

## Deposition Garb

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What do you wear for depositions? The same thing that you wear to the office, trial attire, or something else?

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For depositions, I dress up from the shorts, Hawaiian shirt and Birkenstocks which I wear to the office when I don't have court or meetings with new clients. I put on a pair of khakis.

Wendell Finner, Florida

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It depends. I've worn suit and tie and business casual. I choose depending on variables and mood.

Stay away from flip flops, daisy dukes, and tube tops and you should be okay.

Roger Traversa, Pennsylvania

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Business casual.

Dennis Chen

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I wear a suit and tie if the depo is at OC's office. If it is my depo, I will lose the jacket. That is par for the course up here. Sometimes I see khakis and/or no tie, but mostly it is formal.

I have seen one particular attorney in worn jeans and short sleeves. He explained that he only puts on a suit for court and everything else is casual. I have to admit that I was unimpressed by that.

Brian J. Hughes, Massachusetts

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Always coat and tie. Maybe not a suit, but you should look like a professional, a lawyer, attending an important meeting where your lawyer skills are needed. It sends a signal to both your client (if present) and the deponent that this is a serious matter.

I always tell clients to dress as if they are attending an important meeting - for some that means coat and tie, but for many it means a nice "button" shirt with khakis.

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Definitely NOT tee-shirt and flip flops. Had opposing plaintiff show up for deposition once wearing tee-shirt that said "Bad to the Bone" on it. Actually led to some questioning that got under his skin, and led to some interesting info.

-- Steve Terrell, Indiana

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But I like my daisy dukes. Keeps the other side off balance the entire deposition.

Robert W. "Robby" Hughes, Jr. Georgia

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Suit.

Jeena R. Belil, New York

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Coat and tie just in case we need to go downtown to the courthouse for depo disputes.

But, I always take the coat off after the depo gets going.

Tom Crane, Texas

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Business casual. That term seems to have a wide meaning. To me it means khakis, a polo and if I feel a need to be dressy that day, a sport coat. I wear ties when I go to court or when I meet with bank clients. I have taken depositions in venues that have varied from trailers outside packing sheds to glass paneled firm conference rooms. I am there to get the information that I need to prepare the case.

Craig A. Stokes, Texas

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Depends on the impression I want to make, on how long the case has been going on, how well I know my client and the other actors in the play. Ranges from courtroom formal (skirted suit with nice shirt, and pumps) to business casual (slacks, coordinating blazer or sweater, and more casual shoes).

Nanci Bockelie, Utah

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Trial attire, unless it is via teleconference. Seems to be reassuring to client.

Toni Warder, Texas

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I dress like "The Gimp" from \*Pulp Fiction\* but I always add a conservative tie. This is a "learned profession" you know.

Trippe Fried, New York

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Psychological warfare in the deposition room, I like it.

- Mike Kaczynski

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I wear what my clients would expect a lawyer to wear - usually a suit and tie. Almost always ask OC if he minds if I remove my jacket.

I usually do not tell my clients what to wear unless they are bikers or gang members. If they ask, I tell them to wear a shirt with buttons.

Bruce Wingate, New York

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Top hat and tails.

And I never want to see Roger in a tube top.

James S. Tyre, California

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I wear a suit, every day. Opposing counsel are commonly less formal. If it is not a video deposition, casual wear is fairly common among some lawyers. There is a wide band of "I only wear a suit or tie if I am going to court" as a group.

Some use manner of dress as a matter of making a point, in one way or another. Dressing down to be overlooked if you believe the case is going to trial is one approach. I hear female attorneys in particular that equate colors or particular suits to posture on a case. If I could get a consensus or chart as to meanings, it would be helpful, but individualism is rampant in that approach.

Darrell G. Stewart, Texas

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But, do you require them to button the buttons?

Robert W. "Robby" Hughes, Jr.

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Bruce,

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Same here. And OC always looks shocked when they get that question from me.

Jeena R. Belil

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Suit and tie unless I know in advance everyone will be casual, then business casual.

Patrick W. Begos, Connecticut

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I dress like George S Patton, Jr. ivory handled handle revolvers.

John Davidson, Pennsylvania

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On the topic of colors, I often choose my necktie color to reflect how I want to be seen in a case.

Red conservative tie = serious business

Red less conservative tie = normal day at the courthouse or "I like red."

Blue tie = I work for the good guy or you should agree with me because I am being reasonable. Also, that I am just a nice guy.

Green tie (I only have one and it is partly blue) = Blue tie to the second power. I am a really nice guy and you should side with me because I would never represent someone who was wrong!

