

FOR USE DURING TRIAL

CV 10.02

Deposition As Substantive Evidence

(1) When a person is unavailable to testify at trial, the deposition of that person may be used at the trial. A deposition is the sworn testimony of a witness taken before trial. The witness is placed under oath to tell the truth and lawyers for each party may ask questions. The questions and answers are recorded.

(2) The deposition of _____, which was taken on _____, is about to be presented to you. Deposition testimony is entitled to the same consideration and is to be judged, insofar as possible, in the same way as if the witness had been present to testify.

[(3) Do not place any significance on the behavior or tone of voice of any person reading the questions or answers.]