

Preparing for a Discovery Deposition: What Every Colorado Chiropractor Should Know

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Imagine this. You're sitting in your office, checking your mail, and you see a letter with lawyer letterhead. A subpoena to testify at a discovery deposition. Now you have to deal with this interruption to your practice.

Even experienced providers may wonder what to expect, what questions will be asked, or whether they need to prepare differently than they would for a patient visit.

The good news is that most discovery depositions are straightforward. If you maintained thorough records, stayed within your scope of practice, and provided appropriate treatment, your deposition is simply an opportunity to explain the care you provided and the opinions you formed during treatment.

Understanding the purpose of a discovery deposition—and preparing appropriately—can make the experience much less stressful.

What Is a Discovery Deposition?

A discovery deposition is sworn testimony taken before trial. Unlike testimony in a courtroom, it usually takes place in a conference room or by videoconference with a court reporter present. Everything you say is recorded under oath and may later be used during settlement negotiations or, in certain circumstances, at trial.

Under Colorado Rule of Civil Procedure 30, any party may depose a witness with proper notice, and most fact witness depositions are limited to one day of seven hours or less under the applicable Colorado discovery limits unless the court orders otherwise or the parties agree differently. The deposition is designed to allow attorneys to gather information, evaluate witnesses, and preserve testimony before trial.

Why Are Chiropractors Deposed?

In most personal injury cases, chiropractors are among the most important witnesses because they often:

- Saw the patient shortly after the collision;
- Documented the patient's complaints and objective findings;
- Monitored the patient's recovery over weeks or months; and
- Can explain why treatment was reasonable and necessary.

Unlike retained expert witnesses hired solely for litigation, treating chiropractors are generally testifying about opinions they formed while caring for the patient. Those contemporaneous opinions are often viewed as highly credible.

What Will the Defense Attorney Ask?

Every case is different, but most discovery depositions cover similar topics.

Expect questions regarding:

- Your education, training, and licensure;
- Your experience treating motor vehicle collision patients;
- Your examination findings;
- The patient's history and reported mechanism of injury;
- Your diagnosis;
- The treatment provided;
- Whether treatment was reasonable and necessary;
- Whether the injuries were consistent with the reported collision;
- The patient's progress over time; and
- Whether future treatment was anticipated.

The attorney will also carefully review your medical records. Any inconsistencies, omissions, or ambiguous language will likely be discussed.

The Medical Record Is Your Best Preparation

The single best way to prepare for a deposition is to carefully review your chart before testifying.

Pay particular attention to:

- Your initial evaluation;

- Objective examination findings;
- Imaging reports (if applicable);
- Re-examinations;
- Progress notes;
- Discharge recommendations; and
- Any narrative reports you prepared.

Most attorneys are not expecting you to remember every detail of treatment that occurred two or three years ago. They expect you to rely on your records, and there is nothing improper about reviewing them before your deposition.

Answer Only the Question Asked

One of the most common mistakes witnesses make is volunteering unnecessary information.

Instead:

- Listen carefully.
- Make sure you understand the question.
- Answer honestly.
- Keep your answers concise.
- If you do not know or cannot remember something, say so.

There is no prize for having an answer to every question. Speculation creates opportunities for unnecessary cross-examination.

Stay Within Your Expertise

Chiropractors should testify confidently about matters within their education and clinical experience.

For example, you may appropriately testify regarding:

- Chiropractic diagnosis;
- Objective findings;
- Treatment provided;
- Patient improvement;
- Functional limitations;
- Whether treatment was reasonable and necessary.

Avoid offering opinions outside your expertise unless specifically qualified to do so. For example, avoid speculating about accident reconstruction, engineering issues, or medical specialties outside your training.

Remember: Professionalism Matters

Defense attorneys are not only evaluating your opinions—they are evaluating you.

Remain courteous, patient, and professional throughout the deposition.

A calm, thoughtful witness is generally viewed as far more credible than someone who becomes defensive or argumentative.

If a question is unclear, ask for clarification.

If opposing counsel misstates your testimony or your records, politely correct the misunderstanding.

Why Preparation Benefits Chiropractors

Preparing for a deposition does more than improve your testimony.

It also:

- Demonstrates professionalism;
- Reinforces the credibility of your treatment recommendations;
- Strengthens relationships with referring attorneys;
- Improves the value of your patients' cases; and
- Makes future depositions significantly less stressful.

Well-prepared treating providers are often among the strongest witnesses in a personal injury case.

Final Thoughts

Discovery depositions are a routine part of litigation—not a personal attack on your treatment or your profession.

The best preparation is simple: maintain thorough records, stay within your area of expertise, and take time to review your chart before testifying.

At our firm, we routinely prepare treating providers before their depositions so they understand the process, know what to expect, and can focus on what matters most: explaining the care they provided honestly and professionally.

A well-prepared chiropractor is one of the most persuasive witnesses a jury—or an insurance company—can hear.

For questions or referrals, visit: www.blackandblinklaw.com or call 719-328-1616.

Authorities and References

- [Colorado Rule of Civil Procedure 30](#) (Depositions Upon Oral Examination) – governing oral discovery depositions, notice requirements, and procedures.
- [Colorado Rule of Civil Procedure 32](#) – governing the use of deposition testimony in court proceedings.
- [Colorado Rule of Evidence 702](#) – testimony by qualified expert witnesses.
- [Colorado Rule of Evidence 703](#) – bases of expert opinion testimony.
- [Colorado Rule of Evidence 803\(6\)](#) – business records exception to the hearsay rule (medical records).
- [People v. Shreck, 22 P.3d 68](#) (Colo. 2001) – Colorado's leading case on the admissibility and reliability of expert testimony.
- [People v. Ramirez, 155 P.3d 371](#) (Colo. 2007) – discussing expert testimony under CRE 702.
- [Colorado Chiropractic Practice Act, C.R.S. §§ 12-215-101](#) et seq., governing the licensure and scope of practice of chiropractors.

This article is for informational purposes only and does not constitute legal advice. Providers should consult qualified Colorado counsel regarding specific lien issues