Nicholas I. Myers
RAFII & ASSOCIATES

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The augmented advocate

AI HAS BECOME THE SILENT PARTNER IN PREPARING FOR AND CONDUCTING DEPOSITIONS

The moment before a witness raises their right hand has always been charged with a particular electricity – that convergence of preparation, strategy, and the unpredictable human element that makes litigation both maddening and captivating. For generations, attorneys have approached this moment armed with yellow legal pads, meticulously tabbed binders, and the accumulated wisdom of experience. Today, however, a silent partner has entered the deposition room: artificial-intelligence systems that are fundamentally transforming how attorneys prepare for and conduct one of litigation's most critical encounters.

From intuition to evidence-based questioning

For seasoned personal-injury attorneys who have honed their craft over decades, there's a familiar rhythm to deposition preparation – reviewing medical records chronologically, highlighting inconsistencies, and developing questioning sequences based on experience and intuition. This approach has served the profession well, but even the most experienced litigators occasionally miss critical connections buried within thousands of pages of records.

Consider the common scenario of a plaintiff with an extensive pre-accident medical history. Traditional preparation might involve days spent manually reviewing hundreds of medical encounters, creating handwritten timelines, and hoping that critical details don't slip through the cracks. The experienced attorney relies on instinct developed over years of practice to identify promising areas of questioning.

Yet even the most astute legal mind can be overwhelmed by the sheer volume of modern medical documentation. When a plaintiff has visited dozens of providers over many years, with each visit generating multiple pages of EMR notes, the traditional approach becomes increasingly unreliable. The most significant connections – a previous similar complaint documented years earlier, an inconsistent description of functional limitations, or a treatment gap that undermines causation – may remain hidden despite diligent effort.

The most powerful aspect of AI-assisted preparation isn't that it replaces the attorney's judgment, but that it amplifies the attorney's existing expertise. The technology systematically identifies the most promising avenues for questioning based on comprehensive analysis of the documentary record – allowing experienced attorneys to apply their hard-earned wisdom more effectively than ever before. For the attorney who has spent decades mastering the art of deposition, these tools don't diminish that expertise, but rather, remove the constraints that have always limited its application.

The cartography of knowledge

Consider the typical pre-deposition scenario: thousands of documents, hundreds of emails, dozens of potential questioning paths – and the nagging certainty that something crucial remains hidden. The traditional approach has been a brute-force slog through this documentary wilderness, guided by experience and intuition, but ultimately limited by human cognitive capacity.

This technological evolution addresses a primal anxiety familiar to every litigator: the fear that a crucial document exists somewhere in the production but remains undiscovered when the deposition begins. That distinctive dread – of knowing something important lies hidden within thousands of pages – has driven many sleepless nights in the profession. As AI tools increasingly map this documentary terrain with comprehensive precision, they provide not just efficiency, but a deeper confidence that the critical corners of the case have been illuminated.

What these systems offer isn't merely efficiency – though that alone would justify their adoption – but a fundamentally different relationship with case information and the universe of discovery. Artificial intelligence is less like a search engine and more like a cartographer, mapping the landscape of knowledge, highlighting both the known territories and, crucially, the unexplored regions where testimony might yield discoveries.

Finding the shadows between documents

Perhaps the most intellectually fascinating application of AI in deposition preparation is what litigators have come to call "shadow analysis" – the identification of knowledge gaps where a witness likely possesses information that isn't captured in the documentary record.

The documentary record in litigation reveals only what participants chose to memorialize – a curated version of reality that often deliberately excludes the most sensitive discussions. The hallway conversations, the verbal directives, the carefully unwritten decisions – these have traditionally remained in litigation's shadows, accessible only through testimony. Yet these undocumented exchanges frequently contain the essence of a dispute, particularly in areas like intellectual property where awareness of impropriety often leads to communicative caution.

AI systems approach this challenge through sophisticated relationship mapping – analyzing communication patterns, organizational structures, and temporal sequences to identify moments where a witness was likely involved in key decisions but where documentation is suspiciously thin. The result is less a smoking gun than a map of smoke patterns, pointing attorneys toward promising areas of inquiry.

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Consider what happens in sophisticated trade-secret litigation: AI analysis can identify a three-week period where emails between key engineers conspicuously avoid mentioning a central technical problem, despite references both before and after this timeframe. This communicative gap – once identified – becomes a critical target for deposition questioning, often revealing that verbal instructions were given specifically to avoid creating documentary evidence. Such testimony can become central to establishing the knowing misappropriation that tips the scales in trade secret disputes.

