

Isn't it Refreshing?

Triggering Event: witness says "I don't remember."

Example: At trial and in response to your direct examination question

Q: What time did you arrive at class?

A: *I don't remember*

STEP 1: Find the Prior Statement that Helps Memory

Deposition	Statement
<ol style="list-style-type: none"> 1. Did you give a deposition on [date]? 2. Would looking at your deposition help you remember? 	<ol style="list-style-type: none"> 1. Did you provide a statement on [date]? 2. Would looking at that statement help you remember?

STEP 2: Review Statement to Yourself

Deposition	Statement
<ol style="list-style-type: none"> 3. Referring Court and counsel to page [#], line(s) [#] of [Mr./Ms/ Witness'] deposition. 4. Your honor, may I approach the witness? (Yes) <small>* bring the witness the statement and return to your questioning spot without speaking</small> 5. [Mr./Ms. Witness], please review the deposition to yourself, specifically page [#], line(s) [#] and turn the document over when finished. 	<ol style="list-style-type: none"> 3. Referring Court and counsel to page [#], paragraph [#] of [Mr./Ms/ Witness'] statement. 4. Your honor, may I approach the witness? (yes) <small>* bring the witness the statement and return to your questioning spot without speaking</small> 5. [Mr./Ms. Witness], please review the statement to yourself, specifically page [#], paragraph [#] and turn the document over when finished.

STEP 3: Establish That Document Refresh Witness' Memory & Ask Original Question

Deposition	Statement
<ol style="list-style-type: none"> 6. Did reviewing help your memory? 7. What time did you arrive at class? (I arrived just before 1pm) 	<ol style="list-style-type: none"> 6. Did reviewing help your memory? 7. What time did you arrive at class? (I arrived just before 1pm)