

## 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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