The temporal tapestry

Litigation has always been about storytelling, and effective deposition questioning requires placing a witness within a coherent narrative. AI-driven timeline visualization represents a quantum leap in understanding how individual actors fit within the broader case chronology.

These systems don't merely plot events along a linear progression; they create multi-dimensional temporal maps that reveal patterns invisible to manual review. Sudden bursts of activity, communication clusters around key events, or telling silences emerge in stark relief.

In pharmaceutical litigation, the storytelling challenges are particularly acute. A well-constructed timeline might track a drug's development across decades, from initial compound discovery through clinical trials to post-market surveillance. Within this vast chronology, the moments of key individual decisions can be obscured by the sheer volume of events. Yet AI-generated timelines can reveal subtle but significant patterns – such as when an executive's communication shifts from documented emails to undocumented telephone calls, precisely when safety concerns emerge. These behavioral changes, nearly impossible to detect through manual review of thousands of communications, become starkly apparent when visualized algorithmically.

When such communication shifts become the focus of deposition questioning, they frequently elicit revelations about deliberate attempts to minimize documentary evidence – showing consciousness of liability issues that can transform a case's trajectory. What makes this approach particularly powerful is that it doesn't rely on any single smoking-gun document, but rather on patterns that emerge from comprehensive analysis of communication behaviors over time.

Reconstructing injury narratives

In personal-injury litigation, AI-assisted deposition preparation offers unique capabilities for reconstructing complex causal sequences and identifying critical witness contradictions. The technology excels at creating comprehensive medical chronologies that integrate treatment records, provider notes, prescription histories, and prior injuries into coherent timelines – revealing potentially problematic gaps or inconsistencies in a plaintiff's medical narrative.

For defense counsel deposing an injured plaintiff, these systems can identify discrepancies between subjective symptom reporting across different medical providers or track the evolution of injury descriptions over time. When a plaintiff describes pain differently to different providers or when functional limitations fluctuate inexplicably across medical visits, AI analysis flags these variations as productive deposition targets. The resulting questioning often reveals either legitimate medical complexity that requires expert explanation or impeachment opportunities when symptom magnification has occurred.

Similarly, when deposing treating physicians, these tools can identify departures from standard treatment protocols, unusual prescription patterns, or discrepancies between objective findings and recommended interventions. By comparing a specific treatment approach against thousands of similar cases, AI systems can highlight medical anomalies that might otherwise escape notice, focusing deposition questions on the clinical reasoning behind these decisions.

Perhaps most valuably in catastrophic-injury cases, these systems can assemble comprehensive pre-injury functional baselines by integrating employment records, prior medical histories, pharmaceutical data, and social-media activities. This holistic picture allows more nuanced questioning about how specific life activities have been affected, moving beyond generic disability descriptions to precisely quantified functional changes that can dramatically influence damage calculations.

Anticipatory questioning

The most sophisticated AI applications now attempt something previously left entirely to attorney judgment: predicting how witnesses will respond to specific lines of questioning.

By analyzing prior testimony, witness statements, and documentary evidence, these systems identify linguistic patterns, detect topics that trigger defensive responses, and suggest areas where witnesses may be vulnerable to impeachment.

The most sophisticated applications of AI in deposition preparation engage with language itself – not merely identifying relevant documents, but analyzing how people communicate and what their linguistic patterns reveal about underlying thought processes. This represents not a replacement of attorney judgment, but its augmentation, with insights drawn from patterns too subtle for even experienced lawyers to consistently detect through traditional review.

Employment litigation offers an illuminating example. When AI systems analyze thousands of communications from a manager under scrutiny, they can identify subtle linguistic shifts in how

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different employees are described. A manager might consistently use action-oriented verbs when discussing male employees ("achieved," "executed," "delivered") while employing relationship-oriented verbs for women ("supported," "maintained," "assisted"). This gendered language pattern, distributed across years of communications, typically escapes human detection because no single document appears problematic in isolation.

When deposition questions are structured to elicit similar linguistic patterns in live testimony, the results can be revelatory. A witness who consistently describes female employees in terms of interpersonal skills rather than achievements may ultimately reveal unconscious biases driving promotion decisions – biases they cannot credibly deny on later reflection because the testimony aligns with years of documented communication patterns. The deposition thus becomes not merely a fact-finding exercise but a psychological revelation, exposing the cognitive frameworks that shaped decisions at issue in the litigation.

