

Rule 13 Depositions

See Civil Rules 26, 27, 28, 29, 30, 31, 32, 37 and 45(D)

(A) Witnesses, parties and counsel shall conduct themselves at depositions in a temperate, dignified and responsible manner.

(B) Counsel are expected to make a timely and good faith effort to confer and agree to schedules for the taking of depositions. **Unless otherwise stipulated or ordered by the court, a deposition is limited to 1 day of 7 hours.** Except for good cause, counsel for the deponent shall not cancel a deposition or limit the length of a deposition **to less than 1 day of 7 hours** without stipulation of the examining counsel or order of the Court.

Rule 13.1 Deposition Conduct

The following rules for the taking of depositions emphasize the expectations of the Court as to certain issues; they are intended to supplement Ohio R.Civ.P. 26, 30, 32 and 37:

(A) *Decorum.* Opposing counsel and the deponent shall be treated with civility and respect, and the questioner shall not engage in repetitive, harassing or badgering questioning. Ordinarily, the deponent shall be permitted to complete an answer without interruption by counsel.

(B) *Objections.* Objections shall be limited to:

~~(a) those which would be waived if not made pursuant to Ohio R.Civ.P. 32(D), and~~

~~(b) those necessary to assert a privilege,~~

~~(c) those necessary to enforce a limitation on evidence directed by the Court,~~

~~(d) those necessary to present a motion under Ohio R.Civ.P. 30(D), or~~

~~(e) those necessary to preserve a proper evidentiary objection should the deposition be used as evidence or for impeachment, or~~

~~(f) those necessary to assert that the questioning is repetitive, harassing or badgering.~~

~~No other objections shall be raised during the course of the deposition.~~

~~(C) — *Speaking Objections.* Counsel may interpose an objection by stating “objection” and the legal grounds for the objection. Speaking objections which refer to the facts of the case or suggest an answer to the deponent are improper and shall not be made in the presence of the deponent. **Counsel shall not argue the reasons for the objection on the record.**~~

~~(D) — *Instructions Not to Answer.* Counsel may instruct a deponent not to answer a question only when necessary to preserve a privilege, enforce a limitation on evidence directed by a court, present a motion under Ohio R.Civ.P. 30(D), or terminate repetitive, harassing or badgering questioning. In the event privilege is claimed, examining counsel may make~~

~~appropriate inquiry about the basis for asserting the privilege. In the event that the ground for the instruction not to answer is that the questioning has become repetitive, harassing or badgering, and the questioner believes that further questioning on the subject is necessary and proper, the questioner may apply to the Court for the right to pursue such questioning at a later date.~~

(E) *Irrelevant and Embarrassing Questions.* If an attorney objects to a particular line of questioning on the ground that the questioning is being conducted in bad faith, or in such a manner as unreasonably to annoy, embarrass or degrade the deponent, the questioning ~~attorney~~ ^Aattorney should move on to other areas of inquiry, reserving the right to pursue the objected-to questions at a later time or date if the objecting attorney agrees to withdraw the objection or if, as a result of a conference call by the attorneys to the appropriate court, a motion to compel or a motion filed under Civil Rule 30(D), a court determines that the objected-to questions are proper.

(F) *Conferring During Questioning.* While a question is pending, counsel for the deponent and the deponent shall not confer, except for the purpose of deciding whether to assert a privilege.

(G) *Documents.* During the deposition, examining counsel shall provide opposing counsel and counsel for the deponent with copies of all documents shown to the deponent.

(H) Where a witness, party or counsel violates any of these rules at a deposition, the Court may order sanctions or other remedies, including those sanctions available under ~~Ohio R.Civ.P. 37~~ ^{Civ.R. 26(C) or 37, as well as attorneys' fees.}

(I) The Cuyahoga County Common Pleas Court recognizes the Ohio Supreme Court's Commission on Professionalism has ~~issued its publication~~ published "Deposition Do's and Don'ts." The ~~Court~~ Cuyahoga County Court of Common Pleas expects all attorneys practicing before ~~the Court~~ it to adhere to the best practices contained in this document incorporated herein.

(Effective November 1, 1991; June 1, 2001.)