

U.S. District Court Officially Adopts Established R.I. Deposition Standards

PS&H Partner Paul Kessimian, Chair of the firm's Litigation Practice Group, shared his thoughts with *RI Lawyers Weekly* on the recent adoption of deposition conduct standards by U.S. District Court Judge John J. McConnell Jr. In the case of *Soares v. Prospect CharterCARE SJHSRI, LLC, et al.*, Judge McConnell found that the rules of conduct, established 25 years ago in the Rhode Island Supreme Court case *Kelvey v. Coughlin*, were appropriate guidelines for conducting depositions in federal court.

Judge McConnell recently made this decision in a medical malpractice action after the plaintiff went to court complaining that objections made by defense counsel during the deposition were improperly suggestive.

Kelvey prohibits attorney conduct such as making gratuitous comments, cuing deponents, or directing them not to answer questions unless they call for privileged information.

Paul described what some called a "Wild West" landscape before the state Supreme Court formalized its rules on deposition conduct in 1993.

"Kelvey is considered the gold standard for how to conduct oneself at a deposition in Rhode Island," Paul said. "They were good rules to live by, but now we have a decision saying that its holding reflects the principles behind Federal Rule 30 ['Depositions by oral examination']."

Paul opined that practitioners have long considered *Kelvey* to be applicable in federal court, now confirmed by Judge McConnell's order in *Soares*.

[Click here](#) to read the full article. (subscription required)

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