



Planet Depos
We Make It Happen™

CONFIDENTIAL

**Transcript of David R. Spiegel,
M.D.**

Date: March 14, 2022
Case: Depp, II -v- Heard

Planet Depos
Phone: 888.433.3767
Email: transcripts@planetdepos.com
www.planetdepos.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

V I R G I N I A

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

-----x

JOHN C. DEPP, II, :

Plaintiff and Counterclaim :

Defendant, : Civil Action No.

v. : CL-2019-0002911

AMBER LAURA HEARD, :

Defendant and :

Counterclaim Plaintiff.:

----- X

CONFIDENTIAL

Videotaped Deposition of DAVID R. SPIEGEL, M.D.

Conducted Virtually

Monday, March 14, 2022

11:37 am EST

Job No.: 439252

Pages: 1 - 309

Reported By: Debra Ann Whitehead

1 Deposition of DAVID R. SPIEGEL, M.D.,
2 conducted virtually.

3

4

5

6

7

8 Pursuant to notice, before Debra Ann Whitehead,
9 Notary Public in and for the Commonwealth of
10 Virginia.

11

12

13

14

15

16

17

18

19

20

21

22

1 A P P E A R A N C E S

2 ON BEHALF OF PLAINTIFF AND

3 COUNTERCLAIM DEFENDANT:

4 STEPHANIE CALNAN, ESQUIRE

5 CAMILLE M. VASQUEZ, ESQUIRE

6 SAMUEL A. MONIZ, ESQUIRE

7 BROWN RUDNICK, LLP

8 One Financial Center

9 Boston, Massachusetts 02111

10 (617) 856-8200

11

12 ON BEHALF OF DEFENDANT AND

13 COUNTERCLAIM PLAINTIFF:

14 ELAINE CHARLSON BREDEHOFT, ESQUIRE

15 CHARLSON BREDEHOFT COHEN & BROWN, P.C.

16 11260 Roger Bacon Drive

17 Suite 201

18 Reston, Virginia 20190

19 (703) 318-6800

20

21

22

CONFIDENTIAL
Transcript of David R. Spiegel, M.D.
Conducted on March 14, 2022

53

1	Dr. Spiegel -- and please, Dr. Spiegel,	12:20:43
2	if you ever want to have control of the document,	12:20:46
3	the technician can give that to you. So just let	12:20:48
4	us know.	12:20:51
5	Dr. Spiegel, turning your attention to	12:20:52
6	Page 77 of Exhibit 1. Again, this is Ms. Heard's	12:20:54
7	third supplemental disclosure of expert witnesses.	12:20:57
8	The last sentence of the first paragraph. Yes.	12:20:59
9	Thank you.	12:21:05
10	It reads, Dr. Spiegel is expected to	12:21:05
11	testify that approximately 85 percent of the	12:21:08
12	individuals in rehab programs have a history of	12:21:10
13	IPV.	12:21:13
14	Did I read that correctly?	12:21:13
15	A Yes, you did.	12:21:15
16	Q What do you mean here by "a history of	12:21:16
17	IPV"?	12:21:18
18	A Meaning that they have been -- they have	12:21:20
19	participated in some form of intimate partner	12:21:22
20	violence, whether as the perpetrator or the	12:21:28
21	victim.	12:21:31
22	Q Okay. So this 85 percent represents both	12:21:31

