

What to Expect During a Personal Injury Deposition in Georgia

Some People Get a Deposition Wrong Before It Even Starts

Here's what almost every [personal injury](#) client believes right up until the day their deposition is scheduled: as long as I tell the truth, everything will be fine. That belief isn't wrong. Honesty is essential. But it misses what a deposition actually is, and it puts injured Georgians on the wrong footing before the defense attorney has even asked the first question.

A deposition isn't a conversation. It's a sworn, transcribed proceeding that defense counsel uses to gather ammunition for trial, identify inconsistencies to exploit, and pin the injured party to a version of events that can be used against them months later in front of a jury.

The defense attorney will open with easy questions about where you live and where you work. Two hours in, the tone will have shifted, the questions will have become sharper and more repetitive, and every word said in every tone is being recorded and transcribed for a jury that may see the footage six months from now.

Knowing the truth doesn't protect you from a deposition that goes sideways. Preparation does.

The [Law Offices of Gary Martin Hays & Associates, P.C.](#) has walked injured Georgians through the deposition process since 1993. Understanding how the Civil Practice Act works, what the defense is actually trying to accomplish, and what preparation looks like in practice is the difference between a deposition that helps your case and one that damages it.

What Georgia Law Says About Depositions

Under [O.C.G.A. § 9-11-30](#), any party to a civil action may take the deposition of any person, including another party, upon oral examination after the case has been filed. The examination and cross-examination proceed under the same evidentiary rules that apply at trial. Your answers are given under oath, and a court reporter transcribes everything said in the room.

The scope of what the defense can ask you is broad. Under [O.C.G.A. § 9-11-26](#), discovery encompasses any matter that's relevant to the subject matter of the case, not just what would be admissible at trial. The standard is whether the question appears reasonably calculated to lead to the discovery of admissible evidence. That's a wide net, and the defense attorney will use it fully.

What the Defense Attorney Is Actually Trying to Accomplish

Walking into a deposition without understanding the defense's goals puts you at an immediate disadvantage. Here's what they're working toward:

- **Locking You Into A Version Of Events:** Every answer you give under oath becomes a fixed point. If your testimony at trial differs from what you said at the deposition, the defense will use that inconsistency to attack your credibility. Their goal isn't necessarily to find the truth. It's to create a record they can use.

- **Finding Prior Inconsistent Statements:** Everything you've said about the crash, your injuries, and your health history, whether [on social media](#), in recorded insurance statements, in prior medical records, or in conversations with the defense's investigator, will be compared to what you say at the deposition. They're looking for any place where your accounts don't match.
- **Surfacing Pre-Existing Conditions:** Defense attorneys frequently focus on your full medical history before the crash, looking for prior injuries, chronic conditions, or treatment that they can argue diminished your health before the accident happened. Understanding how [pre-existing injury issues](#) are handled under Georgia law is essential preparation before you're asked about them.
- **Establishing Comparative Fault:** If there's any argument that you contributed to the crash, this is where the defense tests it. They'll ask detailed questions about your speed, your position, your visibility, your attention, and what you did in the seconds before impact. Georgia's [comparative negligence rule](#) allows your recovery to be reduced if a jury finds you partially at fault, and the deposition is where the defense builds the case for that argument.
- **Testing Your Credibility And Demeanor:** A deposition isn't just about what you say. It's about how you say it. Defense attorneys assess whether you're a sympathetic, credible witness or someone who appears evasive or prone to embellishment. That assessment shapes settlement strategy and trial positioning on their side.

How You Prepare for a Georgia Personal Injury Deposition

Preparation for a deposition isn't about rehearsing a script. It's about understanding your case thoroughly, reviewing everything the defense already has, and knowing how to answer questions accurately without volunteering information beyond what was asked.

Before the deposition, your attorney should sit down with you to review your medical records, the police or incident report, any [prior statements you've made to insurance](#), and the timeline of the crash and your treatment. Any gaps between your memory and what the documents show need to be addressed before you're under oath. Any [pain journal entries](#) or day-to-day treatment notes should be reviewed for consistency with the medical record.

