

What to Expect in the Workers' Compensation Process: The Deposition



“What is the workers’ compensation deposition process?”

Getting injured on the job is unfamiliar territory for most workers. Injured workers typically have a number of questions about the process. This article deals with the **deposition**, a routine aspect of many workers’ compensation cases.

What is a deposition?

If you are filing a workers’ compensation claim, it is likely that you will be called to testify in regard to your work injury. You will be asked to answer a variety of questions under oath, as asked by an attorney representing your employer’s insurance carrier. Your statements will be recorded.

It is a serious matter any time you are being questioned under oath, but that doesn’t mean you should feel fearful or nervous. Your job is simply to answer the questions truthfully and to the best of your knowledge.

What is a deposition like?

Forget about the hostile lawyers and courtroom scenes you've seen on TV. Most depositions are held in an attorney's office—usually the office of the claimant's attorney. In addition to the attorney, you can expect a court reporter to be present to create a transcript of your deposition. The transcript will be used as evidence in a court of law. You will also be sworn in by the court reporter before you begin your testimony. You may also have your own attorney present. It is advisable to have legal representation.

The lawyer taking your deposition will be professional and courteous. He or she will briefly explain the process and what is about to follow. The lawyer will then ask you a series of questions, which you should answer truthfully. Questions will cover the following information:

▪ Personal information

Your name, address, birthdate, education and work history. You may be asked if you have a criminal record or if you have ever received workers' compensation benefits before.

▪ Accident and Injury history

Have you been injured before? The attorney wants to determine if something recurring might have caused your recent injury.

▪ How your injury occurred

You will be asked about the details of what happened.

▪ Medical treatment you have received

You will be asked to go over all of the treatment you have received for your injury in extensive detail.

▪ Current physical or mental limitations

It is important to the attorney to determine whether or not

you can perform the tasks of your job safely and competently or if you are eligible for permanent disability.

“Rule of thumb” tips for best results

Want a smooth deposition? Keep things simple and straightforward.

- **Wait for the question to be asked.**

Don't jump to conclusions or cut off the attorney mid-sentence. You may answer the wrong question!

- **Answer verbally.** The purpose of your deposition is to transcribe a written record of your verbal testimony. Nodding your head won't do.
- **If you don't really know the answer, say so.** You are being asked what you know, not what you guess.
- **“Yes” or “No” is the way to go.** If you can answer a question simply with a yes or no, do it that way. If the attorney wants additional information, let him or her ask for it.
- **What you and your attorney discuss is no one else's business.** If you have an attorney, don't share privileged information with anyone else.
- **Be clear, stay calm.** No matter what, when you appear collected, credible and reasonable, you do better.

What happens next?

The law states that you must receive a written copy of the transcript and be afforded the opportunity to make corrections you believe are necessary.

Hire an experienced workers' compensation attorney

Never assume that an employer or insurance carrier has your best interests at heart. The best measure you can take to see that your rights are protected, is to obtain legal representation. Your lawyer will go with you to your

deposition and make sure that nothing improper takes place, and that questions are fair and within the law. [Call Martin Law at 215.587.8400](tel:215.587.8400) for a free consultation