

The Nuts and Bolts of Remote Litigation

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Overview

- Remote Depositions
- Remote Hearings
- Remote Trials / Arbitrations



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Remote Depositions

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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

STANDING ORDER REGARDING PRETRIAL PROCEDURES IN CIVIL CASES ASSIGNED TO CHIEF DISTRICT JUDGE RODNEY GILSTRAP DURING THE PRESENT COVID-19 PANDEMIC


WHEREAS, the novel coronavirus COVID-19 pandemic requires

D. Depositions

16. There will be no in-person depositions conducted during the pandemic. Depositions should proceed forward using remote technologies that are widely available for conducting depositions either telephonically or by video conference. A variety of systems are available that allow for all participants to be physically separate and for real-time exhibit viewing to occur. Many court reporting services offer such platforms, and internet searches for "remote video depositions" and "remote telephonic depositions" will display alternatives.

17. The party noticing a deposition shall specify the platform to be used and the attorneys shall confer, if necessary, to agree on specific procedures that may be appropriate under the circumstances. That a deposition is noticed to be conducted remotely shall not be a basis for a

So ORDERED and SIGNED this 20th day of April, 2020.


RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

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Selecting the Remote Depo Platform



- Try out different platforms offered by reporting firms to make sure platform selected is acceptable
- Be especially wary of “in-house” platforms that may not be well-designed or smoothly functioning
- Regardless of whether depo platform has video recording capability (Zoom does, others may not), still need certified videographer in order for video to be admissible at trial

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Selecting the Remote Depo Platform



- Even if it is opposing party's deposition, be proactive in coordinating selection of deposition platform/service
- Using an inferior platform/service can lead to:
 - longer depo due to delays in resolving technical issues
 - frustrated witness
 - unclear record, esp. if documents cannot be properly addressed
 - poor quality video that may create wrong impression for jury

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