Take the hypothetical case of an injured Georgian who suffered a herniated disc in a rear-end crash on Georgia 316. She had seen a chiropractor two years before the crash for a minor muscle strain that had fully resolved.

At her deposition, the defense attorney spent 20 minutes on that prior treatment, asking whether she had ever had back pain before, whether the prior treatment helped, and whether she was ever released from care. Without preparation, she might have minimized the prior treatment out of anxiety, or worse, not recalled it clearly and contradicted a medical record the defense already had in hand.

With preparation, she knew what the record showed, was able to confirm it accurately, and her attorney was ready to address how the prior minor strain compared to the disc injury she

sustained in the crash. The point isn't to hide prior treatment. It's to make sure your honest answers are complete and consistent with the documentary record.

What to Expect During the Deposition Itself

Georgia depositions in personal injury cases typically take place in a conference room at your attorney's office or the defense firm's offices. The court reporter, your attorney, the defense attorney, and potentially a representative from the insurance company will be present. In some cases, depositions are conducted by video.

The defense attorney will start with background questions that feel routine but are strategically important. From there, the questions move to the crash itself, your injuries, your treatment, your activity limitations, and your life before and after. The length of a personal injury deposition in Georgia depends on the complexity of the case and the severity of your injuries, but most range from one to three hours.

Here are the core rules for answering deposition questions effectively:

- **Listen To The Complete Question Before Answering:** Answering before the question is finished produces answers that don't match what was actually asked. A transcript full of incomplete answers creates confusion that works against you.
- **Answer What Was Asked, Nothing More:** Volunteering additional information beyond the direct question is one of the most common deposition mistakes. The defense attorney is hoping you'll fill silences and add context they haven't asked for yet. Don't.
- **It's Acceptable To Say You Don't Know Or Don't Remember:** If you don't recall something, say so. Guessing at an answer and being wrong is far more damaging than acknowledging uncertainty. "I don't recall" and "I don't know" are complete and honest answers when they're accurate.
- **Ask For Clarification If A Question Is Unclear:** Compound questions, hypotheticals, and questions with embedded assumptions are common. If you don't understand what's being asked, you have every right to say so and ask for clarification before answering.
- **Take Your Time:** There's no clock running against you. You're entitled to think before you answer. Defense attorneys sometimes create urgency through pace and tone. You don't have to match it.
- **Trust Your Attorney's Objections:** When your attorney objects to a question, stop. Listen to the objection. If your attorney instructs you not to answer, follow that instruction. Objections are on the record, and how they're resolved is a legal question, not one you need to resolve by answering anyway.

The Records And Surveillance Traps That Show Up At Deposition

Beyond the substantive questions about the crash, defense attorneys often use the deposition to open the door to broader medical records or to test whether you'll authorize releases that go well beyond what's necessary. Understanding when to [refuse a blanket medical authorization](#) is a preparation issue your attorney should walk you through before the deposition, not after.

Some carriers also run parallel [surveillance operations](#) on injured claimants, and any statement you make about your daily activities can be measured against the footage later.

After the Deposition and What Comes Next

The court reporter will produce a written transcript of the deposition. In most cases, you'll have the right to review and sign the transcript, which gives you the opportunity to correct any transcription errors. Your attorney will advise you on whether and how to use this process. Once the deposition is concluded, it becomes part of the formal discovery record and can be used at trial, in dispositive motions, and in settlement negotiations.

Understanding that a deposition is not the end of the case matters for your emotional preparation. Defense attorneys are skilled at making depositions feel like a verdict. They're not. They're one step in the litigation process, and a well-prepared deposition is simply one more tool your legal team uses to move the case forward.

The [testimony that treating physicians eventually offer](#) and the way [jury verdicts differ from earlier settlement offers](#) both flow, in part, from how well the plaintiff held up during the sworn record built at deposition.

Georgia's Billion Dollar Injury Lawyer Is Here To Protect Your Claim From Start To Finish

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