

EIGHTEENTH JUDICIAL DISTRICT DEPOSITION GUIDELINES

1. Cooperation.

Counsel are expected to cooperate with, and be courteous to, each other and deponents.

2. Agreements.

Unless contrary to or inconsistent with the Kansas statutes, the rules of this Court or an order of the Court, the parties (and, when appropriate, a non-party witness) may agree in writing to alter, amend, or modify any practice relating to the noticing or taking of a deposition. Any interparty agreement extending the discovery deadline shall not operate to delay trial or any hearing or pretrial conference.

3. Scheduling.

Absent extraordinary circumstances, counsel shall consult in advance with opposing counsel and proposed deponents in an effort to schedule depositions at mutually convenient times and places. Unless leave of court or agreement of counsel is first obtained, at least **five (5)** calendar days' notice of any deposition shall be given.

4. Conduct.

(a) Objections. Objections shall be concise and shall not suggest answers to or otherwise coach the deponent. Argumentative interruptions will not be permitted. The only objections that should be asserted are those involving privilege or work product protection or some matter that may be remedied if presented at the time, such as an objection to the form of the question or the responsiveness of the answer. Other objections shall be avoided unless the deposition is being taken for the express purpose of preserving testimony.

(b) Directions not to answer. Counsel shall not direct or request that a deponent not answer a question, unless (1) counsel has objected to the question on the ground that the answer is protected by privilege, qualified privilege, work product immunity, or a limitation on evidence directed by the court; or (2) the direction not to answer is necessary to allow a party or deponent to present a K.S.A. 60-230(d) motion to the Court; or (3) counsel has a good faith belief the subject matter qualifies for a Protective Order and intends to promptly seek such an order. When a witness is instructed not to answer, the witness is nevertheless required to answer questions relevant to the existence, extent, or waiver of the privilege/immunity or other protection, such as the date of a communication, who made it, to whom it has been disclosed, and its general subject matter.

(c) Consultation with attorney. Conferences between deponents and their attorneys during the taking of the deposition are improper except for the purpose of determining whether a privilege or work product immunity should be asserted. Unless prohibited by the court for good cause shown, conferences may be held during recesses and adjournments. Normally, a recess is inappropriate while a question is pending.

LOCAL RULE NO. ____

DEPOSITION GUIDELINES

This Court adopts and recommends to counsel the following Eighteenth Judicial District Deposition Guidelines. The guidelines are not Rules, and should be applied with common sense and flexibility. The Court will consider these guidelines in ruling upon disputes which arise concerning deposition practice. Counsel should consider the guidelines applicable, to the extent they are not inconsistent with Kansas law.