Preparing for a Truck Driver Deposition

November 4, 2021

When an accident occurs and a lawsuit is filed, each side in the case has the opportunity to collect evidence from the opposing party; this process is known as discovery. During discovery, attorneys often conduct depositions of witnesses in order to gather information that will support their cases. If a trucking company has a truck driver who is involved in an accident, both the driver and a company representative can be deposed, and the deposition can have a dramatic effect on the case.

According to an article from American Trial Lawyer: “The deposition of the professional truck driver in a truck crash is one of the most vitally important phases of the entire litigation. The outcome of this deposition is often the single most important aspect of the plaintiff's prosecution of any interstate trucking case.” A Texas attorney, Mike Bassett, has described the potential effect of a deposition by plaintiffs' attorneys by stating, “The deposition is where they can do the most damage.”

Under the Federal Rules of Civil Procedure, there is a mechanism for plaintiffs to depose trucking companies in cases involving their employees. Under Rule 30(b)(6), plaintiffs are allowed to depose companies, government bodies, and other similar organizations. These bodies are required to designate at least one person to represent them at the deposition and provide testimony. As such, it is important for trucking companies to realize that they may be subject to a deposition. That is, the discovery process is not limited solely to the driver.

During a deposition, questions that may seem innocent and harmless may actually be significant in the dispute. For example, plaintiffs' attorneys may try to get the driver to indicate that he or she was driving while tired. Drivers will likely not admit this information in a clear way, but a skillful attorney can craft questions that get the same information in a different manner. The attorney could ask about a driver's schedule, breaks, medications, drinking and eating habits, and consumption of any energy drinks or coffee. If drivers are unprepared and unaware of where this questioning may lead, they may inadvertently provide information that is detrimental to their cases.

In another example, plaintiffs' attorneys may ask drivers or company representatives about training manuals, federal handbooks, and safety statutes. These questions may seem innocent on the surface, but plaintiffs' attorney may be trying to attack the company's safety protocols and training procedures. Companies likely will not admit that their training and safety rules were inadequate, but pieces of information can be used to construct that narrative.

The implications of depositions and the aforementioned examples of potential questions from plaintiffs' attorneys emphasize the importance of being well-prepared for a deposition. Defense attorneys are aware of the strategies of plaintiffs' attorneys and can provide advice on handling such questions. If trucking companies and/or truck drivers want to decrease the likelihood of being held liable for an accident, they must be prepared to handle difficult deposition questions.

Attorney Advertising. This material is for general informational purposes only and does not represent our advice as to any particular set of facts; nor does it represent any undertaking to keep recipients advised of all legal developments. Prior results do not guarantee a similar outcome. © 2026 MG+M The Law Firm