



## A Guide to Conduct Remote Depositions

**1. Pre-Test:** It is advisable to do a test call in advance of your first deposition to practice all of the features you might use: muting your microphone, turning off your camera, sharing and exchanging documents. You should also test your camera, microphone and speaker to make sure that everyone can see and hear each other.

**2. Internet Connection:** Test your internet speed to make sure you've got enough bandwidth for the deposition. [www.speedtest.net](http://www.speedtest.net) for an easy test. Minimum bandwidth is 5 Mbps (up/down) .

**3. Exhibits:** Decide ahead of time how you want to handle exhibits:

- a. Premark exhibits and provide them via email to all parties in advance of the proceeding, or
- b. Premark exhibits and share with the reporting agency/reporter only if you do not want opposing counsel or the witness to see the documents ahead of time, then email them during the actual deposition to opposing counsel and the witness to view on their screens and/or print and view during the dep.
- c. If you prefer to share them on your screen at the deposition, organize all exhibits that you might use during the deposition; premark them; and save them to one folder on your desktop so that you can control and exchange them one at a time.
- d. Pay an hourly fee for our IT technician to do the actual document/exhibit sharing for you remotely. Be sure to sort and group them together and label them a corresponding exhibit number ahead of time before sending to our IT Support Staff.

**5. Legal:** Make sure that your deposition notice mentions that the deposition will be conducted remotely. If the court reporter is not with the deponent, make sure that all parties stipulate that the oath may be taken remotely. Most states are now waiving this requirement. State on the record at the beginning of the job that all counsel are in agreement to the remotely administered oath.

**6. Objections:** If there are multiple attorneys in a deposition, please remember to identify yourself by name before objecting as to ensure an accurate record.

**7. Interruptions:** Try to pace your questions to allow the deponent to answer fully. Encourage them to wait until you finish asking your question. It's difficult to eliminate speaking over one another, but in order to obtain an accurate record in a remote setting everyone must speak one at a time and/or repeat verbiage if necessary, to ensure it makes it into the record.

**8. Coaching the witness:** It is also more difficult to prevent improper coaching of a witness when all attendees are remote. It may be impossible to tell if someone is in the room with the witness, and depending on the camera view of the witness, it could be hard to tell if the witness is receiving typed instructions in real-time. One solution is to request the witness sit several feet back from his or her laptop, so he or she cannot read messages while giving testimony. Noting long pauses between questions and answers for the stenographic record may also discourage coaching. Practitioners should inform the court if they have an inkling the other side is attempting to circumvent proper protocol and ethical rules.