



Ian Hardy

CEO Optima Juris, Global Deposition Expert

What You Need to Know About Deposing a Witness in Frankfurt, Germany

If you want to organize a deposition in Germany you are in for a little bit of a surprise. Germany has a special case for conducting depositions: officially, all depositions you take in Germany must happen at the United States Consulate in Frankfurt.

Below, please find the latest official info on taking depositions in Germany, taken from the U.S. Department of State website <http://travel.state.gov/content/travel/english/legal-considerations/judicial/country/germany.html>:

Voluntary depositions may be conducted in Germany before a U.S. consular officer only at the U.S. Consulate General in Frankfurt. Bilateral agreements between Germany and the United States require that the German Ministry of Justice pre-approve all requests for depositions. Depositions taken without the prior approval of the German Ministry of Justice and/or without the involvement of the United States

Mission to Germany are unauthorized and may lead to criminal penalties against the participants. In addition, the German Ministry of Justice requires that all depositions take place on U.S. Consulate grounds and that the oaths be administered by a U.S. Consul. See specific guidance prepared by the U.S. Consulate General in Frankfurt regarding German requirements for the taking of depositions. When permission is granted by the German Ministry of Justice, voluntary depositions may be taken at the U.S. Consulate General in Frankfurt either on notice or pursuant to a commission. Details on the procedures may be found on the U.S. Mission to Germany's website.

What is the bottom line? If you want to do your depo in Germany to be done by the book, you'll need to start planning a few months ahead of time. The consulate in Frankfurt needs at least six weeks of advance notice and you'll need to reserve their conference room according to availability. It's not cheap – you're looking at over USD \$1,000 per day + additional fees just for the conference room and consular services.

For exact details on scheduling a room at the United States Consulate in Frankfurt, please refer to their page on the subject: <http://germany.usembassy.gov/acs/judicial-assistance/>

Want to get around this? You could either opt to do the deposition “unofficially” (which we do not recommend, although we've seen this happen from time to time) at a private hotel conference room or office in Germany; or – and this is an option we heartily recommend – find out if your witness can travel to a nearby European country where deposition-taking is not restricted, such as Belgium, the Netherlands, Poland, Italy, etc. Remember, many people in Germany live close to the borders, and with high-speed train travel in Europe it's pretty easy to go from country to country. The travel costs for your witness to go to an outside country might end up being cheaper, or at least equivalent, to the fees you would have to pay the U.S. Consulate.

What's more, if you're under time pressure and don't have six weeks ahead of time to plan, moving your deposition outside of Germany is a good way to expedite matters.

If you have an upcoming deposition in Germany, we recommend that you [contact us](#) directly and we can advise you based on your particular situation. Please also feel free to visit our informational quote request page for Germany. At my company, Optima Juris, we cover Germany all the time, and would be more than happy to find the best solution for your specific requirements.

Want to Find Out More?

Follow us for more news and tips on international depositions:

Blog - <http://www.optimajuris.com/blog/>

Facebook - <https://www.facebook.com/OptimaJuris>

Twitter - <https://twitter.com/optimajuris>

Linkedin – <http://www.linkedin.com/in/ihardydirector>

Google+ - <https://plus.google.com/+Optimajuris/>

