report?

Did you find contrary references?

How many draft reports did you prepare prior to the final versions?

Did you share any of the drafts with anyone else, including retaining counsel?

What assistance did retaining counsel provide to you with regard to your report?

Did counsel ask you to make any corrections, additions, modifications, clarifications, or deletions to or in your report?

Why did you not write a report in this case?

Retaining Counsel

How did retaining counsel come about hiring you in this matter?

Do you know why he chose you as an expert witness?

Do you know how many experts retaining counsel had talked to before you?

Do you know why those previous experts did not end up getting hired?

Did you prepare with retaining counsel prior to your deposition?

How long did you spend with retaining counsel?

Of all that time, how much time did he spend telling you to tell the truth?
Tell me everything counsel said and everything you said.
Did retaining counsel review your report before it was finalized?
Tell me everything that was changed in your report after retaining counsel reviewed it.
Do lawyers usually help write reports in your field?
Did you speak with retaining counsel during the break we just had?
Did you discuss this case?
Please tell me everything he said and everything you said.

Writings

Have you ever written any letters to the editor?
Have you ever written any op-eds?

About, SEAK, Inc.

SEAK is [The Expert Witness Training Company](#). We have trained many thousands of expert witnesses since 1990. Our services include:

- [SEAK Expert Witness Directory](#) – The #1 Rated Directory of expert witnesses (online and print).
- Interactive, hands-on [expert witness training seminars](#).
- [Onsite customized expert witness training](#) for clients such as the FBI, IRS, SEC, FAA, Secret Service, NYPD and Department of Defense as well as Fortune 500 Companies and numerous Boutique Consulting Firms.
- [Expert Witness Preparation](#) – performed in person or via video conference.

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