1 perpetrators and victims of IPV? 12:21:35

2 A Yeah. I mean, most -- it's mostly -- 12:21:39

3 mostly perpetrators; but there are some victims, 12:21:40

4 too. 12:21:44

5 Q Okay. And in the next sentence it reads, 12:21:44

6 Dr. Spiegel is expected to testify that based on 12:21:50

7 his review of Mr. Depp during the video deposition 12:21:54

8 taken of Mr. Depp on November 10, 11, and 12, 12:21:59

9 2020, and December 14, 2021, Dr. Spiegel was able 12:22:03

10 to review and assess Mr. Depp's appearance, 12:22:07

11 behavior and thought process, thought content -- 12:22:12

12 thought content, excuse me, cognitive symptoms, 12:22:16

13 insight, and judgment. 12:22:17

14 Have I read that correctly? 12:22:19

15 A Yes, you did. 12:22:21

16 Q Okay. And then the next sentence reads, 12:22:21

17 Dr. Spiegel is expected to testify that Mr. Depp 12:22:30

18 demonstrated impaired attention, difficulty with 12:22:34

19 word-finding retrieval, demonstrated impaired 12:22:38

20 cognitive memory and processing speed, 12:22:41

21 difficult -- difficulty in his ability to focus on 12:22:46

22 the topic at hand, disorganized thoughts, 12:22:47

1 difficulty recalling details of events, and 12:22:51
2 difficulty with impulse control, and demonstrated 12:22:54
3 erratic behavior. 12:22:58
4 Have I read that correctly? 12:22:58
5 A Yes, ma'am. 12:23:01
6 Q Okay. So let's break this down. 12:23:01
7 What are specific examples of Mr. Depp 12:23:04
8 demonstrating impaired attention? 12:23:06
9 A Inability to stay focused long enough on 12:23:09
10 the questions being asked of him. Inability for 12:23:14
11 him to sustain a logical and goal-directed thought 12:23:17
12 process. So that's what impaired attention means. 12:23:22
13 Have to be focused -- have to be focused -- 12:23:27
14 refocused back on the topic, have to be refocused 12:23:31
15 on the question, that's impaired attention. 12:23:34
16 Q Thank you. 12:23:35
17 MS. CALNAN: And I'm sorry, we can take 12:23:36
18 this exhibit down, so you can ... 12:23:38
19 Q Okay. Thank you, Dr. Spiegel. 12:23:43
20 Do you have specific examples in the 12:23:44
21 record evidence of Mr. Depp demonstrating impaired 12:23:46
22 attention? 12:23:49

CONFIDENTIAL

Transcript of David R. Spiegel, M.D.

Conducted on March 14, 2022

56

1 MS. BREDEHOFT: Objection to the form of 12:23:50
2 the question. 12:23:50
3 A (The video deposition -- again, the video) 12:23:54
4 (deposition. I don't have a written record of it.) 12:23:56
5 (But reviewing the video deposition I think gave a) 12:23:59
6 (lot of the really good examples of that.) 12:24:02
7 (And all I can tell you is, in terms -- I) 12:24:05
8 (can't quote -- it's been a long time since I saw) 12:24:07
9 (the deposition, although I remember it very well,) 12:24:10
10 (that he -- Mr. Depp unfortunately was really --) 12:24:12
11 (had a lot of problems communicating direct ideas) 12:24:15
12 (and direct thoughts. He really was relatively) 12:24:19
13 (disorganized in terms of trying to convey things) 12:24:24
14 (in terms of what he wanted to say.) 12:24:27
15 (And really what I'm comparing that to is) 12:24:30
16 (the gentleman that I -- I have to admit, I've seen) 12:24:32
17 (all -- not all his movies. I've seen a lot of the) 12:24:37
18 (pirate movies. And so I've seen him communicate) 12:24:40
19 (thoughts. I've seen him communicate words.) 12:24:43
20 (And the gentleman I saw in the) 12:24:45
21 (deposition, the video, was not that person that I) 12:24:47
22 (saw. Knowing that he obviously could do this at) 12:24:51

1 **one time, that wasn't the same person. That** 12:24:54
2 **wasn't the same cognitive set that I saw.** 12:24:57
3 Q **Dr. Spiegel, don't you think there's a** 12:25:00
4 **big difference between a deposition and starring** 12:25:04
5 **in a film?** 12:25:05
6 A **I've never starred in a film, so what** 12:25:09
7 **you're asking me is a theoretical question.** 12:25:12
8 **But what I would say is that, if I'm** 12:25:15
9 **going to be able to convey thoughts, I should be** 12:25:17
10 **able to convey them in a relatively succinct** 12:25:21
11 **manner. And I'm not saying he has to be on script** 12:25:24
12 **for this.** What I'm saying is, you should be able 12:25:27
13 to convey a point without bringing in a lot of -- 12:25:30
14 oh, are you there? 12:25:35
15 Q What? We're still here. 12:25:36
16 A Hold on. My computer just did something 12:25:39
17 weird. Hold on one second. Don't go anywhere. 12:25:41
18 Q We've -- 12:25:43
19 A All right. 12:25:43
20 Q Your video is still on. We still see 12:25:44
21 you. 12:25:46
22 A Oh, I couldn't see you, that was the 12:25:47