Brian J. Hughes, Massachusetts

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Where does a yellow tie fit into the scheme of things? I have several and am unsure of whether they send any discernible message.

Topny LaCroix, Missouri

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Yellow...I have a couple as well and would say that it portrays neutrality. "I am here to serve the law and truth, You Honor!"

Brian J. Hughes

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I wear whatever I think will most favorably influence the deponent's answers. Its ranged from jeans to full court attire, with pocket hankie and silk tie.

Larry Frost, Minnesota

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For me, it depends on whether I'm taking or defending. If I'm defending, then I'm in full armor - suit and tie. If I'm taking the deposition, then I dress business casual. Although, I have worn jeans on occasion.

It may surprise some of you who know me and my posts here, but my deposition persona is very "Columbo." I pretty much pretend to be the stupidest human being on the planet. I want the deponent to think he's smarter than I am. At some point in the process, I will say "Oh, I get it." And, then I run through a series of yes/no questions. Then, I spring any traps that I have set and call it a day.

I find that this approach works best when I am not wearing a \$3,000 suit and \$400 tie.

That said, one day I would love to show up to a deposition dressed as the Riddler. ;-)

Cheers,

David Allen Hiersekorn, California

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I sort of do this too but I am not sure that I am pretending.

Bert P. Krages, Oregon

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Wow, I am amazed the range of answers. I still like to think of myself as a fairly young attorney, but I would not imagine going to a deposition without a suit and tie on, with very few exceptions. I think once we took a dep at a construction job site that we were warned was fairly muddy. I work kahkis and causal shoes with a sport coat and tie.

I have on many occassions taken the jacket off if the room is too warm or I know we are in for a very long dep.

Michael L. Pisauero, Jr., New Jersey

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I wore what I wore to work that day, which was usually court appropriate because I was in court many days (jacket/sweater, blouse, dress pants). Though I would most likely not be in heels (since I only wear those when absolutely necessary). Most the attorneys I knew wore court clothes at depositions too, though the men usually removed their jackets

Erin M. Schmidt, Ohio

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I think that "the gimp" attire would make quite a statement.

Graham W. Kistler, New York

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I always skip the tie.

Susan Gibbs, California

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I have been a bar member since 1979.

I think it is important that all lawyers dress appropriately for court and depositions.

While suits, dresses and ties are uniforms, they are very important to project dignity and decorum.

I sound like I am trying to keep the barbarians away from the walls.

But what one wears is very important.

Just ask a police officer.

I am not trying to be funny, but are we willing to risk depositions turning into Jerry Springer shows?

Sincerely,

Richard P. Schmitt, Maryland

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Count me among the barbarians. Except for certain -- rare -- depositions where I think a suit and tie is necessary, I wear what I wear every day to work: Hawaiian shirt and chinos.

I'm not at the deposition to impress someone. I'm there to get information. I'm going to get that information whether they think I'm dignified or not. And often I will get better information because the deponent underestimates me.

An empty suit cannot project dignity or maintain decorum.

Andy Simpson, U.S. Virgin Islands

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Like I posted before, "Bring back the robes!" A powdered wig, too, it is meets your fancy.

Brian J. Hughes

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There's no need to impress anyone like a judge/jury, and clothes are definitely a way to send a message. So wear whatever you choose, depending on the image that you want to convey. You might choose a formal black suit if you want to seem educated and legally intimidating, or you might choose khakis and a polo if you think it will help get a rapport with the deponent to get detailed answer, or if it will lull the other side into complacency. I've done both.

Erik Hammarlund, Massachusetts

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I just did a round of depo defenses as a contract attorney for another solo. He's been at it 30 years and wore casual casual. Another contract atty wore business casual. I wore suits.

Clients are very blue collar or SSD / SSI. OC is one of Michigan's largest, oldest firms. At least two past state bar presidents from the past decade are partners; one fairly recent ABA president is a partner. Its attorneys wore mostly business casual, a few suits.

The varied attire on our side of the table didn't seem to affect our clients or OC at all.

Lisa Babcock, Michigan

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Best deposition attire story ever: Dates from about 1980.

Indiana plaintiff's lawyer, known for his self-deprecating ways and winning the biggest judgments in the state, had deposition in NYC at Skadden Arps. As he is walking to the conference room where deposition is to be taken, he takes his jacket off and slings it over his shoulder.

Ivy League associate looks at him in disgust, and says: "At Skadden Arps we wear our jackets at all times."

The Hoosier lawyer responded: "Well hell, son, I'm just a chicken farmer and don't do much of this fancy law stuff. Hell, your lucky I'm not wearin' my bib overalls and my boots with chicken shit all over them. So I guess I'll just keep my jacket off." --

He then proceeded into the Deposition where he laid waste to the SA client, leading to a multi-million dollar resolution of the case.