Behavioral analysis in injury claims

In personal-injury practice, AI-driven language analysis provides equally valuable insights, particularly when deposing plaintiffs about subjective experiences like pain, emotional distress, or functional limitations. These systems can analyze a plaintiff's various statements about their condition – across medical records, insurance claims, plaintiff fact sheets, interrogatory responses, and social media – to identify narrative inconsistencies that merit exploration.

The technology is particularly adept at detecting language patterns associated with potential malingering or symptom exaggeration. Research has established that truthful injury descriptions typically include specific sensory details, acknowledgment of symptom fluctuation, and appropriate qualifiers, while deceptive accounts often feature vague generalizations, absolute language, and resistance to specificity. When AI analysis flags these linguistic markers, it creates a roadmap for effective deposition questioning that can reveal either legitimate explanation or damaging credibility issues.

For plaintiffs' counsel, these same tools provide invaluable preparation assistance before client depositions. By analyzing defense patterns in similar cases, AI systems can identify common traps set for injury plaintiffs – questions designed to elicit inconsistent testimony about symptom onset, activity limitations, or prior medical conditions. This foreknowledge allows for more effective witness preparation, ensuring clients can provide accurate testimony without falling into well-laid defense traps that might damage otherwise legitimate claims.

Accelerating professional development

For newer attorneys, AI-assisted deposition preparation offers something perhaps even more valuable: an accelerated path to mastery. The traditional development of deposition skills has always followed an apprenticeship model – junior attorneys observe senior colleagues, gradually take on simpler depositions, and slowly build expertise through experience accumulated over many years. This process, while effective, is inevitably slow and constrains firms in how quickly they can develop their talent pipeline.

AI systems fundamentally transform this learning curve by providing newer attorneys with structured guidance that once required years of experience to develop. A junior attorney preparing for their first complex expert deposition can access algorithmically-derived questioning patterns based on hundreds of similar depositions. They can review likely evasion strategies specific to that expert type and prepare targeted follow-up sequences. They can identify the most productive document sequencing based on successful approaches in analogous cases.

This capability democratizes expertise that was previously concentrated among senior partners with decades of experience. A third-year associate preparing with AI assistance may achieve deposition outcomes that previously required 15 years of practice to attain consistently. This accelerated development benefits not only the younger attorneys themselves but also their clients, who receive higher-quality representation earlier in the attorney's career.

Importantly, this technological support doesn't eliminate the need for mentorship and oversight. Rather, it shifts the focus of partner guidance away from basic preparation mechanics toward higher-order strategic considerations. The senior attorney can concentrate on case-specific themes, witness psychology, and narrative development rather than ensuring comprehensive document review. The result is a more efficient mentorship model that adds value where human judgment remains irreplaceable while leveraging technology for tasks where machines excel.

For law firms, this paradigm offers a compelling solution to a persistent business challenge: the development gap between seasoned partners approaching retirement and less experienced attorneys who will eventually replace them. By capturing and systematizing aspects of deposition expertise through AI applications, firms can preserve institutional knowledge and accelerate the professional growth of younger attorneys – ensuring continuity of quality representation as generational transitions occur.

Learning from collective experience

Perhaps most profoundly, AI systems are beginning to function as repositories of institutional knowledge about deposition practice itself. By analyzing thousands of transcripts across similar cases, they identify questioning techniques that effectively penetrate witness defenses, recognize common evasion strategies, and suggest

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approaches tailored to specific witness types.

For newer attorneys in particular, these systems function as a form of distributed mentorship – capturing the collective wisdom of countless prior depositions and making it available at the moment of preparation. Where a junior lawyer might once have been limited to the guidance of a single senior attorney or a small set of transcripts from similar cases, they now have algorithmic access to patterns extracted from thousands of analogous situations. This represents a democratization of expertise, allowing less-experienced attorneys to anticipate witness strategies that might otherwise become apparent only after years of practice.

In corporate depositions, for instance, these systems frequently identify executive deflection patterns – the tendency to redirect responsibility toward committee decisions or to characterize personal judgments as merely implementing group consensus. Armed with this insight, attorneys can prepare cascading follow-up questions about the witness's specific role within those committees, their influence over agenda-setting, or their history of committee disagreements. Such preparation often yields critical admissions about de facto authority that cut through formal organizational charts to reveal actual decision-making power.