<p style="text-align: right;">181</p> <p>1 reviewed it, whether he had an opportunity to edit 2 and to -- and that, I would let him answer those. 3 But I think the questions you're asking would be 4 objectionable. 5 So I am going to instruct you not to 6 answer that question. 7 MS. CALNAN: So just to clarify for the 8 record. My question is, Dr. Spiegel, are these 9 words in your designation. And, Elaine, you're 10 instructing him not to answer? 11 MS. BREDEHOFT: Correct, for the reasons 12 I just stated. And I told you what I would allow 13 you to ask him, which would get you where you need 14 to go. 15 MS. CALNAN: Elaine, thank you. Thank 16 you. 17 Q Okay. So turning to right above Roman 18 numeral 3. The words here are, written by 19 someone, Dr. Spiegel is expected to testify that 20 in his review of the record materials and in 21 speaking with Ms. Heard, Mr. Depp exhibited all 22 these warning signs in his relationship with Ms.</p>	<p style="text-align: right;">183</p> <p>1 because that's part and parcel of the illness, I 2 should put that out there, too, which I didn't 3 state. 4 Q All right. Do you want to amend your 5 opinion? 6 A No. That just gives more credence to the 7 same thing I'm saying. 8 Q Okay. So my question is, for this 9 statement that I just read, your -- your opinion 10 is that Mr. Depp has committed IPV, and that's 11 also where there is record evidence in 12 contradiction of that. 13 Is that correct? 14 A To the degree of medical certainty 15 greater than 50 percent, the answer is yes. 16 Q Okay. And you testified earlier that -- 17 I know there is a difference between warning signs 18 and risk factors, but that you can have all the 19 risk factors and not actually commit IPV. 20 Is that correct? 21 A Correct. 22 MS. BREDEHOFT: Objection. Asked and</p>
<p style="text-align: right;">182</p> <p>1 Heard. 2 Did I read that correctly? 3 A Yes. 4 Q And are these warning signs of IPV? 5 A Yes. 6 Q And is it your opinion that Mr. Depp 7 actually committed IPV? 8 A Yes. 9 Q Based on your review of the records? 10 A Based on my review of the records. The 11 other thing which again -- which -- not only my 12 review of the records and the depositions and 13 everything else that I saw. 14 As a general rule in psychiatry, 15 unfortunately people who are -- use substances to 16 the extent that Mr. Depp does will tend to 17 fabricate, misrepresent history. So that was 18 another thing I did put in there; that that is 19 something that when you deal with a patient who 20 has substance abuse disorder, that's part and 21 parcel of treatment. 22 While you don't make a big deal of that,</p>	<p style="text-align: right;">184</p> <p>1 answered at least two times, now a third. 2 Go ahead. 3 A Correct. 4 Q But it's your opinion that Mr. Depp has 5 committed IPV, to a degree of medical certainty? 6 A Correct. 7 Q Okay. Dr. Spiegel, your opinion also 8 included a rebuttal of Dr. Shaw. 9 Is that correct? 10 A Correct. 11 Q And Dr. Shaw is Mr. Depp's retained 12 forensic psychiatrist. 13 Is that correct. 14 MS. BREDEHOFT: Objection. Hearsay. 15 Foundation. 16 But go ahead. 17 A Correct. 18 Q Have you reviewed Dr. Shaw's opinion? 19 A Yes. 20 Q And Dr. Shaw's opinion pertains, excuse 21 me, to the Goldwater Rule. Correct? 22 A Correct.</p>

CONFIDENTIAL
Transcript of David R. Spiegel, M.D.
Conducted on March 14, 2022

229

1	And go ahead and answer it again.	16:22:15
2	A To -- to understand what you are	16:22:17
3	saying -- I want to make sure I got it right --	16:22:19
4	you're asking me did I directly administer an exam	16:22:22
5	of cognition to Mr. Depp. And the answer is no, I	16:22:26
6	did not. I think that --	16:22:29
7	Q Thank you.	16:22:31
8	A -- that comes the answer.	16:22:32
9	Q Thank you.	16:22:35
10	A But in fairness to me, that's not what	16:22:36
11	you said in psychiatric terms. So in fairness to	16:22:41
12	me. I wasn't being difficult. Go ahead.	16:22:43
13	Q I didn't -- I didn't hear what you said.	16:22:45
14	A I just said, in fairness to me -- in	16:22:48
15	fairness to me, I wasn't being difficult. You --	16:22:49
16	in psychiatric terms you were saying things that	16:22:52
17	wasn't exactly accurate, so I just had to make	16:22:56
18	sure I clarified. Go.	16:22:58
19	Q On Page 75, if we scroll down to the	16:23:00
20	bottom right after 1. And I'm just going to read	16:23:03
21	this sentence.	16:23:09
22	Dr. Spiegel is expected to testify about	16:23:12