Stephen Terrell

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Good story.

Speaking of depositions and "suits," I've really enjoyed watching the USA series, "Suits." It's based on a flawed premise, but I can forgive that. But, boy do they mangle the nature and purpose of a deposition.

They basically have a small camcorder on a table and an attorney asking the most asinine questions - usually emotionally-charged questions with no evidentiary value at all.

That said, they are always well dressed. It is called "Suits" after all. ;-)

Cheers,

David Allen Hiersekorn

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That story highlights the dance of power which is played out through garb, and many lesser items in a deposition. Are you dressing for yourself and using your disregard of the proprieties of others to project your own power, or dressing defensively to keep others from thinking less of you, or perhaps dressing for some other tactical reason to have a targeted effect on someone else in the room?

Rebecca K. Wiess, Washington

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I think it is a good policy to always wear socks to a deposition.

Bert Krages

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Yeah - but Andy, you take all your depositions at the beach. Do they even SELL suits in V.I.?

-- Steve Terrell

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"Speaking of depositions and "suits," I've really enjoyed watching the USA series, "Suits." It's based on a flawed premise, but I can forgive that. But, boy do they mangle the nature and purpose of a deposition."

"Suits" is probably my favorite legal show since "Boston Legal" (Shatner and Spader—unbeatable.) BUT, "Suits" is absolutely, positively, without a doubt the most unrealistic legal show EVER created. EVER, David. EVER.

With that said, just try not to hum along:  
<http://www.youtube.com/watch?v=Slgj96aXgQk>

Kindly,  
Jimmy Mac  
James M. McMullan, Alabama

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Beyond Allie McBeal.....?

Thank you

Maurleen Cobb, Texas

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At least "Allie McBeal" had actual lawyers. "Suits" has a former pothead, brainiac with total recall and amazing powers of deduction. AND, Allie McBeal actually worked on cases. Other than a murder trial this summer, there has been nothing. It's mostly about the firm itself: a mock trial between two partners over custody of a cat. That said, the characters are interesting and I think that's what brings viewers back. The big shot atty, who doubles as the ultra-cool male sex symbol, has more moles/warts on his face than LEMMY!

If you are a netflixer, I would recommend streaming the first season or two and see what you think.

Kindly,  
Jimmy Mac

James M. McMullan

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Socks. Underwear. Choose 1.

Ryan Phillips

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COTE started an interesting thread that so far has avoid politics. Kudos to all of us. Depos are one thing, court is another.

Maybe the answer depends on three things. First, how you perceive your firm is positioned in the market. Cravath lawyers need to look like Cravath lawyers in depositions. I am not and never will be a Cravath like lawyer. Besides with a 17" neck, I hate wearing ties any more than I have to.

Second, your client's notions of what a lawyer should look like. I represent small to medium ag businesses and farmers. (Bank clients are an exception to my rule.) My clients have done transactions and been in disputes, they judge me by what I know of the industry and my results, not the suit that I am not going to wear to the depo. I believe the majority of opposing parties in my practice are not legal system virgins either.

But I can also understand that a client whose perception of the legal system comes from LA Law, the Practice or Suits may have different ideas on how their lawyers should dress. A divorce client or a criminal defendant encountering the legal system personally for the first time will probably be comforted by seeing a lawyer in uniform. Oh, and the Cravath lawyer clients have their notions as well.

A third factor might be age/ experience. When I was a puppy lawyer, there was no business casual, but even if there had been, I would have still appeared at depositions in uniform. I thought that I had to look the part, especially when up against more experienced lawyers. Fast forward and I don't care what OC thinks of my attire. I am there to either defend the witness or get information. In my area, only a few clients or opposing parties are going to be impressed or intimidated by the attire of depo counsel.

## SoloSez Popular Threads, September 2013

OTOH, court is different. I prefer formality, especially federal court formality. A good example is found in SDNY. I still remember my admissions ceremony with the admonition to "Draw nigh because the Court is now in session. God save the United States and this Honorable Court." Judges themselves are not special, their position and our system are special and that is underscored by formality in the courtroom. Lives and welfare are in the balance. The courtroom should reflect that fact. I dislike cattle call dockets, lawyers interrupting each other and the judge and the general lack of decorum found in some courts. Court should not be Judge Judy or Night Court, that might be entertainment for some, but it does not speak well for a system that claims to deliver due process. The suits and ties just go along with the special nature of the place.

Depos are just discovery tools.

Craig A. Stokes

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