The human element remains central

While AI assistance has transformed deposition preparation, experienced litigators emphasize that technology remains a complement to, not a replacement for, attorney judgment. The systems excel at pattern recognition and comprehensive analysis but lack the intuitive understanding of human psychology that often proves decisive in the deposition room.

While algorithmic preparation yields unprecedented insights, the moment of deposition itself remains an essentially human encounter. The technology can identify promising avenues of questioning, but it cannot detect the slight tension in a witness's posture that signals discomfort with a particular topic. It can suggest follow-up questions but cannot perceive the microscopic pause that indicates internal conflict about how to answer.

It cannot adjust questioning tone to build necessary rapport or apply strategic pressure. This interplay of verbal content with non-verbal cues – the psychological chess match at the heart of effective depositions – remains beyond current technological capabilities. The art of deposition, in this critical sense, remains fundamentally human.

This partnership between artificial and human intelligence represents not a diminishment of the lawyer's role but its evolution. By delegating the mechanical aspects of preparation – document review, chronology construction, pattern identification – attorneys can focus their cognitive resources on strategy, psychology, and the narrative craft that transforms information into persuasion.

The future of testimony

As these technologies continue to advance, we glimpse the outlines of further transformation. Some firms are experimenting with real-time deposition assistance – AI systems that analyze testimony as it unfolds, identifying contradictions with documentary evidence, suggesting follow-up questions, and flagging evasive responses.

Others are developing witness-preparation tools that help attorneys prepare their own clients more effectively by identifying potential vulnerabilities in their documentary record and practicing responses to likely lines of questioning.

The evolution of deposition technology offers a lens through which to view the broader transformation of legal practice. A generation ago, searchable transcripts represented the cutting edge of litigation support. Today's capabilities – analyzing thousands of transcripts to extract effective questioning patterns, predicting witness responses, mapping knowledge gaps – would have seemed like science fiction to attorneys of that era. Yet the fundamental skills of deposition practice remain largely unchanged: the ability to listen actively, to construct logical questioning sequences, to recognize evasion, to maintain strategic focus amid adversarial pressure. What has changed is not the nature of these skills, but their amplification through technological partnership.

For attorneys navigating the increasingly complex documentary landscapes of modern litigation, this amplification represents not merely a competitive advantage, but perhaps, a professional necessity. As cases grow more document- intensive and witnesses more carefully prepared, the ability to identify key information, recognize meaningful patterns, and pursue productive lines of questioning becomes increasingly dependent on technological assistance.

The witness will still raise their right hand. The court reporter will still capture each word. The chess match of question and answer will still unfold according to rules established generations ago. But behind the apparent continuity of this ritual, a profound transformation is underway – one that may ultimately redefine our understanding of what it means to be thoroughly prepared for the critical moment when the deposition begins.

The economics of thorough preparation

For personal-injury practitioners operating in contingency-fee environments, the economics of case preparation have always imposed practical constraints. The significant time investment required for comprehensive deposition preparation has traditionally meant that only the highest-value cases received exhaustive analysis. AI tools are fundamentally altering this calculus by dramatically reducing the time required to achieve superior preparation.

When an AI system can analyze a complete medical history overnight – identifying treatment gaps, medication

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inconsistencies, pre-existing conditions, and activity documentation – it democratizes thorough preparation across cases of varying values. This efficiency permits smaller firms to compete effectively against defense firms with greater manpower, as the technology functions as a preparation equalizer that reduces the advantage historically held by better-resourced opponents.

Similarly, for insurance-defense counsel operating under billable-hour constraints and litigation guidelines, these tools provide a pathway to comprehensive preparation within strict budget limitations. The ability to rapidly identify the most promising lines of questioning means defense attorneys can focus their limited preparation time on the highest-value deposition targets rather than engaging in exhaustive but potentially unproductive review.

As these technologies continue to evolve and become more accessible, they promise to elevate the quality of deposition practice across the personal injury bar – allowing attorneys on both sides to more effectively uncover the factual foundations that drive accurate case valuations and just outcomes. The result, ideally, will be litigation where case resolutions more precisely reflect actual liability and damages rather than resource disparities between opposing counsel.

Nicholas I. Myers, Esq. is an associate attorney at Rafii & Associates *in Beverly Hills, where he focuses on complex cases involving wrongful death, catastrophic injury, product liability, toxic torts, corporate disputes, premises liability, and general negligence. Mr. Myers earned his Juris Doctor from Loyola Law School and holds a bachelor's degree from UC Davis.*