



## Elite Remote Frequently Asked Questions

### **How do I handle exhibits and how are they marked during the proceeding?**

Pre-marked exhibits can be provided via email to all parties in advance of the proceeding or electronic exhibits can be shared online during the deposition using screen share. If exhibits are not provided ahead of time, the final exhibits will need to be emailed to the reporter for inclusion in the final transcript. Any marked exhibits are automatically included by the reporter as part of the official court transcript and record.

### **How do we make a ruling during the proceeding?**

Counsel takes a break, contacts the judge, and has them rule on a particular matter as you would in a live deposition.

### **What do I do if I get disconnected from the Zoom meeting?**

Simply close out of all programs and start from the beginning by going to the original invitation link, re-click and rejoin the meeting.

### **How can we go on and off the record?**

This is the same as any other deposition. Once all parties agree to go off the record, they inform the court reporter and he/she goes off the record.

### **Can you set up separate breakout rooms for prepping or collaboration with second chairs?**

Yes, just let us know at least 48 hours in advance of the deposition to ensure that everyone is assigned to the correct breakout room.

### **How are interpreters handled in the video deposition?**

Interpreters are invited to join the event in the same manner as the court reporter. They would provide the same service that they otherwise would in a live deposition, it is now just remotely.

### **Can remote depositions be videotaped?**

Yes, it is exactly the same as if live, except that the video technician will zoom in his camera remotely on the witness and tape him. No one else will be on camera except the witness.

### **Where will the location be on the appearance page?**

There is no location noted if the witness is remote. It will simply note “remote Zoom/WebEx deposition” on the cover page, along with the date and start time.

### **If the witness is in another state, can the reporter swear them in?**

In general, attorneys can make those stipulations, but it depends on current state rules, as each state has their own laws on this with regard to the pandemic.

### **What is the difference between Videotaping vs. Recording?**

Videotaping is exactly the same thing as if you videotaped a deposition, where there is a videographer, he reads into the record an opening, he notes the times to go on/off record for recesses, he zooms a camera remotely on the witness throughout the depo, and then at the end there is a formal video link/DVD of the witness’s deposition that we automatically send to you, the client. The transcript must read verbatim with every utterance of anything anyone said on the record.

A Video Recording is simply a service related to remote depositions. It is a feature where you can hire the court reporting firm’s IT tech to “record” the deposition so that you have a recording afterwards via a link we send to the client... but it is not formal like a videotaped job, it is simply a recording that the clients wants for whatever reason just to have if he wants to look at the witness after the fact, ( almost like watch a movie of the witness because he was recorded) but the client did not need or want a “formal videotaped proceeding.” The fees are identical for each service.

### **How Can I prevent Coaching by opposing counsel of the witness?**

There is no absolute remedy to this topic, and you are operating under an honor system; however, the following tips help alleviate this concern.

- Ask the witness a series of questions on who is present, if anyone else is in the room, is anyone else nearby or in the home or messaging you?
- What devices are they using during the dep? Ask and watch them put their cell phones out of the room if they are not using it as the device to join the deposition, and ask them to do so under oath
- Ask the witness to sit back away from the computer so that you can see their hands and this way you can monitor if they are getting notes passed or checking their device for answers being emailed or text messaged to them.
- Ask the witness to hold up their device and then zoom in on the room they are in so you can see exactly what it looks like after they are asked first set of questions to ensure no one else is present and no other devices are around to get messages on
- Re-ask after each recess these series to ensure nothing has changed
- If there are long pauses between questions and answers, the witness is possibly being given information so take note of this during the depo.
- Note their eye contact