CONFIDENTIAL
Transcript of David R. Spiegel, M.D.
Conducted on March 14, 2022

230

1 the medical and psychological impact on Mr. Depp 16:23:14
2 based on the evidence of Mr. Depp's alcohol and 16:23:19
3 drug use since the 1980s. 16:23:22
4 Did I read that sentence correctly? 16:23:25
5 A Yes, you did. 16:23:26
6 Q Do you -- did you read and approve this 16:23:27
7 statement? 16:23:33
8 A Yes. Yes, I did. 16:23:33
9 Q And do you agree with this statement? 16:23:35
10 A Yes, I do. 16:23:46
11 Q So you formed an opinion about the 16:23:46
12 medical and psychological impact on Mr. Depp of 16:23:59
13 alcohol and drug use. Correct? 16:24:03
14 A Yes. I think what -- you're saying it, 16:24:06
15 yes. 16:24:09
16 Q Tell me what that opinion is based on. 16:24:10
17 A Based on the numerous reports, including 16:24:12
18 from Dr. Kipper, about his substance use. 16:24:16
19 Including the fact that, again, he required detox. 16:24:20
20 Including the fact that he -- there were notes 16:24:23
21 saying he had done this, he admitted he did this. 16:24:26
22 So my opinion was based on all that. 16:24:28

301

1 a professional opinion in this case which, based
 2 on the APA document rule that I have in front of
 3 us here, runs afoul of the Goldwater Rule.
 4 Correct?
 5 MS. BREDEHOFT: Objection. Asked and
 6 answered multiple times.
 7 Go ahead.
 8 A Could you put down the -- can you scroll
 9 down. Any more of the -- any more on the other
 10 page?
 11 Q There's a lot more for the Goldwater
 12 Rule, but I'm really just --
 13 A I just want to know what I'm saying yes
 14 to or no to, that's all.
 15 Q Well, are you familiar with the Goldwater
 16 Rule?
 17 A Yes. Do I know the Goldwater Rule in
 18 principle, yes. Do I know the Goldwater Rule word
 19 by word, no. Do I know it in principle, yes. I'd
 20 like to meet the person that knows it word by
 21 word.
 22 Anyway, what I will consent to is that

302

1 the Goldwater Rule says that. I am a member of
 2 the APA. Goldwater Rule says that. It does not
 3 mean people have to blindly comply if there is
 4 scientific evidence otherwise.
 5 But certainly based on what is being
 6 said, I am saying something that the Goldwater
 7 Rule, okay, does not agree with.
 8 Q Okay.
 9 MS. BREDEHOFT: Okay. All right. It's
 10 now -- please stop. It's 5:31.
 11 MS. CALNAN: Elaine, you can't --
 12 MS. BREDEHOFT: Ervin -- Ervin, can you
 13 tell me how much time has been taken for breaks?
 14 VIDEO SPECIALIST: We have been on breaks
 15 for 1 hour and 15 minutes.
 16 MS. BREDEHOFT: Thank you.
 17 As I indicated from the outset when we
 18 were scheduling the expert witnesses, that the
 19 experts need to be respected, they are
 20 professionals and they need to have their business
 21 hours respected.
 22 Dr. Spiegel is an active practitioner

303

1 with hospital rounds early in the morning. We
 2 made it clear that if you wanted seven full
 3 hours --
 4 MS. CALNAN: Elaine, this is my
 5 deposition. That's a speech.
 6 MS. BREDEHOFT: I have not -- excuse me.
 7 I have not finished. By definition, if you wanted
 8 the seven hours, you needed to start earlier.
 9 MS. CALNAN: That's not true. You are
 10 just saying what your version of the facts is.
 11 That is not what happened.
 12 MS. BREDEHOFT: Excuse me. Excuse me.
 13 MS. CALNAN: You did not say that until
 14 you sent an e-mail early this morning. And,
 15 Elaine, just to cause -- to not have an argument
 16 because there's no reason to, if your position is
 17 that Dr. Spiegel -- who, by the way, we are paying
 18 for to be here today, if your position is that Dr.
 19 Spiegel -- you're ending the deposition of Dr.
 20 Spiegel, that's fine. No need to argue. But we
 21 will then move to have him come back.
 22 MS. BREDEHOFT: I am going to make my

304

1 record before. I made it clear from the outset in
 2 the e-mail exchanges with Sam Moniz who is on this
 3 deposition right now --
 4 MS. CALNAN: That is not true, Elaine.
 5 Elaine, this is not your deposition.
 6 MS. BREDEHOFT: Excuse me. Excuse me.
 7 MS. CALNAN: You don't get to just talk
 8 about whatever you want to talk about. You
 9 either -- you either object --
 10 MS. BREDEHOFT: There were extended
 11 breaks --
 12 MS. CALNAN: -- or you say that the
 13 deposition is ending, that's it. So if you are
 14 done talking, then I am going to proceed with my
 15 questioning.
 16 MS. BREDEHOFT: We made it clear that if
 17 they wanted to go past 5:30 --
 18 MS. CALNAN: No.
 19 Q Okay. Dr. Spiegel --
 20 MS. BREDEHOFT: That we would not go past
 21 5:30. Okay. All right. Since you're preventing
 22 me from making the record, I will just make it to