

### 13.0 DEPOSITIONS

The following rule for the taking of depositions emphasizes the expectations of the court as to certain issues and are intended to supplement Civ.R. 26, 28, 30, 32, 37, 45 and the Supreme Court of Ohio's "Deposition Do's and Don'ts."

- (A) Scheduling and Duration.** Counsel is 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 one day of seven hours. Except for good cause shown, counsel for the deponent may not cancel a deposition or limit the length of a deposition to less than one day or seven hours without stipulation of the examining counsel or order of the court.
- (B) Decorum.** Opposing counsel and the deponent must be treated with civility and respect and the questioner must not engage in repetitive, harassing, or badgering questioning. The deponent must be permitted to complete an answer without interruption of examining counsel.
- (C) Objections.** Objections are limited to:
  - (1) those which would be waived if not made pursuant to Civ.R. 32(D);
  - (2) those necessary to assert a privilege;
  - (3) those necessary to enforce a limitation on evidence directed by the court;
  - (4) those necessary to present a motion under Civ.R. 30(D);
  - (5) those necessary to preserve a proper evidentiary objection should the deposition be used as evidence or for impeachment.
- (D) Speaking Objections.** Counsel may interpose an objection by stating "objection" and the legal grounds of the objection. Speaking objections that refer to the facts of the case or suggest an answer to the deponent are improper and must not be made in the presence of the deponent.
- (E) Instructions Not to Answer.** Counsel for the deponent 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 Civ.R. 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.
- (F) Inappropriate Questions.** If counsel for the deponent 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 to unreasonably annoy, embarrass or degrade the deponent, the examining attorney should move on to other areas of inquiry, reserving the right to pursue the objected-to questions at a later time or date. The deponent must answer the question if the objection is withdrawn or the court determines the question is proper.
- (G) Conferring During Questioning.** While a question is pending, counsel for the deponent and the deponent may not confer except for the purpose of deciding whether to assert a privilege.
- (H) Documents.** When a deponent is being questioned, examining counsel must provide all counsel present with copies of all documents shown to the deponent.
- (I) Sanctions.** Where a witness, party or counsel violates any of these rules at a deposition, the court may order sanctions or other remedies as set forth in Civ.R. 26(C) and Civ.R. 37.
- (J) Supreme Court Best Practices.** The Ohio Supreme Court's Commission on Professionalism has issued its publication entitled "Deposition Do's and Don'ts" (See Appendix D). The court expects all attorneys practicing before it to adhere to the best practices contained in this document.

*Effective 10/18/2021.*