

Deposition Objections Cheat Sheet

Note: This cheat sheet is simply a guideline for common deposition objections used in court. It is provided for informational purposes only and does not constitute legal or business advice.

Deposition rules vary by jurisdiction. Always consult local rules before instructing a witness not to answer.

1. Form of the Question

Description: A form objection challenges the structure of the question—not necessarily the topic. Questions may be vague, compound, confusing, misleading, or assume facts that have not been established.

When to use: Use when a question is unclear, contains multiple questions, or could confuse the witness.

Example:

- Opposing counsel: “After you moved out, you changed jobs, started therapy, and your children visited weekly, right?”
- You: “Objection, form. The question is compound. Please ask one question at a time.”

2. Relevance

Description: Deposition questioning is broad, but it still must relate to claims, defenses, or evidence that could reasonably lead to admissible information.

When to use: Use when a question is unrelated to any issue in the case or would not lead to relevant evidence.

Example:

- Opposing counsel: “Are you more of a dog or a cat person?”
- You: “Objection, relevance.”

3. Privilege

Description: Privilege objections protect information that cannot be disclosed, such as attorney-client communications or confidential medical information.

When to use: Use when a question seeks privileged information. You may instruct the witness not to answer.

Example:

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- Opposing counsel: "What did your lawyer tell you about settlement?"
- You: "Objection, privileged. Do not answer."

4. Asked and Answered

Description: This objection prevents repetitive questioning intended to confuse the witness or obtain inconsistent testimony.

When to use: Use when the witness has already answered the same question.

Example:

- Opposing counsel: "Did you take two weeks off after the accident?"
- Plaintiff: "Yes."
- Opposing counsel: "So you definitely took two weeks off, not less?"
- You: "Objection, asked and answered."

5. Harassment / Badgering

Description: Depositions must remain fair and respectful. When opposing counsel becomes hostile, shaming, or overly aggressive, this objection protects your client.

When to use: Use when questioning becomes abusive, intimidating, or inappropriate.

Example:

- Opposing counsel: "You didn't fight for custody because you don't care about your kids, right?"
- You: "Objection, harassment."

6. Calls for a Legal Conclusion

Description: Witnesses testify to facts—not legal standards or conclusions. Unless designated as an expert, they cannot apply legal rules.

When to use: Use when a question asks the witness to determine liability or apply a legal standard.

Example:

- Opposing counsel: "Do you think the defendant owed you a duty of care?"
- You: "Objection, calls for a legal conclusion."

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7. Calls for Speculation

Description: Witnesses may only testify based on personal knowledge. They cannot guess about others' thoughts, motives, or actions.

When to use: Use when a question asks the witness to guess or assume facts outside their knowledge.

Example:

- Opposing counsel: "What evidence do you think Mr. O'Neil had about the defendant's intent?"
- You: "Objection, calls for speculation."

8. Mischaracterizes Prior Testimony

Description: This objection corrects questions that distort or inaccurately restate what the witness previously said.

When to use: Use when opposing counsel paraphrases inaccurately or adds facts the witness didn't say.

Example:

- Opposing counsel: "You said you attended the May 1 meeting, right?"
- You: "Objection, mischaracterizes testimony. The witness stated they did not attend."

9. Assumes Facts Not in Evidence

Description: These questions embed unproven assumptions, which can mislead or unfairly frame the witness's answer.

When to use: Use when a question presupposes facts that are disputed or not yet established.

Example:

- Opposing counsel: "When did you stop falsifying reports?"
- You: "Objection, assumes facts not in evidence."

10. Vague or Ambiguous

Description: A witness should not have to guess what a question means. This objection ensures questions are clear and specific.

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When to use: Use when a question is unclear, overly broad, or could be interpreted multiple ways.

Example:

- Opposing counsel: "Tell me everything that happened that day."
- You: "Objection, vague. Please clarify what timeframe or event you mean."